



Central Coast Council
Business Paper
Ordinary Council Meeting
09 March 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



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

The diagram illustrates the 'COMMUNITY STRATEGIC PLAN 2018-2028 FRAMEWORK'. It is organized into five main themes, each with specific focus areas and objectives:

- BELONGING** (Theme):
 - OUR COMMUNITY (Focus Area): Objectives A1, A2, A3, A4, A5, A6.
 - QUALITY CONNECTION AND LOCAL IDENTITY (Focus Area): Objectives B1, B2, B3, B4.
- SMART** (Theme):
 - A GROWING AND COMPETITIVE REGION (Focus Area): Objectives C1, C2, C3, C4.
 - A PLACE OF OPPORTUNITY FOR PEOPLE (Focus Area): Objectives D1, D2, D3, D4.
- GREEN** (Theme):
 - ENVIRONMENTAL RESOURCES FOR THE FUTURE (Focus Area): Objectives E1, E2, E3, E4.
 - DECREASED AND PROTECTED NATURAL BEAUTY (Focus Area): Objectives F1, F2, F3, F4.
- RESPONSIBLE** (Theme):
 - GOOD GOVERNANCE AND GREAT PARTNERSHIPS (Focus Area): Objectives G1, G2, G3, G4.
 - ESSENTIAL INFRASTRUCTURE (Focus Area): Objectives H1, H2, H3, H4.
 - BALANCED AND SUSTAINABLE DEVELOPMENT (Focus Area): Objectives I1, I2, I3, I4.
- LIVEABLE** (Theme):
 - RELIABLE PUBLIC TRANSPORT AND ECONOMIC LIVES (Focus Area): Objectives J1, J2, J3, J4.
 - SAFE AND SOUND FOR THE FUTURE (Focus Area): Objectives K1, K2, K3, K4.
 - HEALTHY LIVES FOR A THRIVING COMMUNITY (Focus Area): Objectives L1, L2, L3, L4.



Meeting Notice

**The Ordinary Council Meeting
of Central Coast Council
will be held in the Council Chamber,
2 Hely Street, Wyong on
Tuesday 9 March 2021 at 6.30 pm,
for the transaction of the business listed below:**

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Rik Hart
Acting Chief Executive Officer

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



9 March 2021 Ordinary Council Meeting

Trim Reference: F2021/00035 - D14460287

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

Section 451 of the LG Act states:

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

1.1 Disclosures of Interest (contd)

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

(b) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.

(5) The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:

(a) be in the form prescribed by the regulations, and

(b) contain the information required by the regulations.

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

Recommendation

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



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

9 March 2021 Ordinary Council Meeting

Trim Reference: F2021/00035 - D14466142

Summary

Confirmation of minutes of the Ordinary Meeting of Council held on 23 February 2021 and of the Extraordinary Meeting of Council held on 25 February 2021

Recommendation

That Council confirm minutes of the Ordinary Meeting of Council held on the 23 February 2021 and of the Extraordinary Meeting of Council held on 25 February 2021.

Attachments

- | | | | |
|----------|--|---|-----------|
| 1 | Minutes - Ordinary Meeting - 23 February 2021 | Click here for Attachment | D14490546 |
| 2 | Minutes - Extraordinary Meeting - 25 February 2021 | Click here for Attachment | D14510534 |

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



9 March 2021 Ordinary Council Meeting

Trim Reference: F2021/00035 - D14466159

Summary

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

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

Recommendation

That Council receive the report and note that no matters have been tabled to deal with in a closed session.

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,*

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

- 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: Request for Memorial Plaque
Department: Community and Recreation Services

9 March 2021 Ordinary Council Meeting

Reference: F2018/00020-008 - D14460850
Author: Brett Sherar, Unit Manager, Sports fields, Parks and Playgrounds
Executive: Julie Vaughan, Director Community and Recreation Services

Report purpose

To seek approval of the application received by Mrs Mary Dowling ('Mrs Dowling'), to install a plaque in memory of her late husband, Mr Robert Dowling.

Executive Summary

An application has been received by Mrs Dowling to install a plaque on the base of an existing bench seat at Terrigal Haven in memory of her late husband, for his extensive contribution and fundraising through the Terrigal Community Men's Shed and outstanding voluntary service to the Central Coast community.

In accordance with the *Policy for Memorial, naming of Council Facilities and Donations of Park Furniture and Trees* any requests received are subject to a report to Council.

Community and Recreation Services Recommendation

That Council approve the application by Mrs Dowling for a memorial plaque to be installed in memory of her late husband, Mr Robert Dowling.

Background

Mrs Dowling has submitted an application in accordance with *The Policy for Memorials, Naming of Council Facilities and Donations of Park Furniture and Trees (The Policy)* (Attachment 1) for the installation of a memorial plaque to be placed at The Haven, Terrigal. The location of the proposed plaque is at the southern end of the grassed area as identified in the map contained within Attachment 2.

A review of the application and attachments provided by Mrs Dowling has determined that all requirements of the Policy have been met, including her confirmation that she will be responsible for the cost of purchase, installation and ongoing maintenance of the plaque.

Assessment Against Relevant Policy

The application (Attachment 2) from Mrs Dowling has been assessed and complies with the requirements of The Policy.

Criteria Assessment

An assessment of the application has been undertaken and is considered to meet all requirements. The assessment is as follows:

Table 1: Assessment of Application

Policy Requirement	Assessed Criteria
<p>Clause 8: A request for a commemorative memorial will be considered only if the person who is nominated (the nominee) has been deceased for at least six months, was of good repute and not likely to be the subject of controversy</p>	<p>Mr Dowling passed on 3 May, 2020 he is eligible. The proposed plaque is in memory of Mr Robert Dowling for his fundraising efforts that contributed to the functioning of the Terrigal Community Men’s Shed that contributes to causes such as the Bush Fire and Drought Relief, groups who support people suffering from domestic violence issues, Coast Shelter and Terrigal Children’s Centre.</p>
<p>Clause 16: Applications must include a supporting statement for the nominee detailing how the nominee meets the conditions as stated in the Policy.</p>	<p>A supporting statement was prepared by Mr Ross De’Fraine, and submitted by Mrs Dowling with her application, detailing how he has met the conditions as stated in the Policy. (Attachment 2)</p>
<p>Clause 17: All applications should include a site plan indicating the proposed location of the memorial plaque.</p>	<p>A plan has been provided by Mrs Dowling showing the proposed site for the memorial plaque (Attachment 2)</p>
<p>Clause 18: The application must be supported in writing by a minimum of three third parties, one of which must be a local community group.</p>	<p>Letters of support from The President of Terrigal Community Men’s Shed, the Public Officer of Terrigal Community Men’s Shed and Alan Rogerson, Committee Member Terrigal Community Men’s Shed are provided in Mrs Dowling’s application (Attachment 2).</p>
<p>Clause 19: The documentation must be validated by Statutory Declaration.</p>	<p>The documentation attached to the application has been validated by a Statutory Declaration.</p>
<p>Clause 21: For park furniture, plaque size will be limited to 150mm by 100mm and will be installed in the concrete base around the park furniture.</p>	<p>The applicant acknowledges the plaque will be provided by her in the size stipulated within the Policy and wording will recognise</p>

2.1 Request for Memorial Plaque (contd)

Policy Requirement	Assessed Criteria
Wording should follow a simple and standard format and avoid terminology used in the cemeteries. The wording will recognise the nominee and their qualities/attributes or an appropriate phrase outlined in the application.	the contribution of Mr Dowling to the Central Coast community.
Clause 46: The applicant is required to meet all costs associated with the purchase, advertisement, delivery, installation and maintenance of the approved park furniture, tree(s) and/or the Council approved plaque.	Mrs Dowling has provided a commitment within the Statutory Declaration contained within the application to the cost of purchasing, installing and ongoing maintenance of the plaque (Attachment 2)

Consultation

In accordance with the Policy, Council staff in the Sports fields, Parks and Playgrounds Unit have been consulted in relation to the placement site of the plaque and no concerns have been identified with the proposal.

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 will be no financial cost to Council as Mrs Dowling has agreed to pay all associated costs for the purchase, placement and maintenance of the memorial plaque.

Link to Community Strategic Plan

Theme 1: Belonging

Goal B: Creativity connection and local identity

B-A1: Work within our communities to connect people, build capacity and create local solutions and initiatives.

Risk Management

There are no identified risks regarding the installation of the memorial plaque.

Options

Option 1

To approve the application for the installation of the memorial plaque to acknowledge the outstanding contribution of Mr Dowling to the community of the Central Coast. **This is the recommended option.**

Option 2

Council could decide not approve the application installation of the memorial plaque. **This is not recommended, as the Applicant has met all requirements of the Policy.**

Critical Dates or Timeframes

There are no critical time frames associated with this application.

Attachments

- | | | | |
|---|--|---|-----------|
| 1 | Policy for Memorials, Naming of Council Facilities and Donations of Park Furniture and Trees | Click here for Attachment | D13367915 |
| 2 | Application for Memorial Plaque - Mr Robert Dowling | Click here for Attachment | D14510580 |



Item No: 3.1
Title: Adoption of Gifts and Benefits Policy
Department: Corporate Affairs

9 March 2021 Ordinary Council Meeting

Reference: F2010/00234 - D14412101
Author: James Taylor, Section Manager Governance
Manager: Shane Sullivan, Unit Manager, Governance and Risk
Executive: Natalia Cowley, Acting Director, Corporate Affairs

Report purpose

To adopt a new updated Gifts and Benefits Policy (Policy) for Central Coast Council and consider the submissions received during the resolved public exhibition period.

Executive Summary

Council currently has a [Gifts and Benefits Policy](#) which is the former Wyong Shire Council's Gifts and Benefits Policy. As part of the policy consolidation project, a draft Gifts and Benefits Policy (Attachment 1) and Gifts and Benefits Procedures (Attachment 2) were developed based on Council's [Code of Conduct](#). Both were presented to 30 November 2020 Ordinary Council meeting and then placed on Public Exhibition.

It is recommended that the attached draft Policy be adopted.

Corporate Affairs Recommendation

- 1 *That the draft Gifts and Benefits Policy that is Attachment 1 to this report be adopted.*
- 2 *That Council write to each submission maker thanking them for their submission and advising of the outcome.*

Background

At its meeting held 30 November 2020, Council resolved the following:

- 1245/20 *That the draft Gifts and Benefits Policy (Attachment 1 to this report) be placed on public exhibition for a period of 28 days.*
- 1246/20 *That the draft Gifts and Benefits Policy (Attachment 1 to this report) and draft Gifts and Benefits Procedures (Attachment 2 to this report) be provided to Council's Audit Risk and Improvement Committee for its review and comment.*

3.1 Adoption of Gifts and Benefits Policy (contd)

1247/20 That a further report be presented to the 8 March 2021 Ordinary Council Meeting Council to adopt the Gifts and Benefits Policy, for consideration of any submissions received.

The approval authority for the Policy is the Council.

The Procedures support the Policy and set out the operational requirements. It is appropriate for the procedures to be reviewed and adopted by the Chief Executive Officer as required. They are provided here for the information of Council.

Current Status

The draft *Gifts and Benefits Policy* was placed on public exhibition for 28 days closing on Friday 12 February 2021.

In total there were six submissions received, two of which related to the draft *Gifts and Benefits Policy*, three related to the Special Rate Variation project and one related to the draft *Lobbying Policy*. It is noted that each of these were on public exhibition around the same time.

The two submissions received have been considered and that is detailed in Attachment 3 to this Report. No changes to the Policy are proposed as a result of the submissions made.

The draft *Gifts and Benefits Policy* and draft *Gifts and Benefits Procedures* were also provided to Council's *Audit Risk and Improvement Committee* (ARIC) to review and consider at the 10 December Ordinary ARIC Meeting.

It is noted that ARIC made no submission in relation to the draft *Gifts and Benefits Policy* or the draft *Gifts and Benefits Procedures*.

Options

Council has the option to:

- 1 Adopt the draft *Gifts and Benefits Policy* which aligns to Councils' Code of Conduct to support Central Coast Council officials in the performance of their duties. (recommended). It is noted that the attached draft *Gifts and Benefits Policy* is unchanged from the version that went to the 30 November 2020 Ordinary Council Meeting.
- 2 Resolve not to adopt an updated Gifts and Benefits Policy. This is not recommended as it is appropriate for Council to have a Policy that aligns to the Code of Conduct.

3.1 Adoption of Gifts and Benefits Policy (contd)

Consultation

Public consultation commenced on Friday 15 January 2021 and finished on Friday 12 February 2021 via publication on Council's [Your Voice Our Coast](#) website. This was then followed by advertised in the local papers the week commencing Monday 18 January 2021.

An acknowledgement email with confirmation that this Policy will be discussed at the [9 March 2021 Ordinary Council Meeting](#) was sent to each submission maker.

Financial Considerations

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

1036/20 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 is no financial implication associated with the recommended action.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Attachments

1	Draft Gifts and Benefits Policy October 2020	Click here for Attachment	D14226000
2	Draft Gifts and Benefits Procedure October 2020	Click here for Attachment	D14226010
3	Gifts and Benefits Policy Public Submissions Feb 2021	Click here for Attachment	D14493470



Item No: 3.2
Title: Adoption of Lobbying Policy
Department: Corporate Affairs

9 March 2021 Ordinary Council Meeting

Reference: F2017/01495 - D14413468
Author: James Taylor, Section Manager Governance
Manager: Shane Sullivan, Unit Manager, Governance and Business Services
Executive: Natalia Cowley, Acting Director, Corporate Affairs

Report purpose

To adopt the Lobbying Policy and consider the submission received during the resolved public exhibition period.

Executive Summary

At its meeting held 14 September 2020 Council resolved:

459/20 With a view to aligning to the Code of Conduct that a further report be provided to Council regarding a potential Lobbying Policy that sets out (amongst other requirements) the need for staff to appropriately document interactions with developers and lobby groups and considers the Independent Commission Against Corruption reports into Lobbying and any relevant advice from the Office of Local Government.

As a result a draft *Lobbying Policy* (Attachment 1) was adopted for the purpose of public exhibition at the Ordinary Council Meeting on 30 November 2020.

It is recommended that the attached draft *Lobbying Policy* be adopted noting that minor amendments are recommended as a result of submissions.

Corporate Affairs Recommendation

- 1 That the draft Lobbying Policy that is Attachment 1 to this report be adopted.*
- 2 That Council write to the submission maker thanking them for their submission and notifying them of the outcome.*

Background

At its meeting held 30 November 2020, Council resolved the following:

3.2 Adoption of Lobbying Policy (contd)

- 1248/20 *That the draft Lobbying Policy (Attachment 1 to this report) be placed on public exhibition for a period of 28 days.*
- 1249/20 *That the draft Lobbying Policy be provided to Council's Audit Risk and Improvement Committee for its review and comment.*
- 1250/20 *That a further report be presented to the 8 March 2021 Ordinary Council Meeting to adopt the Lobbying Policy and consider any submissions received.*

Current Status

The draft *Lobbying Policy* was placed on public exhibition for 28 days which closed on Friday 12 February 2021.

In total there were six submissions received, one of which related to the draft *Lobbying Policy*, two related to the draft *Gifts and Benefits Policy* and there were three that related to the Special Rate Variation project. It is noted that each of these were on public exhibition around the same time.

The only submission on the draft *Lobbying Policy* received is contained in Attachment 2 to this report, which also provides consideration of the submission.

The following three changes are proposed to the draft Policy, all of which are addressed in Attachment 2:

- 1 Include a definition of *unlawful conduct*;
- 2 Provide further detail regarding legislation and guidelines relating to tenders; and
- 3 Correct a title.

No further changes are recommended.

Options

Council has the option to:

- 1 Adopt the draft *Lobbying Policy* which aligns to Councils' Code of Conduct. (recommended). By adopting a Lobbying Policy, Council is ensuring that community expectations are met in relation to the conduct of ethical and transparent lobbying activities of Council officials. The Policy also provides the safeguard to ensure that there is no misunderstanding regarding Council's adopted position in relation to the engagement of lobbyists.
- 2 Resolve not to adopt the draft *Lobbying Policy* for Central Coast Council. This is not recommended as Council has previously resolved to adopt a Policy.

3.2 Adoption of Lobbying Policy (contd)

Consultation

Public consultation commenced on Friday 15 January 2021 and finished on Friday 12 February 2021 via publication on Council's [Your Voice Our Coast](#) website. This was then followed by advertisements in the local papers the week commencing Monday 18 January 2021.

An acknowledgement email with confirmation that this Policy will be discussed at the [9 March 2021 Ordinary Council Meeting](#) was sent to the submission maker.

Financial Considerations

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

1036/20 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 is no financial implication associated with the recommended action.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Attachments

- | | | | |
|---|---|---|-----------|
| 1 | Draft Lobbying Policy February 2021 | Click here for Attachment | D14502013 |
| 2 | Lobbying Policy Public Submissions Feb 2021 | Click here for Attachment | D14493554 |



Item No: 3.3
Title: Adoption of Draft Code of Meeting Practice for the purpose of public exhibition
Department: Corporate Affairs

9 March 2021 Ordinary Council Meeting

Reference: F2004/06502 - D14488853
Author: Shane Sullivan, Unit Manager, Governance and Risk
Executive: Natalia Cowley, Acting Director, Corporate Affairs

Report purpose

To adopt a draft Code of Meeting Practice for the purpose of public exhibition.

Executive Summary

The Code of Meeting Practice governs the way Council Meetings are conducted.

A number of changes are proposed as follows:

- Change meeting location to reflect both Wyong and Gosford Administration Buildings
- Change publication day of Agenda Paper to allow consultation prior to the finalisation of the Agenda
- Requirement that Mayoral Minutes identify source of funds where there is a financial impact
- Requirement that Notices of Motion identify source of funds where there is a financial impact
- Requirement to consult with the CEO (or appropriate delegate) in preparing Mayoral Minutes or Notices of Motion to identify source of funds
- Limit on number of Notices of Motion to one per Councillor per meeting
- Limit on complexity and number of Questions with Notice to one per Councillor per meeting
- Requirement that Councillors make reasonable efforts to attend pre-Meeting briefings.

It is recommended that the draft Code of Meeting Practice incorporating the above changes be placed on public exhibition.

Corporate Affairs Recommendation

- 1 *That in accordance with section 361 of the Local Government Act that a draft Code of Meeting Practice be placed on public exhibition for a period of not less than 28 days, with submissions accepted for a period of not less than 42 days.*

3.3 Adoption of Draft Code of Meeting Practice for the purpose of public exhibition (contd)

- 2 *That in accordance with section 362 of the Local Government Act a further report be provided to Council following the conduct of the public exhibition period as a late report to the Council Meeting of 27 April 2021.*
- 3 *That commencing as soon as administratively practicable, the Agenda Paper for Council Meetings be distributed by 5pm three business days before the meeting and that the impacts of this process be reported to Council as part of the consideration of submissions.*

Background

The [Model Code of Meeting Practice](#) is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005*. The Model Code applies to all meetings of Council.

All NSW councils were required to adopt a Code of Meeting Practice that incorporates the mandatory provisions of the new Model Meeting Code prescribed by the Regulation.

Council's Code of Meeting Practice aligns to the Model Code.

The Model Code has two types of provisions:

Black Font: Mandatory provisions that reflect the meeting provisions of the Act. Council must adopt those provisions in its Code of Meeting Practice.

Red Font: Non-mandatory provisions that set a benchmark as **best practice** in Council Meetings.

The changes proposed do not alter any of the mandatory provisions. The proposed changes are shown in the attached with deletions in ~~strike through~~ and additions in **bold italics**.

Change to meeting location

It is recommended that the Code of Meeting Practice provide for Council Meetings to be held alternating between 2 Hely Street, Wyong and 49 Mann Street, Gosford.

Council had previously resolved on 28 September 2020 that the Code of Meeting Practice:

- (a) *Provide for the conduct of Council Meetings in the Gosford area at a suitable venue within two months of the lifting of restrictions under any relevant Public Health Order and Regulation; and*
- (b) *Provide for the conduct of Council Meetings at that venue for every second Council meeting from that time onward;*
- (c) *Provide for the conduct of Briefings alternatively between Gosford and Wyong once Council Meetings have resumed between alternative locations of Gosford and Wyong.*

3.3 Adoption of Draft Code of Meeting Practice for the purpose of public exhibition (contd)

There are still some restrictions as a result of Public Health Orders. However, under the Administrator, Council Meetings have been held at Gosford Administration Building.

Upon the end of the suspension period, this will need to be reviewed as it is harder to accommodate 13 Councillors with appropriate social distancing at Gosford.

The reason meetings were suspended at Gosford was because of security concerns from Councillors.

A method introduced during the restrictions under the Public Health Order has been the registration of attendees at the meetings. This was also a recommendation of the security audit undertaken in response to security concerns. It is proposed that this system would continue after the lifting of any Public Health Order.

This system allows for the management of attendee numbers while still ensuring the public is able to attend Council Meetings.

To facilitate this change and amendment is proposed at clause 3.1.

Change to publication day of Agenda Paper

The Code of Meeting Practice currently provides that the Agenda Paper is to be published six business days before the meeting. The rationale for this decision was to provide two weekends to allow Councillors to review the documentation.

It is now proposed to amend this provision to three business days. There is no requirement under the Model Code to specify when the Agenda Paper is to be published. This was added as an additional discretionary provision.

The reason for this recommended change is to provide for greater consultation between Council and the Chief Executive Officer when setting the agenda. Discussion about the forthcoming business of Council between the elected body and the bureaucracy can improve collaboration and trust.

Although it does not form part of the Code of Meeting Practice, there will be a process put in place which includes:

- Opportunity for the proposed agenda to be discussed with the Administrator/Mayor and Chief Executive Officer
- Opportunity for the proposed agenda to be discussed with Councillors at a Briefing (Monday prior to Council Meetings)
- Opportunity for ELT to liaise with Councillors regarding their Notices of Motion prior to providing an accompanying report to Council.

3.3 Adoption of Draft Code of Meeting Practice for the purpose of public exhibition (contd)

This process aims to strike a balance between having the Agenda Paper published as early as practicable and creating opportunities for the elected body to participate in the process.

Three business days is more than the minimum requirement of three days for notice of business to be considered at a meeting in accordance with section 367(1) of the Act.

To facilitate this change, the following amendment is proposed at clause 3.3:

The Agenda Paper will be distributed by 5.00 pm ~~six~~ **three** business days before the meeting.

It is recommended that the above change be implemented as soon as administratively practicable as an interim arrangement. This will allow feedback from this process to be considered as part of the consideration of submissions.

Motions requiring expenditure of funds

It is proposed to insert one of the non-mandatory provisions from the Model Code of Meeting practice. The provision requires that where a Notice of Motion results in the expenditure of funds that the Motion must identify a funding source. If the Motion does not, the Chief Executive Officer will either prepare a report on the item or defer the Motion to allow for a report. This provision has also been expanded to include the redirection of resources.

It is proposed to insert one of the non-mandatory provisions from the Model Code of Meeting practice with regard to Mayoral Minutes which has the same effect as that for Notices of Motion. This provision has also been expanded to include the redirection of resources.

To facilitate this requirement, a provision is recommended that requires Councillors to liaise with the Chief Executive Officer (or appropriate delegate) in costing Notices of Motion. A similar provision is recommended in relation to Mayoral Minutes and at clause 10.9 for motions at the meeting.

Limitations on Motions and Questions

To effectively manage Council resources, a provision is recommended at clause 3.15 which provides that a Councillor may submit one question per Ordinary Meeting. It is also recommended that there be a provision that the question must not comprise multiple parts. Further at clause 3.17 it is recommended that where the preparation of a response is likely to divert significant time and resources of staff that the response will be provided at a later Council Meeting.

It is considered this approach represents an appropriate balance between Councillors' ability to submit questions with notice and the impact on Council resources.

3.3 Adoption of Draft Code of Meeting Practice for the purpose of public exhibition (contd)

Similarly, a provision is recommended at clause 3.12 to limit the number of Notices of Motion a Councillor can submit to a meeting to one per Ordinary Meeting. This approach aims to ensure Council has capacity to focus on the business of Council, while balanced with the ability of Councillors to bring matters to Council.

Attendance at Pre-Meeting Briefing Sessions

To facilitate the effective and efficient running of Council Meetings, a new provision is recommended that requires all Councillors (including the Mayor) to make all reasonable efforts to attend the sessions prior to Council Meetings. By attending pre-meeting briefings Councillors can ask questions relating to items, seek clarification and advice.

This will facilitate the more effective and efficient conduct of Council Meetings.

Administrative changes

It is noted that the numbering will require review, however at this time it is proposed to proceed with the Attached format as it clearly shows the additions and deletions.

At clauses 3.9 and 3.11 it is proposed to remove the reference to business days. This is an error and should refer simply to 'days' in accordance with the Act. Similarly clause 5.8 is amended to align to the Model Code of Meeting Practice.

Consultation

Sections 361 and 362 of the Act provide the preparation and exhibition of an amended Code of Meeting Practice.

Section 361 of the Act states that after public notice is given, the period of public exhibition must not be less than 28 days. The public notice is to specify a period of not less than 42 days during which submissions may be made.

Section 362 of the Act then provides that Council is to consider submissions received prior to adopting the draft Code as the Code of Meeting practice.

Consultation has also been undertaken with the Office of Local Government regarding the proposed additions.

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.

3.3 Adoption of Draft Code of Meeting Practice for the purpose of public exhibition (contd)

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

The adoption of the recommendation will have a minimal financial implication. There will be some resources required for the management of submissions. Consultation will be conducted through Your Coast Our Voice which will not incur costs.

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.

Risk Management

As stated above the previous decision to suspend meetings at Gosford Administration Building was in response to security concerns.

It will be necessary to continue to monitor this security, particularly as Public Health Orders are lifted.

Options

Council may determine the following:

- Not to adopt the draft Code of Meeting Practice for the purpose of public exhibition and continue to operate under the current arrangements;
- To adopt only some of the recommended changes and proceed with public exhibition
- To adopt additional changes and proceed with public exhibition.

Critical Dates or Timeframes

It is noted that to allow 42 days for the making of submissions, a late report will be provided to the Council Meeting of 27 April 2021.

Attachments

- | | | |
|--|---|-----------|
| 1 Draft Code of Meeting Practice for purpose of public exhibition | Click here for Attachment | D14510606 |
|--|---|-----------|



Item No: 3.4
Title: Meeting Record of the Tourism Advisory Committee Meeting held 15 December 2020
Department: Corporate Affairs

9 March 2021 Ordinary Council Meeting

Reference: F2018/01648 - D14437632
Manager: Sue Ledingham, Unit Manager Customer Service and Communication
Executive: Natalia Cowley, Acting Director, Corporate Affairs

Report purpose

To note the Meeting Record of the Tourism Advisory Committee meeting held on 15 December 2020, and to consider recommendations made by the Advisory Groups and staff comments on these recommendations.

Executive Summary

The [Tourism Advisory Committee met on 15 December 2020](#). The Meeting Record from that meetings is published on Council's website and has been hyperlinked above for the information of Council.

The Committee has recommended that Council consider incorporating priority actions in the new Destination Management Plan to be developed for 2022-2025.

Corporate Affairs Recommendation

That Council endorse the Tourism Advisory Committee's request that the outcomes of the Waterway Activation Study, RV Feasibility Study, and Eco and Rural Tourism Study to incorporate priority actions in the new Destination Management Plan to be developed for 2022- 2025 noting that this will be the subject of a future report to Council.

Background

The [Tourism Advisory Committee met on 15 December 2020](#). The Meeting Record of that meeting was approved by the Convenor and Chair, and placed on Council's website as hyperlinked above.

At this meeting the Advisory Committee received an updated from staff regarding the Tourism Opportunity Plan. As a result, the Advisory Committee made the below recommendation to Council:

That Council consider and prioritise outcomes of the Waterway Activation Study, RV Feasibility Study, and Eco and Rural Tourism Study to incorporate priority actions in the new Destination Management Plan to be developed for 2022-2025.

3.4 Meeting Record of the Tourism Advisory Committee Meeting held 15 December 2020 (contd)

The development of a new Destination Management Plan is scheduled for 2021/22.

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 will be no financial or cash impact to complete the recommendations made in this report for the current financial year 2020/21. Budget is planned in 2021/22 for the development of a new Destination Management Plan for 2022-2025. The development of a Destination Management Plan is a strategic pathway to support future grant funding for tourism programs and products.

Due to the current financial situation facing Council, a further report will be required at the stage of development of the Destination Management Plan to ensure adequate cashflow exists to complete any priority actions that will be the responsibility of Central Coast Council.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Attachments

Nil.

Item No: 3.5
Title: Outcome of Forensic Audit
Department: Corporate Affairs



9 March 2021 Ordinary Council Meeting

Reference: F2021/00035 - D14498706
Author: Michael Ross, Unit Manager, Procurement and Projects
Executive: Natalia Cowley, Acting Director, Corporate Affairs

Due notice is given of this matter in accordance with Council's Code of Meeting Practice. The report and any relevant attachments will be provided prior to the Ordinary Meeting of 9 March 2021. The reason for providing this report as a late item is so that it can reflect as far as practicable the current situation with regard to Council's actions and response.



Item No: 4.1
Title: Biodiversity Stewardship Agreement for Council reserve at Glenning Valley
Department: Environment and Planning

9 March 2021 Ordinary Council Meeting

Reference: F2020/00039 - D14095015
Author: Rochelle Lawson, Senior Ecologist
Manager: Luke Sulkowski, Unit Manager, Environmental Management
Executive: Scott Cox, Director Environment and Planning

Report purpose

To action resolutions of Council from 12 November 2018 in relation to the finalisation of a biodiversity stewardship agreement over two reserves in Glenning Valley known as R0345 Bomaderry Crescent Bushland and R0346 Bundeena Road Bushland. The report seeks Council endorsement to proceed with an agreement with the Biodiversity Conservation Trust (BCT) in order to create biodiversity credits on a Council natural area and to transfer the credits to Transport for NSW (TfNSW).

Executive Summary

In accordance with a previous resolution of Council, Council staff submitted an application to the NSW Biodiversity Conservation Trust for a biodiversity stewardship agreement. The process to create and sell the biodiversity credits is now in the final stages, with final execution of the legal agreements required.

The final credit price for 80 biodiversity credits is \$1,523,973. The credits are proposed to be sold to Transport for New South Wales to offset biodiversity impacts realised through the widening of the Pacific Highway at Lisarow. The offsets have been determined in accordance with the Biodiversity Assessment methodology. The sale price incorporates both a Part A component (the total fund deposit that will be used for ongoing management of the reserves in accordance with the Biodiversity Stewardship Agreement), and a Part B component which is negotiated on top of the Part A amount in recognition of lost opportunity cost over the land, and market demand.

This report is now provided to Council in response to Council's resolution of 12 November 2019 that a further report be provided on the outcome of investigations and negotiations for endorsement by Council before finalisation.

Environment and Planning Recommendation

That, in accordance with resolution 1004/18 of 12 November 2018, Council note this report and endorse the biodiversity stewardship agreement between the Biodiversity Conservation Trust

4.1 Biodiversity Stewardship Agreement for Council reserve at Glenning Valley (contd)

and Council for R0345 Bomaderry Crescent Bushland and R0346 Bundeena Road Bushland, Glenning Valley and application to the Department of Planning, Industry and Environment (NSW) to transfer Biodiversity Offsets Scheme credits generated by the biodiversity stewardship agreement to Transport for NSW in return for \$1,523,973.

Background

TfNSW (then Roads and Maritime Services) approached Council to purchase biodiversity credits to meet their offset obligations for the Pacific Highway upgrade project - Ourimbah to Lisarow and in November 2018 Council resolved to apply to enter into a biodiversity stewardship agreement.

Under the NSW Biodiversity Offsets Scheme, a landowner (in this case Council) can generate biodiversity credits that can be purchased (transferred to a buyer) to offset the biodiversity impacts of certain land development. The landowner and credit purchaser are free to negotiate any price provided the total fund deposit requirements are met. Total fund deposits allow for long-term management of biodiversity stewardship sites.

At its ordinary meeting on 12 November 2018, Council resolved:

- 1003/18 That Council authorise the Chief Executive Officer to make application to the NSW Biodiversity Conservation Trust to enter into Biodiversity Stewardship Agreements over the lots detailed in Appendix A.*
- 1004/18 That Council request the Chief Executive Officer provide a further report on the outcome of investigations and negotiations for endorsement by Council before finalisation.*

This report seeks to establish a biodiversity stewardship agreement over three parcels of land as outlined in Attachment 1 of this report (Biodiversity Stewardship Site Assessment Report).

Current Status

Council's application for a biodiversity stewardship agreement has been accepted by the Biodiversity Conservation Trust. The final site assessment, management plan and total fund deposit have been reviewed by Council staff, TfNSW staff and the Biodiversity Conservation Trust. The site will generate a total of 80 biodiversity credits (40 ecosystem credits and 40 species credits).

The next stage is to proceed to agreement with the Biodiversity Conservation Trust in order to create the biodiversity credits in Council's name and to transfer the credits to TfNSW.

The final credit prices as negotiated with TfNSW based on independent land valuations and projected land management costs are as follows:

4.1 Biodiversity Stewardship Agreement for Council reserve at Glenning Valley (contd)

- Part A (total fund deposit) – \$1,223,973
- Part B (negotiated component) – \$300,000
- Combined price – \$1,523,973
- Total number of credits – 80
- Total price per credit – \$19,050

The legal authority required to execute a biodiversity stewardship agreement and an application to transfer biodiversity credits is the general manager in accordance with Section 377 of the *Local Government Act 1993*. As such the legal authority is the Chief Executive Officer. This report is being provided in response to a previous resolution of Council that a report come to Council for endorsement

Consultation

Relevant business areas of Council have been involved in the development of the reserve management plan, including Water and Sewer, Roads Transport Drainage and Waste, Heritage (Local Planning and Policy) and Environmental Management. Underground and above ground infrastructure has been located and mapped in the documentation to ensure that Council operations are not affected by the actions within the agreement.

Financial Considerations

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

- 1036/20 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 annual amount payable to Council from the Biodiversity Trust Fund is \$108,103 (ex GST) in Year 1, which is expected to be received in the 2020/21 financial year. Subsequent annual payments for 19 years vary between \$21,500 to \$44,815. See attached Total Fund Deposit schedule. The Part B payment of \$300,000 will be received from TfNSW in the 2020/21 financial year pending timely execution of the agreement.

The cost of setting up the Biodiversity Stewardship Agreement (land valuer, ecological consultant, legal advice and the Biodiversity Conservation Trust application fee) has been borne by TfNSW on behalf of Council. There is a fee of \$2,625 to enter the biodiversity stewardship agreement and a fee of \$1,575 to transfer the biodiversity credits to the purchaser (and these costs are budgeted in the current operating budget). There are no other costs associated with signing the biodiversity stewardship agreement that are not covered by the annual payment from the Trust Fund.

4.1 Biodiversity Stewardship Agreement for Council reserve at Glenning Valley (contd)

Link to Community Strategic Plan

Theme 3: Green

Goal F: Cherished and protected natural beauty

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

Options

An alternate option is for Council not to execute the agreement. In 2019 Council entered into a "Creation, Sale and Purchase Deed for Biodiversity Credits" with TfNSW where Council agreed to sell to TfNSW the credits once created. The reputational and legal risk of not proceeding with the creation and sale of credits is therefore high. Council has been working with TfNSW in good faith since 2017 to achieve a mutually beneficial outcome.

Critical Dates or Timeframes

Once the agreement is signed, the biodiversity credits would be generated and registered on title. Council may then apply to transfer the credits to TfNSW in exchange for the agreed payments. With the aim to receive the funds in the 2020/21 financial year, timely execution of the legal documents is required. The Biodiversity Conservation Trust have indicated that the process to generate credits, change the title documents, transfer credits and make the first annual management payment is expected to occur within the 2020/21 financial year. The timeframe is largely dependent on the Biodiversity Conservation Trust, Land Registry Services and TfNSW processes.

Risk Management

No additional risks have been identified.

Attachments

- | | | | |
|---|---|---|-----------|
| 1 | Glenning Valley Biodiversity Stewardship Site Assessment Report | Click here for Attachment | D14444000 |
|---|---|---|-----------|



Item No: 4.2
Title: Central Coast Local Environmental Plan - Inclusion of Council owned Deferred Matters Land
Department: Environment and Planning

9 March 2021 Ordinary Council Meeting

Reference: F2016/02118-005 - D14440863
Author: Rodney Mergan, Senior Strategic Planner
Jenny Mewing, Principal Strategic Planner
Manager: Karen Tucker, Unit Manager, Project Management Environment and Planning
Executive: Scott Cox, Director Environment and Planning

Report purpose

To seek Council endorsement for the inclusion of all Council-owned land Deferred Matters land into Central Coast Local Environmental Plan (CCLEP) and to repeal Interim Development Order (IDO) No.146.

Executive Summary

On 14 December 2020 Council resolved to support the adoption of CCLEP and Central Coast Development Control Plan (CCDCP) subject to the Deferred Matters (DM) lands under GLEP 2014 remaining deferred for further evaluation. The DM lands include a significant proportion of Coastal Open Space System (COSS) land and it was intended that COSS land be rezoned E2 Environmental Conservation.

The report has evaluated all DM lands to be rezoned through the CCLEP process and recommends that Council owned COSS lands and a small number of other Council properties which are used for a variety of community purposes and be transferred to the initial version of CCLEP.

Environment and Planning Recommendation

- 1 *Further to Council's resolution of 14 December 2020 to adopt the Central Coast Local Environmental Plan and Development Control Plan, that the following be included:*
 - a) *That all Council owned COSS land listed in Attachment 1 be zoned to E2 Environmental Conservation.*
 - b) *That all Council owned land listed in Attachment 2 be zoned as per the recommendations in Attachment 2.*
- 2 *That Council notify The Department of Planning, Industry & Environment (DPIE) of this decision and submit the draft CCLEP and supporting information to DPIE for approval and that public notification procedures for the draft CCDCP be undertaken.*

4.2 Central Coast Local Environmental Plan - Inclusion of Council owned Deferred Matters Land (contd)

Background

The CCLEP was considered at the Council Meeting on 9 March 2020. Due to concerns identified in public submissions, it was recommended that the current DM lands under *Gosford Local Environmental Plan 2014* (GLEP 2014) be deferred for reconsideration with the exception of the COSS lands within this area. Prior to consideration of this item by Council on 14 December 2020, a further review of State, Council and Council controlled Crown land was undertaken which identified that further information on the accuracy of land ownership data was required before these lands could be included in the draft CCLEP. Consequently, it was considered prudent to defer the consideration of the COSS and other Council owned land until such time that the accuracy of land ownership data could be verified.

Current Status

The completion of tasks required for CCLEP and CCDCP to implement the Council Resolution of 14 December 2020 are currently underway. In addition, work has commenced on a Council Report and Planning Proposal which will detail the steps which will be undertaken to deal with the remaining DM land. A broad outline of this project is provided in Attachment 3.

The DM Lands and Environmental Zone Review process for the Central Coast is proposed to be undertaken in three phases (see Table 1). Priority has been given to the resolution of DM lands as part of the program.

Phase	Scope	Timing
1	Rezoning of Council owned DM land. This phase of the project will be incorporated into the CCLEP. This includes all Council owned Coastal Open Space System (COSS) DM lands which will be rezoned to E2 Environmental Conservation. All remaining Council owned land will be rezoned to the zoning exhibited as part of the CCLEP exhibition process, except for some site specific situations.	Completed concurrently with the CCLEP (June 2021)
2	Rezoning of remaining DM land (Crown land, other state government agency owned land and private land)	Commence Planning Proposal and report to Council June 2021 Complete Planning Proposal by June 2022
3	Standardisation of zoning for Environmental Lands subject to the CCLEP through Central Coast based Planning Proposal	Complete by August 2023

Table 1: *Project Phasing, Scope and Timing of DM Lands and Central Coast Environmental Zone Review*

4.2 Central Coast Local Environmental Plan - Inclusion of Council owned Deferred Matters Land (contd)

Report

Council owned land within the Deferred Matters area consists of 408 parcels of COSS land and 14 other parcels of Council owned land.

1. COSS Land

It is proposed that all Council owned COSS land within the Deferred Matters area be zoned E2 Environmental Conservation.

The E2 zoning under the CCLEP provides far greater environmental protection for COSS land than the current E2 Zoning under GLEP 2014, or that the 7a Conservation and Scenic Protection zoning under *Interim Development Order No 122* (IDO 122) currently does. Most notably, under the CCLEP, the proposed E2 zone prohibits dwelling, houses, secondary dwellings and bed and breakfast accommodation (exclusive of where they were already permissible under GLEP 2014 – see below).

In addition to increasing the environmental protection of COSS land, this process removes *Interim Development Order No. 146* (IDO 146) reducing the number of Environmental Planning Instruments applying across the Central Coast from five to three and also reducing the number of Deferred Matters lots from 3867 to 3445.

While dwellings and ancillary development will be prohibited on the COSS land, an exception has been provided for private land currently zoned E2 currently under GLEP 2014. Under CCLEP Clause 7.22, this land will retain entitlements where they currently exist.

Given there is now confidence relating to land ownership it is considered appropriate to amend the Resolution of Council of 14 December to add the Council owned COSS land to the land to be rezoned under CCLEP.

Attachment 1 indicates that 6 COSS lots, or part thereof, were identified on the CCLEP mapping with a proposed land use zoning other than E2. As described in attachment 1, these are mapping errors and it is proposed that all COSS land within the Deferred Matters area be zoned E2 Environmental Conservation.

2. Other Council Land

The 14 parcels of Council owned land within the Deferred Matters area have various uses such as reserves or Council infrastructure. A review of the land use zoning for this land has been completed (Attachment 2) and it is recommended that the land use zoning for some of these parcels be altered for the reasons described in attachment 2 to better reflect their use.

The CCDCP will also be amended to update mapping references explaining where the DCP applies and to clarify that the DCP applies to Deferred Matters lands as well as land under CCLEP.

4.2 Central Coast Local Environmental Plan - Inclusion of Council owned Deferred Matters Land (contd)

Consultation

This report is supplementary to the report on the Outcome of the Public Exhibition of CCLEP and CCDCP of 14 December 2020 which considered public and agency submissions.

Fourteen public submissions requested that COSS land be provided with the highest level of environmental protection available. This is facilitated through the proposed E2 zoning.

Many submissions to the CCLEP and CCDCP sought the application of an E5 Public Land zone to be applied to the COSS lands. An E5 zone is not a zone available for application under the SI LEP format, therefore cannot be applied to these lands under the CCLEP.

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 adoption of the CCLEP and CCDCP will not commit any finances from Council and will lead to consistency and certainty of planning controls for the Central Coast as well as organisational efficiencies.

Link to Community Strategic Plan

The CSP defines the community's vision and roadmap for the future. The plan, prepared with extensive community input, establishes themes and focus areas which set key directions and priorities for the sustainable growth of the Central Coast. The draft CCLEP and CCDCP support the themes of the CSP.

Theme 3: Green

Goal E: Environmental resources for the future

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

The proposed addition of the COSS land to CCLEP will increase in environmental protection of this significant environmental land.

4.2 Central Coast Local Environmental Plan - Inclusion of Council owned Deferred Matters Land (contd)

Options

- 1 As per the Environment and Planning recommendation above
- 2 Do not endorse the Recommendations and await the outcome of the Environmental Lands Review – not recommended.

The Environmental Lands Review will not change the recommendation for the zoning of COSS land being an E2 zone where possible land uses are significantly restricted.

- 3 Do not include other Council owned Deferred Matters land in this proposal – not recommended.

The proposed zoning of this land has been reviewed. The Environmental Lands Review will not change the recommendation for the zoning of this land.

Critical Dates or Timeframes

The addition of Council owned Deferred Matters land to CCLEP at this stage will not impact upon the timing of adoption of CCLEP. This process would generally take one to two months however as Central Coast Council will be the first local government area in the State to move to an electronic LEP mapping system this process will take some additional time to complete.

Attachments

1 Council Owned Deferred Matters COSS Land	Click here for Attachment	D14480141
2 Proposed Zones Council Deferred Matters Land - not COSS	Click here for Attachment	D14480146
3 DM Lands and Environmental Zone Review	Click here for Attachment	D14480491
4 Council Owned Land Map	Click here for Attachment	D14502229
5 CCLEP/CCDCP Submissions Relating to COSS	Click here for Attachment	D14507896



Item No: 4.3
Title: Project Update for Wamberal Beach Terminal Protection and Sand Nourishment - Investigation and Concept Design
Department: Environment and Planning

9 March 2021 Ordinary Council Meeting

Reference: F2020/00039 - D14441475
Author: Ben Fullagar, Section Manager, Coastal Protection
Manager: Luke Sulkowski, Unit Manager, Environmental Management
Executive: Scott Cox, Director Environment and Planning

Report purpose

To provide an update on the studies and the Phase 1 community consultation undertaken for the Wamberal Beach Terminal Protection and Sand Nourishment - Investigation and Concept Design project.

Executive Summary

The Wamberal Taskforce commenced Phase 1 community engagement of the project between 9 November 2020 and 7 December 2020. A summary of the Phase 1 community engagement is attached and is also publicly available on the dedicated **yourvoiceourcoast.com** project page. A detailed Phase 1 consultation report is underway and will be released on the project webpage soon. This report details high level findings to the responses of the engagement enquiries.

A total of 15 people submitted questions and 514 surveys were completed during Phase 1 consultation.

Phase 2 community engagement will commence March 2021 with the studies by MHL to be made available to the public.

This report is provided to Council for its information. It is considered appropriate to provide a report due to the significant community interest in this matter.

Environment and Planning Recommendation

That Council receive the report on Project Update for Wamberal Beach Terminal Protection and Sand Nourishment - Investigation and Concept Design.

Background

The Gosford Beaches Coastal Zone Management Plan (CZMP) contains actions to progress a long-term solution for Wamberal Beach erosion. The CZMP outlines a preferred protection

4.3 Project Update for Wamberal Beach Terminal Protection and Sand Nourishment - Investigation and Concept Design (contd)

solution (terminal protection structure with sand nourishment) and the technical studies needed to inform further decision making, but it does not provide for the delivery of a seawall and sand nourishment. Further decision making is required to develop a methodology for implementing a long-term solution, that is legally permissible, environmentally and socially acceptable and financially viable.

Council engaged Manly Hydraulics Laboratory (MHL) to undertake the following investigations and studies:

- **Stage 1: literature review**, to take stock of what is known and identify any information gaps,
- **Stage 2: coastal protection assessment**, to determine sand movement, beach behaviour and impacts/opportunities around public access and amenity,
- **Stage 3: concept design options** for a terminal protection structure (seawall) and sand nourishment, and potential seawall alignment,
- **Stage 4: sand nourishment investigation** to help maintain public beach amenity,
- **Stage 5: coastal monitoring studies** to add coastal monitoring data to the existing available coastal data set,
- **Stage 6: cost benefit analysis** to guide development of possible funding models.

MHL and their sub-consultants are currently progressing the delivery of the above studies with Stage 1 and 3 reports provided to Council for review so far.

The Stage 3 Concept Design Report includes evaluation of five seawall design options: 1a. Rock revetment (Basalt), 1b. Rock Revetment (Sandstone), 2a. Vertical seawall (without rock toe), 2b. Vertical seawall (with rock toe) and 3. Tiered Vertical Seawall with promenade walkway. The preliminary capital cost estimates in the draft report to construct the 1,300-metre-long seawall ranges from \$25M or \$18,400 per lineal metre (for Sandstone Rock Revetment) to \$40.1M or \$29,500 per lineal metre (for Tiered Vertical Seawall with promenade). Note that these preliminary costs are to be updated with the costs for sand nourishment from the Stage 4 report. The Stage 3 report also includes consideration of the various advantages and disadvantages, other than cost, for each of the five concept design options.

Stage 5 has been partly progressed with the installation of a beach monitoring camera and a CoastSnap site (Link: <https://www.environment.nsw.gov.au/research-and-publications/your-research/citizen-science/get-involved/coastsnap>). Further work under Stage 5 is planned for early 2021.

The draft reports for Stages 2, 4 and 6 are planned to be provided by MHL to Council staff for review in early February 2021. The studies by MHL are planned to be made available as part of the Phase 2 community engagement to commence in March 2021.

4.3 Project Update for Wamberal Beach Terminal Protection and Sand Nourishment - Investigation and Concept Design (contd)

Consultation

Phase 1 community engagement occurred between 9 November and 7 December 2020. Key community touchpoints in the first phase included:

- A dedicated project webpage:
<https://www.yourvoiceourcoast.com/wamberalerosion>
- Wamberal StoryBoard and community survey
- Community drop-in sessions

A summary of the Phase 1 community engagement is Attached and is also publicly available on the dedicated **yourvoiceourcoast.com** project page. A detailed Phase 1 consultation report is underway and will be released on the project webpage soon.

Phase 2 community engagement, which is planned to include workshops and the ability for the public to review and comment on the study reports, will commence in March 2021.

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.

The report is provided as an update of information for Council in response to their previous resolutions. There are no financial implications arising from the recommendations of this report.

The Phase 1 consultation including the drop-in sessions were undertaken using Council budgeted staff time, with NSW Department of Planning, Industry and Planning (DPIE) Environment Energy and Science staff attending at no cost to Council. The cost for the NSW DPIE MHL staff to attend the drop-in sessions was approximately \$8,000 and was incorporated into the funded project.

Link to Community Strategic Plan

Theme 3: Green

Goal F: Cherished and protected natural beauty

4.3 **Project Update for Wamberal Beach Terminal Protection and Sand Nourishment - Investigation and Concept Design (contd)**

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

Attachments

- | | | | |
|---|--|---|-----------|
| 1 | Wamberal Beach erosion phase 1 engagement summary v2 | Click here for Attachment | D14441633 |
|---|--|---|-----------|



Item No: 4.4
Title: Adoption of Killarney Vale Long Jetty Catchments Floodplain Risk Management Study and Plan
Department: Environment and Planning

9 March 2021 Ordinary Council Meeting

Reference: F2020/00039 - D14282822
Author: Peter Sheath, Section Manager, Waterways
Manager: Luke Sulkowski, Unit Manager, Environmental Management
Executive: Scott Cox, Director Environment and Planning

Report purpose

To consider adoption of the Draft Killarney Vale/Long Jetty Catchments Floodplain Risk Management Study and Plan.

Executive Summary

Catchment Simulation Solutions (CSS) were commissioned to prepare a Floodplain Risk Management Study and Plan for the catchments of Killarney Vale and Long Jetty. The FRMSP quantifies the nature and extent of the existing flooding issues and recommends options to better manage the existing, future and continuing flood risk.

The draft Study and Plan aim to build community resilience to flooding and include flood mitigation works, emergency management plans, flood warning processes, land use planning, and suitable design of infrastructure and buildings.

A total of 3,406 properties are now identified as flood affected in the Killarney Vale/Long Jetty area. This represents an additional 2002 properties.

The draft Study and Plan was placed on public exhibition for a period of six weeks (25 June – 5 August 2020) and three submissions were received. The project evaluated these submissions and recommends options for flood management which are summarised in the supplementary report (Attachment 1) along with the key issues raised during the exhibition.

Environment and Planning Recommendation

That Council adopt the draft Killarney Vale/Long Jetty Catchments Floodplain Risk Management Study and Plan (Links to Report – [Link 1](#), [Link 2](#)) amended as follows:

- a) *Inclusion of Chapter 10 titled 'Options for Managing the Potential Future Flood Risk.'*

4.4 Adoption of Killarney Vale Long Jetty Catchments Floodplain Risk Management Study and Plan (contd)

- b) *Inclusion of the flood modification option in Table 24 of roadworks and the installation of kerb and gutter along Elsiemer Street and Pacific Street, Long Jetty as well as progressively across both catchments as funding allows.*
- c) *Amendment of Table 1 such that the implementation responsibility for FM1 & FM2 (works on Wyong Road) be RMS/Council and the implementation responsibility for FM4 (works adjoining Central Coast Highway) be Reef Resort Owner/RMS/Council.*

Context

The Killarney Vale and Long Jetty catchments are located on the Central Coast Local Government Area and occupy a combined area of 8.8 km². The catchments include the suburbs of Bateau Bay, Shelly Beach, Long Jetty, Killarney Vale and sections of The Entrance.

In recognition of the damage and inconvenience that has been caused by past flooding across both catchments, Council secured funding from NSW Government in 2017 to prepare a Floodplain Risk Management Plan for the Killarney Vale and Long Jetty catchments.

This draft study and plan considers overland catchment flooding, which is flooding caused by excess rainfall runoff that flows across the land before it enters a creek or stream. Flooding that occurs due to lake levels rising is considered in the Tuggerah Lakes Floodplain Risk Management Study and Plan (WMAwater, 2014) which is available on Council's website.

Report

The draft study and plan have been prepared in accordance with the requirements of the NSW Government's Flood Prone Land Policy and Floodplain Risk Management Process as documented in the Gazetted 'Floodplain Development Manual' (NSW Government, 2005). The draft study and plan have quantified the nature and extent of the existing flooding problem, evaluated and recommended several options to better manage the existing, future and continuing flood risk in the catchment areas.

Under the Policy, the management of flood liable land remains the responsibility of Local Government. The State Government subsidises flood mitigation works to alleviate existing problems and provides specialist technical advice to assist Local Government in its floodplain management responsibilities.

The Floodplain Risk Management Study and Plan (FRMSP) being considered for adoption by Council via the recommendations in this report contain various options for potential future implementation to manage existing and future flood risk.

A total of 24 options to manage flood risk were assessed, including technical, economic, environmental and social evaluation, as well as feedback from the community and stakeholders. A shortlist of 15 options have been recommended for implementation as part of the draft Floodplain Risk Management Plan for Killarney Vale and Long Jetty catchments. This has the support of Council officers, the Catchments and Coast Committee – Tuggerah

4.4 Adoption of Killarney Vale Long Jetty Catchments Floodplain Risk Management Study and Plan (contd)

Lakes. Ten of these options are high priority and five are medium to low priority. There is a mix of structural and non-structural options. The recommended options are summarised in the supplementary report (Attachment 1).

Within the ten high priority options, two are structural options requiring capital investment and eight are low cost non-structural options requiring significant investment over time from various agencies including Central Coast Council, the State Emergency Service and the Bureau of Meteorology. The total cost of implementing the high priority structural options is expected to be \$270,000.

Implementation of the structural options will reduce the frequency and depth of inundation but will not eliminate the potential for inundation completely. Therefore, it will be necessary to also implement the remaining non-structural (i.e., planning and emergency response) options to help ensure the existing and future flood risk is also minimised. Once the FRMSP has been adopted by Council, the options identified within the plan become eligible for grant funding from various external departments including Department of Planning, Industry and Environment.

Consultation

An internal engagement session within Council was held on 4 December 2019 which provided awareness of the project, details on the recommendations and sought feedback to be considered in development of the final drafts for public exhibition. The draft documents and figures were also provided to Council officers to review throughout this period and provide comments. Those in attendance (5) provided some feedback which has been considered and incorporated into the draft Study and Plan to be placed on public exhibition.

After receiving endorsement from the Tuggerah Lakes Catchment and Coast Committee (TLCCC), the Killarney Vale/Long Jetty Catchments Floodplain Risk Management Study and Plan was placed on public exhibition for six weeks from 25 June 2020 to 5 August 2020. All the submissions and feedback received during the consultation were reviewed, responses provided, and updates were made in the draft report as appropriate.

To address one of the submissions, a new chapter was included in the Draft Final Report which relates to management of the potential future flood risk by exploring opportunities to mitigate the potential impacts of future catchment development.

Summary of the public exhibition process is provided in the supplementary report (Attachment 2).

A consultation report from the public exhibition is included as Attachment 1.

Financial Considerations

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

4.4 Adoption of Killarney Vale Long Jetty Catchments Floodplain Risk Management Study and Plan (contd)

1036/20 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 adoption of the FRMSP does not commit Council to delivery of those options, and therefore the adoption of the FRMSP alone has no financial impact on Council.

Once the FRMSP has been adopted by Council, these options identified within the plan become potentially eligible for grant funding from the NSW Government. The grants typically require a one third funding commitment from Council.

Most of the options (11 of 15) do not involve capital works and would only commit normal staff resources to implement these initiatives.

Four of the high and medium priority options involve capital works, at a total cost of approximately \$1.43 million. However, 90% of this cost is associated with RMS roads (Central Coast Highway and Wyong Road). Therefore, pursuit of these options on main roads would involve consultation with the RMS and Transport for NSW, whereby these projects to be added to the RMS future works program.

The only capital project that Council would be solely responsible for is a \$170,000 medium priority project on a local road. This would be included on the roads forward works plan, together with a note about potential grant funding; it would be prioritized against other future forward works projects across the LGA. Grant applications to fund these capital works options would ideally be timed to coincide with the need for scheduled road pavement renewals at the relevant locations, whether the appropriate roads authority is Council or the RMS.

Link to Community Strategic Plan

Theme 4: Responsible

Goal I: Balanced and sustainable development

R-13: Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management.

4.4 Adoption of Killarney Vale Long Jetty Catchments Floodplain Risk Management Study and Plan (contd)

Risk Management

Not adopting the draft study and plan would deem Council ineligible for future grant funding through various government departments in order to implement the recommended management options to alleviate flooding in these catchments.

Options

Once the FRMSP has been adopted by Council, the options/actions identified within the plan become eligible for grant funding from various external departments including Department of Planning, Industry and Environment.

Choosing not to adopt the draft study and plan would result in Council being ineligible for future grant funding.

No other options are recommended.

Critical Dates or Timeframes

As per the workplan approved by the funding body NSW Government Department of Planning, Industry and Environment (DPIE) to release the grant amounts (2:1 ratio DPIE and Council):

Project completion date is – 30/12/2020

DPIE Grant acquittal date is– 01/03/2021

Unless valid reasoning is provided for not meeting these deadlines, milestone claims are not released to Council.

The project is on track. DPIE has advised that grant acquittal is not contingent on timely adoption by Council.

Attachments

- | | | | |
|----------|---|---|-----------|
| 1 | Killarney Vale Long Jetty FRMSP Engagement Summary v2 | Click here for Attachment | D14414439 |
| 2 | Killarney Vale Long Jetty FRMSP Supplementary Report | Click here for Attachment | D14496672 |



Item No: 4.5
Title: Adoption of Wallarah Creek Catchments Floodplain Risk Management Study and Plan
Department: Environment and Planning

9 March 2021 Ordinary Council Meeting

Reference: F2020/00039 - D14282529
Author: Peter Sheath, Section Manager, Waterways
Manager: Luke Sulkowski, Unit Manager, Environmental Management
Executive: Scott Cox, Director Environment and Planning

Report purpose

To consider adoption of Draft Wallarah Creek Catchments Floodplain Risk Management Study and Plan.

Executive Summary

Catchment Simulation Solutions (CSS) were commissioned to prepare a Flood Risk Management Study and Plan (FRMSP) for the Wallarah Creek catchment. The FRMSP quantifies the nature and extent of the existing flooding issues and recommends options to better manage the existing, future and continuing flood risk.

The draft Study and Plan aims to build community resilience to flooding and include flood mitigation works, emergency management plans, flood warning processes, land use planning, and suitable design of infrastructure and buildings.

As a result of the study, there are now 135 less properties being identified as flood affected during a 1% Annual Exceedance Probability (AEP) flood event.

The draft Study and Plan was placed on public exhibition for a period of six weeks (25 June – 5 August 2020) and three submissions were received. The project evaluated these submissions and recommends options for flood management which are summarised in the supplementary report (Attachment 2) along with the key issues raised during the exhibition.

Environment and Planning Recommendation

That Council adopt the draft Wallarah Creek Catchment Floodplain Risk Management Study and Plan (Links to Report – [Link 1](#), [Link 2](#), [Link 3](#)) amended as follows:

- a) *Inclusion in Section 9.5 of a recommendation that Council pursue the preparation of a management plan for the sewerage system as per the recommendations detailed in the 'Tuggerah Lakes Floodplain Risk Management Study 2014'.*

4.5 Adoption of Wallarah Creek Catchments Floodplain Risk Management Study and Plan (contd)

- b) *Inclusion in Section 9.6.2 of a recommendation that future upgrade of Birdwood Drive, Blue Haven provide an opportunity to upgrade the local stormwater system and install kerb and guttering.*
- c) *Amendment of Table 1 such that the implementation responsibility for FM1 (Doyalson Link Road Basin) be shared between RMS and Council.*

Context

The Wallarah Creek catchment is located within the Central Coast Council Local Government Area. The catchment comprises a mix of urbanised and rural land uses and includes the suburbs of Blue Haven, Wallarah and Bushells Ridge as well as parts of Doyalson, San Remo, Charmhaven and Woongarah.

In recognition of the damage and inconvenience that has been caused by past flooding across this catchment, Council secured funding from NSW Government in 2018 to prepare a Floodplain Risk Management Plan for the Wallarah Creek catchment.

This draft study and plan look at the issue of overland catchment flooding, that is flooding that is caused by excess rainfall runoff which flows across the land before it enters a creek or stream. Flooding that occurs due to lake levels rising is considered in the Tuggerah Lakes Floodplain Risk Management Study and Plan (WMAwater, 2014) which is available on Council's website.

Report

The draft study and plan have been prepared in accordance with the requirements of the NSW Government's Flood Prone Land Policy and Floodplain Risk Management Process as documented in the Gazetted 'Floodplain Development Manual' (NSW Government, 2005). The draft study and plan have quantified the nature and extent of the existing flooding problem, evaluated and recommended several options to better manage the existing, future and continuing flood risk in the catchment areas.

Under the Policy, the management of flood liable land remains the responsibility of Local Government. The State Government subsidises flood mitigation works to alleviate existing problems and provides specialist technical advice to assist Local Government in its floodplain management responsibilities.

The Floodplain Risk Management Study and Plan (FRMSP) being considered for adoption by Council via the recommendations in this report contain various options for potential future implementation to manage existing and future flood risk.

A total of 34 options to manage flood risk were assessed, including technical, economic, environmental and social evaluation, as well as feedback from the community and stakeholders. A shortlist of 11 options have been recommended for implementation as part of the draft Floodplain Risk Management Plan for Wallarah Creek catchment. This has the

4.5 Adoption of Wallarah Creek Catchments Floodplain Risk Management Study and Plan (contd)

support of Council officers, the Catchments and Coast Committee – Tuggerah Lakes. Five of these options are high priority. Six are medium to low priority and include a mix of structural and non-structural options. The recommended options are summarised in the supplementary report (Attachment 2)

All of the high priority options have no capital cost but require a significant investment in time from various agencies including Central Coast Council, the State Emergency Service and the Bureau of Meteorology.

Once the FRMSP has been adopted by Council, the options identified within the plan become eligible for grant funding from various external departments including Department of Planning, Industry and Environment.

Consultation

An internal engagement session within Council was held on 4 December 2019 which provided awareness of the project, details on the recommendations and sought feedback to be considered in development of the final draft for public exhibition. The draft documents and figures were also provided to Council officers to review throughout this period and provide comments. Those in attendance (5) provided some feedback which has been considered and incorporated into the draft Study and Plan to be placed on public exhibition.

After receiving endorsement from the Tuggerah Lakes Catchment and Coast Committee (TLCCC), the Wallarah Creek Catchment Floodplain Risk Management Study and Plan was placed on public exhibition for a period of six weeks from 25 June to 5 August 2020 for. All the submissions and feedback received during the consultation were reviewed and responses were provided. Only minor amendments were made to the Draft Report to address the submissions received.

Summary of the public exhibition process is provided in the supplementary report (Attachment 2).

An engagement report from the public exhibition is provided in Attachment 1.

Financial Considerations

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

1036/20 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.

4.5 Adoption of Wallarah Creek Catchments Floodplain Risk Management Study and Plan (contd)

The adoption of this FRMSP does not commit Council to delivery of those options, and therefore the adoption of the FRMSP alone has no financial impact on Council.

Once the FRMSP has been adopted by Council, these options identified within the plan become potentially eligible for grant funding from the NSW Government. The grants typically require a one third funding commitment from Council.

The six high priority options do not involve works and would only commit normal staff resources to implement these initiatives.

Four of the medium priority options involve capital works, at a total cost of approximately \$1 million. These would be included on the roads forward works plan, together with a note about potential grant funding; they would be prioritized against other future forward works projects across the LGA. Grant applications to fund these capital works options would ideally be timed to coincide with the need for scheduled road pavement renewals at the relevant locations.

The one low priority option involves a \$2 million capital works project and is associated with an RMS classified road (Link Road), but its listing within the plan serves as a reminder about works that may be required if this area is developed in the future to inform future planning schemes and future liaison with the RMS and Transport for NSW.

Link to Community Strategic Plan

Theme 4: Responsible

Goal I: Balanced and sustainable development

R-13: Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management.

Risk Management

Not adopting the draft study and plan would deem Council ineligible for future grant funding through various government departments in order to implement the recommended management options to alleviate flooding in these catchments.

Options

Once the FRMSP has been adopted by Council, the options/actions identified within the plan become eligible for grant funding from various external departments including Department of Planning, Industry and Environment.

4.5 Adoption of Wallarah Creek Catchments Floodplain Risk Management Study and Plan (contd)

Choosing not to adopt the draft study and plan would result in Council being ineligible for future grant funding.

No other options are recommended.

Critical Dates or Timeframes

As per the workplan approved by the funding body NSW Government Department of Planning, Industry and Environment (DPIE) to release the grant amounts (2:1 ratio DPIE and Council):

Project completion date is – 15/06/2021

DPIE Grant acquittal date is – 31/08/2021

Unless a valid reasoning is provided for not meeting these deadlines, milestone claims are not released to Council.

The project is on track. DPIE has advised that grant acquittal is not contingent on timely adoption by Council.

Attachments

- | | | | |
|---|---|---|-----------|
| 1 | Walarah Creek FRMSP Engagement Summary v2 | Click here for Attachment | D14414382 |
| 2 | Walarah Ck FRMSP Supplementary Report | Click here for Attachment | D14496679 |



Item No: 4.6
Title: Activities of the Development Assessment and Environment and Certification Units - October to December 2020 Quarter 2
Department: Environment and Planning

9 March 2021 Ordinary Council Meeting

Reference: F2020/00039 - D14431847
Author: Sara Foster, Unit Manager Business Support and Systems
Executive: Scott Cox, Director Environment and Planning

Report purpose

To inform Council of development applications determined (in the period from 1 October to 31 December 2020) where there has been a variation in development standards under an Environmental Planning Instrument. This is a requirement under *Planning Circular PS 2-002 – 'Variation to Development Standards'*. The report also provides a summary of development activity for the quarter.

Executive Summary

The development activity report is a quarterly report to Council, highlighting development activity, statistics and trends for the Central Coast. The report also provides information regarding development applications determined where there has been a variation in standards in an Environmental Planning Instrument (as is required by *Planning Circular PS 2-002 – 'Variation to Development Standards'*)

For the October to December 2020 quarter, 721 development applications were lodged, and a total of 767 development applications were determined. The estimated value of applications determined was \$410m. There were 17 development applications that required a variation to standard within an Environmental Planning Instrument.

Current median processing times for development applications is 42 days for the second quarter of 2020-21 (Net Calendar Days). Data held on the NSW ePlanning Portal reports the current state average for NSW Councils is 59 days. The total number of development applications outstanding at the end of the quarter was 581.

All applications determined by the Local Planning Panel and Regional Planning Panel were in accordance with staff recommendations.

Environment and Planning Recommendation

That Council notes the report on Activities of the Development Assessment and Environment and Certification Units - October to December 2020 - Quarter 2.

Background

The *Central Coast Regional Plan 2036* (CCRP) provides the over-arching strategy for development for the Central Coast region. The CCRP forecast that approximately 41,500 new dwellings were required to accommodate the expected growth of over 75,500 people by 2036. In 2019 the Department of Planning Industry and Environment released updated population projections, adding another 14,350 persons, taking the growth for the 25-year period (2016–41) to just over 95,000 new residents. This is the equivalent of approximately 2,088 homes per year for the 25-year life of the plan.

Since the commencement of the CCRP in 2016, 11,608 additional dwellings have been approved; this is the equivalent of 2,321 dwelling approvals per year since the commencement of the plan. These dwellings include secondary dwellings, detached dwellings, dual-occupancies, seniors living, multi-dwelling housing and units within residential flat buildings.

Housing Approvals

During the October to December 2020 quarter, a total of 767 development applications were determined. Of these applications:

- **749** were determined by Council staff under delegation (737 by approval)
- **18** were determined by another body, such as the Hunter Central Coast Regional Planning Panel or Central Coast Local Planning Panel (10 by approval)

Of these applications, 172 resulted in the approval of new residential dwellings (including secondary dwellings, detached dwellings, dual-occupancies, seniors living, multi-dwelling housing and units within residential flat buildings) with 348 new individual dwellings approved in the October to December 2020 quarter. Further details of the determination pathways are included as Attachment 1 to the report.

Net Median Turnaround Times

The net median turnaround time for all development applications (including s.4.55) determined by Council during the October to December 2020 Quarter was **42** calendar days.

Subdivision Lots Released

The following lot releases have occurred in the October to December 2020 quarter:

Type	Number of Lots Released
Commercial/Industrial	14
Residential	169
Total	183

*There were 16 lots effected by boundary realignments/consolidations

4.6 Activities of the Development Assessment and Environment and Certification Units - October to December 2020 Quarter 2 (contd)

Other Approvals and Certificates

Type	Number Determined	Number Approved
Building Information Certificates	68	66
Construction Certificates issued by Council	141	140
Complying Development Certificates issued by Council	35	35

Variations to Development Standards

Each quarter Councils are required to report to the Department of Planning and Environment, development applications that have been granted consent involving a variation to relevant development standards. The following consents were granted in the October to December 2020 period, which included a variation to a development standard within WLEP, GLEP, or IDO 122:

- 16 Development Applications by Central Coast Staff
- 1 Development Applications by Local Planning Panel
- 0 Development Applications by Regional Planning Panel

A copy of the variation to development standard register for the October to December 2020 quarter is attached to the report.

Pre-lodgement Meetings

Council offers formal 'pre-lodgement' meetings for prospective applicants. For the October to December 2020 quarter 43 pre-lodgement meetings were held, with a total estimated development value of \$94 million.

Financial Considerations

The cost of the Local Planning Panel for the Quarter 2 period is \$33,828. The year to date cost is \$80,449.

Link to Community Strategic Plan

Theme 4: Responsible

Goal I: Balanced and sustainable development

I1: Preserve local character and protect our heritage and rural areas including concentration of development along transport corridors and around town centres.

4.6 Activities of the Development Assessment and Environment and Certification Units - October to December 2020 Quarter 2 (contd)

Attachments

- | | | | |
|----------|--|---|-----------|
| 1 | Development Activity - October to December 2020 Qtr | Click here for Attachment | D14491287 |
| 2 | Development Standard Variations Central Coast Council 01 October to 31 December 2020 | Click here for Attachment | D14491291 |