



Central Coast Council
Business Paper
ORDINARY COUNCIL MEETING
29 June 2021





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.



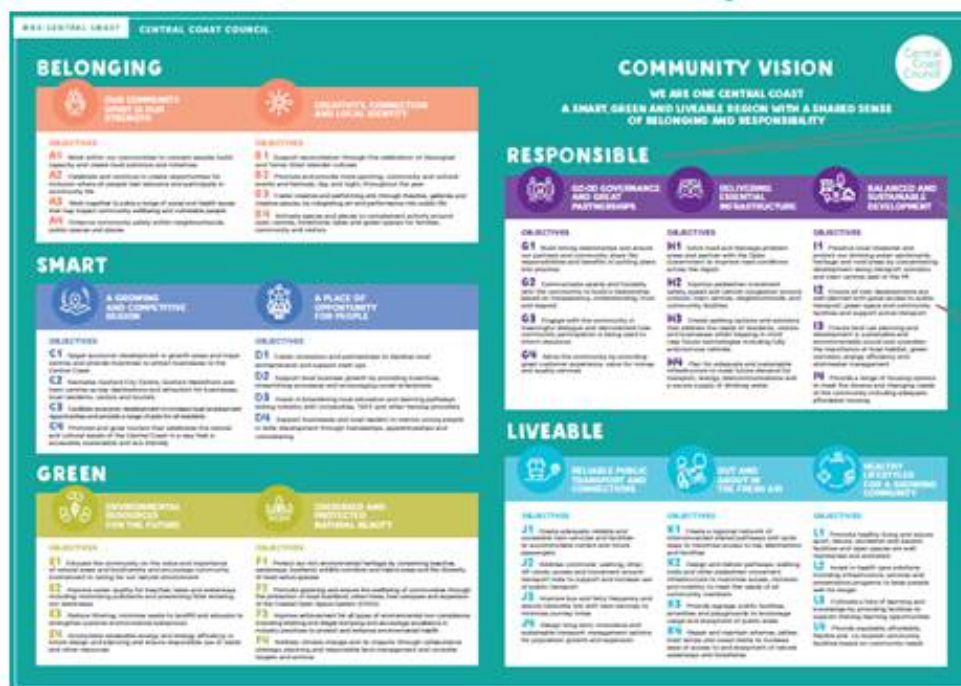
Good governance and great partnerships

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

COMMUNITY STRATEGIC PLAN 2018-2028 FRAMEWORK

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.



Theme
Focus Area
Objective

Meeting Notice

**The Ordinary Council Meeting
of Central Coast Council
will be held in the Council Chamber,
2 Hely Street, Wyong on
Tuesday 29 June 2021 at 6.30 pm,
for the transaction of the business listed below:**

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3 CONFIDENTIAL ITEMS

3.1	CPA/3632 - Tender Evaluation - Animal Care Facility Management	
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David Farmer
Chief Executive Officer

Item No: 1.1
Title: Disclosure of Interest
Department: Corporate Affairs

29 June 2021 Ordinary Council Meeting

Reference: F2021/00035 - D14651008



Recommendation

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

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 (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.

Item No: 1.2
Title: Confirmation of Minutes of Previous Meeting
Department: Corporate Affairs

29 June 2021 Ordinary Council Meeting

Reference: F2021/00035 - D14651022



Recommendation

That Council confirm the minutes of the Ordinary Meeting of Council held on 15 June 2021.

Summary

Confirmation of minutes of the Ordinary Meeting of Council held on 15 June 2021.

Attachments

- | | | | |
|----------|-------------------------------------------|------------------------------------------------------|-----------|
| 1 | Minutes - Ordinary Meeting - 15 June 2021 | <u>Provided Under Separate Cover</u> | D14686213 |
|----------|-------------------------------------------|------------------------------------------------------|-----------|

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



29 June 2021 Ordinary Council Meeting

Trim Reference: F2021/00035 - D14651057

Recommendation

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

Item 3.1 – CPA/3632 - Tender Evaluation - Animal Care Facility Management

Reason for considering in closed session:

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

(i) prejudice the commercial position of the person who supplied it.

That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report remain confidential in accordance with section 10A(2)(d)(i) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Council's ability to obtain value for money services for the Central Coast community.

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.

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.*
- 2(i) *alleged contraventions of any code of conduct requirements applicable under section 440*

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

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

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

Attachments

Nil

Item No: 2.1
Title: Consideration of Submissions and Adoption of the Operational Plan 2021-2022
Department: Environment and Planning



29 June 2021 Ordinary Council Meeting

Reference: F2021/00508 - D14663905
Author: Sharon McLaren, Section Manager, Corporate Planning and Reporting
Michelle Best, Financial Controller
Melissa McKee, Financial Controller
Melissa McCulloch, Section Manager Rates and Revenue
Manager: David Milliken, Unit Manager Strategic Planning
Peter Correy, Unit Manager Finance
Executive: Scott Cox, Director Environment and Planning
Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

Recommendation

- 1 That Council note that the draft Operational Plan 2021-2022 was publicly exhibited from Thursday 29 April 2021 to Wednesday 26 May 2021, as required by ss. 405(3) of the Local Government Act 1993.**
- 2 That Council consider, as required by ss. 405(5) of the Local Government Act 1993, the submissions received during the public exhibition of the draft Operational Plan 2021-2022 as per Attachment 3.**
- 3 That Council note the amendments to the draft Operational Plan 2021-2022 that are set out in Attachments 4 and 5 to this report.**
- 4 That Council adopt, pursuant to s. 405 of the Local Government Act 1993, the Operational Plan 2021-2022 as per Attachment 1.**
- 5 That Council authorise, subject to resolution 4, the Chief Executive Officer to make final editorial amendments to the Operational Plan 2021-2022 to ensure correctness and clarity.**
- 6 That Council approve the estimates of income and expenditure as detailed in the Operational Plan 2021-2022, as adopted by resolution 4.**
- 7 That Council authorise the Chief Executive Officer to refinance existing loan balloon repayments.**
- 8 That Council note the proposed legislative and minor typographical amendments to the Fees and Charges 2021-2022, as set out in Attachments 6 and 7.**
- 9 That Council adopt the Fees and Charges 2021-22 as per Attachment 2.**

10 *That Council authorise the Chief Executive Officer to waive or reduce fees in appropriate cases.*

Report Purpose

The purpose of this report is for Council to consider submissions received during public exhibition of the draft Operational Plan, including Fees and Charges, for 2021-2022, detail the amendments that have occurred and adopt a final Operational Plan, including Fees and Charges, for 2021-2022.

Executive Summary

The draft Operational Plan and proposed Fees and Charges for 2021-2022 was publicly exhibited from Thursday 29 April 2021 to Wednesday 26 May 2021. Council received 140 submissions during exhibition. Key items raised in those submissions included:

- Commentary on the financial situation and resultant actions that are underway (e.g. Asset Sales Program, Special Rate Variation, The Entrance Library closure)
- Request for additional projects, actions or work to be carried out
- Support or commentary on projects, actions or work listed in the draft Operational Plan 2021-2022
- Commentary on the proposed budget and allocation of funding
- Reduction to specific fees listed in the Fees and Charges 2021-2022

An overview of those submissions and recommended changes as a result is detailed in Attachment 3. As a result of submissions received during exhibition and to ensure accuracy, actions and indicators in the Operational Plan 2021-2022 have also been amended. These amendments are detailed in Attachment 4.

The capital works budget has also been amended, increasing from \$173.5 million to \$175.0 million, an increase of \$1.5 million. This increase is due to the inclusion of projects that are fully grant funded and as such will not impact Council's operating result. The capital works program was reviewed taking into consideration submissions received during public exhibition and financial sustainability. The following changes have been made to the capital works program:

- Inclusion of projects continuing from 2020-2021
- Removal of projects where the projects were completed in 2020-2021
- Inclusion of additional fully grant funded projects.

Amendments to the Capital Works Program is set out in Attachment 5.

2.1 Consideration of Submissions and Adoption of the Operational Plan 2021-2022 (contd)

A number of minor amendments are proposed to Fees and Charges 2021-2022. These amendments include updates to regulated fees, the update of Water and Sewer indexation following the release of CPI data from the Australian Bureau of Statistics, and minor typographical changes, editorial corrections and clarifications that do not require re-exhibition.

Amendments to the Fees and Charges is detailed in Attachments 6 and 7.

Background

At its meeting on the 27 April 2021 Council resolved to:

- Place the draft Operational Plan 2021-2022, including Fees and Charges, on public exhibition from Thursday 29 April 2021 to Wednesday 26 May 2021 and invite public submissions; and
- Consider those submissions and final adoption of the Operational Plan and Fees and Charges for 2021-2022 at the 29 June 2021 Council meeting.

In addition, sub-section 405(1) of the *Local Government Act 1993* requires Council to adopt an Operational Plan before the beginning of the financial year. It is also required under sub-section 405(5) that prior to adopting a final Operation Plan, Council considers any submissions received during public exhibition.

This report responds to the above resolution and legislative requirements.

Current Status

The draft Operational Plan and proposed Fees and Charges for 2021-2022 was publicly exhibited for 28 days. Following exhibition, the final Operational Plan and Fees and Charges for 2021-2022 has been prepared and includes:

- Amendments made as a result of submissions
- Amendments based on new information becoming available and updates are necessary to reflect this information
- Minor wording or corrections to provide better clarity

Attachment 3 details the summary of submissions and recommended changes as a result of these submissions. Attachment 4 details the amendments to Operational Plan actions and indicators, Attachment 5 details the capital work program amendments, and Attachments 6 and 7 details the amendments to the Fees and Charges.

The final Operational Plan 2021-2022 is presented in Attachment 1 and includes those amendments detailed in Attachments 3, 4, and 5. The final Fees and Charges 2021-2022 is presented in Attachment 2 and includes those amendments detailed in Attachments 6 and 7.

Report

The following sections of the draft Operational Plan 2021-2022 have been updated:

Operational Plan 2021-2022	Summary of changes made
Introduction	This section has been updated to reflect the announcement of the public inquiry, update of the financial situation based on Q3 results and IPARTs determination of the Special Rate Variation.
Operational Plan 2021-22 (actions and indicators by CSP Themes)	This section has been updated to reflect changes made as a result of submissions, organisational structure changes or due to internal review. The actions and indicators that have been revised or removed is outlined in Attachment 4.
Financial Information	This section has been updated to reflect the approval of the Special Rate Variation and amendments in the capital works program. Attachment 5 details those amendments to capital works program.
Long Term Financial Plan	This section has been updated to reflect the changes in the capital works program.
Statement of Revenue	This section has been updated to reflect the approval of Special Rate Variation and update to Water and Sewer price indexation following the release of CPI data by the Australian Bureau of Statistics.
Fees and Charges (under separate cover)	This section has been updated to reflect Water and Sewer price indexation following the release of CPI data by the Australian Bureau of Statistics, changes in regulatory fees, amendments and clarifications to headings and descriptions. Attachments 6 and 7 detail these changes.

Consultation

As per sub-section 405(3) of the *Local Government Act 1993*, Council is required to publicly exhibit the draft Operational Plan for no less than 28 days. The draft Operational Plan 2021-2022 was publicly exhibited for a period of 28 days, from Thursday 29 April 2021 to Wednesday 26 May 2021.

2.1 Consideration of Submissions and Adoption of the Operational Plan 2021-2022 (contd)

Hard copy documents were physically available at the two administration buildings in Gosford and Wyong, and electronically available via the www.yourvoiceourcoast.com website.

Promotion and advertisement of the exhibition was carried out via media releases, Council's E-News, Facebook and Twitter mentions. As a result, over 2,500 people visited the draft Operational Plan 2021-2022 website and 140 submissions were received.

Financial Considerations

At its meeting held 19 October 2020, Council resolved the following:

1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.

The following statement is provided in response to this resolution of Council.

In May 2021, the Independent Pricing and Regulatory Tribunal (IPART) approved a 15% Special Rate Variation (SRV) for three years, starting from the 2021-2022 financial year. The table below is an extract from the final Operational Plan 2021-2022 (Attachment 1) and provides a summary of the proposed budget of Council for 2021-2022 and the following three financial years. It should be noted that whilst the approved SRV provides Council short term stability for three years, it does not provide for long term financial sustainability beyond 2024-2025 and a further SRV will be required. The financial scenario below assumes Council will apply and be awarded a permanent 15% increase at the expiration of the three-year period. NB: Figures are subject to rounding.

Financial Summary	2021-2022	2022-2023	2023-2024	2024-2025
	\$ million	\$ million	\$ million	\$ million
Operating Income	666,792	693,922	701,290	708,798
Operating Expenditure	659,748	670,467	681,300	692,250
Net Operating Result (excluding Capital Grants and Contributions)	7,043	23,456	19,990	16,548
Capital Grants and Contributions	42,890	42,722	42,529	42,872
Net Operating Result (including Capital Grant and Contributions)	49,934	66,178	62,519	59,420
Capital Works Program	175,040	182,606	188,106	193,606

As detailed in Attachment 5, amendments have been made to the capital works program, with the capital budget increasing from \$173.5 million to \$175.0 million. This increase is due to the inclusion of projects that are fully grant funded and as such will not impact Council's operating result.

2.1 Consideration of Submissions and Adoption of the Operational Plan 2021-2022 (contd)

There have also been some regulatory updates within the Fees and Charges, including:

- All prices for water, sewerage, stormwater drainage and ancillary services for 2021-2022 are in accordance with IPART's final determinations issued on 24 May 2019 and IPART Clarification Notice No. 1 of 2021 which was published in the NSW Government Gazette on 30 April 2021 adjusted by the 2021-2022 CPI multiplier of 1.1%. Council had estimated the CPI multiplier to be 1.5% for 2021-2022 therefore final prices were reduced in comparison to the Draft Fees and Charges adopted for public exhibition.
- Waste levy fees. During the public exhibition period the NSW Environment Protection Authority announced the annual increase to the waste levy, which is paid to the NSW Government for each tonne of waste received at Council's waste facilities. The revised waste levy will apply from 1 July 2021 and in line with the Waste Regulation, the rate was increased by CPI and will be \$147.10 per tonne in 2021-2022. This increase had been factored into Council's waste pricing for 2021-2022, however the commentary in the Operational Plan requires updating to reflect the new rate for 2021-2022.

Details of all amendments to Fees and Charges 2021-2022 are set out in Attachments 6 and 7.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Risk Management

The exhibition of the draft Operational Plan 2021-2022 has complied with the requirements of the *Local Government Act 1993* and the relevant Integrated Planning and Reporting (IP&R) Guidelines. Submissions received during exhibition have been considered and included in this report, with any amendments included in the final documents (Attachment 1 and Attachment 2).

It is considered that the Operational Plan 2021-2022 as per Attachment 1 ensures a financially sustainable position and is in the best interest of the Central Coast community. It is noted that as things evolve and change Council will continue to provide updates through its usual quarterly reporting process. More timely updates may also be provided as deemed necessary.

The Fees and Charges 2021-2022, as per Attachment 2, have been carefully considered and based on benchmarking, service levels and other relevant factors are deemed to be reasonable.

2.1 Consideration of Submissions and Adoption of the Operational Plan 2021-2022 (contd)

Options

- 1 Adopt the Operational Plan 2021-2022 as set out in Attachment 1 and adopt the Fees and Charges 2021-2022 as set out in Attachment 2. The draft Operational Plan 2021-2022 and draft Fees and Charges 2021-2022 have been publicly exhibited. Submissions have been considered and a number of amendments have been made as a result, as well as other necessary amendments. The final Operational Plan 2021-2022, as presented in Attachment 1, is a responsible and fair plan, that will continue to deliver a range of projects, programs and actions to the community. The final Fees and Charges 2021-2022, as presented in Attachment 2, are reasonable and have been carefully considered based on benchmarking, service levels and other relevant factors. **This is the recommended option.**
- 2 Resolve not to adopt the Operational Plan 2021-2022 and Fees and Charges 2021-2022. Failure to adopt an Operational Plan by 30 June 2021 will be a breach of sub-section 405(1) the *Local Government Act 1993*. The absence of an Operational Plan would leave Council without funds to operate or result in possible consequences imposed by the Minister for Local Government. This is not the recommended option.

Critical Dates or Timeframes

As per sub-section 405(1) of the *Local Government Act 1993* Council is required to adopt an Operational Plan before the beginning of the financial year. Failure to do so will be a breach of the *Local Government Act 1993* and could mean possible consequences imposed by the Minister for Local Government.

Attachments

1	Operational Plan 2021-2022 for Adoption	Provided Under Separate Cover	D14685347
2	Fees and Charges 2021-2022 for Adoption	Provided Under Separate Cover	D14685271
3	Summary of submissions for the Draft Operational Plan 2021-2022	Provided Under Separate Cover	D14685283
4	Amendments to Actions and Indicators 2021-2022	Provided Under Separate Cover	D14685301
5	Amendments to the Capital Works Program	Provided Under Separate Cover	D14685303
6	Proposed Fees and Charges amendments (regulatory)	Provided Under Separate Cover	D14671525
7	Proposed Fees and Charges amendments (minor typographical)	Provided Under Separate Cover	D14671341



Item No: 2.2
Title: Making and Fixing of 2021-22 Rates and Charges
Department: Corporate Affairs

29 June 2021 Ordinary Council Meeting

Reference: F2021/00508 - D14653601
Author: Melissa McCulloch, Section Manager Rates and Revenue
Manager: Peter Correy, Unit Manager, Finance
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

Recommendation

- 1 That Council note rates and charge rebates to pensioners are prescribed by s. 575 of the Local Government Act 1993.**
- 2 That Council is of the opinion that all rateable land that is used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 will derive benefit from the provision of certain facilities, services and activities contributing to business and tourism development that are funded in part or whole by a Business/Tourism Development Special Rate (as set out in attachment 1).**
- 3 That Council is of the opinion that the following rateable land will derive benefit from the activities that are funded in part or whole by the Gosford Parking Special Rate and/or funded in whole or in part by the Gosford Central Business District Special Rate, which (respectively) fund the operation and maintenance of the Baker Street Parking Station and the provision of facilities, services and activities that contribute to business and tourism development in the area:**
 - a Rateable land within Registered Plan 97/6.**
 - b Rateable land within the area indicated in the Gosford Central Business District Improvement and Parking Area map (as set out in attachment 2):**
 - i Commencing west of Mann Street, at Lot 1 DP 156665, bounded by Etna, Hills, Watt and Faunce Streets; and**
 - ii From Henry Parry Drive to Allotment 1, Section 96, Town of Gosford to the intersection of Erina Street, north to Donnison Street, west of Henry Parry Drive to Georgiana Terrace to include unnamed lane in DP 13734; and**
 - iii Then from Allotment 4, Section 9, Town of Gosford to its intersection with the centre line of the Great Northern Railway bounded by Henry Parry, Mann Street, Georgiana Terrace, Dane Drive to the railway line and back to the point of commencement.**

- 4** *That Council is of the opinion that the following rateable land will derive benefit from the activities that are funded in part or whole by The Entrance Area Special Rate, which promotes the economic development, marketing and development of The Entrance area and provides for the organisation and management of promotional events within and around The Entrance area for the purpose of improving the market penetration of The Entrance area and its traders (as set out in attachment 3):*
- a All rateable land used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 in the suburb known as The Entrance; and*
 - b All rateable land in the suburbs of Magenta, The Entrance, North, The Entrance, Blue Bay, Long Jetty, Toowoona Bay, Shelly Beach and Bateau Bay used predominately for any of the following purposes, as those terms are defined in the Wyong Local Environmental Plan 2013 or the former Wyong Council's "Retail Centres Strategy":*
 - i. amusement centres,*
 - ii. camping grounds,*
 - iii. caravan parks,*
 - iv. eco-tourist facilities,*
 - v. pubs,*
 - vi. registered clubs, or*
 - vii. service stations,*
 - viii. tourist and visitor accommodation*
- 5** *That Council is of the opinion that all rateable land in the suburbs known as Toukley, Canton Beach, Noraville and Norah Head that is used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 will derive benefit from the activities that are funded in part or whole by the Toukley Area Special Rate, which markets and promotes the economic development of the Toukley area (as set out in attachment 4).*
- 6** *That Council is of the opinion that the following rateable land will derive benefit from the activities that are funded in part or whole by the Wyong Area Special Rate, which is used to market and promote the economic development of the Wyong area within which this special rate applies (as set out in attachment 5):*
- a All land used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 in the suburb known as Watanobbi.*
 - b All land used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 in the suburb known as Wyong, bounded by the following:*

- i North of the Wyong River from Tacoma in the east to the M1 Freeway in the west;*
- ii East of the M1 Freeway from the Wyong River to the suburb boundary between Wyong and Warnervale but to exclude Lot 32 DP 814964;*
- iii South of the northern Wyong boundary to its intersection with the Pacific Highway and then south of the Pacific Highway to the intersection of Pollock Avenue, but to include the land known as Lot 400 DP 1114793 (being to the north of the Pacific Highway);*
- iv The eastern boundary of the suburb of Wyong from Johns Road to Wyong River.*

- 7 That Council resolve to make, the following ordinary rates for the 2021-22 rating and financial year consisting of an ad valorem amount and subject to a minimum amount, pursuant to sections 492-494, 497-498, 533-535 and 543 (inclusive) of the Local Government Act 1993 (refer to attachment 6):**

Ordinary Rate Category Section 493	Ordinary Rate Sub Category Section 529	Ad Valorem Amount (cents in the \$)	Minimum Rate Amount
Farmland	-	0.183622	\$565.00
Residential	-	0.342450	\$565.00
Business	-	0.663713	\$565.00
Business	Local Retail	0.716435	\$565.00
Business	Major Retail	1.078595	\$565.00
Mining	-	46.766206	\$565.00

- 8 That Council resolve to make, the following special rates for the 2021-22 rating and financial year consisting of an ad valorem amount, pursuant to ss. 492, 495, 497-500, 535-538 and 543 (inclusive) of the Local Government Act 1993 where those special rates are to apply only to and be levied on only the rateable land identified in the table below:**

Special Rate	Ad Valorem Amount (cents in the \$)	Special rate applies to the following rateable land
Business/Tourism Development	0.050684	All rateable land identified in resolution 2
Gosford Parking	0.137966	All rateable land identified in resolution 3
Gosford Central Business District Improvement	0.359930	All rateable land identified in resolution 3

Special Rate	Ad Valorem Amount (cents in the \$)	Special rate applies to the following rateable land
The Entrance Area	0.409161	All rateable land identified in resolution 4
Toukley Area	0.304089	All rateable land identified in resolution 5
Wyong Area	0.124524	All rateable land identified in resolution 6

- 9 ***That Council apply land valuations, with a base date 1 July 2019, for rating purposes in the 2021-22 rating and financial year.***
- 10 ***That Council resolve to make, the following annual domestic waste management service charges for the 2021-22 rating and financial year, pursuant to ss. 496 and 535 of the Local Government Act 1993 (refer attachment 7):***

Name	Charge Amount
Domestic Waste Management - Availability Charge	\$72.00
Domestic Waste Management Service – Eastern Area	\$520.00
Domestic Waste Management Service – Western Area	\$461.00
Domestic Waste Management Service – 140 litre to 240 litre Waste Upgrade	\$138.00
Domestic Waste Management Service – 140 litre to 360 litre Waste Upgrade	\$276.00
Domestic Waste Management Service – Additional 140 litre Waste Bin Service	\$273.00
Domestic Waste Management Service – Additional 240 litre Waste Bin Service	\$413.00
Domestic Waste Management Service – Additional 360 litre Waste Bin Service	\$552.00
Domestic Waste Management Service – 240 litre to 360 litre Recycling Bin Upgrade	\$36.00
Domestic Waste Management Service – Additional 240 litre Recycling Bin Service	\$104.00
Domestic Waste Management Service – Additional 360 litre Recycling Bin Service	\$138.00
Domestic Waste Management Service – Additional 240 litre Vegetation Bin Service	\$112.00
Domestic Waste Management Service – Additional Short Term Extra Service – 140 litre Waste Bin - price per service	\$18.93
Domestic Waste Management Service – Additional Short Term Extra Service – 240 litre Waste Bin - price per service	\$20.15

Name	Charge Amount
Domestic Waste Management Service – Additional Short Term Extra Service – 360 litre Waste Bin - price per service	\$21.37
Domestic Waste Management Service – Additional Short Term Extra Service – 660 litre Waste Bin - price per service	\$39.18
Domestic Waste Management Service – Additional Short Term Extra Service – 1.1 cubic meter Waste Bin - price per service	\$65.26
Domestic Waste Management Service – Additional Short Term Extra Service – 1.5 cubic meter Waste Bin - price per service	\$89.02
Domestic Waste Management Service – Additional Short Term Extra Service – 240 litre Recycling Bin - price per service	\$20.15
Domestic Waste Management Service – Additional Short Term Extra Service – 360 litre Recycling Bin - price per service	\$21.37
Domestic Waste Management Service – Additional Short Term Extra Service – 660 litre Recycling Bin - price per service	\$39.18
Domestic Waste Management Service – Additional Short Term Extra Service – 1.1 cubic meter Recycling Bin - price per service	\$65.26
Domestic Waste Management Service – Additional Short Term Extra Service – 1.5 cubic meter Recycling Bin - price per service	\$89.02
Domestic Waste Management Service – Additional Short Term Extra Service – 240 litre Vegetation Bin - price per service	\$20.15

- 11 ***That Council provide domestic waste management services only to parcels of land which have current Council consent or approval for a residential building.***
- 12 ***That Council resolve to make, the changes set out in the adopted Delivery Program and Operational Plan for the 2021-22 financial year including but not limited to the following waste management charges for the 2021-22 rating and financial year, pursuant to ss. 501 and 535 of the Local Government Act 1993:***

Name	Charge Amount
Waste Management Service – 140 litre Waste Bin Service	\$389.00
Waste Management Service – 240 litre Waste Bin Service	\$519.00
Waste Management Service - 360 litre Waste Bin Service	\$640.00
Waste Management Service - 660 litre Waste Bin Service	\$2,216.00
Waste Management Service - 1.1 cubic metre Waste Bin Service	\$3,094.00
Waste Management Service - 1.5 cubic metre Waste Bin Service	\$4,167.00
Waste Management Service – 240 litre Recycling Bin Service	\$104.00
Waste Management Service – 360 litre Recycling Bin Service	\$139.00

Name	Charge Amount
Waste Management Service – 660 litre Recycling Bin Service	\$287.00
Waste Management Service – 1.1 cubic meter Recycling Bin Service	\$476.00
Waste Management Service – 1.5 cubic meter Recycling Bin Service	\$651.00
Waste Management Service –240 litre Vegetation Bin Service	\$112.00

- 13 That Council apply, a proportional charge adjustment, calculated on a daily basis, where domestic waste management services or waste management services commence or cease during the 2021-22 rating year.**
- 14 That, for the period between 1 July 2021 and 30 June 2022 in respect to overdue rates and charges, Council charge the lesser of the following:**
- a the maximum rate of interest as determined by the Minister for Local Government under s. 566(3) of the Local Government Act 1993, being 6%; or**
 - b the maximum rate of interest payable on overdue rates and charges under s. 356 of the Water Management Act 2000, being the rate applicable on an unpaid judgment of the Supreme Court;**
 - c and this interest to be calculated on a daily basis using the simple interest method in accordance with s. 566 of the Local Government Act 1993.**

Report purpose

To set the making of Ordinary Rates, Special Rates and Waste Management Annual Charges for the 2021-2022 rating and financial year.

Executive Summary

This report seeks the adoption of ordinary rates, special rates and waste management annual charges for the 2021-2022 rating year.

Ordinary and Special rate ad valorem amounts are reflective of a 2% rate peg increase and 13% Special Variation (SV) increase approved by IPART in May 2021.

Proposal - Making of rates and charges

Council must resolve to make rates and charges, before those rates and charges can be levied pursuant to s.535 of the *Local Government Act 1993* (the Act).

Those resolutions are subject to a number of specific requirements, one of which is the requirement under s.548 of the Act that the minimum rate that can be imposed, when the rate includes an ad valorem amount, is \$565.00: cl. 126 of the *Local Government (General) Regulation 2005*, when amended on the commencement of the *Local Government (General) Amendment (Minimum Rates) Regulation (No 2) 2018* on 1 July 2019. The minimum rate set out in proposed resolution 7 in this paper complies with that requirement.

In accordance with the LG Act, IPART approved a rate peg increase of 2% for 2021-22. In addition to this IPART approved a temporary one-off 13% increase to council's rating income for 2021-22. Council's income is to be reduced by \$22.8M in the 2024-25 FY. Central Coast Council may increase total general rate revenue in 2021-22 by 15%.

The rate peg increase of 2% and SV increase of 13% will be applied across all rateable parcels of land within the Central Coast Local Government Area.

Special Rates

Before making special rates pursuant to s. 495 of the Act, Council must form an opinion that the land being levied with a special rate will provide;

- benefits or will benefit from, or
- contributes or will contribute to the need for, or
- has or will have access to

the works, services, facilities or activities being funded by the special rate.

Council previously adopted the following special rates:

Special Rate	Maps
Business/Tourism Development	Attachment 1
Gosford Parking	Attachment 2
Gosford Central Business District Improvement	Attachment 2
The Entrance Area	Attachment 3
Toukley Area	Attachment 4
Wyong Area	Attachment 5

It is proposed that Council continue these Special Rates in 2021-22. It is proposed to align the structure of the special rates by removing the base amount from the Entrance, Toukley and Wyong special rates.

The income collected from the special rates will increase from 2020-21 to 2021-22 by the IPART approved 2% rate peg plus 13% SV.

Harmonisation

Rates harmonisation will mean that rates will be calculated in the same way across the Central Coast to ensure that rates levels are fair and equitable.

At the time of amalgamation, ratepayers in the former Wyong Shire Council paid higher rates than those in the former Gosford City Council for a property of equivalent value due to a NSW Government rates freeze – rates harmonisation corrects this imbalance.

Harmonisation does not generate any additional income for Council.

The amount by which a rate payers rates will change will depend on two factors, the land value (as determined by the NSW Valuer General) and whether the property is in the Former Wyong Shire or Former Gosford City Council area. On average, property owners in the Former Wyong will see a decrease in ordinary rates while property owners in the Former Gosford will see an increase in ordinary rates.

Consultation

Council's proposed ordinary rates, special rates and annual waste management charges for the 2021-2022 rating year was included in the draft 2021-2022 Operational Plan which was placed on public exhibition from Thursday 29 April 2021 to Wednesday 26 May 2021.

The ad valorem amounts placed on public exhibition were calculated based on unimproved land values and rating categories as at December 2020. The ad valorem amounts in this report have been calculated based on unimproved land values and rating categories as at May 2021.

The draft Operational Plan will be updated to reflect the updated ad valorem amounts for final adoption in June 2021.

Financial Considerations

At its meeting held 19 October 2020, Council resolved the following:

1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.

The following statement is provided in response to this resolution of Council.

The revenue to be raised from Ordinary Rates is estimated to be \$199,347,000 and the revenue to be raised from Special Rates is estimated to be \$2,869,000.

The revenue to be raised from Annual Waste charges is estimated to be \$80,977,000.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Critical Dates

Making of the rates on 29 June 2021 will enable the Council to levy rates and charges prior to 31 July 2021. If rates and charges are levied and notices issued by 31 July 2021 then the first quarterly instalments will be due 31 August 2021. Failure to make the rates by 31 July will mean that all rates due 31 August 2021 and 30 November 2021 instalments would be due and payable 30 November 2021.

Attachments

1	Gosford Business Tourism Special Rate	Provided Under Separate Cover	D12737358
2	Gosford Central Business District Improvement and Parking Special Rate Map	Provided Under Separate Cover	D12737353
3	The Entrance Area Special Rate Map - Non Residential Properties	Provided Under Separate Cover	D12737355
4	Toukley Area Special Rate Map - Non Residential Properties	Provided Under Separate Cover	D12737356
5	Wyong Area Special Rate Map - Non Residential Properties	Provided Under Separate Cover	D12737357
6	Business Sub Category Charge Map	Provided Under Separate Cover	D14693382
7	Domestic Waste Management Charge Map	Provided Under Separate Cover	D12737360

Item No: 2.3
Title: Investment Report for May 2021
Department: Corporate Affairs



29 June 2021 Ordinary Council Meeting

Reference: F2004/06604 - D14442838
Author: Devini Susindran, Team Leader
Manager: Peter Correy, Unit Manager Finance
Executive: Natalia Cowley, Acting Director, Corporate Affairs

Recommendation

That Council receive the Investment Report for May 2021.

Report purpose

To present Investment Reports on a monthly basis in accordance with cl. 212 of the *Local Government (General) Regulation 2005* which states as follows:

1. *The responsible accounting officer of a council*
 - a. *must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented—*
 - i. *if only one ordinary meeting of the council is held in a month, at that meeting, or*
 - ii. *if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and*
 - b. *must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.*
2. *The report must be made up to the last day of the month immediately preceding the meeting.*

Executive Summary

This report details Council's investments as at 31 May 2021.

Background

Council's investments are made in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005, the amended Investment Policy adopted at the Ordinary Council Meeting on 3 February 2021, Ministerial Investment Order issued February 2011 and Division of Local Government (as it was then known) Investment Policy Guidelines published in May 2010.

Current Status

Council's current cash and investment portfolio totals \$483.01 million at 31 May 2021.

Report

Council's cash and Investment portfolio consists of its investment portfolio and transactional accounts. Council is required to restrict its portfolio by fund when received for specific purposes.

Council's Cash and Investment Portfolio by Source of Funds

Source of Funds	Value (\$'000) May 2021
Investment Portfolio	\$438,085
Transactional accounts and cash in hand	\$44,922
Total	\$483,007
Restrictions as at 31 May 2021	\$430,753
Unrestricted Funds as at 31 May 2021	\$52,254
Total consolidated Funds	\$483,007

Council's Portfolio is held in separate funds by purpose and is summarised as follows:

Fund	General Fund	Water Fund	Sewer Fund	Drainage Fund	Waste Fund	Total
External Restricted Funds	\$179,531	\$7,268	\$22,091	\$36,158	\$91,405	\$336,453
Internal Restricted Funds	\$92,342	\$1,026	\$877	\$55	-	\$94,300
Total Restricted Funds	\$271,873	\$8,294	\$22,968	\$36,213	\$91,405	\$430,753
Unrestricted Funds	(\$37,626)	(\$2,672)	\$117,297	(\$34,646)	\$9,901	\$52,254
Total funds by Fund	\$234,247	\$5,622	\$140,265	\$1,567	\$101,306	\$483,007

Detail restrictions have been provided in Attachment 2. Council is managing the previously reported negative unrestricted funds balance, as part of Council's Business Recovery Plan with the negative unrestricted balance reducing by \$8.48M from April 2021.

Portfolio management

Council's Investment Portfolio is managed through term deposits and floating rate note maturities and placements.

2.3 Investment Report for May 2021 (contd)

Total net return on the portfolio for Council in May 2021, comprising entirely of interest earned, was \$408k. The total value of the Council's investment portfolio as at 31 May 2021 is outlined in Table 1 below.

Table 1 – Portfolio Movement

Description	2019-20 Financial Year \$'000	Jul-Sep Qtr 2020/21 \$'000	Oct-Dec Qtr 2020/21 \$'000	Jan-Mar Qtr 2020/21 \$'000	Apr-21 2020/21 \$'000	May-21 2020/21 \$'000	FYTD 2020/21 \$'000
Opening Balance	445,661	348,210	299,678	371,131	470,546	451,670	348,210
Movement for the period	-97,451	-48,532	71,453	99,415	-18,876	-13,585	89,875
Balance per Investment Summary	348,210	299,678	371,131	470,546	451,670	438,085	438,085
Interest earnings	8,547	1,152	1,012	1,144	404	408	4,120

The market value of Council's investment portfolio at 31 May 2021 is \$438.09M in Attachment 1.

During May 2021, Council's total cash and investments increased \$16.94M for the month from \$466.07M to \$483.01M through the receipt of quarterly rates instalments. This was offset in part by the balloon repayment of General Fund (\$4.8M) and Drainage Fund (\$1.4M) loans totalling \$6.2M. These were refinanced in June 2021 to continue enabling Council's Business Recovery Plan.

Council's investments are evaluated and monitored against a benchmark appropriate to the risk (APRA Standards BBB long term or above) and time horizon of the investment concerned.

A summary of the term deposit and floating rate notes maturities are listed in Table 2 below.

Table 2 - Investment Maturities (market value) as at 31 May 2021

Time Horizon	Percentage Holdings	Maturity on or before	Value \$'000
At Call	5.74%	Immediate	25,150
Investments			
0 - 3 months	19.59%	Aug-2021	85,807
4 - 6 months	7.43%	Nov-2021	32,559
7 - 12 months	8.23%	May-2022	36,063
1 - 2 years	8.02%	May-2023	35,150
2 - 3 years	10.71%	May-2024	46,918
3 - 4 years	12.51%	May-2025	54,823
4 - 5 years	23.93%	May-2026	104,839
5-10 years	3.83%	May-2031	16,776
Total Investments	94.26%		412,935
Total Portfolio	100.00%		438,085

The investment portfolio is concentrated in AA above (42.79%), A (16.15%), and BBB (41.06%). Council monitors and manages the portfolio taking into consideration credit ratings of financial institutions, interest rates offered for the maturity dates required and counterparty exposure.

The current spread of investments and counterparty exposure for May 2021 are shown in Graphs 1 and 2 respectively in Attachment 3.

Environmental, Social and Green (ESG) Investments

Council continues to look for 'ESG' investment opportunities subject to prevailing investment guidelines. A list of current ESG investments held is contained on the investment listing, highlight in green. For the month of May 2021, there have been no new green investments undertaken.

Council currently holds 6.58% or \$28.84 million in ESG investments as at 31 May 2021.

Portfolio Return

Interest rates on investments in the month, ranged from 0.30% to 3.18%, all of which exceeded the monthly Bank Bill Swap Rate (BBSW) benchmark of 0.01%.

The weighted running yield for May of 1.09% for Central Coast Council is favourable compared to benchmark bank bill swap (BBSW) *financial year to date* Calculated Bank Bill Index of 0.87% as shown in Graph 3 - Portfolio Returns in Attachment 3.

Market values reflected in the Portfolio valuation report in Attachment 5 have been used to record the unrecognised gains in tradeable fixed rate bonds and floating rate notes. Interest accrued has been recorded separately and is not reflected in portfolio valuations.

Financial Considerations

At its meeting held 19 October 2020, Council resolved the following:

1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.

The following statement is provided in response to this resolution of Council.

Council's investment portfolio includes rolling maturity dates to ensure that Council has sufficient liquidity to meet its ongoing obligations.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Attachments

1	Summary of Investments at 31 May 2021	Provided Under Separate Cover	D14680908
2	Summary of Restrictions at 31 May 2021	Provided Under Separate Cover	D14683133
3	Investment Report for May 2021 Graphs 1,2 and 3	Provided Under Separate Cover	D14680914
4	Treasury Direct Trading Limits Report at 31 May 2021	Provided Under Separate Cover	D14680920
5	Treasury Direct Portfolio Valuations Report 31 May 2021	Provided Under Separate Cover	D14680924



Item No: 2.4
Title: Administrator Expenses and Facilities Report to 30 April 2021
Department: Corporate Affairs

29 June 2021 Ordinary Council Meeting

Reference: F2021/00035 - D14617767
Author: Sarah Georgiou, Section Manager, Civic Support
Manager: Shane Sullivan, Unit Manager, Governance and Risk
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

Recommendation

That Council receive the report Administrator Expenses and Facilities Report to 30 April 2020.

Report purpose

The purpose of this information report is to table the provision of expenses and facilities to the Administrator for the period 2 November 2020 to 30 April 2021 as required under clause 122 of the *Councillor Expenses and Facilities Policy*.

Executive Summary

This information report provides a summary of Administrator Expenses and Facilities for the period 2 November 2020 to 30 April 2021. It is recommended that it be received.

Background

At its Ordinary Meeting 10 August 2020 Council resolved as follows:

- 754/20 *That Council note that the Councillor Expenses and Facilities Policy requires at Clause 122 detailed reports on the provision of expenses and facilities to Councillors to be publicly tabled at a Council meeting every six months and published in full on Council's website.*
- 755/20 *That Council resolve that as part of that six monthly report there be the following information:*
- *Statistics regarding Councillor requests including the number of requests submitted by Councillor*
 - *Details of Councillor attendance at Council Meetings*
 - *Details of Councillor attendance at Briefings or Workshops*
 - *Details of Councillor attendance at weekly CEO Updates*

- *Details of Councillor attendance at Advisory Group meetings of which they are members*
- *Details of Councillor access to the HUB and review of relevant documents*

Current Status

Councillors were suspended on 30 October 2020. The appointment of the Administrator by the Minister for Local Government provides that expenses for the Administrator are determined in accordance with Council's policy under section 252 of the *Local Government Act 1993*.

Central Coast Council adopted a *Councillors Expenses and Facilities Policy (the Policy)* on 23 November 2020 to enable the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors, to help them undertake their civic duties.

The Policy was drafted in accordance with the *Local Government Act 1993* and *Local Government (General) Regulation 2005* and complies with the Office of Local Government's *Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW*.

Expenses and Facilities

To ensure accountability and transparency, and to align the costs incurred with community expectations, the Policy provides at clause 120:

120 *Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.*

Table 1 is provided to Council to satisfy the requirements of clause 120 of the Policy for the six-month period from 2 November 2020 to 30 April 2021.

Mr Dick Persson, AM was appointed as Administrator following suspension of Councillors. This report covers the period from 2 November 2020 to 30 April 2021 whilst Mr Persson, AM was in the role of Administrator.

Table 1 Administrator Expenses

2 November 2020 to 30 April 2020						
General Travel Expenses	Interstate, Overseas and Long Distance Travel Expenses	Accommodation and Meals	Professional Development	ICT Expenses and Services	Carer Expenses	Home Office Expenses
\$0	\$0	\$8,141	\$0	\$528	\$0	\$0

In accordance with the Policy, the Administrator has been provided the following facilities to effectively discharge his civic duties:

- A motor vehicle with a fuel card
- A parking space at Council's offices
- A furnished office with computer, telephone and meeting space at Council's offices
- A small number of staff providing support

Councillor Attendance and Requests

Due to the suspension of Councillors on 30 October 2020, this report on the period 2 November 2020 to 30 April 2021 does not provide detail on Councillor Attendance and Requests as per the resolution of 10 August 2021.

Financial Considerations

At its meeting held 19 October 2020, Council resolved the following:

1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.

The following statement is provided in response to this resolution of Council.

Table 1 provides information on expenses already incurred and does not propose any future expenditure. The attached spend is within the budgeted parameters and in accordance with the adopted Policy at the time.

The suspension of Councillors has resulted in a net saving to Council.

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.

Timeframes

Reports to Council will be provided every six months. The last report was provided to the Council Meeting of 30 November 2020 for a three-month period to 1 July 2020 to 30 October 2020 due to the suspension of Councillors.

Attachments

Nil.



Item No: 2.5
Title: Pecuniary Interest Disclosure Returns - Recently Appointed Designated Persons
Department: Corporate Affairs

29 June 2021 Ordinary Council Meeting

Reference: F2020/00080 - D14623156
Author: James Taylor, Section Manager Governance
Manager: Shane Sullivan, Unit Manager, Governance and Risk
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

Recommendation

That Council receive the report on Pecuniary Interest Disclosure Returns - Recently Appointed Designated Persons.

Report purpose

To meet Council's Code of Conduct requirements for Pecuniary Interest Disclosure Returns for Council Officials who have commenced with Council and who are deemed to be Designated Persons.

Executive Summary

Council's Code of Conduct, at clauses 4.8 to 4.27, requires each Designated Person to lodge a Pecuniary Interest Disclosure Return (as specified in Schedule 2 Council's Code of Conduct) with the Chief Executive Officer:

- 1 Annually; or
- 2 Within three months of joining Council; or
- 3 When becoming aware of a change in circumstances of "a designated person's interest as specified in Schedule 1 Council's Code of Conduct of personal".

Four people joined Council in Designated Roles in the last three months and have completed Returns within the required timeframe. The Returns are now tabled at Council.

2.5 Pecuniary Interest Disclosure Returns - Recently Appointed Designated Persons (contd)

Background

Four new Council Officials have commenced with Council who are deemed to be Designated Persons have commenced with Council. These positions are:

- 1 Administrator,
- 2 Chief Executive Officer,
- 3 General Counsel; and
- 4 Independent Member of the Audit Risk and Improvement Committee.

Current Status

Council's Code of Conduct requires each Designated Person to lodge a Pecuniary Interest Disclosure Return with the Chief Executive Officer within three months of joining Council. In accordance with the Code of Conduct, all four Returns were lodged before the required date.

The [GIPA Act](#) defines Pecuniary Interest Returns as open access information. Section 6 of the GIPA Act provides for the mandatory proactive release of open access information. The GIPA Act provides that open access information must be made publicly available free of charge on Council's website.

The Information and Privacy [Commission's Guideline 1: For local councils on the disclosure of information contained in the returns disclosing the interests of Councillors and designated persons](#) states at 3.10:

- 3.10 *Section 6(4) of the GIPA Act requires agencies 'must facilitate public access to open access information contained in a record by deleting matter from a copy of the record if disclosure of the matter would otherwise be prevented due to an overriding public interest against disclosure, and it is practicable to delete the matter'.*

As such the residential address and signature (information which is classified as [personal information](#)) has been redacted from each published Return on Council's website. Any requests for further redactions to a Return have been assessed under the [Local Government Act](#) and the [GIPA Act](#).

Clause 4.25 of Council's Code of Conduct further requires that Returns lodged with the Chief Executive Officer need to be tabled at the "first meeting of Council after the last day that the Return is required to be lodged".

The four completed returns are tabled at this Council Meeting.

The unredacted Returns will subsequently be available for view only inspection by application, as per Council's current practice. The redacted published Returns can be viewed at this [link](#) on Council's Website.

Financial Impact

At its meeting held 19 October 2020, Council resolved the following:

1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.

The following statement is provided in response to this resolution of Council.

There are no financial implications associated with this report.

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: 2.6
Title: Request to Prepare a Planning Proposal for 43-49
The Esplanade, Ettalong Beach
Department: Environment and Planning



29 June 2021 Ordinary Council Meeting

Reference: 083.2019.00000106.001 - D14595234
Author: Melati Lye, Senior Strategic Planner
Jared Phillips, Section Manager, City Planning and Design
Manager: David Milliken, Unit Manager Strategic Planning
Executive: Scott Cox, Director Environment and Planning

Recommendation

- 1 That Council, pursuant to Section 3.33 of the Environmental Planning and Assessment Act, 1979, prepare a Planning Proposal to amend the Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan (if in effect), to:**
 - a increase the maximum building height from 11.5m to 17m and floor space ratio from 1:1 to 1.75:1 on the following lots:**
 - Lot 117 in DP 10650 (No 46 The Esplanade);
 - Lot 118 in DP 10650 (No 46 The Esplanade);
 - Lot 119 in DP 10650 (No 46 The Esplanade);
 - Lot 120 in DP 10650 (No 45 The Esplanade);
 - Lot 121 in DP 10650 (No 44 The Esplanade); and
 - Lot 122 in DP 10650 (No 43 The Esplanade), and
 - b to increase the maximum building height and floor space ratio on Lot 2 in DP1249007 and O/SP 99403 (No 49 The Esplanade) to be consistent with the planning controls approved as part of the State Significant Project Approval (MP 09_0121) for this site.**
- 2 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**
- 3 That Council request delegation for the Chief Executive Officer (or delegate) to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979**
- 4 That Council authorise the Chief Executive Officer (or delegate) to enter into a Planning Agreement (PA), and to negotiate and execute all documentation in relation to the finalisation of the PA (if required).**

5 That Council undertakes public authority and community consultation in accordance with the Gateway Determination requirements

6 That Council considers a further report on the results of public authority and community consultation

Report purpose

To consider a request to prepare a Planning Proposal to increase the maximum building height and floor space ratio of various lots with frontage to The Esplanade, Ettalong Beach.

Executive Summary

Council has received a request to prepare a Planning Proposal to amend Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan (LEP) if in effect. The request seeks to increase the maximum building height and floor space ratio permitted on Lot 117 to Lot 122 DP 10650, Lot 2 in DP1249007 and O/SP 99403 (43-49 The Esplanade), Ettalong Beach.

The request to amend the maximum building height, FSR and consolidation of lots is considered to have strategic merit, as it allows infill development in an area that is supported by existing infrastructure and at a scale that is consistent with surrounding development.

This report seeks Council's endorsement to prepare a Planning Proposal and request a Gateway Determination from the NSW Department of Planning, Industry and Environment (DPIE).

This matter was referred to the Local Planning Panel (LPP) on the 10 June 2021. The LPP supports Council's recommendation and supports the strategic intent of the proposal for redevelopment of this key site and considers that it has site specific merit, subject to the following qualifications:

- Proposed height and FSR for No. 43-46 The Esplanade, Ettalong Beach is supportable provided the site is developed as one consolidated lot. Standards relating to minimum allotment size, minimum frontage and site consolidation must be included within the LEP.
- The proposed LEP controls rely on detailed urban design controls being developed in a future Development Control Plan, which should preferably be exhibited alongside the Planning Proposal. If this is not possible then the DCP should be finalised prior to the gazettal of the amending LEP. This should include, but not be limited to:
 - limiting the overshadowing of the beach and open public space and bushland in the area
 - allowing for view sharing to the water from other B2 zoned land in the centre

2.6 Request to Prepare a Planning Proposal for 43-49 The Esplanade, Ettalong Beach (contd)

- providing for acceptable building separation and setbacks and
 - active street frontage provisions
 - transition in height to the adjacent low density areas
 - design excellence
- The Panel supports the proposed intent to prepare a Planning Agreement alongside a Planning Proposal.
 - The Panel requests consideration as part of the Planning Proposal of public benefits such as affordable housing, through site links and public realm improvements along The Esplanade and Picnic Parade.

Report

Council received a request to amend the *Gosford Local Environmental Plan 2014* (GLEP) (or the *Central Coast Local Environmental Plan* (CCLEP)) to increase the permitted maximum building height from 11.5 metres (approximately 3 storeys) to 17 metres (approximately 5 storeys), and the permitted maximum floor space ratio (FSR) from 1:1 to 2:1 under.

The Planning Proposal relates to seven parcels, Lot 117- 122 in DP 10650 and Lot 2 in DP1249007 and O/SP 99403 (No 43 -49 The Esplanade), zoned B2 Local Centre located opposite the waterfront at Ettalong Beach. The subject lots are in multiple ownership.

Concept plans accompanying the planning proposal indicate a single development on six parcels, Lot 117- 122 in DP 10650 (No 43-46 The Esplanade) comprising of one level of basement parking, a ground floor of predominantly commercial areas, and four (4) storeys of residential units in two small towers.

There is a recently completed development on Lot 2 in DP1249007 and O/SP 99403 (No 49 The Esplanade) approved under the State Significant Development provisions of the *Environmental Planning and Assessment Act 1979*.

The proposed increase in building height and FSR, is subject to several considerations as follows:

- 1 The planning controls in this waterfront location are intended to limit overshadowing of the beach and public open space, allow for view sharing to the water from other B2 Local Centre zoned land and provide a transition to the lower density residential land to the east.

Following review of the proposal by staff, a set of revised concept plans accompanied by the Design Quality Statement (prepared by a Registered Architect) was submitted by the applicant. The Design Quality Statement provides key points that establishes how the proposal satisfies the design quality principles outlined in Schedule 1 of *State*

2.6 Request to Prepare a Planning Proposal for 43-49 The Esplanade, Ettalong Beach (contd)

Environmental Planning Policy No 65 (SEPP). The revised concept plans are generally consistent with the objectives of the SEPP.

- 2 The maximum height of 17 metres or 5 storeys is an appropriate transition from the Mantra Resort (9 storey) and the Atlantis (5-7 storey) developments to the west, The Ettalong Hotel (4 storey) to the north, down to the 1-2 storey residential to the east.
- 3 The FSR has been reduced from 2:1 to 1.75:1 to better reflect the concept plan submitted with the Planning Proposal. The density of 1.75:1 allows for appropriate building setbacks, building separation, and a stepped-down transition to the low-density residential development to the east.
- 4 The proposal relates to a development that occupies 6 parcels known as Lot 117- 122 in DP 10650 (43-46 The Esplanade) Ettalong Beach. Consolidation of these parcels is proposed in order to avoid a poor urban design outcome if the lots were developed independently. This can be achieved either by a Voluntary Planning Agreement or an appropriate provision under the GLEP or CCLEP. The mechanism will be formalised following issue of a Gateway Determination.
- 5 Lot 2 in DP1249007 and 0/SP 99403 (No 49 The Esplanade) forms part of the Planning Proposal but is not included in the concept plans of the future development. The planning controls for this lot will be reviewed to be consistent with the State Significant Project Approval for the site, as the current controls do not reflect the existing approved development.
- 6 The proponent has confirmed that a public benefit, in the form of agreed public domain improvements, will be delivered as part of the development. The public benefit will be detailed in a Voluntary Planning Agreement (VPA) and placed on public exhibition alongside the Planning Proposal and delivered as part of the development. The proposed public benefit will be in addition to the Section 7.11 Contributions applicable to the development. The VPA will be formalised following issue of a Gateway Determination.
- 7 The concept plans show a shortfall in the provision of carparking for the commercial/retail floorspace. The Carparking Contributions Plan is oversubscribed and is currently not accepting contributions in lieu of carparking. As such the required carparking will need to be accommodated on the subject site.

Report

The request to amend the maximum building height, FSR and consolidation of lots is considered to have strategic merit, as it allows infill development in an area that is supported by existing infrastructure and at a scale that is consistent with surrounding development. It is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

Consultation

Government agency and public consultation requirements will be detailed in the Gateway Determination and conducted accordingly.

Financial Considerations

At its meeting held 19 October 2020, Council resolved the following:

1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.

The following statement is provided in response to this resolution of Council.

Adoption of the recommendation has no budget implications for Council. The direct cost to Council is the preparation of the planning proposal which will be charged as per Council's fees and charges on a cost recovery basis.

Link to Community Strategic Plan

Theme 4: Responsible

Goal I: Balanced and sustainable development

R-I4: Provide a range of housing options to meet the diverse and changing needs of the community and there is adequate affordable housing.

Central Coast Interim Local Strategic Planning Statement

The Central Coast Interim Local Strategic Planning Statement (LSPS) came into effect on 21 August 2020, following adoption by Council on 29 June 2020.

The LSPS sets a new strategic direction for sustainable growth by focusing future development within the existing urban footprint within our Centres and Corridors. The proposal to increase residential density in an existing local centre (Ettalong Beach) by amending the building height and floor space ratio controls is consistent with relevant provisions of the LSPS. An assessment against the LSPS is provided in Attachment 2.

Risk Management

There have been no risks identified at this stage to the natural and built environment associated with the proposed amendment to GLEP 2014 or the CCLEP, about seeking a Gateway Determination.

Options

- 1 Support the Recommendation. **This is the recommended option.**
The Planning Proposal has strategic merit, as it allows infill development in an area that is supported by existing infrastructure and at a scale that is consistent with surrounding development.
- 2 Refuse to support the Request for a Planning Proposal (This is not the recommended option).
Option 2 is not recommended as the current planning controls would not provide the necessary yield for a feasible contemporary development of the subject site and adequately respond to the strategic opportunities identified in this proposal. As such, a Planning Proposal provides a distinct benefit for the locality that would not otherwise be achievable through the current controls.

Conclusion

The request to increase maximum building height and floor space ratio is considered to have strategic merit. It is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

Attachments

- | | | | |
|----------|---------------------------------------------------------|-----------------------------------------------|-----------|
| 1 | Summary PP 106 2019 43-49 The Esplanade, Ettalong Beach | Provided Under Separate Cover | D14594653 |
| 2 | PP 106 2019 43-49 The Esplanade, Ettalong Beach | Provided Under Separate Cover | D14597255 |
| 3 | CCLPP - Record of Planning Proposal Advice | Provided Under Separate Cover | D14693370 |

Item No: 2.7
Title: Adoption of Works-In-Kind Policies
Department: Environment and Planning



29 June 2021 Ordinary Council Meeting

Reference: F2018/01687 - D14620097
Author: Lynda Hirst, Senior Strategic Planner
Shannon Turkington, Senior Strategic Planner
Manager: David Milliken, Unit Manager Strategic Planning
Executive: Scott Cox, Director Environment and Planning

Recommendation

- 1 That Council adopt the draft Works-In-Kind Policy (for works under the *Environmental Planning & Assessment Act, 1979*), the draft Works-In-Kind Policy (for works under the *Water Management Act, 2000*) and their respective guidelines, as outlined in Attachments 1, 2 3 and 4 to this report.**
- 2 That Council notify those persons who lodged submissions of Council's decision.**

Report purpose

To outline the outcomes of public exhibition and seek Council's endorsement and adoption of the draft Works-In-Kind Policy (for works under the *Environmental Planning & Assessment Act, 1979*), the draft Works-In-Kind Policy (for the *Water Management Act, 2000*) and their respective supporting guidelines.

Executive Summary

This report seeks Council's endorsement and adoption of policies relating to requests for Council to undertake infrastructure works in lieu of full or partial monetary payment of Local Infrastructure Contributions (LICs) that can be made under the *Environmental Planning & Assessment Act, 1979 (EP&A Act, 1979)*, and the *Water Management Act, 2000 (WM Act, 2000)*.

The Works-In-Kind (WIK) policies and supporting guidelines will provide greater transparency and identify clear assessment protocols for the lodgment and consideration of requests to undertake infrastructure works.

The draft policies and guidelines were publicly exhibited between 19 March and 16 April 2021, 5 submissions were received in response to the public exhibition. A summary of submissions is provided as Attachment 5 to this report.

Minor administrative changes have been made to the exhibited documents to clarify issues raised during the exhibition period, no other changes have been made to the draft policies and guidelines.

Background

In August 2020, Audit NSW tabled a report in parliament regarding the governance and internal controls over LICs of four local Councils (including Central Coast Council (CCC)). This report recommended that Council adopt a policy to mitigate risks associated with the valuation of WIK proposals, and align policies and procedures relating to LICs across the amalgamated Council.

At its meeting held 8 February 2021 Council resolved the following:

- 1 *That the attached draft Works-In-Kind (for works under the Environmental Planning & Assessment Act, 1979), the draft Works-In-Kind Policy (for works under the Water Management Act, 2000) and their respective supporting guidelines be publicly exhibited for a period of 28 days.*
- 2 *That a further report be prepared for consideration by the Council following the exhibition of the draft policies and supporting guidelines which details the outcomes of the exhibition.*

Consultation

The draft policies and guidelines (refer to Attachments 1-4) were prepared in consultation with relevant Council staff and were endorsed by Council's Audit Risk and Improvement Committee (ARIC) at its meeting of 10 December 2020.

The draft policies and guidelines were publicly exhibited between 19 March 2021 and 16 April 2021. Five (5) submissions were received in response to the public exhibition, with four (4) submissions raising identical issues. A summary of the issues and Council's response is provided in Attachment 5. No major changes are recommended to the exhibited policies and guidelines. Minor administrative changes have been made to clarify some issues.

Financial Considerations

At its meeting held 19 October 2020, Council resolved the following:

- 1108/20 *That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.*

The following statement is provided in response to this resolution of Council.

The provision of WIK in lieu of full or partial monetary payment of LICs reduces the burden of such works being provided by Council. This reduces operational expenditure and allows supporting local infrastructure to be constructed at the same time as the surrounding development.

There is governance, financial and other risks associated with WIK. Works constructed to a poor standard can result in substantial ongoing maintenance costs or require rectification and management at Council's expense.

The policies and guidelines seek to address those risks by requiring independent valuations for proposed WIK, and payment of securities/bonds to enable defect rectification. The guidelines embed operational procedures within Council to ensure infrastructure is constructed to relevant Council standards and is consistent with the adopted Contribution Plans (CPs) and/or Development Servicing Plans (DSPs).

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.

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

Options

- 1 **Recommended** - Support the adoption of the WIK policies and guidelines to address the NSW Auditor General report recommendations. The policies and guidelines provide transparent directions on the process for WIK proposals, the making of WIK applications and the assessment of WIK requests.
- 2 **Not Recommended** - Do not proceed. This option does not address the requirements of the NSW Auditor General report recommendations and leaves Council open to potential risks.

Critical Dates or Timeframes

The Audit NSW Report was finalised and tabled in parliament in August 2020. Advice received from Audit NSW in September 2020, identifies that the recommendations from the audit will be reviewed one year after the audit report was tabled in parliament. Council's

2.7 Adoption of Works-In-Kind Policies (contd)

progress in implementing the recommendations will be reviewed by Audit NSW in August 2021.

Subject to adoption, the policies and guidelines will be published on Council's website and become operational in July 2021.

Attachments

1	FINAL Policy CCC101 Works-In-Kind Policy for Works under the Environmental Planning Assessment Act, 1979	Provided Under Separate Cover	D14640926
2	FINAL CCC Guidelines - Works-In-Kind under the Environmental Planning Assessment Act 1979	Provided Under Separate Cover	D14640931
3	FINAL Policy CCC102 Works-In-Kind Policy for Works under the Water Management Act, 2000	Provided Under Separate Cover	D14640932
4	FINAL CCC Guidelines - Works-In-Kind under the Water Management Act, 2000	Provided Under Separate Cover	D14640935
5	WIK Policy & Guidelines - Summary of Submissions	Provided Under Separate Cover	D14640944

Item No: 2.8
Title: Beach Nourishment Opportunity: Sydney Metro West Tunnel
Department: Environment and Planning



29 June 2021 Ordinary Council Meeting

Reference: F2016/02332 - D14680278
Author: Ben Fullagar, Section Manager, Catchments to Coast
Manager: Luke Sulkowski, Unit Manager, Environmental Management
Executive: Scott Cox, Director Environment and Planning

Recommendation

- 1 That Council writes to the Ministers for Transport and Local Government expressing in principle support to participate in beach nourishment opportunities for Wamberal Beach resulting from the Sydney Metro West Tunnel or similar projects.**
- 2 That Council request the NSW Government partner with Central Coast Council to seek and obtain the necessary approvals for beach nourishment at Wamberal Beach using sand from the Metro West Tunnel including:**
 - a. Providing Council written confirmation that a minimum of 50% of all costs associated with the design and approval phase of the project will be met by the NSW government.**
 - b. Providing Council with written confirmation that the NSW Government will make staff resources and departmental assistance available to Council to prepare all necessary approvals.**
- 3 That Council subject to the outcome of Item 2, and other favourable outcomes from preliminary project risk assessments, that in consultation with the NSW Government, staff seek to have more detailed impact assessments undertaken, consult with stakeholders and the local community, and obtain the necessary approvals for using sand from the Sydney Metro West Tunnel project for beach nourishment.**
- 4 That Council Delegate authority to the Chief Executive Officer to enter into any agreements with the NSW Government (including Transport for NSW) to facilitate the investigations and approvals for beach nourishment using sand from the Sydney Metro West Tunnel project.**
- 5 That Council Acknowledge that should the works identified in Item 3 proceed, staff will present the outcomes of the impact assessments and community consultation at a future Council meeting for determination prior to approving the acceptance of any sand from the Metro West Tunnel project.**

Report purpose

This report is to inform Council of the opportunity to access sand for beach nourishment, from the Sydney Metro West Tunnel project, to gain in principle support from Council to proceed with required investigations to facilitate this opportunity, and to recommend that Council seek financial and project support from the NSW Government to undertake the necessary design, planning and environmental investigations. Once impacts are understood, and if the project proves viable, it is recommended Council consider application of the sand for nourishment at Wamberal Beach.

Executive Summary

A significant volume of sandstone is being excavated as part of the Sydney Metro West Tunnel project and Transport for NSW (TfNSW) is exploring an opportunity to transport a screened sand fraction to Wamberal Beach (Central Coast Council), Bate Bay (Sutherland Shire Council) and Collaroy-Narrabeen Beach (Northern Beaches Council) for the purpose of beach nourishment from late 2022.

It is recommended that Council delegate authority to the Chief Executive Officer to enter into an agreement with TfNSW to undertake the necessary investigations and approvals to enable it to be the proponent for beach nourishment using sand from the Sydney Metro West Tunnel project. This will enable Council to proceed within the scheduling requirements of TfNSW and confirm that issues such as the total volume of sand and quality control are resolved prior to Council committing to accept any sand from the Sydney Metro West Tunnel project.

It is proposed that Council does not commit to receiving sand at Wamberal until The NSW Government provides funding and technical support to undertake the necessary environmental investigations and approvals, and a further report is brought to Council with the outcomes of the investigations and approvals process.

Background

Beach nourishment is the practice of adding sand to beaches to combat erosion and increase beach width. As sea level rise begins to impact the NSW coastline, beaches across NSW are forecast to recede and beach nourishment is seen as the only feasible long-term management response to ensure the beach amenity and public use of beaches is maintained. Beach nourishment is highlighted as a key strategy to manage beach erosion and sea level rise in Council's Coastal Zone Management Plan for Gosford Beaches (2017).

A significant volume of sandstone is being excavated as part of the Sydney Metro West Tunnel project and Transport for NSW (TfNSW) is exploring an opportunity to transport the screened sand fraction (<5mm in size) from the tunneling excavation to Wamberal Beach

(Central Coast Council), Bate Bay (Sutherland Shire Council) and Collaroy-Narrabeen Beach (Northern Beaches Council) for the purpose of beach nourishment from late 2022.

Beach nourishment of this scale has not been undertaken on the Central Coast previously and this project represents an opportunity to establish the necessary processes, investigations and approvals to enable Council to access significant volumes of sand from the Sydney Metro West Tunnel project and other similar projects that may arise. It also enables Council to evaluate the feasibility of future beach nourishment as a genuine adaptation response to sea level rise.

The potential opportunity for sand nourishment from state tunnelling and dredging projects was first discussed at meetings of the Wamberal Seawall Advisory Taskforce.

Informal discussions between Council staff and NSW DPIE Officers in recent months have indicated a potential opportunity for sand to be sourced from the Sydney Metro West Tunnel project. The discussions indicated that some negotiations were already underway between state agencies to identify a potential sand source for Wamberal Beach to combat beach erosion.

Since mid-May 2021, Council staff have been participating in weekly meetings with staff from TfNSW Sydney Metro, NSW DPIE and Northern Beaches and Sutherland Shire Councils to be briefed on the tendering for the tunnelling projects and the critical timeframes.

An initial assessment by TfNSW consultants on the feasibility of utilising the sandstone from Sydney Metro West Tunnel project for beach nourishment has found the sand available to be of a suitable size, colour and quality for beach nourishment. The sand to be extracted is virgin excavated natural material and TfNSW are committed to screening the sand coming from the project to ensure only sand of a suitable maximum size is used for beach nourishment. It is noted that the sand is not proposed to be washed and may therefore still contain a fine silt component. The environmental assessment, planning and approvals phase would need to better consider the potential impact of this fines component before making any commitment to accept the material.

Once excavated and sorted the sand would be placed on barges and transported to nominated locations, including Wamberal Beach, and then released from the barge into the embayment approximately 100 metres offshore where the sand will be transported onshore naturally by currents and tides. If not utilised for beach nourishment this sand will be transported by truck to other sites in Sydney for filling or other construction purposes.

Guidance has been sought from the Department of Planning, Infrastructure and Environment (DPIE) on the approval's pathway. This is still to be confirmed. The nourishment may be classified as beach nourishment under the Coastal Management Act 2016 and be permissible without consent with a Review of Environmental Factors (REF) to assess the level of environmental impacts. The Environment Protection Authority (EPA), Crown Lands and the Department of Primary Industries (Fisheries) have also been briefed of the project and will be consulted regarding any permits or licences required.

The environmental impact assessment will need to address:

- Water quality
- Beach amenity
- Coastal processes
- Terrigal and Wamberal Lagoon entrances
- Coastal reef areas
- Marine species
- Surf conditions
- Sand placement locations within the embayment
- Establishment of a monitoring regime

If the final environmental impact assessment determines that the proposed beach nourishment will not have a significant environmental or social impact and an approval is granted, further consultation will occur with the community followed by a Council report seeking a resolution on whether to proceed with the implementation phase of the project.

The project management of these proposed works will be complex due to the scale of the nourishment proposed and the need to coordinate with a large construction project being managed by TfNSW. This will result in issues such as timing, total volume of sand and quality control needing to be resolved with TfNSW in parallel to Council's issues relating to funding, environmental impacts and approvals.

There are risks in trialing new methods and these may include environmental impacts, temporary water quality changes, public perception around "dumping", multi-agency approvals, contractual arrangements between Council and the project partners, and patterns of sand movement in the embayment. It is proposed that Council take the opportunity to address these risks as part of the investigations process and before any decision is made to proceed.

For this reason, it is recommended that Council delegate authority to the Chief Executive Officer to enter into an agreement with TfNSW to undertake the necessary investigations and approvals to enable it to be the proponent for beach nourishment using sand from the Sydney Metro West Tunnel project. This will enable Council to proceed within the scheduling requirements of TfNSW and confirm that issues such as the total volume of sand and quality control are resolved prior to Council committing to accept any sand from the Sydney Metro West Tunnel project.

The REF, including the impact assessment, placement design, development of a monitoring regime and approvals, is expected to cost approximately \$300,000. As this project will involve three councils and is of state significance it is appropriate for the NSW Government to contribute to the cost of undertaking the environmental impact assessment and seeking the necessary approvals. Therefore, it is recommended that Council seek confirmation that the provision of financial assistance of at least 50% of the cost of undertaking all impact assessments and obtaining approvals from the state government. This should be expected as

a minimum contribution, although it is preferable and justifiable that the state government assume all costs associated with the project.

Consultation

During development of the Coastal Zone Management Plan for Gosford Beaches, Gosford City Council undertook community consultation on the various options for addressing beach erosion at Wamberal Beach. Sand nourishment was identified as a preferred option with stakeholders and was included in the list of actions for all beaches and specifically Wamberal Beach.

During Phase 1 consultation for the Wamberal Beach Terminal Protection and Sand Nourishment Investigation and Concept Design project, the importance of maintaining a sandy beach and beach amenity rated very highly in the survey results and comments received. Further consultation on the options for beach nourishment are being undertaken as part of the Phase 2 consultation for this project during June and July 2021.

Further community consultation would also be undertaken for the specific option of sand nourishment using material from the Sydney Metro West tunnelling project in conjunction with the environmental assessment and approvals process.

Financial Considerations

At its meeting held 19 October 2020, Council resolved the following:

1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.

The following statement is provided in response to this resolution of Council.

While no budget is currently available, confirmation that at least 50% of the funds required to complete the REF will be provided by the NSW government is being sought prior to any further work commencing. Council's funding commitment for these works is approximately \$150,000 if only 50% contribution from the state government is committed. These funds will be sourced through reductions in future year dredging programs (at The Entrance and Ettalong) that have been included in the long-term financial plan. An amount of \$200,000 in operating expenditure has been included in the draft budget for adoption for 2021/22 to allow the project to proceed next year. This allocation will be reviewed pending the resolution of Council and state government funding commitments. No cost is expected to be incurred for the sand itself through this process, noting that if this beach nourishment was to be undertaken by Council procuring this sand from a land-based source, the expected cost would be approximately \$12,500,000. This opportunity therefore presents itself as an opportunity to secure a critical project at a heavily discounted rate.

Link to Community Strategic Plan

Theme 3: Green

Choose Focus Area

G-F1: Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas, and the diversity of local native species.

Risk Management

It is important that Central Coast Council establish an impact assessment and approval process to enable it to benefit from this, or future, beach nourishment opportunities. Any financial or staff resources invested in this project will be utilised when future opportunities become available.

There are risks in trialling new methods and these may include environmental impacts, temporary water quality changes, public perception around “dumping”, multi-agency approvals, contractual arrangements between Council and the project partners, and patterns of sand movement in the embayment. It is proposed that Council take the opportunity to address these risks as part of the investigations process and before any decision is made to proceed to implementation phase (i.e. placement of the sand). If such issues cannot be resolved or mitigated, Council will not proceed with the placement of the sand.

There also remains a risk that the tendering process for the Sydney Metro West tunnel, may not yield a suitable submission that enables this project to proceed. Council is seeking to best position itself to take advantage of this opportunity should it remain viable for TfNSW.

Critical Dates or Timeframes

TfNSW are currently procuring a contractor for the Sydney Metro West Tunnel project. It is understood that an indication of commercial feasibility of the nourishment option will be provided to Councils by TfNSW in late June or early July. Should the project be feasible then it is understood that TfNSW will be seeking a commitment from the partnering Councils in July 2021 to enter into an agreement to commence environmental investigations and approvals.

Extraction of sand from the Sydney Metro West Tunnel is scheduled to commence in late 2022. The timeline for finalising approvals and confirming Council’s willingness to accept the sand is to be confirmed, however, it is important the environmental impact assessment and process for seeking approval commenced by mid-2021 to ensure coordination with the TfNSW proposed timeline for construction of the Sydney Metro West Tunnel.

It is possible that any unforeseen issues or impacts are identified during the assessment process that prevent approval being granted in time to coordinate with the construction timeline of the Sydney Metro West Tunnel. Any work done in undertaking the assessment and seeking approval for beach nourishment would not be at a complete loss. There is potential future opportunities, such as the Northern Beaches Tunnel link, where this work could be utilised. Other than this, if nourishment of Wamberal Beach by other means is still considered appropriate in the future, the findings of this investigations process will be of value in progressing with those works.

Attachments

Nil.



Item No: 2.9
Title: Review of application of Social Media Policy for Councillors
Department: Corporate Affairs

29 June 2021 Ordinary Council Meeting

Reference: F2021/00035 - D14411313
Author: Sarah Georgiou, Section Manager, Civic Support
Manager: Shane Sullivan, Unit Manager, Governance and Risk
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

Recommendation

That Council receive the report Review of application of Social Media Policy for Councillors.

Report purpose

To provide a further report as resolved by Council reviewing application of the Social Media Policy for Councillors and to report any relevant issues noting that Councillors have been suspended for much of the past 12 months.

Executive Summary

Council adopted a Policy for Social Media for Councillors in June 2020. At that time, Council resolved that a further report be provided in June 2021 that reviews the application of the policy and any issues. There are no issues or impacts to report which would result in a review of the Policy as adopted. It is noted that Councillors have been suspended for eight of the past 12 months and remain suspended. The Office of Local Government has recently issued a consultation draft of a Model Social Media Policy seeking views of councils on the consultation draft.

Background

At its meeting held 22 June 2020, Council resolved the following in part:

534/20 That Council request the Chief Executive Officer provide a further report in June 2021 that reviews the application of the Policy and any relevant issues.

This report is now provided as resolved by Council in June 2020.

Report

The adopted Social Media for Councillors Policy (Policy) is available on Council's website here:

<https://cdn.centralcoast.nsw.gov.au/sites/default/files/Council/Policies/socialmediaforcouncillorspolicy.pdf>

During the twelve months since its adoption, Councillors were suspended from office for eight months from October 2020. As a result, there is limited feedback for Council with regard to the impact of this Policy and no changes to the Policy are proposed.

Consultation

In the report to Council on 22 June 2020, it was noted the Office of Local Government (OLG) has indicated that it may provide a standard Policy however no timeframe had been given for this. On 28 May 2021, the OLG released a draft Model Social Media Policy and a Model Councillor and Staff Interaction Policy. The OLG is seeking views on these model policies prior to finalisation. Submissions are due by 23 July 2021. In consultation with Council's Communications Team, feedback on the OLG draft Model Social Media Policy will be submitted considering Council's Social Media for Councillors Policy and other internal policies that relate to Social Media. No changes to the current Policy are proposed at this time and it is planned that any review will be undertaken once the standard Policy is made by OLG.

Financial Considerations

At its meeting held 19 October 2020, Council resolved the following:

1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.

The following statement is provided in response to this resolution of Council.

There are no financial implications in relation to this report.

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.

Critical Dates

The resolution of Council on 22 June 2020 required a further report in June 2021. This report is provided to meet this resolution.

Attachments

Nil.