



Central Coast Council
Business Paper
Ordinary Council Meeting
24 August 2020





COMMUNITY STRATEGIC PLAN 2018-2028

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

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

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

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

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

RESPONSIBLE

WE'RE A RESPONSIBLE COUNCIL AND COMMUNITY, COMMITTED TO BUILDING STRONG RELATIONSHIPS AND DELIVERING A GREAT CUSTOMER EXPERIENCE IN ALL OUR INTERACTIONS. We value transparent and meaningful

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



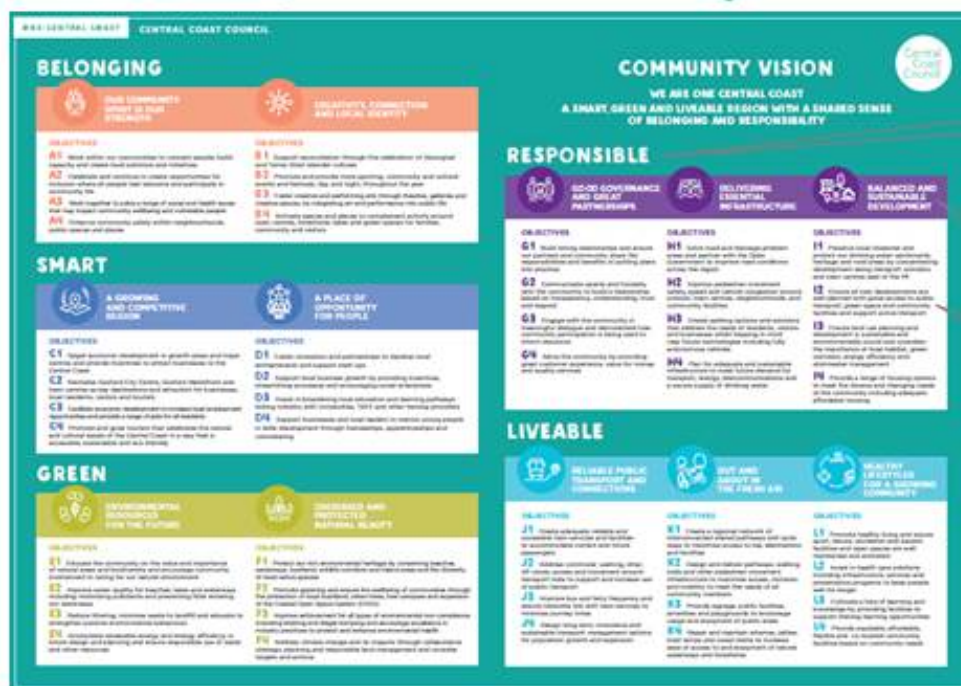
Good governance and great partnerships

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

There are 5 themes, 12 focus areas and 48 objectives



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



Theme

Focus Area

Objective

Meeting Notice

**The Ordinary Council Meeting
of Central Coast Council
will be held in the Council Chamber,
will be held remotely - online
Monday 24 August 2020 at 6.30 pm,
for the transaction of the business listed below:**

1 Procedural Items

- 1.1 Disclosures of Interest 5
- 1.2 Confirmation of Minutes of Previous Meeting..... 7
- 1.3 Notice of Intention to Deal with Matters in Confidential Session39

2 Planning Reports

- 2.1 Planning Proposal Authority for rezoning proposals and SEPP Aboriginal Land41

3 General Reports

- 3.1 Code of Meeting Practice - Committees42
- 3.2 Local Government NSW Annual Conference - Attendance and Voting52
- 3.3 Grant Funding Update as at 30 June 202057
- 3.4 Policy revocations related to Environment and Planning67
- 3.5 Environment and Planning Directorate draft policies for community consultation72
- 3.6 Councillors' role in planning matters 112
- 3.7 Request for Memorial Plaque 126
- 3.8 Update on Gosford Regional Library 154
- 3.9 Response to Notice of Motion - Soap in Public Toilets..... 154

4 Information Reports

- 4.1 Meeting Record of the Town Centre Advisory Committee held on 15 July 2020 170
- 4.2 Meeting Record of the Employment and Economic Development Committee meeting held 14 July 2020 174
- 4.3 Activities of the Development Assessment and Environment and Certification Units - April to June 2020 - Quarter 4 180
- 4.4 Response to Notice of Motion - Sewerage Issues in Kanwal 189

5 Questions With Notice

- 5.1 Questions with Notice 198
 - Catherine Hill Bay Water and sewer services
 - Ratepayers per ward
 - AC Unit at Gosford Regional Gallery

6 Notices Of Motion

| | | |
|-----|---|-----|
| 6.1 | Deferred Item - Notice of Motion - Broadwater Hotel site in Mann St Gosford..... | 202 |
| 6.2 | Notice of Motion - Committee Costs Update | 205 |
| 6.3 | Notice of Motion - Forgotten North Gateway Disgrace..... | 208 |

Gary Murphy
Chief Executive Officer

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



24 August 2020 Ordinary Council Meeting

Trim Reference: F2020/00039 - D14087520

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

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

24 August 2020 Ordinary Council Meeting

Trim Reference: F2020/00039 - D14087531



Summary

Confirmation of minutes of the Ordinary Meeting of Council held on 10 August 2020.

Recommendation

That Council confirm the minutes of the Ordinary Meeting of Council held on the 10 August 2020.

Attachments

1 Minutes - Ordinary Meeting - 10 August 2020 D14105567



Central Coast Council

**Minutes of the
Ordinary Meeting of Council**

**Held remotely - online
on 10 August 2020**

Present

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

In Attendance

Gary Murphy (Chief Executive Officer), Boris Bolgoff (Director Roads, Transport, Drainage and Waste), Julie Vaughan (Director Connected Communities), Scott Cox (Director Environment and Planning), Jamie Loader (Director Water and Sewer), Ricardo Martello (Executive Manager Innovation and Futures), Carlton Oldfield (Acting Chief Finance Officer), Shane Sullivan (Unit Manager Governance and Business Services) and Janine McKenzie (Unit Manager Business Enterprise).

Mr Gary Murphy, Chief Executive Officer advised as per clause 6.1 of the Code of Meeting Practice in the absence of the Mayor the Deputy Mayor will preside at the meeting.

The Deputy Mayor, Jane Smith, assumed the chair and declared the meeting open at 6.34pm.

Councillor Burke joined the meeting at 6.36pm.

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

The Deputy Mayor, Jane Smith, advised in accordance with the Code of Meeting Practice that the meeting is being recorded and read an acknowledgement of country statement.

The reports are recorded in their correct agenda sequence.

Apologies

Moved: **Councillor Holstein**
Seconded: **Councillor MacGregor**

Resolved

- 719/20** ***That Council note that Councillor Marquart was granted a leave of absence for tonight's meeting and submitted a withdrawal prior to the meeting.***
- 720/20** ***That Council note and grant a leave of absence which was submitted from Mayor Matthews for tonight's Ordinary Meeting.***

For:
Unanimous

1.1 Disclosures of Interest

2.1 Deferred item - Proposal to Purchase Land known as the Davistown Wetland

Councillor Holstein declared a significant non pecuniary interest in the matter as one of the owners is the landlord to his wife's business. Councillor Holstein left the meeting at 7.09pm, returned at 7.34pm and did not participate in discussion on this matter.

2.2 Consideration of Submissions and Adoption of the Facilities Leasing and Licencing Policy

Councillor Hogan declared a pecuniary interest in the matter as her employer leases one of Councils' facilities.

Councillor Best declared a pecuniary interest in the matter as his employer leases one of Councils' facilities.

Councillor McLachlan declared a pecuniary interest in the matter as he previously held negotiations with the former Wyong Shire Council and as such Central Coast Council has acquired all previous resolutions.

Councillor Holstein declared a significant non pecuniary interest in the matter as his two not for profit employers lease properties from Council.

Councillor Smith declared a less than significant non pecuniary interest in the matter as she works for the Department of Education which leases premises from Council, however this is managed by an assets team. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows some of the community members that may be impacted by the policy. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

Councillor Gale declared a less than significant non pecuniary interest in the matter as she was a former board member on Coast Community Connections. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

Councillor Vincent declared a less than significant non pecuniary interest in the matter as he has family that are members of the Scouting Organisation detailed in the report. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

This item was resolved by the exception method.

2.3 Community Support Grant Program - May 2020

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she knows most of the grant recipients. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

This item was resolved by the exception method.

2.4 Central Coast Stadium Business Strategy

Councillor Holstein declared a significant non pecuniary interest in the matter as one of the main hirers of the facility employees his daughter. Councillor Holstein left the meeting at 7.09pm, returned at 7.34pm and did not participate in discussion on this matter.

3.6 Working Together Staying Strong COVID Grants – June 2020

Councillor Hogan declared a pecuniary interest in the matter as she works with most of the grant recipients.

This item was resolved by the exception method.

3.7 Youth Strategy Progress Report

Councillor Vincent declared a less than significant non pecuniary interest in the matter as schools are referenced within the report and he has children that are attending local schools. He chose to stay in the meeting and participate in discussion and voting on this matter as the report is region wide and will not prejudice or influence his decision on the matter.

Councillor Best declared a less than significant non pecuniary interest in the matter as he is the General Manager of Central Coast Group Training which is the largest employer of our youth on the Central Coast. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

5.2 Notice of Motion - WAR Act Repeal and declassification of airport contract damages

Councillor Smith notes that it has been sometime since she has held a management role in CEN and does not believe that there is no need for her to declare an interest unless there is a direct benefit to the organisation.

5.3 Notice of Motion - Wamberal - North Entrance - Artificial reefs to the Rescue

Councillor Pilon declared a less than significant non pecuniary interest in the matter as she knows the residents that spoke on the item and also lives within the area. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

5.4 Notice of Motion - Local Planning Panels - changes to operations

Councillor MacGregor declared a pecuniary interest in the matter as he is a delegate on the Joint Regional Planning Panel. Councillor MacGregor left the meeting at 10.01pm, returned at 10.10pm and did not participate in discussion on this matter.

Councillor Burke declared a pecuniary interest in the matter as he is a delegate on the Joint Regional Planning Panel. Councillor Burke left the meeting at 10.01pm, returned at 10.10pm and did not participate in discussion on this matter.

Councillor Sundstrom declared a pecuniary interest in the matter as he is an alternative delegate on the Joint Regional Planning Panel. Councillor Sundstrom left the meeting at 10.01pm, returned at 10.10pm and did not participate in discussion on this matter.

Councillor Smith noted that she is also an alternative delegate on the Joint Regional Planning Panel and has not attended a meeting for some years now. She advised that as the item is a strategic matter and not about a particular development application that she is not required to declare on the item.

Moved: **Councillor Gale**
Seconded: **Councillor Hogan**

Resolved

721/20 That Council and staff now disclose any conflicts of interest in matters under consideration by Council at this meeting.

For:
Unanimous

1.2 Confirmation of Minutes of Previous Meeting

Time commenced: 6.49pm

Moved: **Councillor Holstein**

Seconded: **Councillor MacGregor**

Resolved

722/20 That Council confirm the minutes of the Ordinary Meeting of Council held on the 27 July 2020.

For:

Unanimous

1.3 Notice of Intention to Deal with Matters in Confidential Session

Time commenced: 6.50pm.

Moved: **Councillor MacGregor**

Seconded: **Councillor Holstein**

Resolved

723/20 That Council resolve that the following matter be dealt with in closed session, pursuant to s. 10A of the Local Government Act 1993 for the following reason:

Item 6.1 – Central Coast Airport Review (Phase 2) Final Report

Reason for considering in closed session:

2(a) personnel matters concerning particular individuals (other than Councillors)

For:

**Councillor Smith, Councillors Burke,
Hogan, Holstein, MacGregor, Marquart,
Mehrtens, Sundstrom and Vincent**

Against:

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

Procedural Motion – Exception

Moved: **Councillor Vincent**

Seconded: **Councillor Gale**

Resolved

724/20 That Council adopt the following items as a group and in accordance with the report recommendations:

| Item # | Item Title |
|---------------|---|
| 2.2 | <i>Consideration of Submissions and Adoption of the Facilities Leasing and Licencing Policy</i> |
| 2.3 | <i>Community Support Grant Program - May 2020</i> |
| 3.1 | <i>Meeting Record for the Catchments and Coast Committee Tuggerah Lakes meeting held on 24 June 2020</i> |
| 3.2 | <i>Meeting Record of the Coastal Open Space System (COSS) Committee meeting held on 25 June 2020</i> |
| 3.3 | <i>Meeting Record of the Heritage Advisory Committee meeting held on 1 July 2020</i> |
| 3.4 | <i>Meeting Record of the Water Management Advisory Committee meeting held 30 June 2020</i> |
| 3.5 | <i>Meeting Record of the Social Inclusion Advisory Committee meeting held on 10 June 2020</i> |
| 3.6 | <i>Working Together Staying Strong COVID Grants – June 2020</i> |
| 3.8 | <i>Investment Report for June 2020</i> |

725/20 ***That Council discuss the following items individually:***

| Item # | Item Title |
|---------------|--|
| 2.1 | <i>Deferred item - Proposal to Purchase Land known as the Davistown Wetland</i> |
| 2.4 | <i>Central Coast Stadium Business Strategy</i> |
| 3.7 | <i>Youth Strategy Progress Report</i> |
| 5.1 | <i>Notice of Motion - Reporting of Councillor Attendance</i> |
| 5.2 | <i>Notice of Motion - WAR Act Repeal and declassification of airport contract damages</i> |
| 5.3 | <i>Notice of Motion - Wamberal - North Entrance - Artificial reefs to the Rescue</i> |
| 5.4 | <i>Notice of Motion - Local Planning Panels - changes to operations</i> |
| 5.5 | <i>Notice of Motion - Options for a dedicated MTB Facility</i> |
| 5.6 | <i>Notice of Motion - Broadwater Hotel site in Mann St Gosford</i> |
| 6.1 | <i>Central Coast Airport Review (Phase 2) Final Report</i> |

For:
Unanimous

2.1 Deferred item - Proposal to Purchase Land known as the Davistown Wetland

Time commenced: 7.09pm

Councillor Holstein declared a significant non pecuniary interest in the matter as one of the owners is the landlord to his wife's business. Councillor Holstein left the meeting at 7.09pm, returned at 7.34pm and did not participate in discussion on this matter.

Moved: **Councillor Marquart**

Seconded: **Councillor Best**

Resolved

726/20 That Council defer consideration of item 2.1 - Deferred Item – Proposal to Purchase Land known as the Davistown Wetland to no later than the 26 October 2020 Ordinary Meeting.

727/20 That Council request the Chief Executive Officer continue to pursue an acquisition by agreement of the land known as Davistown Wetlands.

728/20 That Council request the Chief Executive Officer initiate investigations regarding the eligibility of the land known as Davistown Wetlands for a compulsory acquisition process and provide a report back to Council with the outcome of these investigations.

729/20 That Council reopen dialogue with the land owner/representatives during the 12 week period.

For:

Unanimous

2.2 Consideration of Submissions and Adoption of the Facilities Leasing and Licencing Policy

Councillor Hogan declared a pecuniary interest in the matter as her employer leases one of Councils' facilities.

Councillor Best declared a pecuniary interest in the matter as his employer leases one of Councils' facilities.

Councillor McLachlan declared a pecuniary interest in the matter as he previously held negotiations with the Former Wyong Shire Council and as such Central Coast Council has acquired all previous resolutions.

Councillor Holstein declared a significant non pecuniary interest in the matter as his two not for profit employers lease properties from Council.

Councillor Smith declared a less than significant non pecuniary interest in the matter as she works for the Department of Education which leases premises from Council, however this is managed by an assets team. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows some of the community members that may be impacted by the policy. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

Councillor Gale declared a less than significant non pecuniary interest in the matter as she was a former board member on Coast Community Connections. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

Councillor Vincent declared a less than significant non pecuniary interest in the matter as he has family that are members of the Scouting Organisation detailed in the report. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

This item was resolved by the exception method.

Moved: **Councillor Vincent**

Seconded: **Councillor Gale**

Resolved

730/20 That Council note that the Draft Facilities Leasing and Licensing Policy was publicly exhibited for a period of 60 days from 16 March 2020 to 17 May 2020.

731/20 That Council note that this period was extended until 30 June 2020 due to the COVID-19 pandemic.

732/20 That Council consider the submissions and feedback received during the public exhibition period (Attachment 1).

733/20 That Council adopt the Facilities Leasing and Licensing Policy (Attachment 2) and make it available on Council's website.

For:

Unanimous

2.3 Community Support Grant Program - May 2020

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she knows most of the grant recipients. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

This item was resolved by the exception method.

Moved: Councillor Vincent

Seconded: Councillor Gale

Resolved

734/20 That Council support the recommendations in principle to allocate \$20,177.00 from the 2019/20 grants budget to the community support grant program as outlined in the following report and Attachment 1.

735/20 That Council decline applications for the reasons indicated in Attachment 2 the applicants be advised and where relevant, directed to alternate funding.

736/20 That Council request the Chief Executive Officer to review the proposals and identify those that may not be able to proceed at this stage due to the COVID-19 pandemic and only allocate to those able to deliver proposed projects.

For:

Unanimous

2.4 Central Coast Stadium Business Strategy

Time commenced: 7.22pm

Councillor Holstein declared a significant non pecuniary interest in the matter as one of the main hirers of the facility employees his daughter. Councillor Holstein left the meeting at 7.09pm, returned at 7.34pm and did not participate in discussion on this matter.

Moved: Councillor Smith

Seconded: Councillor MacGregor

Resolved

737/20 That Council receive the Draft Central Coast Stadium Business Strategy.

738/20 That Council place the Draft Business Strategy on public exhibition for a period of 28 days. Once public exhibition is completed a report will be prepared and sent to Councillors summarising public comment.

- 739/20** *That Council commence the process to seek Expressions of Interest from suitably experienced parties to manage and operate the Central Coast Stadium including Public Private Partnerships or other innovative opportunities.*
- 740/20** *That Council receive a confidential report on the completion of the Expression of Interest process for the management and operation of the Stadium to determine whether to proceed to tender.*
- 741/20** *That Council request that in addition to the information provided to Council as part of a tender evaluation and as set out in the Tendering Guidelines for the NSW Local Government that the received Expressions of Interest for the management of the Stadium be provided to all Councillors as appropriate and as confidential information for the purpose of decided whether or not to accept any submitted Expression of Interest.*
- 742/20** *That Council commence a Request for Tender process for naming rights sponsorship of the Central Coast Stadium.*
- 743/20** *That Council receive a confidential report on the completion of the tender process to determine whether to appoint a naming rights sponsor for the Stadium.*
- 744/20** *That Council request that in addition to the information provided to Council as part of a tender evaluation and as set out in the Tendering Guidelines for the NSW Local Government that the received Tenders for the naming rights of the Stadium be provided to all Councillors as appropriate and as confidential information for the purpose of decided whether or not to accept any submitted Tender.*
- 745/20** *That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachments 1 and 2 to this report remain confidential in accordance with section 10A(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. Consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Council's ability to obtain value for money services for the Central Coast community.*

For:

Unanimous

3.1 Meeting Record for the Catchments and Coast Committee Tuggerah Lakes meeting held on 24 June 2020

This item was resolved by the exception method.

Moved: **Councillor Vincent**

Seconded: **Councillor Gale**

Resolved

746/20 That Council receive the report on Meeting Record for the Catchments and Coast Committee Tuggerah Lakes meeting held on 24 June 2020.

For:

Unanimous

3.2 Meeting Record of the Coastal Open Space System (COSS) Committee meeting held on 25 June 2020

This item was resolved by the exception method.

Moved: **Councillor Vincent**

Seconded: **Councillor Gale**

Resolved

747/20 That Council receive the report on Meeting Record of the Coastal Open Space System (COSS) Committee meeting held on 25 June 2020.

For:

Unanimous

3.3 Meeting Record of the Heritage Advisory Committee meeting held on 1 July 2020

This item was resolved by the exception method.

Moved: **Councillor Vincent**

Seconded: **Councillor Gale**

Resolved

748/20 That Council receive the report on Meeting Record of the Heritage Advisory Committee meeting held on 1 July 2020.

For:

Unanimous

3.4 Meeting Record of the Water Management Advisory Committee meeting held 30 June 2020

This item was resolved by the exception method.

Moved: **Councillor Vincent**

Seconded: **Councillor Gale**

Resolved

749/20 That Council receive the report on Meeting Record of the Water Management Advisory Committee meeting held 30 June 2020.

For:

Unanimous

3.5 Meeting Record of the Social Inclusion Advisory Committee meeting held on 10 June 2020

This item was resolved by the exception method.

Moved: **Councillor Vincent**

Seconded: **Councillor Gale**

Resolved

750/20 That Council receive the report on Meeting Record of the Social Inclusion Advisory Committee meeting held on 10 June 2020.

For:

Unanimous

3.6 Working Together Staying Strong COVID Grants – June 2020

Councillor Hogan declared a pecuniary interest in the matter as she works with most of the grant recipients.

This item was resolved by the exception method.

Moved: **Councillor Vincent**

Seconded: **Councillor Gale**

Resolved

751/20 That Council receive the report on the Working Together Staying Strong Grant Program June 2020 applications as outlined in the following report and Attachments 1 and 2.

For:

Unanimous

3.7 Youth Strategy Progress Report

Time commenced: 7.34pm

Councillor Vincent declared a less than significant non pecuniary interest in the matter as schools are referenced within the report and he has children that are attending local schools. He chose to stay in the meeting and participate in discussion and voting on this matter as the report is region wide and will not prejudice or influence his decision on the matter.

Councillor Best declared a less than significant non pecuniary interest in the matter as he is the General Manager of Central Coast Group Training which is the largest employer of our youth on the Central Coast. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

Moved: Councillor Holstein

Seconded: Councillor Mehrrens

Resolved

752/20 That Council receive the progress report on the implementation of Year 1 actions of the Central Coast Youth Strategy as outlined in the following report and Attachment 1.

For:

Unanimous

3.8 Investment Report for June 2020

This item was resolved by the exception method.

Moved: Councillor Vincent

Seconded: Councillor Gale

Resolved

753/20 That Council receive the Investment Report for June 2020.

For:

Unanimous

5.1 Notice of Motion - Reporting of Councillor Attendance

Time commenced: 7.39pm

Councillor Sundstrom left the meeting at 8.04pm and returned at 8.05pm.

Moved: **Councillor Holstein**

Seconded: **Councillor MacGregor**

Resolved

754/20 That Council note that the Councillor Expenses and Facilities Policy requires at Clause 122 detailed reports on the provision of expenses and facilities to Councillors to be publicly tabled at a Council meeting every six months and published in full on Council's website.

755/20 That Council resolve that as part of that six monthly report there be the following information:

- **Statistics regarding Councillor requests including the number of requests submitted by Councillor**
- **Details of Councillor attendance at Council Meetings**
- **Details of Councillor attendance at Briefings or Workshops**
- **Details of Councillor attendance at weekly CEO Updates**
- **Details of Councillor attendance at Advisory Group meetings of which they are members**
- **Details of Councillor access to the HUB and review of relevant documents**

For:

Councillor Smith, Councillors Greenaway, Hogan, Holstein, MacGregor, Mehrtens and Sundstrom

Against:

Councillors Best, Burke, Gale, Marquart and McLachlan

Abstained: Councillors Pilon and Vincent

The vote was declared CARRIED on the casting vote of the Chair.

5.2 Notice of Motion - WAR Act Repeal and declassification of airport contract damages

Time commenced: 8.16pm

Councillor Smith notes that it has been sometime since she has held a management role in CEN and does not believe that there is no need for her to declare an interest unless there is a direct benefit to the organisation.

Councillor Mehrtens left the meeting at 8.58pm and returned at 9.00pm

Moved: Councillor Best
 Seconded: Councillor Gale

- 1 That Council notes the recent announcement by Minister Stokes (see attached) announcing the imminent repeal of the outdated Warnervale Airport (Restrictions) Act 1996 (WAR Act).
- 2 That Council formally thank Minister Stokes and Parliamentary Secretary for the Central Coast Mr Adam Crouch for facilitating this important review, noting that 939 Public Submissions were received of which more than 75% were in favour of repeal (attached Public Support Article) with 15 organisations and individuals addressing the Public Hearings as follows:-

| <div> <div>Order of submissions</div> <div>Warnervale Airport (Restrictions) Act 1996</div> <div>Public Forum 28 February 2020</div> <div>  </div> </div> | | | |
|--|-----------------------|-------------------------------------|----------------|
| | Name | Representing | Time allocated |
| 1 | Cr Greg Best | Individual speaker | 5 minutes |
| 2 | Mr Doug Eaton | Individual speaker | 5 minutes |
| 3 | Mr Michael Campbell | Community Environment Network | 10 minutes |
| 4 | Mr Andrew Smith | Central Coast Aero Club | 10 minutes |
| 5 | Mr Laurie Eyes | Warnervale Airport Resistance Group | 10 minutes |
| 6 | Mr Matthew Teegan | Individual speaker | 5 minutes |
| 7 | Ms Victoria Gallagher | Individual speaker | 5 minutes |
| 8 | Mr Patrick Gallagher | Individual speaker | 5 minutes |
| 9 | Ms Caroline Wickham | Individual speaker | 5 minutes |
| 10 | Mr Jay Harris | Individual speaker | 5 minutes |
| 11 | Mr Keith Royle | Individual speaker | 5 minutes |
| 12 | Mr Warwick Calleia | Individual speaker | 5 minutes |
| 13 | Mr Michael Allsop | Individual speaker | 5 minutes |
| 14 | Mr Gregory Stephenson | Individual speaker | 5 minutes |
| 15 | Mr Tony Brown | Individual speaker | 5 minutes |

- 3 Further with regard to consultation, of particular note, Council recognises that the two most vocal objector groups, Community Environment Network (CEN) and the

Warnervale Airport Restriction Group were both given significant opportunity to brief the Panel and make substantial submissions.

- 4 Also Council passes on its formal appreciation to Review Chairperson Abigail Goldberg and Panellist Mr Peter Fiegehen for their professionalism and comprehensive 140 page Report [LINK](#)
- 5 That in the spirit of transparency and accountability, Council request the General Manager to in the first instance, report to Council on what actions and legal mechanisms are available to declassify the confidential documents revealing to the ratepayers exactly how much the AAI Contract Extinguishment cost including the 'lost opportunity costs' around some 17 formal expressions of interest developed by staff over many years that were also extinguished.
- 6 That Council notes the independent review made three recommendations:-

Recommendation 1.0: Repeal the Act

It is the Review Team's recommendation that the Act be repealed as soon as possible considering that it:

- *Is ambiguous and outdated in its content as well as legal format, and with regard to key administrative processes*
- *Duplicates other primary legislation without adding any unique requirements*
- *Is difficult to administer, adding to operational complexity*
- *Affords some community certainty but has not resolved or even eased community and stakeholder differences*
- *Cannot easily be improved or updated by minor amendments, noting that even these would be costly and complex to undertake*
- *Adds complexity for pilots and as a result presents potential operational, compliance and safety risks.*

1.1 Interim action if the Act cannot immediately be repealed

If for any reason the Act cannot be immediately repealed, Section 6 of Part 2 of the Act, 'Restriction on aircraft movements', relating to the limit on daily take offs and landings should be suspended as soon as possible, as this section is administratively ineffective, and cannot feasibly be physically enforced.

Moreover, movements at an airport are intrinsically operationally restricted as a function of several factors, including runway length and airspace (circuit area) capacity during the period. The number 88 as currently noted in the section appears arbitrary without explanatory notes, especially when the operational saturation limiting factors are considered.

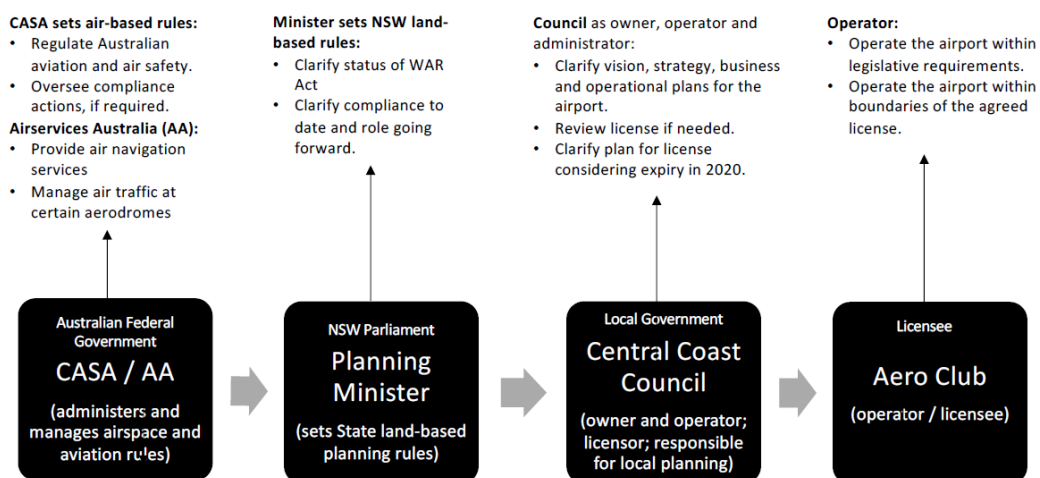
In addition, while the physical requirements cannot feasibly be enforced by an airport operator, prosecution can occur under the Act, resulting in procedural unfairness. This Section also lacks logic by not the process by which an increase or decrease in movements may be applied for or permitted.

Recommendation 2.0: Ensure community confidence

Steps should be taken to improve community and stakeholder clarity and certainty. Recommendations in this regard are outlined below.

2.1 Clarify governance

The range of agencies who oversee aviation safety and operations as well as planning, amenity and environmental matters should be clarified for the community and other stakeholders as it is potentially confusing, and currently not explained. The Reviewers have identified this hierarchy of governance, and related responsibilities, as illustrated and discussed below;

Hierarchy of governance**2.2 Clarify legislative hierarchy of statutory protections**

The range of statutes that govern aviation safety and operations as well as planning, amenity and environmental matters should be clarified for the community and other stakeholders as it is potentially confusing, and currently not publicly explained in relation to the airport.

These statutes are outlined at Appendix B.

2.3 Clarify the process required for any change of use and development application

The process for any change of use and development application should be clarified in relation to the airport and clearly communicated for the community and stakeholders. As Council has not followed this process in the past, they should also be reminded of procedural requirements, noting that these are set out in the EP&A Act 1979, and that thorough assessment of environmental and social factors is an essential prerequisite of any except the most minor of applications.

Additionally, there are Aviation Procedural Requirements, informed by the Civil Aviation Safety Authority, in relation to any changes that affect airport governance and flying in the Australian National Airspace System, which would need to be addressed.

In this regard, the inherent limitations of the site should be highlighted for all stakeholders, noting that many are still of the impression that expansion of the airport is feasible when it is in actuality highly constrained.

The community, stakeholders and Council should also be updated regarding changes to the EP&A Act, requiring applications to be determined by independent State, Regional or Local Planning Panels (depending on the scale and value of the application).

2.4 Council to clarify its position

The Review Team considers that the root cause of much community uncertainty is historic ideas put forward by Council and individual Councillors. Moreover, the Review Team observes that Council does not have a current, endorsed, publicly stated position with regard to the airport.

As such, the Review Team suggests that Council should clarify its position in relation to the airport and its future use and operations, including by means of robust environmental, social, economic and technical assessments. A business plan and operations plan for the airport should be produced.

Council's position in relation to renewal of the license for the aero club should also be made public.

The Reviewers also observe that Council is currently updating its Local Environmental Plan (LEP), and that site specific requirements not already included in this instrument, could be integrated as part of the updating process if needed.

Recommendation 3.0: Urgent safety recommendation

While unrelated to the Terms of Reference for the Review, the issue of the EEC trees at the northern end of the aerodrome along Sparks Road, which intrude into the OLS, is a safety matter which the Reviewers believe requires urgent resolution. This is so that a stable and reliable effective operational runway length can be provided for landing and take-off, and the potential for impact with the current tree hazard is reduced.

Because the trees continue to grow, this risk will increase if not resolved. The Review Team notes that the CASA Airspace Change Process states that 'there are no airspace/aircraft operation implications for Environment Protection and Biodiversity Conservation Act 1999 Matters of National Environmental Significance, noting that aviation safety is always the top priority'.

These Items should form part of a comprehensive and 'publicly available' Report to Council around expediting the Minister's Directions. In particular, the critical issue of Airport Safety with regard to runway access.

- 7 That as the Minister has highlighted the urgent need to develop an Airport Operational Plan, staff provide Council with existing airport plans as reference points from sister regional airports such as;*

- Casino Aerodrome owned by Richmond Valley Council*

- Collarenebri Aerodrome owned by Walgett Council
- Hillston Aerodrome owned Carrathool Shire Council
- Tottenham Aerodrome owned by Lachlan Shire Council

Including supplementary airports;

- Tamworth Regional Airport owned by Tamworth Regional Council
- Armidale Airport operated by Armidale Regional Council

- 8 *That Council notes a number of former Airport Related Resolutions refer to being "consistent with the WAR Act." Now that the WAR Act will be extinguished, these Motions / Staff Directions will need to be recrafted and form part of the Staff Report requested in 5 above.*
- 9 *That Council thanks all those that made submissions in particular, the highly professional Warnervale Aero Club, its Chief Executive Office, Board and Members.*
- 10 *That further the Council underpin its probity through referring this matter through Audit, Risk and Improvement Committee (ARIC) with particular reference to items 5 and 8.*

Amendment Moved: Councillor Smith

Amendment Seconded: Councillor MacGregor

- 1 *That Council note the recent release of the Final Report of the review of the Warnervale Airport Restrictions (WAR) Act 1996 with the following recommendations:*
 - a *Repeal of the WAR Act: The Review Report recommends repeal of the WAR Act. Depending on timing of the repeal, the Review Report recommends the suspension of the flight movement restrictions provisions in section 6 of the WAR Act.*
 - b *Ensure community confidence: The Review Report recognises the WAR Act is valued by some community members who are distrustful of the local council based on its actions over many years. If the WAR Act is repealed, the Review Report recommends a set of actions to alleviate this community distrust and establish a clear framework for the governance of operations and change management at the Airport.*
 - c *Urgent safety recommendation: The Review Report's third recommendation is that urgent works are needed to be undertaken to modify vegetation height to the north of the runway which the Review Report states creates a risk to safety and limits the usable length of runway.*
- 2 *That Council resolves as follows with regards to each of the Final Report's recommendations:*
 - a *Recommendation 1 - Council notes that the NSW government has accepted this recommendation and implementation is the responsibility of the NSW Government.*

- b Recommendation 2 – That Council clarifies its position as follows:*
- i That Council reaffirms that the airport is classified and operates as an “Aircraft Landing Area (ALA)”*
 - ii That “Central Coast Airport” be officially renamed to “Warnervale Aircraft Landing Area (ALA)” to remove any doubt, with identifying signage and other materials to be amended by the end of October, 2020*
 - iii That the maximum length for any runway (existing or proposed) at the Warnervale ALA is 1200 metres, and no approval is provided by Council for any extension*
 - iv That maintenance works are permitted to continue current operations, however, no works are permitted to expand the operations of the ALA. (Noting that what constitutes ‘maintenance’ needs to be further defined at a Councillor workshop)*
 - v That Council actively seek to generate employment opportunities on lands adjacent to the landing strip with a focus on the following sectors: health, food, waste, renewable energy and manufacturing*
- c Recommendation 3;*
- i That Council note that while the Review recommendation confirms the risk assessed by staff in August 2019, Council is actively seeking to address this issue and is still required to act lawfully in managing the trees.*
 - ii That Council note the progress to date to implement the resolutions around the Obstacle Limitation Surface (OLS) risk as follows:*
 - Council has completed an up-to-date survey and analysis of the OLS as per resolution 723/19.*
 - The required environmental studies, as per resolution 724/19, were commenced in September 2019 with the environmental consultant now preparing their final report.*
 - Once received, Council will provide a report to Council as per resolution 725/19.*
- 3 That Council request the Chief Executive Officer to in the first instance, Report to Council on what actions and legal mechanisms are available to enable the release to the public of the details of the confidential settlement between the council and Amphibian Aerospace Industries Pty Ltd.*
- 4 That Council request the Chief Executive Officer provide a Councillor workshop by the end of November, 2020 to discuss;*

- a options regarding the license with the Central Coast Aero Club.*
- b the management and operation of Warnervale ALA consistent with Council's position as stated in (2) above.*

For:

Councillor Smith, Councillors Greenaway, Hogan, MacGregor, Mehrrens, Sundstrom and Vincent

Against:

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

The amendment was put to the vote was declared CARRIED on the casting vote of the Chair.

Moved: Councillor Smith

Seconded: Councillor MacGregor

Resolved

756/20 That Council note the recent release of the Final Report of the review of the Warnervale Airport Restrictions (WAR) Act 1996 with the following recommendations:

- a Repeal of the WAR Act: The Review Report recommends repeal of the WAR Act. Depending on timing of the repeal, the Review Report recommends the suspension of the flight movement restrictions provisions in section 6 of the WAR Act.*
- b Ensure community confidence: The Review Report recognises the WAR Act is valued by some community members who are distrustful of the local council based on its actions over many years. If the WAR Act is repealed, the Review Report recommends a set of actions to alleviate this community distrust and establish a clear framework for the governance of operations and change management at the Airport.*
- c Urgent safety recommendation: The Review Report's third recommendation is that urgent works are needed to be undertaken to modify vegetation height to the north of the runway which the Review Report states creates a risk to safety and limits the usable length of runway.*

757/20 That Council resolves as follows with regards to each of the Final Report's recommendations:

- a Recommendation 1 - Council notes that the NSW government has accepted this recommendation and implementation is the responsibility of the NSW Government.*
- b Recommendation 2 – That Council clarifies its position as follows:*

- i ***That Council reaffirms that the airport is classified and operates as an "Aircraft Landing Area (ALA)"***
 - ii ***That "Central Coast Airport" be officially renamed to "Warnervale Aircraft Landing Area (ALA)" to remove any doubt, with identifying signage and other materials to be amended by the end of October, 2020***
 - iii ***That the maximum length for any runway (existing or proposed) at the Warnervale ALA is 1200 metres, and no approval is provided by Council for any extension***
 - iv ***That maintenance works are permitted to continue current operations, however, no works are permitted to expand the operations of the ALA. (Noting that what constitutes 'maintenance' needs to be further defined at a Councillor workshop)***
 - v ***That Council actively seek to generate employment opportunities on lands adjacent to the landing strip with a focus on the following sectors: health, food, waste, renewable energy and manufacturing***
- c ***Recommendation 3;***
 - i ***That Council note that while the Review recommendation confirms the risk assessed by staff in August 2019, Council is actively seeking to address this issue and is still required to act lawfully in managing the trees.***
 - ii ***That Council note the progress to date to implement the resolutions around the Obstacle Limitation Surface (OLS) risk as follows:***
 - ***Council has completed an up-to-date survey and analysis of the OLS as per resolution 723/19.***
 - ***The required environmental studies, as per resolution 724/19, were commenced in September 2019 with the environmental consultant now preparing their final report.***
 - ***Once received, Council will provide a report to Council as per resolution 725/19.***

758/20 ***That Council request the Chief Executive Officer to in the first instance, Report to Council on what actions and legal mechanisms are available to enable the release to the public of the details of the confidential settlement between the council and Amphibian Aerospace Industries Pty Ltd.***

759/20 That Council request the Chief Executive Officer provide a Councillor workshop by the end of November 2020 to discuss;

- a options regarding the license with the Central Coast Aero Club.**
- b the management and operation of Warnervale ALA consistent with Council's position as stated in (2) above.**

For:

Councillor Smith, Councillors Greenaway, Hogan, Holstein, MacGregor, Mehrrens, Sundstrom and Vincent

Against:

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

A division was called by Councillors Marquart and Gale.

For:

Councillor Smith, Councillors Greenaway, Hogan, Holstein, MacGregor, Mehrrens, Sundstrom and Vincent

Against:

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

Procedural Motion – Extend Discussion on Item

Moved: Councillor Vincent

Seconded: Councillor Sundstrom

Resolved

760/20 That Council in accordance with clause 10.31 of the Code of Meeting Practice extend the time for debate on item 5.2 – Notice of Motion - WAR Act Repeal and declassification of airport contract damages for a period of 10 minutes the time being 8.57pm.

For:

Unanimous

The meeting adjourned for a period of 10 minutes the time being 9.19pm and resumed at 9.32pm.

5.3 Notice of Motion - Wamberal - North Entrance - Artificial reefs to the Rescue

Time commenced: 9.32pm

Councillor Pilon declared a less than significant non pecuniary interest in the matter as she knows the residents that spoke on the item and also lives within the area. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

Councillor Greenaway left the meeting at 9.38pm and returned at 9.39pm.

Moved: **Councillor Pilon**
Seconded: **Councillor McLachlan**

Resolved

761/20 That Council via the Chief Executive Officer seek findings/report from Gold Coast Council and other stakeholders regarding the performance of artificial reefs in providing beach protection and any additional economic and social benefits from increased surfing, fishing, kayaking, diving measures that may be of benefit to coastal erosion issues on the Central Coast.

762/20 The Council notes that to receive any Government grant funding for potential artificial reefs they must be defined in the Coastal Management Plan due by the end of 2021.

763/20 That staff together with stakeholders include artificial reefs and sand nourishment under stage 3 when evaluating options to be included in the Coastal Management Plan.

| | |
|--|--|
| For: Councillor Smith, Councillors Best, Burke, Gale, Hogan, Holstein, MacGregor, Marquart, McLachlan, Mehrtens, Pilon, Sundstrom and Vincent | Abstained: Councillor Greenaway |
|--|--|

5.4 Notice of Motion - Local Planning Panels - changes to operations

Time commenced: 10.01pm

Councillor MacGregor declared a pecuniary interest in the matter as he is a delegate on the Joint Regional Planning Panel. Councillor MacGregor left the meeting at 10.01pm, returned at 10.10pm and did not participate in discussion on this matter.

Councillor Burke declared a pecuniary interest in the matter as he is a delegate on the Joint Regional Planning Panel. Councillor Burke left the meeting at 10.01pm, returned at 10.10pm and did not participate in discussion on this matter.

Councillor Sundstrom declared a pecuniary interest in the matter as he is an alternative delegate on the Joint Regional Planning Panel. Councillor Sundstrom left the meeting at 10.01pm, returned at 10.10pm and did not participate in discussion on this matter.

Councillor Smith noted that she is also an alternative delegate on the Joint Regional Planning Panel and has not attended a meeting for some years now. She advised that as

the item is a strategic matter and not about a particular development application that she is not required to declare on the item.

Councillor Gale left the meeting at 10.05pm and did not vote.

Moved: Councillor Smith
Seconded: Councillor Greenaway

Resolved

764/20 *That Council noted that the Minister for Planning and Public Spaces, the Hon Rob Stokes, recently announced changes to the operations of Local Planning Panels including:*

- *require panels to make determinations within two weeks of being provided an assessment report*
- *require panels to hold a public meeting only where the DA has attracted 10 or more unique submissions by way of objection*
- *allow, at the chair's discretion, applicants to attend a briefing, along with council staff, to explain complex matters or present confidential or commercially sensitive material*
- *oblige panel chairs to work with council to ensure key issues are addressed during assessment in order to minimise deferrals by the panels at determination stage*
- *require the panels to provide reasons for deferring a decision and set timeframes in which any additional information must be provided in order to finalise the determination*
- *give panel chairs the ability to require council to report a DA to the panel within four weeks for determination if the application has experienced unreasonable delays in excess of 180 calendar days from lodgement.*

765/20 *That Council write to the NSW Minister for Planning and Public Spaces the Hon. Rob Stokes MP and the Premier of New South Wales Ms Gladys Berejiklian, to express its concern in relation to the changes (to commence on 1 August 2020) to the operations of NSW Planning Panels which have the aim of speeding up determinations of development applications, with potential damaging consequences for community input, for the reasons outlined in this Notice of Motion below.*

766/20 *That Council submit a Motion to the LGNSW Annual Conference which reflects these concerns.*

| | |
|--|---|
| For: Councillor Smith, Councillors Greenaway, Hogan, Holstein, Mehrrens and Vincent | Against: Councillors Best, McLachlan, Pilon and Marquart |
|--|---|

5.5 Notice of Motion - Options for a dedicated MTB Facility

Time commenced: 10.10pm

Councillor Gale returned to the meeting at 10.11pm.

Councillor Gale left the meeting at 10.45pm and did not return.

Moved: Councillor Smith

Seconded: Councillor Greenaway

- 1 *That Council form a temporary Working Group to consider options and potential for a dedicated mountain biking facility to be established outside environmental lands*
- 2 *That the primary focus of the Working Group is to meet the needs of the existing recreational MTB community*
- 3 *That the Working Group be established as a temporary working group with a report coming to Council no later than the last meeting of December 2020 at which time, Council consider whether the Working Group continue*
- 4 *That the Working Group include:*
 - *Interested Councillors*
 - *Up to 3 Representatives from the recreational MTB community*
- 5 *That the Chief Executive Officer make available appropriate staff to support the Working Group.*

Amendment Moved: Councillor Best

Amendment Seconded: Councillor McLachlan

- 1 *That Council notes State Member for Wyong Mr David Harris' recent notice of placing on the New South Wales Parliament Agenda a Motion supporting the Central Coast Mountain Bike Association while calling on Council to "engage in meaningful consultation" with this organisation.*
- 2 *That Council recognises that whilst "meaningful consultation" is nice, a more tangible undertaking from this Council is what is sort by the Mountain Bike Community.*
- 3 *Further Council notes the significant economic driver via tourism that Mountain Bike Riding offers along with the public health benefits, with some 50,000 already utilising the Ourimbah Bike Park annually.*
- 4 *That Council recognises that both the National Parks and the New South Wales State Government have forged sustainable Mountain Bike Trail strategies on lands they control.*
- 5 *That it is with this understanding that Council now gives comfort and certainty to the thousands of mountain bike users, with Council now formally supporting the implementation of sustainable and environmentally responsible paths being installed*

across Council owned and controlled lands with the exclusion of wetlands and beaches.

- 6 That as an indicative guide model for future trails and mountain bike usage in our Region, Staff investigate and report on the highly successful eco-tourism bike paths that now underpin Tasmania's Derby Region.*
- 7 On receipt of the Staff Report and in consultation with the key stakeholder groups, a structured representative group be formed allowing for one member only from any one organisation or its affiliate sub-groups to sit on such a Steering Committee.*
- 8 That Council complete the Mountain Bike Feasibility Study to allow for the recommendations of the Mountain Bike Feasibility Study Discussion Paper and subsequent community engagement report to be considered.*

For:

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

Against:

Councillor Smith, Councillors Greenaway, Hogan, MacGregor, Mehrstens, Sundstrom and Vincent

The amended was put to the vote and declared LOST on the casting vote of the Chair.

Further Amendment Moved:

Councillor Sundstrom

Further Amendment Seconded:

Councillor Hogan

- 1 That Council recognises the economic and social benefits of Mountain Biking.*
- 2 That Council acknowledges the importance of a structured approach to developing facilities and tracks for Mountain Bikes in conjunction with a targeted tourism strategy.*
- 3 That any working group includes business representation to leverage the economic and jobs outcomes of a comprehensive strategy.*
- 4 That Council complete the Mountain Bike Feasibility Study to allow for the recommendations of the Mountain Bike Feasibility Study Discussion Paper and subsequent community engagement report to be considered.*
- 5 That Council give consideration to options for engaging key stakeholders in the planning and development of mountain bike facilities and opportunities across the Central Coast be postponed until after the Mountain Bike Feasibility Study has been completed.*

For:

Councillors Greenaway, Hogan, Holstein, MacGregor, Mehrstens, Sundstrom and Vincent

Against:

Councillors Best, Burke, Marquart, McLachlan and Pilon

Abstained: Councillor Smith

The further amendment was put to the vote and declared CARRIED and then become the Motion.

Moved: **Councillor Sundstrom**

Seconded: **Councillor Hogan**

Resolved

767/20 ***That Council recognises the economic and social benefits of Mountain Biking.***

768/20 ***That Council acknowledges the importance of a structured approach to developing facilities and tracks for Mountain Bikes in conjunction with a targeted tourism strategy.***

769/20 ***That any working group includes business representation to leverage the economic and jobs outcomes of a comprehensive strategy.***

770/20 ***That Council complete the Mountain Bike Feasibility Study to allow for the recommendations of the Mountain Bike Feasibility Study Discussion Paper and subsequent community engagement report to be considered.***

771/20 ***That Council give consideration to options for engaging key stakeholders in the planning and development of mountain bike facilities and opportunities across the Central Coast be postponed until after the Mountain Bike Feasibility Study has been completed.***

For:

Councillors Greenaway, Hogan, Holstein, MacGregor, Mehrrens, Sundstrom and Vincent

Against:

Councillors Best, Burke, Marquart, McLachlan and Pilon

Abstained: Councillor Smith

Procedural Motion – Extension of Meeting

Moved: **Councillor MacGregor**

Seconded: **Councillor Sundstrom**

Resolved

772/20 ***That Council extend the meeting for a period of 30 minutes to allow the remaining items to be considered the time being 10.30pm.***

For:

Councillor Smith, Councillors Best, Burke, Greenaway, Hogan, Holstein, MacGregor, Marquart, McLachlan, Mehrrens, Pilon, Sundstrom and Vincent

Against:

Councillor Gale

Procedural Motion – Extension of Time

Moved: **Councillor Sundstrom**
Seconded: **Councillor Greenaway**

Resolved

773/20 That Council in accordance with clause 10.31 of the Code of Meeting Practice extend the time for debate on item 5.5 – Notice of Motion - Options for a dedicated MTB Facility for a period of 15 minutes the time being 10.44pm.

| | |
|---|--|
| For: Councillor Smith, Councillors Greenaway, Hogan, Holstein, MacGregor, Mehrstens, Sundstrom and Vincent | Against: Councillors Best, Burke, Gale, McLachlan and Pilon |
|---|--|

Procedural Motion – Deferral

Councillor Gale left the meeting at 10.45pm and did not return.
Councillor Best left the meeting at 11.04pm and did not return.

Moved: **Councillor MacGregor**
Seconded: **Councillor Holstein**

Resolved

774/20 That Council consider the confidential item 6.1 - Central Coast Airport Review (Phase 2) Final Report next in the agenda.

775/20 That Council defer consideration of item 5.6 – Notice of Motion – Broadwater Hotel Site in Mann St Gosford to the 24 August 2020 Ordinary Meeting.

| | |
|---|--|
| For: Councillor Smith, Councillors Burke, Hogan, Holstein, MacGregor, Marquart, McLachlan, Mehrstens, Pilon, Sundstrom and Vincent | Against: Councillor Greenaway |
|---|--|

5.6 Notice of Motion - Broadwater Hotel site in Mann St Gosford

Council deferred the consideration of item 5.6 – Notice of Motion – Broadwater Hotel site in Mann St Gosford to the 24 August 2020 Ordinary Meeting (minute 775/20).

Confidential Session

Councillor Gale left the meeting at 10.45pm and did not return.
Councillor Best left the meeting at 11.04pm and did not return.

Moved: **Councillor Holstein**
Seconded: **Councillor Burke**

Resolved

776/20 That the meeting move into Confidential Session.

| | |
|--|--|
| For: Councillor Smith, Councillors Burke, Hogan, Holstein, MacGregor, Mehrrens, Sundstrom and Vincent | Against: Councillors Marquart, Pilon, Greenaway and McLachlan |
|--|--|

At this stage of the meeting being 11.07pm the meeting moved into Confidential Session with the members of the press and public excluded from the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993.

Open Session

Councillor Gale left the meeting at 10.45pm and did not return.
Councillor Best left the meeting at 11.04pm and did not return.

Moved: **Councillor Smith**
Seconded: **Councillor MacGregor**

Resolved

777/20 That the meeting move into Open Session.

For:
Unanimous

The meeting resumed in open session at 11.20pm and the Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting as follows:

6.1 Central Coast Airport Review (Phase 2) Final Report

Time commenced: 11.08pm

Councillor Gale left the meeting at 10.45pm and did not return.

Councillor Best left the meeting at 11.04pm and did not return.

Moved: Councillor Smith

Seconded: Councillor MacGregor

Resolved

778/20 That Council notes the finding and recommendation of the Airport Review (Phase Two) Final Report.

779/20 That Council refers the Airport Review (Phase Two) Final Report to the Audit, Risk and Improvement (ARIC) Committee for their consideration, with a further report to come back to Council by which time the redacted report should be available.

780/20 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 1 remain confidential in accordance with section 10A(2)(a) of the Local Government Act as it contains information pertaining to personnel matters concerning particular individuals (other than Councillors).

781/20 That Council request the Chief Executive Officer to consider a proactive release of documents on the Council website an appropriately redacted version of Attachment 1 in accordance with the Government Information (Public Access) Act 2009.

For:

Councillor Smith, Councillors Greenaway, Hogan, Holstein, MacGregor, McLachlan, Mehrrens, Sundstrom and Vincent

Against:

Councillors Burke, Marquart and Pilon

The Meeting closed at 11.22 pm.

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



24 August 2020 Ordinary Council Meeting

Trim Reference: F2020/00039 - D14087558

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,*

- 2(f) matters affecting the security of the Council, Councillors, Council staff or Council property,*
- 2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*
- 2(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.*

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

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: Planning Proposal Authority for rezoning proposals
and SEPP Aboriginal Land
Department: Innovation and Futures



24 August 2020 Ordinary Council Meeting

Reference: F2020/00034 - D14121285
Author: Lucy Larkins, Senior Strategic Planner
Manager: Scott Duncan, Section Manager, Land Use and Policy
Executive: Ricardo Martello, Executive Manager Innovation and Futures

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 27 July 2020. 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: 3.1
Title: Code of Meeting Practice - Committees
Department: Governance

24 August 2020 Ordinary Council Meeting

Reference: F2020/00037 - D14060638
Author: Sarah Georgiou, Section Manager, Councillor Support
James Taylor, Section Manager Governance
Manager: Shane Sullivan, Unit Manager, Governance and Business Services
Executive: Gary Murphy, Chief Executive Officer

Summary

At its Ordinary Meeting 22 June 2020, Council resolved in part, as follows

539/20 That Council request the Chief Executive Officer to investigate and report back to Council before the end of September 2020 on options for the establishment of Committees under Part 20 of the Code of Meeting Practice for the purpose of conducting meetings on specific items in locations relevant to the topic being considered.

Further, at its Ordinary Meeting 27 July 2020, Council resolved in part as follows:

699/20 That Council note that the Independent Local Government Review Panel Recommendations in 2013 that led to the amalgamation of Councils recommended that for larger Councils there should be the establishment of Local Boards or similar to ensure local identity and representation. And further to this that the Chief Executive Officer in consultation with Councillors present options in terms of Governance models to assist Council to better meet the needs of our diverse community and the Central Coast. This is to include consultation with Councillors at a workshop, potentially as part of the budget process.

This report provides a summary of the investigation resolved as part of 539/20.

It is recommended that prior to further work regarding the form and purpose of any such Committee is undertaken, that this be included as part of the process to present options in terms of Governance models as resolved by Council on 27 July 2020.

Recommendation

That Council note the report on options for the establishment of Committees under Part 20 of the Code of Meeting Practice and resolve that this matter be considered in conjunction with the resolved presentation of options in terms of Governance models to be developed in consultation with Councillors.

Context

Council resolved on 22 June to receive a report on the potential establishment of Committees under Part 20 of the Code of Meeting Practice. On 27 July 2020, Council resolved that there be a presentation on Governance models to facilitate engagement.

Given the relationship between the two resolutions this report is provided as background regarding the establishment of Committees. It is recommended that any further investigation now be included as part of consultation with Councillors regarding the establishment of Governance models as resolved on 27 July 2020.

Council Committees under Part 20 of the Code of Meeting Practice

Model Code of Meeting Practice

Part 20 of the Model Code of Meeting Practice and Council's adopted Code of Meeting Practice applies to committees of Council whose members are **all** Councillors. It does not apply to Advisory Groups as established by Council.

Part 20 provides the following in summary:

- Council may resolve to establish such Committees as it considers appropriate.
- Council must specify the functions of each of its Committees when they are established but can amend those functions from time to time.
- The same notice is required for the conduct of Committee Meetings as for the conduct of Council Meetings.
- Attendance requirements are the same for Committee Meetings as for Council Meetings.
- Councillors who are not members of a Committee are entitled to attend, and to speak at a Committee Meeting. They can't vote, move motions etc or provide notice of motions for the Committee Meeting.
- The Chairperson is the Mayor. If the Mayor does not wish to be the Chairperson there is an election for Chairperson by Council. The Chairperson has a casting vote unless the Committee procedures do not permit it.

- Committees are able to regulate their own procedures. For example, the Committee may determine there is no limit on speeches, less formal terms of address and no requirement to stand when speaking.
- Committees may be closed to the public in accordance with the same provisions as apply to Council Meetings.
- Disorder at Committees is dealt with the same way as for Council Meetings.
- Minutes are prepared for Committee Meetings in the same way as for Council Meetings.

Independent Local Government Review Panel Recommendations (2013)

Prior to the NSW Stronger Communities, Stronger Councils program of amalgamations and the Fit for the Future process, the NSW Independent Local Government Review Panel made a series of recommendations regarding structural reform. (Future Directions for NSW Local Government – Twenty Essential Steps April 2013)

Part of this was the establishment of larger Councils, however it was also recommended that there be the introduction of Local Boards to service small communities and to ensure local identity and representation in very large urban councils.

Similar to Committees as provided in Part 20 of the Code of Meeting Practice, these Boards would be to carry out functions delegated to them by an individual Council. It was anticipated that they might have 5-7 elected members.

The intent was that this form of representation would provide representation at suburb or district level within very large metropolitan Councils and/or act as a transitional measure to ensure continue community identity and representation when existing small-medium Councils were amalgamated into a much larger local government area.

The introduction of the Local Boards was not progressed as part of the amalgamation process in NSW.

Committee conduct

Further to the provisions of the Code of Meeting Practice, the following context is provided with regard to the conduct of Committee Meetings. This information is based upon other Councils' experience with the conduct of Committees in practice.

Membership

As provided a Committee of Council must have **only** Councillor members.

The membership can be all Councillors.

The purpose of a Committee might be to remove some of the rules of debate which are set out in the Code of Meeting Practice.

Committees such as this are generally established for the purpose of discussion and debate around major projects affecting the whole Local Government Area and in which there is significant community interest.

Membership of Committees can be all or may be some Councillors as determined by Council. Generally, this is done at the same time as the conduct of the Mayoral election.

Where the Mayor does not wish to be the Chair of a Committee, Council resolves the Chair (and Deputy as required). This is also generally done at the same time as the conduct of the Mayoral election.

Committees such as this are generally established for the purpose of expediting the business of Council.

Delegation

A key aspect of a Committee is whether the Committee has a delegation to make decisions. This applies to whether the Committee membership is all Councillors or only some Councillors.

Council may delegate **all** functions to a Committee with the exception of those within section 377 of the Local Government Act. Only a formal Council Meeting may make determinations with regard to those matters within section 377 of the Local Government Act.

Council may delegate **no** functions to a Committee, which would mean that all matters considered by a Committee would be referred to a Council Meeting for determination. The referral would carry the Committee recommendation.

Council may delegate all functions to a Committee with **restrictions**. The following are examples of restrictions in place at other Councils that have Committees:

- Right of referral: any matter that has been or is proposed to be considered at a Committee can be referred to a Council Meeting by any Councillors regardless of whether they are on the Committee.
- Dissenting votes: any matter considered by the Committee on which there were dissenting votes must be referred to a Council Meeting for determination.

3.1 Code of Meeting Practice - Committees (contd)

- Substantive changes to staff recommendation: any matter considered by the Committee where the Committee has made substantial changes to the published staff recommendation must be referred to a Council Meeting for determination.
- Impact on budget: any matter considered by the Committee that results in a change in the priority of works or cost of works as previously adopted by Council.

Term

The term of a Committee would be determined by Council.

A Committee may be:

- a standing Committee that operates regularly through the term of Council; or
- Committee constituted for a shorter period to deliver a particular project or outcome.

Process

In practice, a Committee would have a Business Paper just as for a Council Meeting. Minutes are taken just as for a Council Meeting.

Where a Committee does not have delegation to make a determination the Minutes from that Committee would be referred to the next appropriate Council Meeting for a determination. The Committee recommendation would be presented as the recommendation to Council.

Public participation and meeting procedures

As the Committee may determine its meeting procedures there is an opportunity for the rules around public speaking to be more relaxed than for Council Meetings.

In practice, Committee meetings are more informal. There is often no requirement to stand when speaking, less requirement for formal debate and no limitations as to speakers.

Considerations as to the conduct of Committees

The following considerations are provided to Council with regard to the potential establishment of Committees. This list is not exhaustive and is provided as an indication of some elements that should be considered:

Open and transparent decision making

The less formal process for decision making in a Committee may be considered as improved open and transparent decision making. Meetings could be more accessible and understandable for those attending and participating.

The flow of dialogue could encourage more collaborative and inclusive decision making, rather than the more formal requirements of a Council Meeting.

However, it should be noted that there is no requirement that Committee meetings be webcast. If Council were to implement a Committee structure it would be recommended that this be done in such a way to ensure they could be webcast.

Size and scale

Central Coast Council is one of the largest Councils in NSW and the country. There are 15 Councillors which is the maximum permissible under the Local Government Act 1993.

It may be appropriate that some of the work of Council be delegated to Councillors through a Committee process. Depending on the delegation to a Committee, this could expedite decision making and outcomes for the community.

The Committee structure could also ensure that the decision-making model is fit for purpose. For example, a Committee could be established to consider matters specific to a region. Notwithstanding that all Councillors represent the entire Local Government Area, such a Committee could have representation from the relevant Ward Councillors.

Additional layer of governance

Depending on what delegation a Committee might have, the decision-making process may be more efficient or more confusing. For example, if the Committee has no delegation the matter would still need to go to Council for determination. This can seem cumbersome and confusing to the public.

However, the process would allow greater interrogation of a matter before it was presented to Council which may result in improved outcomes.

Flexibility

As Committees establish their own meeting procedures, there is potential for greater flexibility with regard to the conduct of meetings. This could include adjusting the location of meetings to suit the purpose of the Committee, only holding meetings as required and having presentations from staff or experts as part of the meeting.

Committee of the Whole

An alternative to the establishment of Committee under Part 20 of the Code of Meeting Practice is the Committee of the Whole. The Code of Meeting Practice provides that Council may resolve itself into a Committee to consider any matter before the Council.

All of the provisions of the Code of Meeting Practice continue to apply with the exception of the provision limiting the number and duration of speeches.

The Committee of the whole then makes a recommendation to Council for its adoption.

It is a technique that is available to Council to amend the rules of debate for certain matters.

Progressing the use of Committee of the Whole does not require a Council resolution as the provision currently exists within the Code of Meeting Practice.

Resource impacts

There would be resource impacts with the establishment of a Committee structure. As stated above much of the administrative work required for a Committee is the same as for a Council Meeting.

Proposal

The above provides details of Committees under Part 20 of the Code of Meeting Practice and some considerations for Council. At its Ordinary Meeting 22 June 2020, resolved in part, as follows

539/20 *That Council request the Chief Executive Officer to investigate and report back to Council before the end of September 2020 on options for the establishment of Committees under Part 20 of the Code of Meeting Practice for the purpose of conducting meetings on specific items in locations relevant to the topic being considered.*

As stated above, it is recommended that this now be considered in conjunction with the resolution of 27 July 2020 being:

That Council note that the Independent Local Government Review Panel Recommendations in 2013 that led to the amalgamation of Councils recommended that for larger Councils there should be the establishment of Local Boards or similar to ensure local identity and representation. And further to this that the Chief Executive Officer in consultation with Councillors present options in terms of Governance models to assist Council to better meet the needs of our diverse community and the Central Coast. This is to

include consultation with Councillors at a workshop, potentially as part of the budget process.

In order to progress the 27 July 2020 resolution the following process is proposed:

| Indicative timeframe | Action |
|-----------------------------|---|
| August/September 2020 | Desktop review of similar models including information from the Amalgamation Report provided to Council by UTS, experience in other NSW Councils, experience in other Australian Councils, experience in New Zealand. |
| September 2020 | Survey of all Councillors to understand goals and priorities |
| 25 September 2020 | Provision of findings from the desktop review to all Councillors as a discussion paper |
| 19 October 2020 | Briefing with Councillors regarding the discussion paper – identification of preferred options for investigation and criteria for assessment |
| October/November 2020 | Further investigation of one or two preferred options as identified by Councillors for a cost benefit analysis and assessment against quadruple bottom line. |
| October/November 2020 | One or two drop in sessions for interested Councillors to discuss progressive findings and provide feedback as to the process. |
| December 2020 | Provision of analysis and assessment to Councillors for comment |
| February 2021 | Workshop of options as part of the 2021/22 Budget Planning Workshop |

Consultation

In preparing this report research was undertaken of NSW Councils, specifically those with an adopted operating Committee Structure in accordance with Part 20 of the Code of Meeting Practice. Council with established Committees included Ryde City Council, Lake Macquarie Council, Newcastle City Council, Fairfield City Council and North Sydney Council.

To progress the 27 July 2020 resolution, it is recommended that there be further consultation with Councillors in the form of surveys, briefings, focus group sessions and workshops.

Options

- 1 Council may resolve in response to 539/20 not to proceed with consideration of the establishment of Committees under Part 20 of the Code of Meeting Practice.

If Council supported this option, the following is recommended:

That Council determine not to progress the investigation of a Committee structure in accordance with Part 20 of the Code of Meeting Practice at this time.

- 2 Council may resolve in response to resolution 539/20 to proceed with the establishment of Committees under Part 20 of the Code of Meeting Practice.

If Council supported this option it would be necessary to determine whether any such Committees would have delegation (either with or without limitations) or have no delegation.

- 3 Council may resolve in response to resolution 539/20 to proceed with the consideration of a Committee structure under Part 20 of the Code of Meeting Practice in conjunction with the resolved consultation regarding a potential Local Board model.

Given the relationship between the potential establishment of a Local Board model or similar, and the consideration of Committees under Part 20 of the Code of Meeting Practice, it is recommended that these matters be considered together as proposed in this report.

Financial Impact

As stated above, the introduction of a Committee structure would have resources impacts with regard to providing support to the operation of the Committee including drafting reports, preparing Business Papers, draft Minutes, supporting the conduct of the meeting and managing and monitoring actions.

The work resolved by Council with regard to alternate Governance models will need to be delivered within existing resources. This is a significant amount of work in addition to the planned work program and business as usual. It is noted that much of the work delivered in the Governance area is compliance based and is unable to be delayed or deferred. Delivering to the timeframes indicated in this report may result in service impacts in the Governance area as resources are redirected while ensuring that compliance requirements are still met.

While all efforts would be made to deliver the milestones set out in this report, it is a risk of the project which needs to be acknowledged.

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

Any proposed Committee structure would need to be established in accordance with the Code of Meeting practice and relevant provisions. The ongoing monitoring and assessment of the effectiveness of the Committee structure would be a key aspect of managing any associated risks.

Critical Dates

At its Ordinary Meeting 22 June 2020, resolved in part, as follows

539/20 *That Council request the Chief Executive Officer to investigate and report back to Council before the end of September 2020 on options for the establishment of Committees under Part 20 of the Code of Meeting Practice for the purpose of conducting meetings on specific items in locations relevant to the topic being considered.*

This report is being provided before the end of September 2020 as resolved.

Attachments

Nil.



Item No: 3.2
Title: Local Government NSW Annual Conference - Attendance and Voting
Department: Governance

24 August 2020 Ordinary Council Meeting

Trim Reference: F2019/00041-004 - D13752709

Author: Sarah Georgiou, Section Manager, Councillor Support

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

Executive: Gary Murphy, Chief Executive Officer

Report Purpose

To determine the voting delegates for voting at the 2020 Local Government NSW Annual Conference (22 to 24 November 2020) and Policy Motions.

To consider Motions to be submitted for inclusion on the Conference Business Paper.

Recommendation

- 1 That Council appoint seven delegates for voting on Policy Motions and for the election of Officer Bearers and the Board at the Local Government NSW Annual Conference 2020 as listed:**

Councillor >

Councillor >

Councillor >

Councillor >

Councillor >

Councillor >

Councillor >

- 2 That Council request the Chief Executive Officer notify Local Government NSW of those appointments no later than 5.00pm on Tuesday 3 November 2020.**
- 3 That Council note that the Motion provided in this report will be submitted in accordance with Council's resolution of 10 August 2020.**
- 4 That any additional Motions resolve by Council for inclusion on the Conference Business Paper be advised to Local Government NSW accordingly**
- 5 That Council note that the above arrangements remain dependent upon the Conference proceeding given the current COVID19 situation.**

Background

The 2020 Local Government NSW Annual Conference (Conference) will be held 22 November to 24 November 2020 at the Crowne Plaza Hunter Valley. The Conference is the annual policy-making meeting as Local Government NSW (LGNSW) for NSW Local Councils and enables Councillors across NSW to come together to share ideas and debate issues that shape Local Government.

Central Coast Council is an ordinary financial member of LGNSW for the 2020/21 financial year.

In considering the 2020 Council meeting dates at the meeting of 22 June 2020, Council resolved to include a meeting date of 30 November 2020 rather than the usual 23 November 2020 (second Monday of the month) to allow for Councillor attendance at the conference.

Voting Entitlements

Central Coast Council has been advised that it is entitled to have seven voting delegates for each roll. Each financial member of LGNSW is entitled to a certain number of voting delegates based on the formula prescribed at Rule 23 of the Association's Rules.

A copy of the Rules may be found using this [link](#).

Subject to the LGNSW rules and Australian Electoral Commission requirements, a member may notify LGNSW of a change to the name of an already nominated voting delegate (a substitute delegate) if required.

Submitting Motions

Councillors were invited to provide proposed Motions for the Conference by way of the Councillor Support Update on 24 July 2020 and 7 August 2020.

The following motion was developed in response to the resolution of Council at its Ordinary Meeting of 10 August 2020 in relation to Notice of Motion – Local Planning Panels – Changes to Operations:

That LGNSW note that the Minister for Planning and Public Spaces, the Hon Rob Stokes, recently announced changes to the operations of Local Planning Panels including:

- *require panels to make determinations within two weeks of being provided an assessment report*
- *require panels to hold a public meeting only where the DA has attracted 10 or more unique submissions by way of objection*

3.2 Local Government NSW Annual Conference - Attendance and Voting (contd)

- *allow, at the chair's discretion, applicants to attend a briefing, along with council staff, to explain complex matters or present confidential or commercially sensitive material*
- *oblige panel chairs to work with council to ensure key issues are addressed during assessment in order to minimise deferrals by the panels at determination stage*
- *require the panels to provide reasons for deferring a decision and set timeframes in which any additional information must be provided in order to finalise the determination*
- *give panel chairs the ability to require council to report a DA to the panel within four weeks for determination if the application has experienced unreasonable delays in excess of 180 calendar days from lodgement.*

That Council write to the NSW Minister for Planning and Public Spaces the Hon. Rob Stokes MP and the Premier of New South Wales Ms Gladys Berejiklian, to express its concern in relation to the changes (to commence on 1 August 2020) to the operations of NSW Planning Panels which have the aim of speeding up determinations of development applications, with potential damaging consequences for community input.

LGNSW have advised that Councils are encouraged to familiarise themselves with the **LGNSW Policy Platform**. Submitted motions need to identify if the proposed motion conflicts or likely conflicts with the existing Fundamental Principles

The Board of LGNSW has resolved that Motions will be included in the Business Paper for the Conference only where they:

- 1 are consistent with the objects of the Association (see Rule 4 of the Association's rules);
- 2 relate to Local Government in NSW and/or across Australia;
- 3 concern or are likely to concern Local Government as a sector;
- 4 seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association;
- 5 have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
- 6 are clearly worded and unambiguous in nature; and
- 7 do not express preference for one or several members over one or several other members.

For a Motion to be included in the Business Paper for the Conference the submitting member needs to provide accompanying evidence in support. Such evidence may include an extract of the minutes of the meeting at which the member resolved to submit the Motion for consideration by the Conference.

3.2 Local Government NSW Annual Conference - Attendance and Voting (contd)

Deadline for submitting motions

In line with the LGNSW rules, the latest date motions can be accepted for inclusion in the Conference Business Paper is midnight on Monday 28 September 2020.

Important dates

In summary, the following deadlines are in place:

| Deadline | Action |
|-------------------------|---|
| Sunday 25 October 2020 | The latest date motions can be accepted for inclusion in the Conference Business Paper*. |
| Tuesday 3 November 2020 | Deadline for members to provide names to LGNSW of delegates who will vote on Policy Motions |
| Monday 11 November 2020 | Registration closes for Conference. 'Early Bird' rates will be available until 25 September 2020. |

*LGNSW encourages members to submit motions online by Monday 28 September 2020 to allow assessment of the motions.

Financial Impact

Funding for attendances at the LGNSW Conference forms part of the budget that forms part of the adopted Operational Plan for the 2020-2021 year.

The provisions relating to Councillors attendance at the Conference are contained in clauses 58 and 59 of the Councillors Expenses and Facilities Policy as follows:

Local Government NSW Annual Conference

58. *Councillors will also be permitted to attend the Local Government NSW Annual Conference. Council will reimburse the cost of registration fees and where the conference is outside the local government area, the cost of travel, accommodation and meals not covered by the conference registration, subject to the provisions in 'Accommodation and meals'.*
59. *For the Local Government NSW Annual Conference, Council will meet the costs of the official conference dinner for an accompanying person of a Councillor.*

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Attachments

Nil

Item No: 3.3
Title: Grant Funding Update as at 30 June 2020
Department: Innovation and Futures



24 August 2020 Ordinary Council Meeting

Reference: F2004/06322 - D13750749
Author: Louise Fisher, Chief External Funding Coordinator
Executive: Ricardo Martello, Executive Manager Innovation and Futures

Report Purpose

To provide a quarterly report to Council on grant funding opportunities; and successful, unsuccessful and pending funding allocations as at 30 June 2020

Recommendation

- 1 That Council receive the Grant Funding Update as at 30 June 2020 report.**
- 2 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 3 to this report remain confidential in accordance with section 10A(2)(d) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed would confer a commercial advantage on a competitor of the Council and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.**

Report

A concise list of the major funding opportunities is provided as Attachment 1.

Reports have been prepared to identify how much Central Coast Council has applied for; all projects applied for; successful grants received and unsuccessful applications (detailing reasons why, if available) and are attached as follows:

- Applications for external funding where the outcome has been finalised – 1 April – 30 June 2020 (Attachment 2).
- Applications for external funding that are under consideration – 20 July 2020 (Confidential Attachment 3).

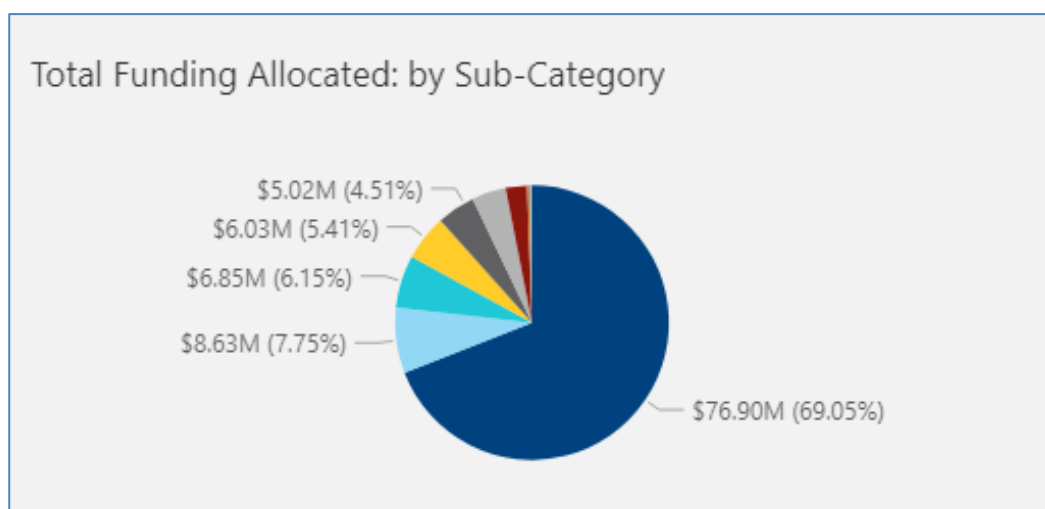
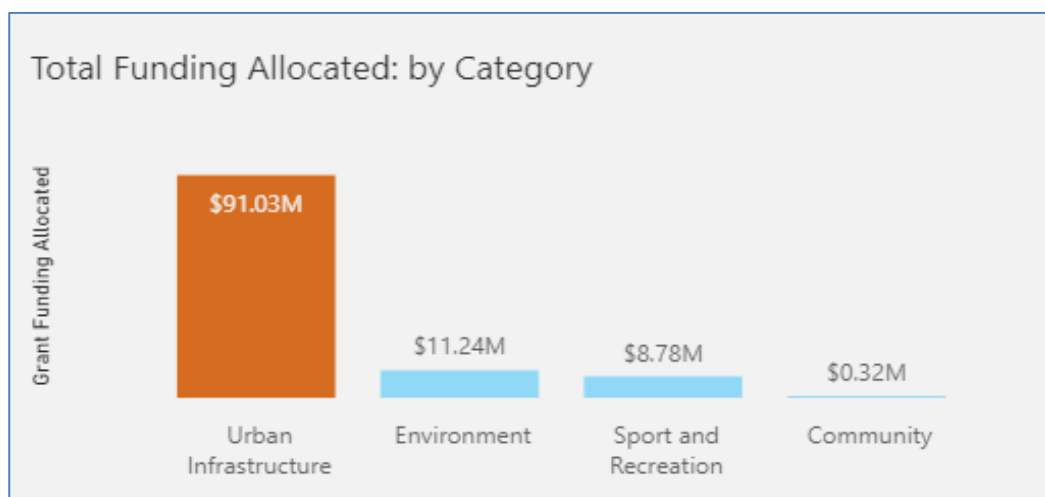
With the impacts of the bushfires and COVID-19 many grant programs have been postponed which has resulted in a marked reduction in the number of applications submitted. However, this has been offset by advocacy for future funding for projects which are 'shovel ready' and which may support the recovery.

Financial Year Insights

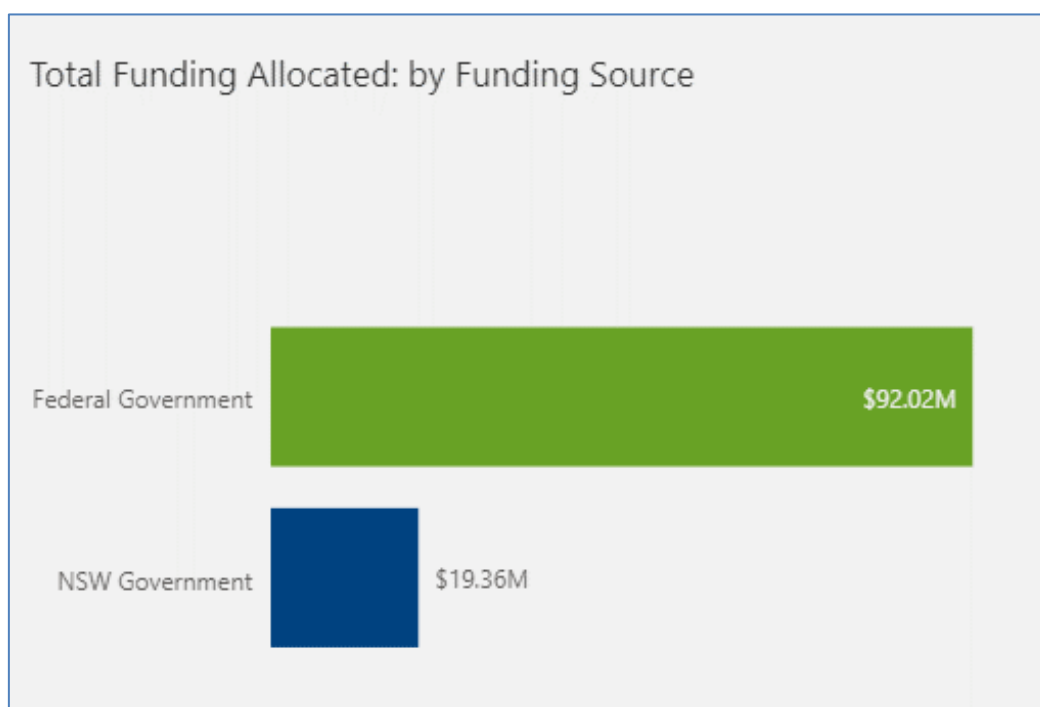
Based on the timing of an official Letter of Offer, Central Coast Council has been allocated a total of \$111,373,070 for 103 projects during the financial year 2019/20 from both funding submissions and the delivery of election commitments. These funds help to support the delivery of Council services across numerous areas of Council.

The major categories to received funding include:

- Urban Infrastructure - Roads - \$76.9m
- Sport and Recreation – Sporting Facilities - \$8.63m
- Urban Infrastructure - Water & Sewer - \$6.85m
- Environment – Coastal \$6.02m
- Environment – Emergency Management - \$5.02m
- Urban Infrastructure – Footpaths - \$ 4.50M
- Urban Infrastructure – Other \$ 2.77M

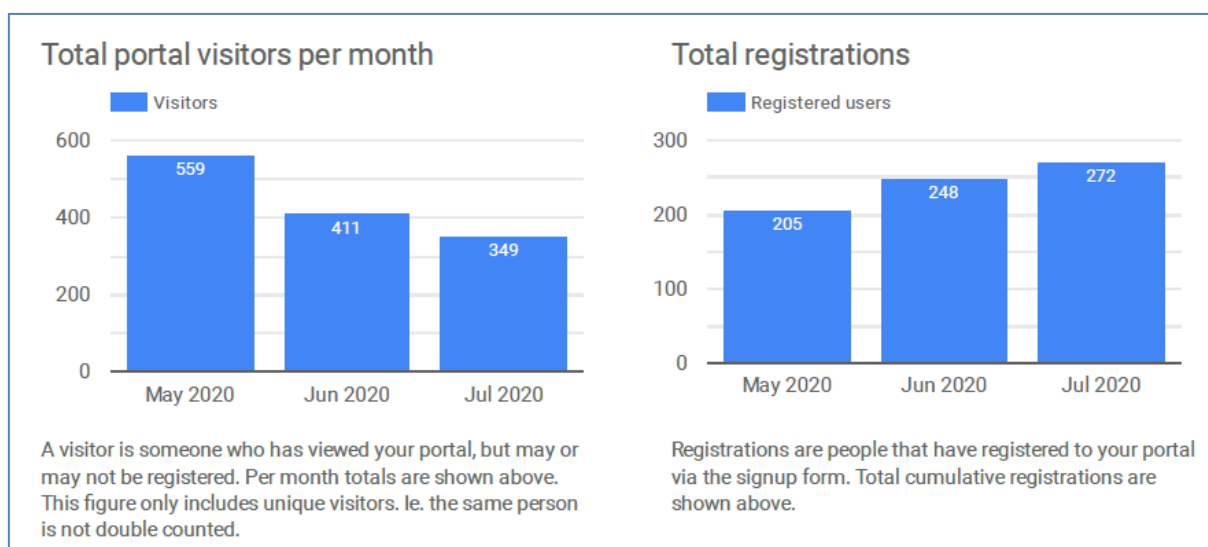


Central Coast Council has received grant funding from both the Australian and NSW Governments with \$19.36m allocated from the NSW Government and \$9.46m from the Australian Government.



Grant Finder Portal

The new Grant Finder tool has provided a valuable resource to support local businesses and community groups to readily identify and be notified of relevant grant funding opportunities with more than 1,300 unique visitors and 272 registered users to the site since the launch.



Link to Community Strategic Plan

Theme 2: Smart

Goal C: A growing and competitive region

S-C1: Target economic development in growth areas and major centres and provide incentives to attract businesses to the Central Coast.

Theme 4: Responsible

Goal H: Delivering essential infrastructure

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

Goal H: Delivering essential infrastructure

R-H2: Improve pedestrian movement safety, speed and vehicle congestion around schools, town centres, neighbourhoods, and community facilities.

Theme 1: Belonging

Goal B: Creativity connection and local identity

B-B4: Activate spaces and places to complement activity around town centres, foreshores, lakes and green spaces for families, community and visitors.

Theme 3: Green

Goal E: Environmental resources for the future

G-E2: Improve water quality for beaches, lakes and waterways by minimising pollutants and preventing litter entering our waterways.

Attachments

- | | | |
|----------|---|---------------------------|
| 1 | Funding Opportunities 5 August 2020 | D14110277 |
| 2 | External Funding Applications where the outcome has been finalised 1 April - 30 June 2020 | D14112101 |
| 3 | CONFIDENTIAL - External Funding Applications under consideration - 20 July 2020 - | D14110278 |

Funding Opportunities 5 August 2019



The following major funding opportunities are available as at 5 August 2020

| | |
|----------------------|--|
| Program Name: | ARENA Advancing Renewables Program |
| Date Close: | This program is open on an ongoing basis until all funds are exhausted. |
| Program Details: | <p>This program aims to support a broad range of development, demonstration and pre-commercial deployment projects that can deliver affordable and reliable renewable energy for Australian families and businesses.</p> <p>The program's objective is to fund activities that contribute to one or more of the following outcomes:</p> <ul style="list-style-type: none"> - Reduction in the cost of renewable energy. - Increase in the value delivered by renewable energy. - Improvement in technology readiness and commercial readiness of renewable energy. - Reduction in or removal of barriers to renewable energy uptake. - Increased skills, capacity and knowledge relevant to renewable energy. |
| Funding Source: | Federal Government |
| Funding Available: | Grants are expected to be between \$100,000 and \$50 million, with applicants typically expected to at least match the funding being sought from ARENA. |
| Website: | https://arena.gov.au/funding/advancing-renewables-program/ |

| | |
|----------------------|---|
| Program Name: | Regional Tourism Bushfire Recovery Grants |
| Date Close: | <p>Stream 1 opened on 17 February 2020 and closes 18 December 2020, 5pm</p> <p>Stream 2 opened on 17 February 2020 and closed 8 May 2020, 5pm</p> |
| Program Details: | <p>This program aims to support initiatives in fire affected areas that celebrate what's unique about that local community to give international and/or domestic visitors a reason to visit and return, bringing the economic benefits of tourism, but also providing the community with a positive focus in the wake of the fires.</p> |
| Funding Source: | Federal Government |
| Funding Available: | <p>There are two streams of funding available:</p> <ol style="list-style-type: none"> 1. Stream 1 will support smaller scale events. <ul style="list-style-type: none"> - Applicants may apply for more than one grant in this stream up to a total value of \$30,000. - A total funding pool of \$2 million is allocated for this stream over the life of the program. 2. Stream 2 will support larger events and/or other visitor attractions such as art installations and tourist walks. |

| | |
|----------|---|
| | – A total funding pool of \$7.5 million is allocated for this stream over the life of the program. |
| Website: | https://www.austrade.gov.au/Australian/Tourism/Tourism-and-business/Grants/regional-tourism-bushfire-recovery-grants |

| | |
|----------------------|---|
| Program Name: | Metropolitan Greenspace Program |
| Date Close: | 30 September 2020 |
| Program Details: | This program aims to assist councils in Greater Sydney and the Central Coast region to deliver projects that improve regional open space and community liveability. |
| Funding Source: | NSW Government |
| Funding Available: | There are no set minimum and maximum funding limits. Grants are offered on a dollar-for-dollar basis for capital and planning works. A total funding pool of \$3.85 million is available for 2019-20 |
| Website: | https://www.planning.nsw.gov.au/metropolitan-greenspace-program |

| | |
|----------------------|--|
| Program Name: | NSW Small Business Month Grants Program |
| Date Close: | 31 August 2020 |
| Program Details: | This program aims to support NSW local councils and chambers of commerce to deliver activities during NSW Small Business Month that directly benefit and support the small business community. |
| Funding Source: | NSW Government |
| Funding Available: | Grants of up to \$2,000 are available. |
| Website: | https://www.businessmonth.nsw.gov.au/grants |

| | |
|----------------------|--|
| Program Name: | Advancing Pest Animal and Weed Control Solutions |
| Date Close: | 25 September 2020 |
| Program Details: | This program aims to research and develop innovative control solutions to improve the way established pest animals and weeds are managed. It forms part of the broader Pest Animals and Weeds Management Pipeline Program (Pipeline Program), which aims to deliver lasting improvement to the way priority established pest animals and weeds are managed in partnership with State and Territory governments, land managers and communities. |
| Funding Source: | NSW Government |
| Funding Available: | Grants between \$300,000 and \$2 million (GST exclusive) are available. Applicants will need to seek additional support through cash and/or in-kind contributions that will add value to the delivery of a project. A total funding pool of \$13 million is available over three years commencing in 2020-21. |
| Website: | https://www.agriculture.gov.au/pests-diseases-weeds/pest-animals-and-weeds/grant-round |

| | |
|----------------------|---|
| Program Name: | Saluting Their Service Commemorations Program – Community Commemorative Grants |
| Date Close: | 29 October 2020 |
| Program Details: | This program seeks to preserve Australia's wartime heritage and to involve people throughout the nation that highlight the service and sacrifice of Australia's servicemen and women in wars, conflicts and peace operations, and promote appreciation and understanding of the role that those who served have played in shaping the nation. |
| Funding Source: | Federal Government |
| Funding Available: | Grants of up to \$10,000 are available for local, community-based projects and activities. A total funding pool of \$3.5 million (GST exclusive) was made available for 2019-20 for the entire Saluting Their Service Commemorations Program grants. |
| Website: | https://www.dva.gov.au/consultation-and-grants/grants/grant-and-bursary-programs/saluting-their-service-commemorative |

| | |
|----------------------|--|
| Program Name: | Saluting Their Service Commemorations Program – Major Commemorative Grants |
| Date Close: | 29 October 2020 |
| Program Details: | This program is designed to preserve Australia's wartime heritage and to involve people throughout the nation in a wide range of projects and activities that highlight the service and sacrifice of Australia's servicemen and women in wars, conflicts and peace operations, and promote appreciation and understanding of the role that those who served have played in shaping the nation. |
| Funding Source: | Federal Government |
| Funding Available: | Grants between \$10,001 and \$150,000 are available for major commemorative projects and activities that are significant from a national, State, Territory and/or regional perspective. A total funding pool of \$3.5 million (GST exclusive) was made available for 2019-20 for the entire Saluting Their Service Commemorations Program grants. |
| Website: | https://www.dva.gov.au/consultation-and-grants/grants/grant-and-bursary-programs/saluting-their-service-commemorative |

| | |
|----------------------|---|
| Program Name: | Recreational Fishing Trusts Grants Program |
| Date Close: | This program is open on an ongoing basis |
| Program Details: | This program aims to provide funding to improve recreational fishing. |
| Funding Source: | NSW Government |
| Funding Available: | There are no funding limits for project applications or funding caps on project items, however, projects are assessed on their value for money, that is, what is the level of benefit from the project compared to the cost of the project. Eligible applicants can apply for: - Small projects seeking less than \$10,000 of funding. |

| | |
|----------|---|
| | - Large projects seeking more than \$10,000 of funding. |
| Website: | https://www.dpi.nsw.gov.au/fishing/recreational/recreational-fishing-fee/licence-fees-at-work/apply-for-funds |

| | |
|----------------------|---|
| Program Name: | Organics Infrastructure (Large and Small) Program – Overview |
| Date Close: | 3 September 2020 |
| Program Details: | <p>This program aims to fund infrastructure and equipment to reduce food and garden organics waste going to landfill. It forms part of the NSW Government's Waste Less, Recycle More which seeks to assist communities, business and industry across the NSW economy to reduce waste, increase recycling and meet recycling targets in the NSW Waste and Resource Recovery (WARR) Strategy 2014-21.</p> <p>The program is made up of four streams:</p> <ol style="list-style-type: none"> 1. Stream 1: Organics Processing Infrastructure <ul style="list-style-type: none"> - Supports organisations processing organics generated and source separated by others. - Grants of between \$25,000 and \$1 million are available to councils, waste companies and composting companies to cover up to 50% of capital costs for new or enhanced infrastructure. - Applications must be submitted by 3pm on 3 September 2020. 2. Stream 2: Business Organics Recycling <ul style="list-style-type: none"> - Provides funding for onsite processing or pre-processing equipment. - Grants of between \$75,000 and \$500,000 are available, covering up to 50% of the capital costs. - This stream is not available in Round 6. 3. Stream 3: Food Donation <ul style="list-style-type: none"> - Provides funding for infrastructure to facilitate the collection and redistribution of edible food waste from businesses to people in need. - Grants of between \$10,000 and \$500,000 are available. 4. Stream 4: Product Quality <ul style="list-style-type: none"> - Provides funding for equipment to improve the quality of recycled organics products to support access to new markets. - Grants of between \$10,000 and \$500,000 are available to councils and businesses, covering up to 50% of capital costs relating to organics processing infrastructure and equipment. 5. Stream 5: Transfer Stations <ul style="list-style-type: none"> - Aims to improve source separated food or food and garden recovery by supporting the development of new or upgraded transfer stations in the metropolitan waste levy paying area. - Grants of between \$10,000 and \$500,000 are available to cover up to 50% of a project's capital costs. - Applications must be submitted by 3pm on 3 September 2020. |
| Funding Source: | NSW Government |
| Funding Available: | A total funding pool of \$57 million is available over nine years. |
| Website: | https://www.epa.nsw.gov.au/working-together/grants/organics-infrastructure-fund/organic-large-small |

External Funding Applications where the outcome has been finalised 1 April – 30 June 2020



The outcomes for the following projects for external funding have been finalised between 1 April – 30 June 2020.

Total funding allocated this quarter: \$2,806,892

Total Funding allocated – Year to Date: \$111,373,070 from both funding submissions and the delivery of election commitments.

| Restoration and Upgrade of Wisemans Ferry Road | |
|---|--|
| Status: Unsuccessful | |
| Project Description: The full restoration of two travel lanes on Wisemans Ferry Road, Gunderman at both embankment failure sites is required and would include bank stabilisation, drainage improvements, pavement widening and carriage construction. | |
| Funding Source: NSW Government | Unit: Roads Business Development and Technical Services |
| Funding Program: Building Better Regions Fund - Round 4 | |
| Type: Application | Total Project Cost: \$9,800,000 |
| Date: 19/12/2019 | Funding Sought: \$7,350,000 |
| Additional Notes: | |

| Woy Woy War Memorial Restoration | |
|--|--|
| Status: Funding Allocated | |
| Project Description: Restoration of Woy Woy War Memorial, with attention given to Sandstone Cenotaph. | |
| Funding Source: NSW Government | Unit: Open Space and Recreation |
| Funding Program: Community War Memorials Fund | |
| Type: Application | Total Project Cost: \$10,000 |
| Date: 30/03/2020 | Funding Sought: \$10,000 |
| Additional Notes: | |

| | |
|--|--|
| Terrigal Rotary Park Shade Sail Installation and Additional Softfall Upgrade | |
| Status: Funding Allocated | |
| Project Description: Upgrade road pavement, install audio centre line, install vehicle activated signs. | |
| Funding Source: NSW Government | Unit: Roads Business Development and Technical Services |
| Funding Program: Everyone Can Play NSW 2019/2020 | |
| Type: Application | Total Project Cost: \$50,000 |
| Date: 10/12/2019 | Funding Sought: \$25,000 |
| Additional Notes: | |

| | |
|---|--|
| Local Road and Community Infrastructure Program – Projects TBC | |
| Status: Funding Allocated | |
| Project Description: The Program is to support local councils deliver priority local road and community infrastructure which support jobs and the resilience of local economies. The eligible funding recipients for this Program have been pre-identified with the Deputy Premier allocating the grants based on a formula (utilised the R2R and the local road component of the FAG's Program. | |
| Funding Source: Federal Government | Unit: TBC |
| Funding Program: COVID Local Road and Community Infrastructure Program | |
| Type: Advocacy | Total Project Cost: \$2,771,892 |
| Date: 10/12/2019 | Funding Sought: \$2,771,892 |
| Additional Notes: Projects yet to be nominated | |



Item No: 3.4
Title: Policy revocations related to Environment and Planning
Department: Environment and Planning

24 August 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13978245
Author: Lisa Fox, Senior Advisor Policy and Projects
Executive: Scott Cox, Director Environment and Planning

Summary

This report is for Council to consider the revocation of five policies. The policies recommended for revocation are:

- 1 Incentives for Iconic Development on Key Sites Policy
- 2 Section 149 Certificate - Natural and Other Hazards Encoding Policy
- 3 Setbacks Policy for Creeks, Rivers & Lagoons
- 4 Matters in the Land and Environment Court Policy
- 5 Policy Determining Development Applications Subject to Significant Public Objection

This report recommends the revocation of these policies.

Recommendation

That Council approve the revocation of the following policies:

- i. Incentives for Iconic Development on Key Sites Policy***
- ii. Section 149 Certificate - Natural and Other Hazards Encoding Policy***
- iii. Setbacks Policy for Creeks, Rivers & Lagoons***
- iv. Matters in the Land and Environment Court Policy***
- v. Policy Determining Development Applications Subject to Significant Public Objection***

Context

This report seeks Council's approval of the revocation of five policies. Numerous Gosford and Wyong policies were carried over upon merger. As part of ongoing efforts to consolidate all policies, the Environment and Planning Directorate has been undertaking a review of the 68 policies for which it has responsibility.

Where policies are found to have ongoing relevance, they are being updated and consolidated to ensure a single policy exists for the Central Coast Local Government Area.

Where policies are determined to be no longer be relevant or obsolete, it is recommended that they be revoked.

The revocation of the five policies below is supported by the Chief Executive Officer.

Incentives for Iconic Development on Key Sites Policy

This is a former Wyong Shire Council policy. It is accessible on Council's website [here](#).

This policy is no longer required as provisions enabling Iconic Development on Key Sites have now lapsed within the Wyong Local Environmental Plan (LEP) 2013. There will be no similar provisions within the draft Central Coast Consolidated LEP.

Section 149 Certificate - Natural and Other Hazards Encoding Policy

This is a former Gosford City Council Policy initially adopted in August 1995. It is accessible on Council's website [here](#).

The main area of focus of the policy (from the opening paragraph) is: '*...land slip, bushfire, flooding, tidal inundation, subsidence, coastal erosion or other hazard*'.

Planning Certificates are no longer called Section 149 Certificates. Council issues Planning Certificates in accordance with the requirements of Section 10.7 of *Environmental Planning & Assessment Act 1979* (EP & A Act). The content requirements of the Planning Certificate set out in Schedule 4 of the *Environmental Planning & Assessment Regulation 2000* (E&P Regulations).

This policy is no longer required because it adds additional complexity, duplication and uses terminology not consistent with the EP & A Act.

For example, the Policy states that Council will '*encode a Section 149 Certificate when Council is able to identify a hazard, which is likely to restrict development of the property*'. However, this is inconsistent with Schedule 4 of the Regulations which states that the Planning Certificate will list every Environmental Planning Instrument, draft Instrument, development control plan, draft plans that apply to a parcel of land whether or not they restrict development on the land.

Schedule 4 of the Regulations also sets out that the following notification should be included on any Planning Certificate:

(8) Land reserved for acquisition

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.'

There is also a planning circular that details how coastal hazards are noted on Planning Certificates.

An example of inconsistent terminology is that the policy refers to 'expert reports' and 'specialist advice' and 'presentation of evidence that the hazards exist'. These terms are not used in the Act or Regulations in relation to Planning Certificates.

External legal advice was sought following Councillor questions regarding the recommended revocation of this policy. The legal advice recommends that the policy be revoked. It notes that there is a risk in keeping the policy as it is currently worded, and that there is no benefit in retaining the policy.

The advice also notes that there has been a number of material changes to the EP&A Act since the Policy was adopted in 1995. Environmental Planning Instruments (EPIs) and Development Control Plans (DCPs) are also more prescriptive now than they were in the 1995. Much of the information that the Policy previously sought to cover is now contained in EPIs and DCPs and are prescribed in other parts of the Schedule 4 to the EP&A Regulation.

Setback Policy for Creeks, Rivers & Lagoons

This is a former Gosford City Council Policy initially adopted in July 1992. It is accessible on Council's website [here](#).

The Policy relates to setback requirements for creeks, rivers, lagoons and other water bodies. Since 1992 there has been significant legislative amendments, such as the introduction of the *Water Management Act 2000* (WM Act) and the *Natural Resources Access Regulator Act 2017*, which created the Natural Resources Access Regulator (NRAR).

This policy is no longer required because controlled activities are carried out in, on or under waterfront land in accordance with the WM Act. The NRAR administers the WM Act and their Guidelines over-ride this policy.

This policy is inconsistent with guidance issued by the NRAR. For example, the policy defines 'minor creeks', as a creek with a catchment of less than 7.5 hectares. However, the '*Guideline for Controlled Activities on Waterfront Land*' prepared by NRAR, uses the Strahler system of watercourse classification – i.e. 1st, 2nd, 3rd order watercourses.

It is also noted that this policy allows for building setbacks of 4 metres from 'minor creeks' and 6 metres for 'major creeks'. However, new rules for riparian corridors near creeks came into effect in July 2012. The NRAR advice provides a more complex riparian management zone providing for 10 metres minimum setback for 1st order creeks, increasing to 30 metres for 3rd order creeks.

Matters in the Land and Environment Court Policy

This is a former Gosford City Council Policy initially adopted in 1994. It is accessible on Council's website [here](#). This policy is no longer required because it is covered by delegations issued to staff and the need to mediate.

The Land and Environment Court publishes practice notes that are available to the public free of charge and detail the process for matters in the Land and Environment Court (LEC). These practice notes subject to change from time to time as dictated by the LEC.

Policy for Determining Development Applications Subject to Significant Public Objection

This policy is available on Council's website [here](#). This policy relates to the criteria for referral of Development Applications to the elected Council for determination. It is no longer required because at the Ordinary Meeting of Council on 11 May 2020, Council resolved to constitute the Central Coast Local Planning Panel.

As the Local Planning Panel is constituted, the elected Council is no longer a consent authority for Development Applications (Section 4.8 of the EP & A Act).

It is noted that the Ministerial Directions for the operation of the Local Planning Panel requires all applications with ten or more unique submissions to be referred to the Panel. This is a more stringent threshold than the current policy.

Consultation

A Councillor update was circulated to all Councillors on 19 June 2020, detailing the proposed five revocations.

At the 6 July 2020 Councillor briefing, an opportunity was provided to Councillors to ask any questions of relevant staff about the proposed revocations. Following Councillor questions about the proposed revocation of the Section 149 Certificate - Natural and Other Hazards Encoding Policy, external legal advice was sought. As noted above, the legal advice recommended revocation of the policy.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Critical Dates or Timeframes

Nil

Attachments

Nil



Item No: 3.5
Title: Environment and Planning Directorate draft policies for community consultation
Department: Environment and Planning

24 August 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13986010
Author: Lisa Fox, Senior Advisor Policy and Projects
Executive: Scott Cox, Director Environment and Planning

Summary

The purpose of this report is for Council to consider the following draft policies for community consultation. They are:

- Temporary Licensing of a Trade or Business on Open Space Areas Policy
- Events on Open Space Areas Policy
- Tree Vandalism Management Policy
- Keeping of Animals Policy
- Smoke-Free Outdoor Public Places Policy

This report recommends that Council endorse these draft policies for the purposes of public exhibition for a period of 42 days.

Recommendations

- 1 That Council endorse the following draft policies for the purpose of community consultation:**
 - i. Temporary Licensing of a Trade or Business on Open Space Areas Policy**
 - ii. Events on Open Space Areas Policy**
 - iii. Tree Vandalism Management Policy**
 - iv. Keeping of Animals Policy**
 - v. Smoke-Free Outdoor Public Places Policy**
- 2 That Council place the above draft policies on public exhibition for a period of 42 days.**
- 3 That Council request the Chief Executive Officer provide a further report back to Council on the outcomes of the public exhibitions.**

- 4 *That if a policy receives no objections during the public exhibition period, Council approve the CEO adopting the draft policy as final, subject to minor administrative updates or corrections.***

Context

This report seeks Council's endorsement of five draft policies for the purpose of community consultation. Numerous Gosford and Wyong policies were carried over upon merger. As part of ongoing efforts to consolidate all policies, the Environment and Planning Directorate has been undertaking a review of the 68 policies for which it has responsibility.

Where policies are found to have ongoing relevance, they are being updated and consolidated to ensure a single policy exists for the Central Coast Local Government Area (LGA).

The five draft policies listed in this report are a result of a review of an existing policy from either the former Wyong Shire Council or Gosford City Council. That review, undertaken by both Environment and Planning staff and Governance staff, determined that each of the policies should be updated because they remain relevant.

In accordance with the process for policy review and adoption, Council approval is required to undertake community consultation, by way of public exhibition of these draft policies.

Temporary Licensing of a Trade or Business on Open Space Areas Policy

The draft Temporary Licensing of a Trade or Business on Open Space Areas Policy is at Attachment 1. This draft policy is primarily based upon a [former Gosford City Council Policy](#) and the intent remains the same as that former policy. It provides formal guidelines for undertaking a trade or business on open space areas in the LGA, to ensure fair and sustainable use of these areas as well as the safety and wellbeing of the community.

Council regularly receives requests for this type of licensing. Examples include for stand-up paddle board hire, personal trainers and surf schools. The policy supports existing application processes and guidelines on Council's website (Outdoor permits).

It is noted that this draft policy does not change fees and charges and does not vary any temporary measures related to COVID-19 that may be in place.

This policy updates the former Gosford Policy into a Central Coast Council policy without significant change.

Events on Open Space Areas Policy

The draft Events on Open Space Areas Policy is at Attachment 2. It is primarily based upon three former Gosford City Council policies and the intent remains the same. These policies are the:

- [Temporary Events and Activities on Open Space policy](#)
- [Special Events on Open Space Areas policy](#)
- [Circus Performances policy](#)

The draft policy provides formal guidelines for undertaking events on open space areas in the LGA, to ensure fair and sustainable use of these areas, as well as the safety and wellbeing of the community.

Council regularly receives requests for these types of events. Examples include weddings, markets and entertainment.

The policy supports existing application processes and guidelines on the Council website. It is noted that this draft policy does not change fees and charges and does not vary any temporary measures related to COVID-19 that may be in place.

This policy updates the three former Gosford Policy into a single Central Coast Council policy without significant change.

Tree Vandalism Management Policy

The draft Tree Vandalism Management Policy is at Attachment 3. This draft policy is based upon the former Gosford City Council's [Regional Tree Vegetation Vandalism Policy](#). This policy was based on the *Regional Tree and Vegetation Vandalism Policy* that was developed by Hunter Joint Organisation as part of its Hunter & Central Coast Regional Environmental Management Strategy Program, due to increasing tree/vegetation vandalism being experienced by councils across the region.

The purpose of this draft policy is to provide a consistent approach across the LGA in deterring and responding to the vandalism of trees and vegetation on both private and Council owned or managed land.

Illegal removal of public and private trees across the LGA is a significant issue. Greater restrictions on tree removal exemptions under Council's current Development Control Plan mean that less trees can now be removed without approval. This policy will guide staff in their response to incidents of tree vandalism on the Central Coast LGA. This policy updates the former Gosford Policy into a single Central Coast Council policy without significant change.

Keeping of Animals Policy

The draft Keeping of Animals Policy is at Attachment 4. This draft policy aims to provide minimum standards for the keeping of animals. It applies to animals kept on residential land within the LGA.

The policy includes an "Advisory Table" which provides a guide to appropriate numbers for keeping of animals that Council may consider when required to address any impact created by the keeping of any animal species. Enforcement action can be undertaken by Council regardless of the numbers where there are found to be negative impacts upon surrounding areas and neighbours.

The numbers included in the Advisory table are the same as those provided for in the [former Wyong Shire Council Policy](#). The former Gosford City Council did not have an equivalent policy.

This policy updates the former Wyong Policy into a single Central Coast Council policy without significant change.

Smoke-Free Outdoor Public Places Policy

The draft Smoke-Free Outdoor Public Places Policy is at Attachment 5. This draft policy is based upon a [former Gosford City Council policy](#). It seeks to protect members of the community from the health and social impacts of smoking by others in public places.

The policy identifies those places where smoking is banned in outdoor public spaces beyond those listed by the *Smoke-free Environment Act 2000* to include:

- a Natural Areas (e.g. bushland, foreshores)
- b Sportsgrounds
- c Parks
- d Areas of Cultural Significance
- e General Community Use

The Act, whilst prohibiting smoking from some areas at certain times, does not necessarily apply to all of Council's Parks, Sportsground, Bushland and Foreshore reserves at all times. It is noted that this policy enhances and strengthens the provisions of the Act. The application of this policy is not just aimed at improving public health directly and indirectly associated with smoking, but to also help reduce other impacts including bush fire ignition risk and litter.

This policy updates the former Gosford Policy into a single Central Coast Council policy without significant change.

Consultation

A Councillor update was circulated to all Councillors on 19 June 2020, detailing the proposed five draft policies.

At the 6 July 2020 Councillor briefing an opportunity was provided to Councillors to ask any questions of relevant staff about the draft policies.

Councillors asked whether the draft Events of Open Space Areas Policy would have any impact on fees and charges. Staff advised that there would be no impact.

Councillors have also asked about legislation relating to keeping of animals. Council staff advised that the policy references all related resources, including all legislation.

It is noted that the draft Keeping of Animals Policy has been provided to the Companion Animals Advisory Committee for consideration. Any feedback will be reported to Council at the conclusion of the exhibition period.

It is recommended that the exhibition period be for 42 days. It is noted that the usual exhibition period is 28 days however in recognition of the number of policies being exhibited it is considered appropriate to have a longer exhibition period to allow those wishing to make a submission additional time.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Critical Dates or Timeframes

Nil.

Attachments

| | | |
|----------|---|-----------|
| 1 | Draft Temporary Licensing of a Trade or Business on Open Space Areas Policy | D13989516 |
| 2 | Draft events on Open Space Areas Policy | D14033590 |
| 3 | Draft Tree Vandalism Management Policy | D13988776 |
| 4 | Draft Keeping of Animals Policy | D13989810 |
| 5 | Draft Smoke-Free Outdoor Places Policy | D13988079 |



Temporary Licensing of a Trade or Business on Open Space Areas **Policy**

May 2020

Policy No: CCC071

Policy owner:

Open Space & Recreation Unit, Environment and Planning

Approved by:

[Central Coast Council – once approved]

Date of approval:

DD/MM/2020

Policy category:

Statutory

Content Manager No:

D#####

Review by:

March 2022

Contents

| | |
|---|---|
| Contents | 2 |
| Purpose | 3 |
| Scope | 3 |
| Background | 4 |
| General | 4 |
| Compliance, monitoring and review | 5 |
| Definitions | 6 |
| Related resources | 6 |
| History of revisions | 7 |

Purpose

1. This policy provides formal guidelines for undertaking a trade or business on open space areas in the Central Coast Local Government Area, to ensure fair and sustainable use of these areas as well as the safety and wellbeing of the community.
2. The purpose of this policy is to achieve eight (8) desired outcomes for the management of a trade or business on Council managed land. Council's objectives for this Policy are:
 - a. To maximise use of open space areas for the community
 - b. To allocate and regulate use by operators wishing to conduct a trade or business on open space areas
 - c. To ensure minimal impact on the community and environment by operators conducting a trade or business on open space areas
 - d. To address associated issues of risk management and public safety on open space areas owned and managed by Council
 - e. To address issues of environmental sustainability associated with the undertaking of a trade or business on open space areas owned and managed by Council
 - f. To be consistent with Council's Plans of Management and/or Strategies for various open space areas
 - g. To ensure fairness and equity in decision making
 - h. To add positively to community active lifestyle outcomes.

Scope

3. This Policy covers a trade or business intending to undertake an activity on open space area owned and managed by Council and required to obtain a temporary licence or approval from Council.
4. Activities not governed by this policy include:
 - a. Activities not considered to be a trade or business activity
 - b. Trade or business activities deemed to be special events
 - c. Trade or business activities subject to a lease arrangement
 - d. Prohibited activities that will not be considered for approval
 - e. Activities that are not considered ancillary to the purpose of the reserve
 - f. Activities considered to be harmful to the environment
 - g. Activities considered to be dangerous for participants or the general public

- h. Activities that could be considered to unreasonably disrupt other users of the reserve and/or adjoining neighbours
 - i. Activities involving the sale of goods (including equipment) on open space reserves.
5. This policy does not override any other Council requirements relating to trade or business activities including Council's Local Environmental Plan (LEP), Development Control Plans (DCP), State Environmental Planning Policies (SEPPs) or provisions of the Local Government Act 1993 or Crown Land Management Act 2016.

Background

6. The Central Coast covers an area of 1,680 square kilometres with an expanding population of over 340,000 people. Open Space and National Parks, accounts for more than 50% of the Local Government Area, including: mountains, bushlands, beaches, wetlands, foreshores, estuaries, informal passive areas and active recreation areas.
7. As these open space areas become more popular for permanent residents and tourists, a demand has arisen for the use of Council owned and managed open space areas to conduct a trade or business that will allow users to experience a variety of active lifestyle opportunities.

General

8. This policy supports activation of trade and business on Open Space. Examples of allowable trades and businesses include, but are not limited to, the following:
- a. Canoe, Kayak and Paddleboat Operations
 - b. Clinics and Coaching
 - c. Commercial Fishermen
 - d. Corporate Group Training
 - e. Dog Obedience Training
 - f. Personal Trainers, Fitness Groups & Boot Camps
 - g. Stand Up Paddle Board
 - h. Surf Schools
 - i. Storage
9. Council will permit the undertaking of a trade or business on open space areas owned by Council, or where Council is the Crown Trust Manager, subject to terms and conditions as determined by Council.
10. Trade or business activities conducted on open space areas must be ancillary to the purpose of the reserve and encourage active participation in a healthy lifestyle.

11. Licences under this policy will not allow for exclusive use of the land and the general public must be able to access the agreed upon reserve/s at all times.
12. Supporting guidelines or procedures, being an administrative process, may be altered as necessary by the Chief Executive Officer. Please see Council's website for specific 'EOI' guidelines.
13. In accordance with the Crown Land Management Act 2016 and Local Government Act 1993, temporary licensing will be for a maximum twelve (12) month period over the relevant financial year.
14. Fees are payable as provided for in Council's Fees and Charges Schedule. Fees will be reviewed annually in line with Council's review of fees and charges.

Compliance, monitoring and review

15. Council, as owner or Reserve Trust Manager, reserves the right to terminate a licence if the licensee breaches any of the licence conditions. As per section 68 of the Local Government Act, any operators conducting activities requiring Council approval, including a trade or business activity, found to be operating without required approval are guilty of an offence as outlined under sections 626 and 627 of the Act and will be penalised in accordance with the Act.
16. This Policy aligns with relevant legislation, government policy and/or Central Coast Council requirements, strategies, values and activities. This policy shall not derogate from Council's responsibility to comply with any competent statutory obligation. Where this Policy conflicts with any competent statutory obligation, the statutory obligation shall prevail to the extent of any such conflict.
17. This policy is implemented and monitored to reflect the changing environment and manage emerging issues as they are identified. The policy will be reviewed within six (6) months of each local council election to evaluate its continuing effectiveness (e.g. achieving its purpose, up-to-date).
18. Suspected breaches or misuse of this policy are to be reported to the Chief Executive Officer. Alleged breaches of this policy shall be dealt with by the processes outlined for breaches of the Code of Conduct, as detailed in the Code of Conduct and in the Procedures for the Administration of the Code of Conduct.
19. Staff must maintain all records relevant to administering this policy in a recognised Council recordkeeping system.

Definitions

20. In this policy:

- a. **Licence:** means A contractual agreement between Central Coast Council (Licensor) and a person or organisation (Licensee) for which a Licensee may conduct a trade or business on an agreed open space area/s owned and managed by the Licensor.
- b. **Not-For-Profit Organisations:** means organisations/associations for which "all the income, assets and surplus funds of your organisation must be used to achieve its objectives and cannot be distributed to members" (NSW Fair Trading).
- c. **Open Space (Areas):** means any community land, and/or Crown Land reserves where Council is the Crown Trust Manager, used for structured or casual recreational activities including mountains, bushlands, beaches, foreshores, estuaries, informal passive reserves and active recreation areas
- d. **Statutory Considerations:** mean any mandatory obligation (statutory duty) imposed upon Council by any competent Act, Regulation, Ordinance, Rule or Instrument enacted by the Parliament of New South Wales or, to the extent that it is relevant, by the Parliament of the Commonwealth of Australia.
- e. **Temporary Licensing:** means the process of providing a temporary approval for a trade or business intending to undertake an activity an open space area owned and managed by Council
- f. **Trade or Business:** means any activity with a principal purpose to derive profit to an individual(s) or company and/or where a fee is obtained for a service provided. Not-for-profit groups may seek to gain exemption from this policy upon application in writing to council

Related resources

Legislation:

- a. [Associations Incorporation Act 2009 \(NSW\)](#)
- b. [Crown Land Management Act 2016 \(Cwlth\)](#)
- c. [Crown Land Regulation 2018 \(Cwlth\)](#)

Associated/Internal documents:

- a. [Central Coast Council – Outdoor permits information](#)
- b. [Central Coast Council Community Participation Plan 2019 - 2024](#)
- c. [Central Coast Council Community Strategic Plan 2018 - 2028](#)
- d. [Central Coast Council Disability Inclusion Action Plan 2017 - 2021](#)
- e. [Central Coast Council's Plans of Management](#)
- f. [Central Coast Council Tourism Opportunity Plan 2019 - 2024.](#)

History of revisions

| Amendment history | Details |
|-------------------------------------|---|
| Original approval authority details | <p>[Central Coast Council – once approved]</p> <p>DD/MM/YYYY [insert Council meeting date and Min. No.]</p> <p>This policy provides formal guidelines for undertaking a trade or business on open space areas in the Central Coast NSW Local Government Area. It replaces former policy including <i>Licensing of a Trade or Business on Open Space Areas Policy</i> (former Gosford City Council, Min No 2011/242 – 24 May 2011)</p> <p>[CM document number – to be inserted once in CM policy list]</p> |



Events on Open Space Areas

June 2020

Policy No: CCC084

| | |
|---------------------|--|
| Policy owner: | Open Space & Recreation Unit, Environment and Planning |
| Approved by: | [Gary Murphy, Chief Executive Officer – once final] |
| Date of approval: | Day/Month/Year |
| Policy category: | Strategic |
| Content Manager No: | D##### |
| Review by: | June 2025 |

Contents

| | |
|---|---|
| Contents | 2 |
| Purpose | 3 |
| Policy summary | 3 |
| Scope | 3 |
| Background | 5 |
| General | 5 |
| Compliance, monitoring and review | 6 |
| Definitions | 6 |
| Related resources | 7 |
| History of revisions | 8 |

Purpose

1. This policy provides direction on how Council will manage approval of temporary events and activities on open space areas in the Central Coast Local Government Area. This policy ensures that community use remains paramount, while allowing for conduction of temporary events and activities in circumstances that also provide a benefit to the community.
2. Council's objectives for this policy are as follows:
 - a. Deliver cultural, social, recreational, environmental and economic benefits for the community
 - b. Provide a consistent, equitable and transparent approach to the issuing of temporary events and activity approvals on open space
 - c. Provide a documented process on approvals through related policies
 - d. To ensure minimal impact on the community and environment
 - e. Be consistent with Council's Plans of management and Strategies for open space
 - f. To address issues of risk management and safety associated with the undertaking events on open space areas owned and managed by Council
 - g. To address issues of environmental sustainability associated with the undertaking events on open space areas owned and managed by Council
 - h. To add value to positive community active lifestyle outcomes

Policy summary

3. Council will permit events and activities on open space areas owned by Council and where Council is the Crown Trust Manager subject to terms and conditions as determined by Council.
4. Temporary events and activities conducted on open space must not compromise the future development of land or have detrimental economic, social, amenity or environmental effect on the land or adjoining land.
5. A temporary event or activity conducted on open space areas must be ancillary to the purpose of the reserve, be of an educational nature and/or encourage active participation in a healthy lifestyle. The activity must be consistent with the applicable Plan of Management for the land.

Scope

6. This Policy covers events and activities intending to be undertaken on open space areas owned and managed by Council and required to obtain a Temporary Event Approval from Council, as the reserve manager.
7. Examples of such events and activities include but are not limited to the following:
 - a. Weddings
 - b. Celebrations
 - c. Entertainment

- d. Recreational events
 - e. Education events
 - f. Cultural events
 - g. Markets
 - h. Exhibitions
 - i. Festivals
 - j. Fetes
 - k. Concerts
 - l. Circuses
8. Temporary events and activities deemed to be of major significance or impact and attracting large numbers of people will require a development application (DA) and approval.
9. Activities not governed by this policy:
- a. Temporary events and activities that occur on land not considered open space areas as defined in this policy.
 - b. Temporary events or activities deemed to be trade or business
 - c. Temporary events or activities subject to a lease arrangement
10. Activities that will not be considered for approval under this policy and will be subject to a separate assessment and approval process (where permissible) include:
- a. Street performances
 - b. Busking
 - c. Footpath dining
 - d. Itinerant or roadside vending vehicles or other mobile businesses
 - e. Road closure
 - f. Temporary events or activities considered to be harmful to the environment
 - g. Temporary events or activities considered to be dangerous for participants or to the general public
 - h. Activities that are not considered ancillary to the purpose of the reserve
 - i. Temporary events or activities which could be considered to significantly disrupt other users of the reserve and/or adjoining neighbours
 - j. Temporary events or activities that contravene the current local planning instrument (LEP)
 - k. Temporary events or activities that contravene the relevant Plan of Management for the reserve.

Background

11. The Central Coast covers an area of 1,680sq. kilometres with an expanding population of over 340,000 people. The area is characterised by an abundance of open space opportunities including: mountains, bushlands, beaches, wetlands, foreshores, estuaries, informal passive and active recreation areas. Open Space and National Parks together account for more than 50% of the Central Coast Local Government Area. As these open space areas become more popular for permanent residents and tourists, a demand has arisen for the use of Council owned and managed open space areas to conduct events and activities that will allow users to experience a variety of active lifestyle opportunities.

General

12. A temporary event or activity on open space areas must be carried out in accordance with a licence, approval or hire agreement granted by Council as provided in the relevant policy. Applications for an approval are to be submitted as detailed in the relevant policy listed below, and via forms on [Council's website](#):
 - Licensing of a Trade or Business on Open Space Areas
 - Events on Open Space Areas (this policy)
13. This policy has been prepared in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005, Crown Land Management Act 2016 and Crown Lands Regulation 2018 (as amended).
14. This policy does not override any other Council requirements relating to temporary use including Council's Local Environmental Plans (LEPs), Development Control Plans (DCPs), State Environmental Planning Policies (SEPP) or provisions of legislation including the Local Government Act 1993, Crown Land Management Act 2016 and associated regulations (as amended).
15. Council, as owner or Crown Land Manager, reserves the right to terminate the Temporary Event Approval if the hirer breaches any of the Temporary Event Approval conditions. As per section 68 of the Local Government Act 1993, any operators conducting activities requiring Council approval, found to be operating without required approval are guilty of an offence as outlined under sections 626 and 627 of the Act and will be penalised in accordance with the Act.
16. In accordance with the Crown Land Management Act 2016, Local Government Act 1993 and LEP, Temporary Event Approval will be for a maximum period of twenty-eight (28) days – whether or not consecutive days – in any period of twelve (12) months over the relevant financial year.
17. Fees are payable as provided for in Council's Fees and Charges Schedule. Fees will be reviewed annually in line with Council's review of fees and charges.
18. Supporting guidelines or procedures, being an administrative process, may be altered as necessary by the Chief Executive Officer. Please see Council's website for specific guidelines.

Compliance, monitoring and review

19. This policy aligns with relevant legislation, government policy and/or Central Coast Council requirements, strategies, values and activities
20. This policy is implemented and monitored (i.e. the policy reflects the changing environment and emerging issues are identified)
21. This policy shall not derogate from Council's responsibility to comply with any competent statutory obligation. Where this policy conflicts with any competent statutory obligation, the statutory obligation shall prevail to the extent of any such conflict.
22. Suspected breaches or misuse of this policy are to be reported to the Chief Executive Officer. Alleged breaches of this policy shall be dealt with by the processes outlined for breaches of the Code of Conduct, as detailed in the Code of Conduct and in the Procedures for the Administration of the Code of Conduct.
23. Staff must maintain all records relevant to administering this policy in a recognised Council recordkeeping system.
24. This policy is reviewed at least once per term of Council to evaluate its continuing effectiveness.

Definitions

25. In this policy:
 - a. **Temporary Event Approval:** A contractual agreement between Central Coast Council and a person or organisation applicant for which an applicant may conduct an event or activities on an agreed open space area/s owned and managed by Central Coast Council. The 'Temporary Event Approval' will not allow for exclusive use of the land and the general public must be able to access the agreed upon reserve/s at all times.
 - b. **Open Space:** Any community land and/or Crown Land reserves where Council is the Crown Trust Manager used for structured or casual recreational activities including mountains, bushlands, beaches, foreshores, estuaries, informal passive reserves and active recreation areas.
 - c. **Trade or Business:** Any activity with a principal purpose to derive profit to an individual(s) or company and/or where a fee is obtained for a service provided.
 - d. **Statutory obligation:** Any mandatory obligation (statutory duty) imposed upon Council by any competent Act, Regulation, Ordinance, Rule or Instrument enacted by the Parliament of New South Wales or, to the extent that it is relevant, by the Parliament of the Commonwealth of Australia.

Related resources

26. Legislation:

- a. [Local Government Act 1993 \(NSW\)](#)
- b. [Wyong Local Environmental Plan 2013 \(NSW\) \(as amended\)](#)
- c. [Gosford Local environmental Plan 2014 \(NSW\) \(as amended\)](#)
- d. [Crown Land Management Act 2016 \(NSW\)](#)
- e. [Crown Land Regulation 2018 \(NSW\)](#)

27. Associated/Internal documents:

- a. [Central Coast Council Community Strategic Plan 2018 - 2028](#)
- b. [Central Coast Council Bike Plan 2019 - 2029](#)
- c. [Central Coast Council Community Participation Plan 2019 - 2024](#)
- d. [Central Coast Council Disability Inclusion Action Plan 2017 - 2021](#)
- e. [Central Coast Council Licensing of a Trade or Business on Open Space Areas Policy](#)
- f. [Central Coast Council Sustainable Events Policy](#) and [Sustainable Events Management Guide](#)
- g. [Central Coast Council Plastic Free Event Guidelines](#)
- h. [Central Coast Council Tourism Opportunity Plan 2019 - 2024](#)

History of revisions

| Amendment history | Details |
|--|---|
| Original approval authority details | <p>Chief Executive Officer / Council</p> <hr/> <p>DD/MM/YYYY</p> <hr/> <p>This policy provides direction on how Council will manage approval of temporary events and activities on open space areas in the Central Coast Local Government Area.</p> <p>It replaces former Gosford City Council (GCC) policies for <i>Special Events on Open Space Areas</i> and <i>Temporary Events and Activities on Open Space</i> (GCC Min No 2013/388 - 16 July 2013)</p> |



Tree Vandalism Management Policy

May 2020

Policy No: CCC079

| | |
|---------------------|---|
| Policy owner: | Environmental Management Unit, Environment & Planning |
| Approved by: | [Central Coast Council – once final] |
| Date of approval: | Day/Month/Year |
| Policy category: | Strategic |
| Content Manager No: | D##### |
| Review by: | May 2024 |

Contents

| | |
|---|---|
| Contents | 2 |
| Purpose | 3 |
| Scope | 3 |
| Background | 3 |
| General | 4 |
| Policy Objectives | 4 |
| Policy Principles | 4 |
| Compliance, monitoring and review | 5 |
| Definitions | 6 |
| Related resources | 7 |
| History of revisions | 8 |

Purpose

1. The purpose of this policy is to provide a consistent approach across the Central Coast Council Local Government Area (LGA) in deterring and responding to the vandalism of trees and vegetation on both private and Council owned or managed land.

Scope

2. This Policy applies to all persons living, visiting or undertaking business activity within the Central Coast Council LGA as further detailed below:
 - a. individuals, groups, businesses or other organisations,
 - b. residents or visitors.
 - c. personnel employed by Council; any person or organisation contracted to or acting on behalf of Council; or any person or organisation employed to work on Council premises or facilities where relevant approvals are not obtained to remove or damage trees and vegetation.
 - d. excludes any land where Council is not the Authorised Regulatory Authority, including land managed by Department of Crown Lands, NSW Local Land Services, Department of Planning, Industry and Environment, or education facilities where works are undertaken in accordance with other state or federal legislation.

Background

3. This policy has been developed to consolidate a consistent approach across the Central Coast Council LGA. It is based on the *Regional Tree and Vegetation Vandalism Policy* that was developed by Hunter Joint Organisation (HJO) as part of its Hunter & Central Coast Regional Environmental Management Strategy (HCCREMS) Program, due to increasing tree/vegetation vandalism being experienced by councils across the region.
4. Central Coast Council is a member of the HJO. The HJO comprises the following Councils:

| | |
|-----------------------------|----------------------------|
| Central Coast Council | Muswellbrook Shire Council |
| Cessnock City Council | Newcastle City Council |
| Dungog Shire Council | Port Stephens Council |
| Mid Coast Council | Singleton Council |
| Lake Macquarie City Council | Upper Hunter Shire Council |
| Maitland City Council | |

5. The vandalism that led to development of the HCCREMS Regional Tree and Vegetation Vandalism Policy was particularly apparent in the coastal zone, where development pressure and conflicts between water views and vegetation have seen an increase in the unlawful destruction of trees and vegetation on both private and public managed land. This has continued to be the case across the Central Coast Council LGA, with ongoing reports of tree poisoning and removal.

General

6. The following objectives and principles provide the framework to address tree and vegetation vandalism.

Policy Objectives

- a. To promote the value of trees and vegetation across the Central Coast LGA and a greater understanding of the implications from damage or injury to trees and vegetation, and
- b. To provide consistency in the investigation and response to tree and vegetation vandalism incidents, and
- c. To share experience, expertise and resources within Council and through benchmarking with other Councils, when responding and deterring tree and vegetation vandalism, and
- d. To promote broader community involvement in the prevention and reporting of vandalism and assisting in the investigation following vandalism incident, and
- e. To achieve a reduction in the illegal vandalism or removal of trees and vegetation.

Policy Principles

- a. Vandalism of trees and vegetation on community and public land is a serious criminal offence.
 - b. The long-term management of trees and vegetation on public land (including re-establishment in previously cleared areas) is integral to maintaining the economic, cultural, environmental and social values of the Council area. Trees and vegetation contribute significantly to environmental health, and to human health and wellbeing.
 - c. The identification and prosecution of perpetrators of public tree or vegetation vandalism should be pursued consistently.
 - d. In the absence of successful prosecution, Council and the community must carry some shared responsibility for the prevention of further damage and the rehabilitation of damaged areas.
 - e. Education is a key mechanism to promote the value of trees and vegetation within both Council and the community and will encourage the reporting of vandalism, and a reduction in vandalism activity.
7. The implementation of this policy will consider the Central Coast Council Policy for Compliance and Enforcement

8. This policy (Tree Vandalism Policy) will take precedence in determining action regarding tree or vegetation compliance where there is an inconsistency with the Central Coast Council Policy for Compliance and Enforcement.

Compliance, monitoring and review

9. Compliance with the purpose, principles and objectives of this policy may be achieved through several actions, including but not limited to:
- a. **Education** of person/s investigated for compliance breaches, whether proven or unproven of committing an offence, of the social, environmental and legal implications of tree and vegetation vandalism including
 - i. Broader community education to also include awareness of Council Policy changes to the DCP Chapter (3.3 and 3.6) Tree and Vegetation Management and Compliance Policy.
 - ii. Dissemination of information to be in accordance with an approved Communication Plan incorporating both electronic and written options to maximise community contact.
 - b. **Monitoring and Prevention** of vandalism utilising technology, physical deterrents, increased site attendance and community reporting. The types of physical deterrents for vandalism of public trees or vegetation include:
 - iii. Screens (including billboard style or shipping containers or other appropriate visual barriers) where vandalism is for views.
 - iv. Construction fence panels with shade cloth and signs identifying tree or vegetation has been vandalised, which can be used for both individual trees in street scapes and vegetated areas.
 - v. Installation of surveillance cameras and signs.
 - c. **Regulatory Enforcement** will be considered once an investigation has obtained all available and relevant information. The type of enforcement action taken will be determined by consideration of all relevant factors including:
 - i. Education,
 - ii. Warning or formal caution,
 - iii. Issue notice of intent to serve an order, and serving of order if appropriate,
 - iv. Voluntary undertaking to remedy the damage (includes replacement planting),
 - v. Issue a penalty notice,
 - vi. Commence legal proceedings for court action.
 - d. **Rehabilitation** of vandalised sites to be undertaken to reinstate the vegetation that has been damaged or removed, with the cost of the works to be recovered from person/s proven to have committed the offence wherever possible. Where an act of tree or vegetation vandalism

(directly or indirectly) creates an environmental risk, such as increased erosion into a watercourse, Council will undertake immediate remedial action to minimise the environmental risk and will seek costs from any person proven as the perpetrator of the vandalism.

10. Councils compliance response to tree and vegetation vandalism issues will be applied in recognition of available staffing and monetary resources available to undertake compliance. Council staff will prioritise compliance in response to tree and vegetation vandalism based on relevant factors which may include the significance and severity of the offence, and the impact it has on the broader community and the environment.
11. Suspected breaches or misuse of this policy are to be reported to the Chief Executive Officer. Alleged breaches of this policy shall be dealt with by the processes outlined for breaches of the Code of Conduct, as detailed in the Code of Conduct and in the Procedures for the Administration of the Code of Conduct.
12. This policy will be reviewed each Council term to ensure it is up to date and achieving its purpose, aligns with relevant legislation, government policy and/or Central Coast Council requirements, strategies, values and activities, and
13. This policy is implemented and monitored by the relevant operational area of Council responsible for tree compliance to ensure the policy reflects the changing environment and emerging issues are identified as they develop.
14. Staff must manage all compliance investigations in accordance with the requirements of the Evidence Act 1995.
15. Staff must maintain all records relevant to administering this policy in a recognised Council recordkeeping system.

Definitions

16. In this policy:
 - a. **Authorised Regulatory Authority** means the government agency with jurisdiction over activity undertaken on a parcel of land.
 - b. **Damage or Injury** means any activity that results in severing, bruising or breaking any part of the tree including the bark layer above or below ground; activities include pruning, impact, cut down, fell, uproot, kill, poison, ringbark, burn, clear or otherwise destroy the vegetation.
 - c. **Prosecute** means investigation and determination of compliance action in response to alleged vandalism, with action taken where an offence is proven. May include caution, fines or court appearance.
 - d. **Tree** means a perennial plant with at least one self-supporting woody or fibrous stem, which:

- i. is three metres or more in height, or
 - ii. has a trunk diameter of 75 mm or more measured at 1.4 metres above ground level, or
 - iii. any tree species on public managed land regardless of size.
- e. **Unlawful Destruction** means any activity that results in whole or partial tree removal, death, severing, bruising or breaking of the bark layer, or damage to any part of the tree above or below ground without a lawful permit, consent or lawful exemption.
- f. **Vandalism** means the unlawful destruction, damage or injury to trees and vegetation on any land.
- g. **Vegetation** means a tree or other vegetation, including understorey and groundcover plants, whether or not it is native to New South Wales.

Related resources

17. Legislation:

- a. [Biodiversity Conservation Act 2016 \(NSW\)](#)
- b. [Environmental Planning and Assessment Act 1979 \(NSW\)](#)
- c. [Evidence Act 1995 \(NSW\)](#)
- d. [Local Government Act 1993 \(NSW\)](#)
- e. [Pesticides Act 1999 \(NSW\)](#)
- f. [Privacy and Personal Information Protection Act 1998 \(NSW\)](#)
- g. [Protection of the Environment Operations Act 1997 \(NSW\)](#)
- h. [State Environmental Planning Policy \(Vegetation in Non-Rural Areas\) 2017](#)

18. Council policies and associated documents:

- i. [Central Coast Council Development Control Plans](#)
- j. Policy for Compliance and Enforcement 2017
- k. [Code of Conduct](#)

History of revisions

| Amendment history | Details |
|-------------------------------------|---|
| Original approval authority details | <p>Chief Executive Officer / Council</p> <p><remove as required ></p> <hr/> <p>XX/XX/20XX <insert Council Meeting date and minute number of resolution adopting the policy <remove if not needed></p> <hr/> <p>This policy is to provide a consistent approach across the Central Coast Council Local Government Area in deterring and responding to the vandalism of trees and vegetation on both private and Council managed land. It replaces former policies including the Regional Tree/Vegetation Vandalism Policy, former Gosford City Council.</p> <hr/> <p>CM document number D13988776</p> <hr/> |

Note: delete lines or add in additional lines as required



Keeping of Animals **Policy**

May 2020

Policy No: CCC076

| | |
|---------------------|---|
| Policy owner: | Environment and Certification, Environment and Planning |
| Approved by: | [Gary Murphy CEO – once approved] |
| Date of approval: | DD/MM/2020 |
| Policy category: | Strategic |
| Content Manager No: | D##### |
| Review by: | May 2024 |

Contents

| | |
|---|---|
| Contents | 2 |
| Purpose | 3 |
| Scope | 3 |
| Background | 3 |
| General | 4 |
| Keeping of Animals – Advisory table | 4 |
| Compliance, monitoring and review | 5 |
| Related resources | 5 |
| History of revisions | 6 |

Purpose

1. This Policy aims to provide minimum standards for the keeping of animals to:
 - a. reduce adverse impacts on adjoining properties
 - b. protect and promote the welfare of animals
 - c. protect the welfare and habitat of wildlife
 - d. minimise the disturbance of or damage to protected vegetation.

Scope

2. The Keeping of Animals Policy (the Policy) applies to any animal(s) kept on residential land within the Central Coast Council local government area.
3. The Policy applies to land used for residential purposes and any property less than 1200m² regardless of the zone under the Local Environment Plan (LEP)
4. The Policy may also be used where animals(s) are kept in non-residential areas where the keeping of animal(s) is causing or has the potential to cause impacts on adjoining lands.
5. The Policy applies to keeping of animals for hobby or companion purposes. Keeping of animals for commercial breeding or racing purposes is beyond the scope of the Policy and requires submission of a development application.

Background

6. Council may exercise controls over the keeping of animals under the following NSW legislation:
 - a. Local Government Act 1993
 - b. Environmental Planning and Assessment Act 1979
 - c. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
 - d. Protection of the Environment Operations Act 1997
 - e. Impounding Act 1993
 - f. Companion Animals Act 1998.

General

7. The "Advisory Table" provides a guide to appropriate numbers for keeping of animals that Council may consider when required to address any impact created by the keeping of any animal species.
8. Animals must be kept in a manner that is:
 - a. clean and healthy for people and the animal
 - b. free from promoting harbourage of vermin, including flies and/or insects
 - c. free of offensive odours, noise and/or dust
 - d. free of wastes, including body wastes having the potential to produce pollution impacts
 - e. free of any other impacts upon neighbouring residents, including safety risks.
9. While Council provides this information as a guideline, the NSW Government's State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 outlines required setbacks for the structures required for keeping of animals in NSW. Structures which do not comply with the SEPP will require development consent.

Keeping of Animals – Advisory table

The following table provides a guideline for the keeping of animals in residential land and may be used in conjunction in maintaining a health and safe environment for the keeping of animals.

| Species | Maximum Number of Animals ¹ |
|------------------------------------|---|
| Bees | 2 hives Must be registered with Department of Primary Industries |
| Caged birds | Appropriate to location and breed |
| Horses, cattle, pigs, sheep, goats | Not recommended in residential areas |
| Pet rats, mice and guinea pigs | 4 of any variety |
| Pigeons | 10 pairs |
| Poultry | 10 fowl/poultry Roosters are not recommended in residential areas |
| Rabbits/ferrets | 2 |
| Reptiles | Only where licenced |
| Any other species ² | Contact with Council is recommended before introduction to residential area |

¹ The numbers of animals are a guide. Enforcement action may be taken where less than the number are kept and unhealthy, unsafe or any other adverse impacts are being produced. Animal includes any non-human being or living creature.

² Other species include any animal kept, subject to the keeping of the animal not causing impacts listed below.

Compliance, monitoring and review

10. Council may take compliance or enforcement action to address any impact produced by the keeping of any animal(s), regardless of the number being kept or the distance from a dwelling.
11. An impact may include:
 - a. noise
 - b. odour
 - c. effluent discharge
 - d. dust
 - e. insect or pest generation
 - f. safety risk.
12. Where Council decides to take action to address any impact, such action will be undertaken in accordance with the Compliance and Enforcement Policy.
13. This policy will be reviewed at least once every term of Council.
14. Staff must maintain all records relevant to administering this policy in a recognised Council recordkeeping system.

Related resources

15. NSW Legislation:
 - a. [Companion Animals Act 1998](#)
 - b. [Environmental Planning and Assessment Act 1979](#)
 - c. [Impounding Act 1993](#)
 - d. [Local Government Act 1993](#)
 - e. [Protection of the Environment Operations Act 1997](#)
 - f. [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#)
16. Associated/Internal documents:
 - a. Council's [Code of Conduct](#)
 - b. Council's [Compliance and Enforcement Policy](#).

History of revisions

| Amendment history | Details |
|-------------------------------------|--|
| Original approval authority details | <p>[Central Coast Council - once approved]</p> <hr/> <p>XX/XX/20XX <insert Council Meeting date and minute number of resolution adopting the policy</p> <hr/> <p>This Policy aims to provide minimum standards for the keeping of animals, particularly in residential areas, in the Central Coast Council local government area. This policy replaces the <i>Keeping of Animals Policy</i> of former Wyong Shire Council (WSC015),</p> |
| Version # <remove if not needed> | <p>XX/XX/20XX <insert Council Meeting date and 'minute number' of resolution adopting the policy <remove if not needed></p> <hr/> <p>CM document number</p> <hr/> <p><i>State reasons for amendments</i></p> |



Smoke-Free Outdoor Public Places Policy

May 2020

Policy No: CCC061

| | |
|---------------------|---|
| Policy owner: | Environmental Management Unit, Environment and Planning |
| Approved by: | [Central Coast Council – once final] |
| Date of approval: | Day/Month/2020 |
| Policy category: | Strategic |
| Content Manager No: | D##### |
| Review by: | May 2024 |

Contents

| | |
|---|---|
| Contents | 2 |
| Purpose | 3 |
| Scope | 3 |
| Background | 3 |
| General | 4 |
| Additional 'smoke-free' outdoor public places | 4 |
| Compliance, Monitoring and Review | 4 |
| Records management | 5 |
| Related resources | 5 |
| History of revisions | 6 |

Purpose

1. The purposes of the Policy are to:
 - a. Protect members of the community from the health and social impacts of smoking by others in public places,
 - b. Improve public amenity and maintenance of Central Coast Council property,
 - c. Help to protect the environment from the impacts of discarded cigarette butts,
 - d. Support the intent of the Smoke-free Environment Act 2000 (NSW) (**SFE Act**).
2. These purposes are to be achieved by prohibiting smoking in various outdoor public places on the Central Coast.

Scope

3. This policy applies to everyone in relation to outdoor public places in the Central Coast Council Local Government Area.

Background

4. The SFE Act bans smoking in enclosed public spaces, and outdoor public spaces. Examples of smoke-free outdoor public places listed in the Act are:
 - a. a place that is within 10 metres of children's play equipment,
 - b. a swimming pool complex,
 - c. an area set aside for or being used by spectators to watch an organised sporting event at a sportsground or other recreational area, but only when an organised sporting event is being held there,
 - d. bus stops and taxi ranks,
 - e. a place that is within 4 metres of a pedestrian access point to a building (as defined by subsection 6A(2) of the SFE Act),
 - f. a commercial outdoor dining area,
 - g. any other outdoor public place that is prescribed by the SFE Regulations as a smoke-free area.
5. Through the application of this policy, Central Coast Council has extended those places where smoking is banned in outdoor public spaces beyond those listed by the SFE Act.

General

Additional 'smoke-free' outdoor public places

6. Additional smoke-free outdoor public places declared under this Policy include the following areas (noting these are categories of community land, as defined in s 36 of the Local Government Act 1993):
 - a. Natural Areas (e.g. bushland, foreshores)
 - b. Sportsgrounds
 - c. Parks
 - d. Areas of Cultural Significance.
 - e. General Community Use
7. The prohibition of smoking in these areas applies at all times, not just the specific times identified by some parts of the SFE Act (such as areas set aside for spectators to watch sporting events only when an organised sporting event is on).

Compliance, Monitoring and Review

8. Inspectors identified under Part 4 of the SFE Act have the authority and are responsible for the administration and enforcement of the smoke-free areas defined under that Act. Complaints relating to people smoking in areas defined under the Act should be referred to NSW Health.
9. The LG Act gives Central Coast Council powers to:
 - a. Erect suitably worded and strategically placed notices in "public places" prohibiting smoking (such places including but not limited to: public reserves, Crown reserves, public bathing reserves, public baths, public swimming pools, public parks and public roads) within the Central Coast Council Local Government Area
 - b. Serve, by means of an authorised person, a penalty notice on any person who fails to comply with the terms of any such notice
 - c. Demand, by means of an authorised person, the name and address of any person reasonably suspected of failing to comply with the terms of any such notice
 - d. Remove, by means of an authorised person, from community land any person who fails to comply with the terms of any such notice

- e. Otherwise prohibit smoking in any place within the Local Government Area, in respect of which Central Coast Council is the owner or occupier, as a condition of entry to that place.
- 10. Council officers are authorised to take enforcement action where a person is smoking if smoking is prohibited and sign posted as provided by section 632 of the *Local Government Act 1993*.
- 11. This policy will be reviewed at least once every term of local government.

Related resources

12. Legislation:

- a. [Local Government Act 1993](#)
- b. [Local Government \(General\) Regulation 2005](#)
- c. [Smoke-free Environment Act 2000](#)

13. Further information:

- a. [NSW Health – Smoke-free resources.](#)

14.

History of revisions

| Amendment history | Details |
|-------------------------------------|--|
| Original approval authority details | <p>Central Coast Council [once finalised]</p> <hr/> <p>XX/XX/20XX <insert Council Meeting date and minute number of resolution adopting the policy <remove if not needed></p> <hr/> <p>This policy extends the outdoor public spaces where smoking is banned, beyond those listed by the Smoke-Free Environment Act 2000 (NSW), to protect Central Coast community members from the health and social impacts of smoking.</p> <hr/> |



Item No: 3.6
Title: Councillors' role in planning matters
Department: Environment and Planning

24 August 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14054551
Author: Lisa Fox, Senior Advisor Policy and Projects
Executive: Scott Cox, Director Environment and Planning

Summary

At its meeting held on 25 May 2020, Council resolved that a "Policy on Councillor Procedures in Representing the Community Interest in Planning Matters" be drafted. This report provides a draft policy for consideration at Attachment 1.

The draft policy provides guidance on how Councillors may engage with Development Applications (DAs) that are required to be determined by the Central Coast Local Planning Panel (CCLPP).

In addition, this report details recent amendments to the CCLPP Operational Guidelines that provides that Councillors may make written submissions up 72 hours before a CCLPP meeting on any matter being considered at the meeting.

This report also recommends that Council resolves to develop a Central Coast "Approved Submissions Policy", in accordance with the NSW Department of Planning, Industry and Environment's "Local Planning Panels Submissions Policy Approval Guide", thereby providing an additional way for DAs to be determined by the CCLPP.

Recommendation

- 1 That Council endorses the draft Councillor Procedure in Representing the Community Interest in Planning Matters Policy at Attachment 1.**
- 2 That Council notes the recent amendments to the Central Coast Local Planning Panel's (CCLPP) Operational Guidelines, which provide a mechanism for Councillors to make a written submission to the CCLPP up to 72 hours before a CCLPP meeting.**
- 3 That Council requests the Chief Executive Officer draft a Central Coast "Approved Submissions Policy" in accordance with the NSW Department of Planning, Industry and Environment's "Local Planning Panels Submissions Policy Approval Guide", with a report coming back to Council within 3 months, seeking approval to public exhibit the draft policy.**

Context

Council at the Ordinary meeting of 11 May 2020, in accordance with Section 2.17 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), resolved to constitute the Central Coast Local Planning Panel (CCLPP) and agreed to the appointment of the inaugural panel members for a period of 14 months.

The functions of the CCLPP are to:

- provide an independent and open forum for interested persons and groups to hear and make submissions about development proposals referred for determination;
- provide increased transparency of process and expert assessment of development proposals referred; and
- consider and determine development applications, application modifications and reviews of applications referred to it.

At the Ordinary Meeting of 25 May 2020 Council resolved:

- 414/20 *That Council request the Chief Executive Officer draft a "Policy on Councillor Procedures in Representing the Community Interest in Planning Matters", with a report coming back to Council by the end of July 2020*
- 415/20 *That, in preparing the abovementioned "Policy on Councillor Procedures in Representing the Community Interest in Planning Matters" Councillors be consulted on:*
- a An appropriate timeframe and mechanism to report/advise Council on any proposals that are referred to the Local Planning Panel or Regional Planning Panel.*
 - b Options and a mechanism for the preparation of a submission and/or making representations on any of these matters.*
- 416/20 *That in the interim, Councillors be provided with:*
- a A regular list of development applications that are to be subject of community advertising such that Councillors can consider their position on these applications; and*
 - b Councillors be notified of matters being referred to the Local Planning Panel and be provided with copies of the assessment reports for these applications as soon as the assessment reports and agenda for the meeting are made publicly available.*

Section 4.8 of the EP&A Act sets out that once a Local Planning Panel is constituted the elected Council is no longer the consent authority for any Development Applications (DAs). Instead, the functions are to be exercisable on behalf of the council by either the CCLPP or delegated officers of the Council.

However, noting section 232 of the *Local Government Act*, staff recognise that Councillors continue to play an important role in representing the collective interests of residents, ratepayers and the local community, despite no longer having a decision-making role.

(1) *The role of a Councillor is as follows-*

- (a) *to be an active and contributing member of the governing body,*
- (b) *to make considered and well-informed decisions as a member of the governing body,*
- (c) *to participate in the development of the integrated planning and reporting framework,*
- (d) *to represent the collective interests of residents, ratepayers and the local community,*
- (e) *to facilitate communication between the local community and the governing body,*
- (f) *to uphold and represent accurately the policies and decisions of the governing body,*
- (g) *to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.*

(2) *A Councillor is accountable to the local community for the performance of the council.*

The draft *Councillor Procedure in Representing the Community Interest in Planning Matters Policy* at Attachment 1 provides guidance on how Councillors may engage with DAs that are required to be determined by the CCLPP.

It is noted that this draft policy does not bind the CCLPP. Council does not have any role in determining the functions and operations of the CCLPP. The operation of Local Planning Panels is governed by a legislative framework supported by Ministerial Directions and policies/guidance prepared by the NSW Department of Planning, Industry and Environment. The Local Planning Panels Best Practice Meeting Procedures notes:

The panel Chair is responsible for managing the good and orderly conduct of the meeting and do all things and take all steps necessary to control the conduct of the meeting.

The draft policy specifies that Councillors will be engaged in local planning matters in the following ways:

- Council staff will provide Councillors with a weekly list of DAs being notified/advertised.
- Council staff will provide timely responses to requests for general information via the Councillor request system for matters relating to any DA. General information may include date of lodgement, notification timeframe, number of submissions and the major issues.

3.6 Councillors' role in planning matters (contd)

- Via the CCLPP webpage Councillors can access all information relating to upcoming meetings, the panel members, the livestream, as well as outcomes and minutes.
- 7 days prior to each CCLPP meeting Council staff will provide Councillors with a copy of the agenda and all assessment reports for matters scheduled to be considered at the next CCLPP meeting.
- As provided for in the CCLPP Operational Guidelines, as at 1 July 2020, Councillors can make written submissions up 72 hours before a CCLPP meeting on any matter being considered at the meeting.
- As provided for in the CCLPP guidelines, Councillors that have made written submissions may register their intention to speak by 12 noon on the day before the Panel meeting, by completing the registration form.
- The quarterly report on DA outcomes (presented to Ordinary Meeting of the Council) will include detail on the CCLLP outcomes.

Amendments to CCLPP Operational Guidelines

As noted in the draft policy, the CCLPP chair is responsible for the management of the CCLPP's functions and operations. Following discussions with Council staff, the CCLPP chair recently made the following amendments to the [CCLPP Operational Guidelines](#):

- 1 Insertion of a new section: *'Councillors may make written submissions on items listed on the Panel agenda up to 72 hours before the Public Meeting and may then register their intention to speak by 12 noon on the day before the Panel meeting, by completing the registration form.'*
- 2 Clarification of speakers: *Speakers at the Public Meeting of the Panel shall be heard in the following order:*
 - Any Councillors, objectors (or nominated non-legal representatives speaking on their behalf), or other persons who wish to make representations; and then
 - The applicant or the applicant's representative
(New text underlined)

The insertion of the new section to provides a mechanism for Councillors to make a submission following receipt of the CCLPP agenda and assessment reports.

Development of a Central Coast "Approved Submissions Policy"

Council staff or Councillors are currently unable to 'refer' or 'call up' a matter to be determined by the CCLPP. However, the development of a Central Coast "Approved Submissions Policy", may provide an additional way for a DA to be determined by the CCLPP. This could essentially establish a "call up" provisions for Councillors, if certain thresholds were met.

The development of an "Approved Submission Policy" is provided for in Schedule 2 of the [Ministerial Directions \(23 February 2018\)](#), which notes that 'contentious development' must be forwarded to the Panel for determination, as set out below:

'Contentious Development

For

Development that:

(a) in the case of a council having an approved submissions policy - is the subject of the number of submissions set by that policy, or
(b) in any other case - is the subject of 10 or more unique submissions by way of objection.
An approved submissions policy is a policy prepared by the council and approved by the Secretary of the Department of Planning and Environment which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number or nature of submissions received about development. (underline added)

The Department of Planning, Industry and Environment has [set out the process](#) for the establishment of an 'Approved Submissions Policy'. Notably this requires:

- Evidence of public exhibition for a period of 28 days.
- A statement on what the expected implications of the proposed submission policy are, such as how it will impact the number of DAs being referred to the panel.
- Justification as to how the submission policy may contribute to better planning outcomes for the community.
- Data for the preceding 6 months (or agreed time frame supported by the Department.)

As an example, Wollongong City Council has developed an [Approved Submissions Policy](#), which states that, in addition to 'unique objections' from the public as a trigger for referring matters to the Wollongong Local Planning Panel, matters will also be referred to the Local Planning Panel under other criteria, including where:

- The application is subject of a written submission by 4 or more Councillors, or
- Deemed to be of significant community interest or Identified as a significant planning policy matter by the General Manager and the Director Planning and Environment.

It is recommended that Council resolves to prepare a draft Central Coast "Approved Submissions Policy" that would return to Council within three months for approval for public exhibition. During that 3-month period further consultation would be undertaken with Councillors.

It is noted that a Central Coast "Approved Submissions Policy" will also require endorsement by the Secretary of the Department of Planning, Industry and Environment prior to it becoming effective.

Consultation

A briefing note regarding these matters was circulated to Councillors on 3 July 2020. Staff presented on this issue during the 6 July 2020 Councillor briefing. During the briefing Councillors had the opportunity to ask questions and make comments.

It is noted that staff had proposed the development of guidelines, however during the briefing Councillors expressed a preference for a policy, which may be found at Attachment 1.

Following questions relating to the Regional Planning Panel (RPP), Staff indicated that further work will be undertaken to clarify Councillor involvement in RPP processes.

The timing of when Councillors may seek an independent assessment on a DA that was of community concern, was also raised. Staff advised that a further assessment could not be undertaken by a town planner within the Development Assessment Unit, as it may unduly influence the initial assessor. Options for Councillors to consider include:

- Engaging an independent consultant.
- A town planning resource to be located within the Councillor Support area of Council.

There is no budget for either option.

The Wollongong City Council's Approved Submissions Policy, used as an example of such a policy in this report, was discussed during the briefing. It is noted that if Council resolves to develop a Central Coast Approved Submission Policy staff may not simply replicate Wollongong's policy. Rather Staff, in consultation with Councillors, will develop a policy that is most appropriate to the Central Coast's circumstances.

Options

1 That Council:

- (1) Endorses the *Councillor Procedure in Representing the Community Interest in Planning Matters Policy*.
- (2) Notes the amendments to the CCLPP Operational Guidelines
- (3) Resolves to draft a Central Coast "Approved Submissions Policy" (as detailed in recommendation 3).

This is the recommended option for the reasons above.

2 That Council amends the *Councillor Procedure in Representing the Community Interest in Planning Matters Policy*.

3 That Council decides not to endorse the *Councillor Procedure in Representing the Community Interest in Planning Matters Policy*.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Critical Dates or Timeframes

Nil.

Attachments

- | | | |
|----------|--|-----------|
| 1 | Draft Councillor Procedure in Representing the Community Interest in Planning Matters Policy | D14073349 |
|----------|--|-----------|



Councillor Procedure in Representing Community Interest in Planning Matters **Policy**

July 2020

Policy No: CCC #####

| | |
|---------------------|---|
| Policy owner: | Development Assessment Unit, Environment & Planning |
| Approved by: | (Central Coast Council) |
| Date of approval: | Day/Month/Year |
| Policy category: | Strategic |
| Content Manager No: | D##### |
| Review date: | July 2021 |

Contents

| | |
|---|---|
| Contents | 2 |
| Purpose | 3 |
| Scope | 3 |
| Background | 3 |
| General | 4 |
| Review | 5 |
| Compliance, monitoring and review | 5 |
| Records management | 5 |
| Related resources | 5 |
| History of revisions | 7 |

Purpose

1. The purpose of this policy is to:
 - Support Central Coast Councillors in engaging on matters relating to development applications, requiring determination by the Central Coast Local Planning Panel (CCLPP), and
 - Assist Councillors in representing community interests in local planning matters. Recognising that Councillors play an important role in representing the collective interests of residents, ratepayers and the local community (section 232 of the *Local Government Act 1993*).

Scope

2. This Policy applies to all Central Coast Councillors. It informs Councillors of their role and how they may engage with development applications that are determined by the CCLPP.
3. It is recognised that this Policy does not bind the CCLPP. Council does not have any role in determining the functions and operations of the CCLPP. The operation of Local Planning Panels is governed by a legislative framework supported by Ministerial Directions and policies/guidance prepared by the NSW Department of Planning, Industry and Environment. The Local Planning Panels Best Practice Meeting Procedures notes:

The panel Chair is responsible for managing the good and orderly conduct of the meeting and do all things and take all steps necessary to control the conduct of the meeting.

Background

4. The CCLPP was constituted at the Ordinary Meeting of Council on 11 May 2020, following amendments to the *Environmental Planning & Assessment Regulation 2000* that required the formation of the Local Planning Panel.
5. Section 4.8 of the *Environmental Planning & Assessment Act 1979* sets out that, once a Local Planning Panel is constituted, the elected Council is no longer able to act as a consent authority for any Development Application (DA) under Part 4 of the Act. Instead, the functions are to be exercisable on behalf of the council by either:
 - The Local Planning Panel; or
 - Delegated Officers of the Council.

6. Councillors, although no longer having a decision-making role, play an important role in representing the collective interests of residents, ratepayers and the local community as provided for in section 232 of the *Local Government Act 1993* (LG Act).

7. Section 232 of the LG Act states:

(1) The role of a councillor is as follows--

(a) to be an active and contributing member of the governing body,

(b) to make considered and well-informed decisions as a member of the governing body,

(c) to participate in the development of the integrated planning and reporting framework,

(d) to represent the collective interests of residents, ratepayers and the local community,

(e) to facilitate communication between the local community and the governing body,

(f) to uphold and represent accurately the policies and decisions of the governing body,

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

(2) A councillor is accountable to the local community for the performance of the council.

General

8. Councillors will be engaged in local planning matters in the following ways:

- Council staff will provide Councillors with a weekly list of DAs being notified/advertised.
- Council staff will provide timely responses to requests for general information via the Councillor request system for matters relating to any DA. General information may include date of lodgement, notification timeframe, number of submissions and the major issues.
- Via the CCLPP webpage Councillors can access all information relating to upcoming meetings, the panel members, the livestream, as well as outcomes and minutes.
- 7 days prior to each CCLPP meeting Council staff will provide Councillors with a copy of the agenda and all assessment reports for matters scheduled to be considered at the next CCLPP meeting.
- As provided for in the CCLPP Operational Guidelines, as at 1 July 2020, Councillors can make written submissions up 72 hours before a CCLPP meeting on any matter being considered at the meeting.

- As provided for in the CCLPP guidelines, Councillors that have made written submissions may register their intention to speak by 12 noon on the day before the Panel meeting, by completing the registration form.
- The quarterly report on DA outcomes (presented to Ordinary Meeting of the Council) will include detail on the CCLLP outcomes.

Review

Compliance, monitoring and review

9. Suspected breaches or misuse of this policy are to be reported to the Chief Executive Officer. Alleged breaches of this policy shall be dealt with by the processes outlined for breaches of the Code of Conduct, as detailed in the Code of Conduct and in the Procedures for the Administration of the Code of Conduct.
10. Breaches of this policy by Councillors may result in an investigation of the alleged breach in line with Council's complaint handling policy, the Local Government Guidelines on Investigations and the Code of Conduct. Any alleged criminal offence or allegation of corrupt conduct will be referred to the relevant external agency.

Records management

11. Staff must maintain all records relevant to administering this policy in a recognised Council recordkeeping system.

Related resources

12. Legislation:
 - a. [Environment Planning & Assessment Act 1979 \(NSW\)](#)
 - b. [Environment Planning & Assessment Regulation 2000 \(NSW\)](#)
 - c. [Local Government Act 1993 \(NSW\)](#)
13. External documents:
 - a. Ministerial Directions (dated [23 February 2018](#) and [3 November 2019](#)).
 - b. [CCLPP Operational Guidelines](#).
 - c. [NSW Department of Planning, Industry and Environment's LPP Best Practice Meeting Procedures](#).

14. Associated/Internal documents:

- a. [Code of Conduct](#)
- b. [Councillor and Staff Interaction Policy](#)
- c. [Procedures for the Administration of the Code of Conduct](#)

History of revisions

| Amendment history | Details |
|-------------------------------------|---|
| Original approval authority details | <p>Council</p> <hr/> <p>XX/XX/20XX <insert Council Meeting date and minute number of resolution adopting the policy <remove if not needed></p> <hr/> <p>State reasons for creation of policy</p> <p><i>Council resolved at the Ordinary Meeting of 25 May 2020:</i></p> <p><i>414/20 That Council request the Chief Executive Officer draft a "Policy on Councillor Procedures in Representing the Community Interest in Planning Matters", with a report coming back to Council by the end of July 2020</i></p> <p><i>415/20 That, in preparing the abovementioned "Policy on Councillor Procedures in Representing the Community Interest in Planning Matters" Councillors be consulted on:</i></p> <ol style="list-style-type: none"> <i>a. An appropriate timeframe and mechanism to report/advise Council on any proposals that are referred to the Local Planning Panel or Regional Planning Panel.</i> <i>b. Options and a mechanism for the preparation of a submission and/or making representations on any of these matters.</i> |



Item No: 3.7
Title: Request for Memorial Plaque
Department: Environment and Planning

24 August 2020 Ordinary Council Meeting

Reference: F2018/00020-008 - D14098294
Author: Brett Sherar, Unit Manager, Open Space and Recreation
Executive: Scott Cox, Director Environment and Planning

Summary

An application has been received by Mr William Hignett seeking approval by Council for a memorial plaque to be placed at Mazlin Reserve, Norah Head in memory of Royal Australian Navy Search and Rescue crews and ships. The memorial plaque is proposed to be mounted on a sandstone base/plinth, and funded by a grant received by Norah Head Marine Rescue.

Recommendation

That Council approve the application by Mr Hignett for a memorial plaque to be installed in memory of Royal Australian Navy Search and Rescue crews and ships.

Context

Mr Hignett has submitted an application in accordance with *The Policy for Memorials, Naming of Council Facilities and Donations of Park Furniture and Trees* for the installation of a memorial plaque to be placed at Mazlin Reserve, Norah Head. The location of the proposed plaque is at the southern end of Mazlin reserve near the intersection of Bungary Road and Maitland Street as shown on the map (following page).

The proposed memorial plaque includes a sandstone base in a triangular shape (with dimensions of approximately 2 metres x 2 metres) and a height of approximately 500mm. This supports a sandstone plinth with brass plaque.

A review of the application and attachments provided by Mr Hignett has determined that all requirements of *The Policy for Memorials, Naming of Council Facilities and Donations of Park Furniture and Trees* have been met, including his confirmation that Norah Head Marine Rescue will be responsible for the cost of purchase, installation and ongoing maintenance of the plaque.

Funding for the purchase and installation of the plaque has been provided by the Hon Darren Chester MP, Minister for Veterans' Affairs and Minister for Defence Personnel. A copy of the confirmation of funding is provided in the attached supporting documents provided by Mr Hignett.



Site map showing area in red where memorial is proposed to be placed

Assessment Against Relevant Policy

The application (Attachment 2) from Mr Hignett has been assessed and complies with the requirements of the *Policy for Memorials, Naming of Council Facilities and Donations of Park Furniture and Trees (Policy No: CCC029)*.

An evaluation of the project against the assessment criteria from the Policy are included below:

Criteria Assessment

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

| Policy Requirement | Assessed Criteria |
|---|--|
| Clause 8: A request for a commemorative memorial will be considered only if the person who is nominated (the nominee) has been | The proposed plaque is in memory of the Royal Australian Navy Search and Rescue crews and ships whose lives were lost whilst |

3.7 Request for Memorial Plaque (contd)

| Policy Requirement | Assessed Criteria |
|---|--|
| deceased for at least six months, was of good repute and not likely to be the subject of controversy | providing service to this country during times of peace and war. |
| Clause 16: Applications must include a supporting statement for the nominee detailing how the nominee meets the conditions as stated in the Policy. | Mr Hignett has provided a supporting statement for the nominees detailing how they meet the conditions as stated in the Policy; |
| Clause 17: All applications should include a site plan indicating the proposed location of the memorial plaque. | A plan has been provided by Mr Hignett showing the proposed site for the memorial plaque |
| Clause 19: The documentation must be validated by Statutory Declaration. | The documentation attached to the application has been validated by a Statutory Declaration; |
| 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. | Letters of support from the Norah Head Ratepayers, Residents and Coastcare Association Inc., Toukley RSL Sub-Branch, Marine Rescue New South Wales and Norah Head Boating and Recovery Club Inc. are provided in Mr Hignett's application (Attachment 2) |
| 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. | Mr Hignett has received sufficient funding from the Federal Government to pay for the purchase and installation of the plaque. A copy of the funding approval is provided in Mr Hignett's application (Attachment 2). |

The site nominated by Mr Hignett is considered appropriate for the type of structure proposed and will not damage the natural environment.

The site for the plaque installation does not inhibit works under the *Norah Head Masterplan*.

Consultation

Council staff in the Open Space and Recreation Unit have been consulted in relation to the placement site of the plaque and no concerns have been identified with the proposal.

Financial Impact

There will be no financial cost to Council as Mr Hignett has agreed to pay all associated cost for the purchase placement and maintenance of the memorial.

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.

Attachments

- | | | |
|----------|--|---------------------------|
| 1 | Policy for Memorials, Naming of Council Facilities and Donations of Park Furniture and Trees | D13367915 |
| 2 | Application and Supporting Documents for Placement of Memorial Plaque at Norah Head - Mr William Hignett | D14098412 |



POLICY NO. CCC.029

POLICY FOR MEMORIALS, NAMING OF COUNCIL FACILITIES AND DONATIONS OF PARK FURNITURE AND TREES

March 2018

**Wyong Office: 2 Hely St / PO Box 20 Wyong NSW 2259 | P 02 4350 5555
Gosford Office: 49 Mann St / PO Box 21 Gosford NSW 2250 | P 02 4325 8222
Email: centralcoastnsw.gov.au | W www.centralcoastnsw.gov.au | ABN 75 149 644 003**

POLICY FOR MEMORIALS, NAMING OF COUNCIL FACILITIES AND DONATIONS OF PARK FURNITURE AND TREES

| AUTHORITY | NAME & TITLE |
|-------------------------|---|
| AUTHOR | NAME |
| MANAGER | NAME, Acting Senior Manager Property and Asset Management |
| DIRECTOR | Mike Dowling, Director Assets Infrastructure and Business |
| CHIEF EXECUTIVE OFFICER | Brian Glendenning, Acting Chief Executive Officer |

History of Revisions:

| VERSION | DATE | AMENDMENT DESCRIPTION | TRIM DOC. # |
|---------|------------|-----------------------|-------------|
| 1 | March 2018 | Creation of Policy | |
| | | | |
| | | | |

POLICY FOR MEMORIALS, NAMING OF COUNCIL FACILITIES AND DONATIONS OF PARK FURNITURE AND TREES

Table of Contents

| | |
|--|-----------|
| SUMMARY | 4 |
| POLICY STATEMENT | 4 |
| PURPOSE | 4 |
| GENERAL | 5 |
| POLICY IMPLEMENTATION - PROCEDURES | 5 |
| Applications for memorials on Council land or land under the care and control of Council | 5 |
| Donation of Park Furniture and Trees | 6 |
| Application for naming facilities owned by Central Coast Council | 7 |
| Cost | 9 |
| Maintenance | 9 |
| REPORT TO COUNCIL | 9 |
| REVIEW | 9 |
| SUPPORTING DOCUMENTS | 10 |

POLICY FOR MEMORIALS, NAMING OF COUNCIL FACILITIES AND DONATIONS OF PARK FURNITURE AND TREES**SUMMARY**

1. This Policy sets out the process to be followed when dealing with requests for memorials on Central Coast Council (Council) reserves, donation of park furniture and trees, or naming of Council owned facilities.

POLICY STATEMENT

2. Council will consider written applications for the placement of memorials on public reserves, including community, recreation and road reserves under the care, control and management of Central Coast Council.
3. Council will consider written applications for the donation of park furniture and trees in public reserves.
4. Council will consider written applications for the naming of Council owned facilities.
5. The contents of the written application are set out in the Procedures listed below.
6. Approval for any applications made under clauses 2, 3 and 4 can only be given by Council Resolution and in response to a completed written application.

PURPOSE

7. The purpose of this Policy is:
 - (a) To provide Council with a consistent approach to dealing with requests for memorials on Council reserves, requests to donate park furniture and trees, and naming facilities owned by Central Coast Council.
 - (b) To establish criterion against which to assess and respond to requests for the use of the Council reserves by individuals and community groups for the recognition of valued community members.
 - (c) To define conditions under which Council will accept donations and offers of park furniture, trees and/or other park infrastructure.
 - (d) To ensure that the naming of Council owned facilities is consistent with Central Coast community expectations, relevant legislation and the Geographical Names Board of NSW Guidelines where applicable.

POLICY FOR MEMORIALS, NAMING OF COUNCIL FACILITIES AND DONATIONS OF PARK FURNITURE AND TREES**GENERAL**

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 and:
 - (a) was widely known and respected within the local community; or
 - (b) had a recognised historical link with the locality or is generally acknowledged as having made a significant contribution to the social, economic, sporting and/or cultural development of the community.
9. Council will not approve requests to commemorate a living person, except in special circumstances, such as providing recognition to a local citizen who has made outstanding contributions to the community over a period of greater than 10 years.
10. Council will not approve requests for the naming of Council reserves, reserve infrastructure or facilities after a person still holding public office.
11. With the exception of historical persons of distant past, naming after a person shall only be approved with the written consent of their immediate family.
12. Names considered offensive or likely to give offence will not be considered.
13. Notwithstanding an approval by the Council under this Policy, Council reserves the right to alter or rescind such approval by resolution of the Council.
14. This Policy should be read in conjunction with Council's Code of Conduct.

POLICY IMPLEMENTATION - PROCEDURES**Applications for memorials on Council land or land under the care and control of Council**

15. Applications must be in writing and addressed to the Chief Executive Officer marked for the attention of Council's Property and Asset Management unit.
16. Applications must include a supporting statement for the nominee detailing how the nominee meets the conditions as stated in the Policy.
17. All applications should include a site plan indicating the proposed location of the memorial plaque.

POLICY FOR MEMORIALS, NAMING OF COUNCIL FACILITIES AND DONATIONS OF PARK FURNITURE AND TREES

18. The application must be supported in writing by a minimum of three third parties, one of which must be a local community group.
19. The documentation must be validated by Statutory Declaration.
20. In circumstances as determined by Council's Property and Asset Management unit where an application for a memorial plaque is potentially controversial or questionable, the application will be advertised for a period of 21 days to provide opportunity for community comment and feedback for consideration by Council.
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. 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.
22. The provision of memorial plaques at the base of trees will not be supported due to the potential trip hazard it presents on public reserves.
23. Evaluation of the appropriateness of the memorial plaque will be made by Council's Property and Asset Management unit in close consultation with the relevant Council asset user(s) and the Governance Unit.
24. All applications and any community feedback received will be given careful consideration by Council's Property and Asset Management unit prior to being presented to Council via a quarterly Council Report.

Donation of Park Furniture and Trees

25. Applications must be in writing and addressed to the Chief Executive Officer marked for the attention of Council's Property and Asset Management unit.
26. Council will permit the donation of park furniture and trees subject to Council's direction with respect to appropriateness, location, standards of park furniture type and style, or tree species choice.
27. Consideration will need to be given to:
 - (a) infrastructure already at the location;
 - (b) maintaining safe passage for pedestrians and other park users;
 - (c) avoidance of any damage to the natural environment; and
 - (d) ensuring the donation meets with general community expectations for the area.

POLICY FOR MEMORIALS, NAMING OF COUNCIL FACILITIES AND DONATIONS OF PARK FURNITURE AND TREES

28. Due consideration of any Aboriginal connection with the site will also be required to be undertaken by Council.
29. Evaluation of the appropriateness of the donation will be made by Council's Property and Asset Management unit in close consultation with the relevant Council asset user(s) and Governance.
30. In those circumstances where an application to donate park furniture or trees is potentially controversial or questionable as determined by Council's Property and Asset Management unit, the application will be advertised for a period of 21 days to provide opportunity for community comment and feedback for consideration by Council.
31. All applications and any community feedback received will be given careful consideration by Council's Property and Asset Management unit prior to being presented to Council via a quarterly Council Report.

Application for naming facilities owned by Central Coast Council

32. All proposals to name or re-name a facility must be submitted in writing and addressed to the Chief Executive Officer marked for the attention of Council's Property and Asset Management unit.
33. Applications must contain the following details:
 - (a) Name and address of the requester;
 - (b) Sufficient information to clearly identify the facility (description, maps, drawing and any other relevant details); and
 - (c) Reason for the choice of facility, including discussing the origin and significance of the current name to the facility.
34. If the proposal is to commemorate a person, then additional information is required:
 - (a) Dates of birth and death;
 - (b) Association of the person with the facility to be named;
 - (c) Person's association and contribution to the local community;
 - (d) Source of the above information; and
 - (e) Any other relevant supporting documentation.
35. Applications must include a supporting statement for the nominee which detail how the nominee meets the conditions as stated in the Policy.

POLICY FOR MEMORIALS, NAMING OF COUNCIL FACILITIES AND DONATIONS OF PARK FURNITURE AND TREES

36. The application must be supported in writing by a minimum of three third parties, one of which must be a local community group.
37. The documentation must be validated by Statutory Declaration and signed by a Justice of the Peace, Legal Practitioner or Commissioner of Declarations.
38. Proposed use of Aboriginal names for a facility must demonstrate consultation with the Local Aboriginal Lands Council and Council's Indigenous Community Development Worker.
39. In circumstances as determined by Council's Property and Asset Management unit where an application to name or re-name a facility is potentially controversial or questionable, the application will be advertised for a period of 21 days to provide opportunity for community comment and feedback for consideration by Council.
40. Evaluation of the appropriateness of the naming or re-naming of a facility will be made by Council's Property and Asset Management unit in close consultation with the relevant Council asset user(s) and Governance.
41. All applications and any community feedback received will be given careful consideration by Council's Property and Asset Management unit prior to being presented to Council via a quarterly Council Report.

Naming of new facilities owned by Central Coast Council

42. For the avoidance of doubt, any new Council facilities are required to be named in accordance with sections 35 to 44 of this Policy and will require a Council Resolution.

Geographical Names Board

43. When considering a name proposal, Council must assess whether the proposed name needs to be registered with the Geographical Names Board under the *Geographical Names Act 1966*.
44. If Council registers the name with the Geographical Names Board, it will follow the relevant guidelines of the Board and, prior to forwarding a request for naming determination, Council's Property and Asset Management unit will ensure that:
 - (a) The community was consulted on the proposed name;
 - (b) The proposed name is widely supported by the community; and
 - (c) The proposed name has been formally endorsed by Council.

POLICY FOR MEMORIALS, NAMING OF COUNCIL FACILITIES AND DONATIONS OF PARK FURNITURE AND TREES

45. All applications and any community feedback received will be given careful consideration by Council's Property and Asset Management unit prior to being presented to Council via a quarterly Council Report

Cost

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.
47. Council's Property and Asset Management unit will contact each applicant and provide an estimate of the costs, which will be also be included in the quarterly Council Report.
48. Works will only commence once:
- (a) a Council Resolution has approved the application; and
 - (b) the complete costs of the donation/memorial has been received by Council.
49. All works are to be carried out by Council employees or Council approved contractors.
50. Council's Property and Asset Management unit will co-ordinate the purchase of the park furniture, tree(s) and plaque, if required.

Maintenance

51. The donated park furniture or tree(s) will be subject to the same level of maintenance as other infrastructure located in the reserve.
52. The donation will remain in place as long as it remains in good working condition and complies with Council standards.
53. Council accepts no responsibility or obligation for repair of damage to, or theft of, the structure.
54. Applicants may re-apply should the park furniture or tree(s) need to be replaced.

REPORT TO COUNCIL

55. Any requests received under this policy will be subject to a quarterly report to Council.
56. Council's Property and Asset Management unit is responsible for the co-ordination of requests, actions under this Policy and for the preparation of the quarterly report to Council.

REVIEW

POLICY FOR MEMORIALS, NAMING OF COUNCIL FACILITIES AND DONATIONS OF PARK FURNITURE AND TREES

57. Council's Property and Asset Management unit will review this Policy every two years.

SUPPORTING DOCUMENTS

58. The following legislation and Council policies affect the operation of this Policy:

(a) Local Government Act 1993;

(b) Local Government (General) Regulation 2005;

(c) Geographical Names Act 1966;

(d) Council's adopted Code of Conduct.

Ref. 200212-000189
Attention Peta Conn.
TO;
CEO Central Coast Council
Dear Sir,

I wish to make an application to the Council for the erection of a memorial to Royal Australian Navy Search and Rescue crews and ships. This request is to have the memorial situated in the south west corner of Mazlin Reserve Norah Head, alongside the Marine Rescue Base Norah Head.

In support of this application, I have included letters of support from the Norah Head Ratepayers Association, R.S.L. Toukley sub-branch, The Norah Head Boat and Recovery Club, Small Ships Association and Marine Rescue NSW base Norah Head. Preliminary plans and the proposed plaque are attached to this application.

Proposed funding for this memorial is thru a Commonwealth grant from the "Saluting Their Service" initiative.

I am available to discuss this proposal with your staff at any time you request.

Regards,

Bill Hignett
Unit Commander
Marine Rescue Norah Head
25 Feb 2020
Mobile: 0419 146 411
Bill Hignett
Unit Commander
Marine Rescue Norah Head

Mobile: 0419 146 411

**MARINE
RESCUE**
NEW SOUTH WALES



Volunteer Marine Rescue NSW
ABN 98 138 078 092 CFN 21153

Marine Rescue Norah Head
639 Maitland St, Norah Head 2263

PO Box 49
Budgewoi 2262

Service Request 200225-000783

5th March 2020

Attention: Peta Conn

Central Coast Council

Dear Peta,

Thank you for your reply regarding my application for the memorial in Mazlin Reserve Norah Head. I am forwarding you the following documents,

1. Sight Plan
2. Statutory Declaration

In answer to the commitment to pay, funding is being sort through Saluting Their Service Commemorative Grants Program, from Department Of Veterans' Affairs, GO ID: GO3172 applications reference no 9F62JJPT. This grant closes on 31st March 2020. Ongoing maintenance will be eligible under this same grant scheme.

If there is anything further you require, please do not hesitate to contact me on uc.norahhead@marinerescuensw.com.au or ph: 0419 146 411

Yours Sincerely

Bill Hignett

Unit Commander
Marine Rescue Norah Head

Volunteers saving lives on the water

Statutory Declaration

OATHS ACT 1900, NSW, EIGHTH SCHEDULE

I, WILLIAM ALFRED HIGNETT, do solemnly and sincerely declare that
 [name of declarant]

THE LETTERS OF SUPPORT FOR THE PROPOSED MONUMENT
 IN MAZLIN RESERVE NORAH HEAD, FROM MARINE RESERVE
 NORAH HEAD, TOLKLEY R.S.L. SUB BRANCH, NORAH HEAD
 RATEPAID-RESIDENT & COAST CARE ASSOC., NORAH HEAD
 BOATING & RECOVERY CLUB AND THE US SMALL SHIPS ASSOC.,
 IS/ARE TRUE AND CORRECT.

and I make this solemn declaration conscientiously believing the same to be true, and
 by virtue of the provisions of the Oaths Act 1900.

Declared at: Lake Haven on 19th March 2020
 [place] [signature of declarant]

in the presence of an authorised witness, who states:

I, Suzanne Hamel, a pharmacist
 [name of authorised witness] [qualification of authorised witness]

certify the following matters concerning the making of this statutory declaration by the person
 who made it: [* please cross out any text that does not apply]

1. *I saw the face of the person OR *I did not see the face of the person because the person
 was wearing a face covering, but I am satisfied that the person had a special justification¹
 for not removing the covering, and

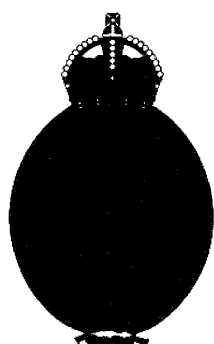
2. *I have known the person for at least 12 months OR *I have confirmed the person's identity using an
 identification document and the document I relied on was Drivers Licence

[describe identification document relied on]

[signature of authorised witness]

[date] 19.3.20

¹ The only "special justification" for not removing a face covering is a legitimate medical reason (at
 September 2018)



Dedicated
In Honor of the Crews and Ships of the
Royal Australian Navy

AIR-SEA RESCUE

| | | |
|---------------|----------------|---------------|
| AIR BIRD 915 | AIR HOPE 908 | AIR SENSE 914 |
| AIR CHIEF 918 | AIR MASTER 919 | AIR SPEED 910 |
| AIR CLAN 922 | AIR MERCY 925 | AIR SPRAY 911 |
| AIR CLOUD 924 | AIR MIST 917 | AIR TRAIL 916 |
| AIR FAITH 909 | AIR REST 921 | AIR VIEW 923 |
| AIR FOAM 912 | AIR SAILOR 926 | AIR WATCH 927 |
| AIR GUIDE 913 | AIR SAVE 920 | |

Lest We Forget



The Hon Darren Chester MP

Minister for Veterans' Affairs
Minister for Defence Personnel

MS20-000145

- 3 JUN 2020

Ms Emma McBride MP
Member for Dobell
PO Box 3763
TUGGERAH NSW 2259

Dear Ms McBride

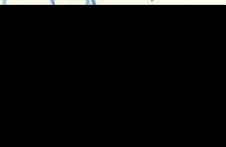
I am pleased to advise that I have approved three grants under the *Saluting Their Service* (STS) Commemorative Grants Program (the Program) for projects to be undertaken in your electorate.

The Program is an Australian Government initiative that aims to honour the service and sacrifice of Australia's service men and women in wars, conflicts and peace operations, and to promote appreciation and understanding of the role that those who served have played in shaping the nation.

I have enclosed a summary of the approved grants for your electorate along with contact details for the successful organisation. Please note that, while the projects are located in your electorate, the organisations' registered business addresses may not be in Dobell.

If you require any further information, please contact my office on (02) 6277 7820.

Yours sincerely



DARREN CHESTER
Encl

Parliament House
CANBERRA ACT 2600

Telephone: 02 6277 7820
Email: minister@dva.gov.au

Summary of Approved Funding

| Organisation | Purpose | Amount Sought | Amount Approved | Contact Details |
|------------------------------------|--|---------------|-----------------|---|
| Entrance-Long Jetty RSL Sub-Branch | Construct a new war memorial at Shelly Beach Surf Life Saving Club dedicated to surf life savers who have served in the Australian Defence Force. | \$3,920 | \$3,920 | Mr Allan Fletcher Project Officer 0412 160 423 rslsb@theentrancelongjetty.com.au |
| | Install a display cabinet, construct a viewing deck for the artillery piece and install security cameras at the Entrance-Long Jetty RSL Sub-Branch Museum. | \$2,692 | \$2,692 | |
| Volunteer Marine Rescue NSW | Install a new memorial in Norah Head to commemorate the air sea rescue units of the Second World War. | \$9,443 | \$9,443 | Mr William Hignett Unit Commander 0419 146 411 uc.norahhead@marinerescuensw.com.au |
| Total Funding Approved | | | \$16,055 | |



**Norah Head Ratepayers, Residents & Coastcare
Association Inc.**

PO Box 166
Toukley. 2263

President. Gary Dean
Secretary. Gary Dean
Treasurer. Annette Ireson

Tel: 0408 021 990 (Secretary)

Email: norahheadresidentsassociation@norahhead.nsw.au

Mr Bill Hignett
Unit Commander
Marine Rescue Norah Head
Bush Street
NORAH HEAD NSW 2263

5th February 2020

Dear Bill,

Proposed Memorial in Mazlin Reserve Norah Head

Thank you for attending our February meeting and providing a very informative presentation regarding your proposal to establish an *Air Sea Rescue Squads Memorial* in the south west corner of Mazlin Reserve at Norah Head. You display a concept plan which has been used to establish interest and support.

Those local residents that attended that meeting showed interest and several had questions for you. Your explanations overcame any initial concerns. On the basis on those concept plans there appeared to be no objections to what you are proposing.

Accordingly, I now formally advise you that the Association offers its support to that concept proposal and would raise no objections to the memorial being constructed and placed as shown on your plans. Should there be any significant revision of those plans, it is requested that you consult with the Association again.

Thank you.

Please contact me on 0408021990 if you require any further information.

Yours faithfully,

Mr Gary Dean
President

President: Bob Wilson
Hon Treasurer: Milton Porter
Hon Secretary: Graham Tredinnick
Patron: Karen McNamara



Toukley RSL Sub-Branch
PO BOX 662 TOUKLEY NSW 2263

Phone: (02) 4396 4855 **Fax:** (02) 4396 9310
Email: ToukleySB@rslsw.org.au
Email: president@toukleyrslsb.org.au
Email: secretary@toukleyrslsb.org.au

ABN: 64 205 657 017

The Price of Liberty is Eternal Vigilance

Mr Bill Hignett
Unit Commander, Nora Head Unit
Marine Rescue NSW
PO Box 49
Budgewoi NSW 2262

Good morning Bill

Your proposal for a memorial and plaque for the Australian Air-Sea Rescue Boats, and crews.

At a meeting of the Committee of Toukley RSL Sub-branch on Monday 20 January, 2020 it was unanimously agreed that this Sub-branch supports your proposal for the gaining of a Government Grant to establish, at your Unit's base, or elsewhere, a memorial and plaque for the Australian Air-Sea Rescue Boats, and crews, established during World War II, and continued until the last boat was decommissioned in 1966.

It is appreciated that the Air-Sea rescue boats were a precursor for the Marine Rescue Units that exist today, and it seems fitting that the Memorial be established at a Marine Rescue base.

The Committee wishes you well in your endeavours.

Yours sincerely

Graham Tredinnick
Secretary
Toukley RSL Sub-branch

30/1/2020

**MARINE
RESCUE**
NEW SOUTH WALES



Volunteer Marine Rescue NSW
ABN 98 138 078 092 CFN 21153

Marine Rescue Norah Head
639 Maitland St, Norah Head 2263

PO Box 49
Budgewoi 2262

Monday, 17 February 2020

To Central Coast Council

Marine Rescue Norah Head fully supports the proposed memorial being placed in Mazlin Reserve at Norah Head, in Honor of the Crews and Ships of the Royal Australian Navy AIR-SEA Rescue during WW2. The Australian War Memorial has no record of any memorial for these Seamen and Ships being commemorated anywhere in Australia.

Yours Sincerely



Julie Rostron

Admin Officer
Marine Rescue Norah Head

Volunteers saving lives on the water

NORAH HEAD BOATING & RECOVERY CLUB Inc.

639 Maitland Street.

ABN No. 73 910 514 252

Norah Head. NSW. 2263

CFN No. 17012

A supporter of Volunteer Marine Rescue NSW, Norah Head Unit.



To whom it may concern.

Could you please register our support for an appropriate memorial dedicated to ...

ROYAL AUSTRALIAN NAVY AIR/SEA RESCUE.

Erected in In Mazlin Reserve, Norah Head.

For and on behalf of the membership of Norah Head Boat Club.

Thanking you in anticipation,



Admin Manager

Ian Mudge for the Commodore John Hinks.



U.S. ARMY SMALL SHIPS ASSOCIATION INC.

Patron in Memoriam

Vice Admiral David Leach A.C., C.B.E., L.V.O., R.A.N. (Rt)

Secretary
Daniel O'Brien
P.O. Box 552
Byron Bay
NSW 2481

To Whom It May Concern,

I am writing in support of the proposal to establish a memorial in Mazlin Reserve, Norah Head dedicated to the service of R.A.N. AIR – SEA RESCUE Units during the period 1944 – 1966.

The Committee Members of U.S. Army Small Ships Association endorse this project wholeheartedly. We deeply appreciate the initiative of Marine Rescue Norah Head in establishing this memorial to the memory of R.A.N. Crews to whom no such memorial currently exists, and whose service has been long forgotten by the general public.

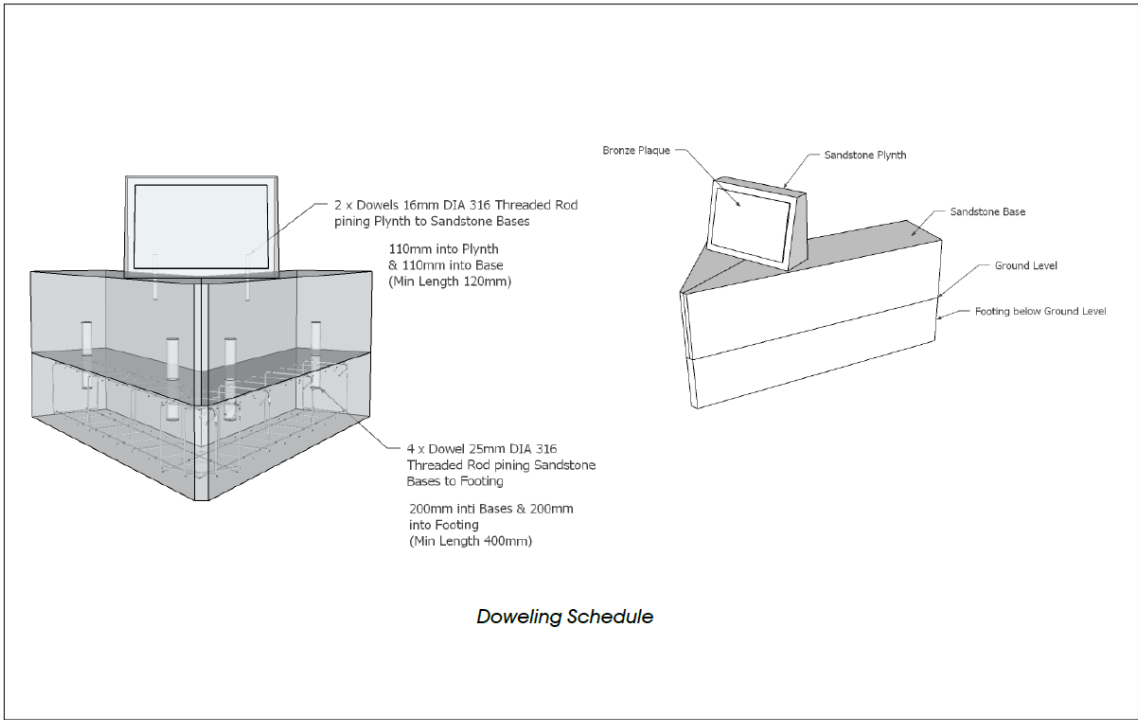
When the crews of U.S. Army Small Ships Section achieved official recognition and established memorial plaques, the war had been over for 60 years.


Our Members can relate to other 'forgotten' Units; however we have observed that by establishing memorials, conducting commemorative activity and encouraging descendant participation, benefits associated with recognising their Service are extended to the wider community.

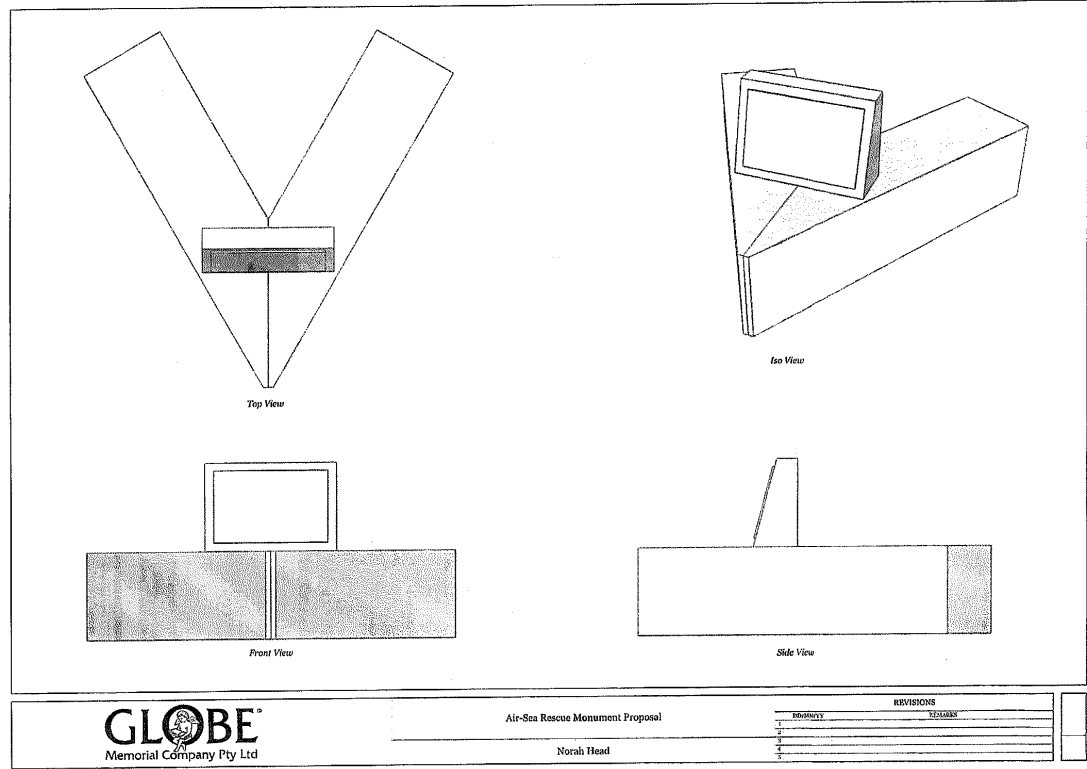
The service of R.A.N. AIR, SEA RESCUE vessels, particularly during World War II, was an invaluable contribution to the defence of Australia. They saved the lives of countless Allied personnel whose aircraft had typically ditched in the sea. It is clearly within the bounds of our national identity to honour their memory, commemorate their Service and promote same to future generations. The proposed memorial should be considered entirely appropriate as a monument of great commemorative and educational value.

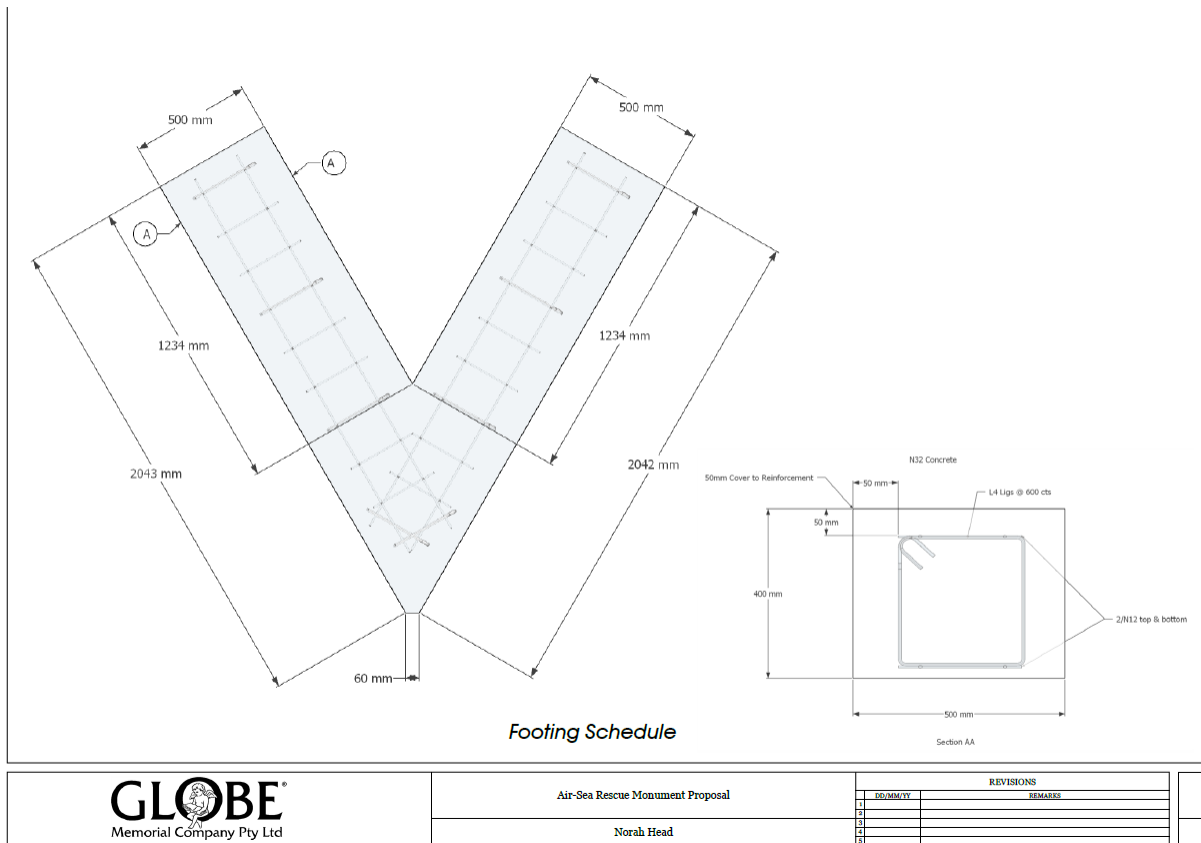
Yours Sincerely,

Daniel O'Brien



| | | | |
|---|----------------------------------|-----------|---------|
|  | Air-Sea Rescue Monument Proposal | REVISIONS | |
| | | ID/NO. | REMARKS |
| | | 1 | |
| | | 2 | |
| | | 3 | |
| | Norah Head | 4 | |
| | | 5 | |







Site map showing area in red where memorial will be placed

Item No: 3.8
Title: Update on Gosford Regional Library
Department: Connected Communities



24 August 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13775168
Author: Beth Burgess, Unit Manager, Libraries Learning and Education
Executive: Julie Vaughan, Director Connected Communities

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 27 July 2020. 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: 3.9
Title: Response to Notice of Motion - Soap in Public Toilets
Department: Connected Communities

24 August 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13775183
Author: Kim Radford, Unit Manager, Facilities and Asset Management
Executive: Julie Vaughan, Director Connected Communities

Report Purpose

This report responds to the Notice of Motion - Soap in Public Toilets, and the reinstallation of soap in public toilets, including information that specifically addresses:

- i. The number of Council run public toilet/amenities blocks.
- ii. The reasons for the removal of soap from public toilets (on the Central Coast and generally throughout NSW/Australia if known).
- iii. The cost of reintroducing soap to Council's Public Toilet blocks including the cost of materials, servicing and anticipated costs of slip and fall incidents.

Recommendation

- 1 That Council receive the report on Response to Notice of Motion - Soap in Public Toilets.**
- 2 That Council endorse the installation of soap dispensers, vandal guards and signage at the identified 74 high use sites.**
- 3 That Council note that the capital cost for the installation of soap dispensers, vandal guards and signage at high use sites is an estimated \$62,235.**
- 4 That Council note that the ongoing operational cost of materials and servicing of soap dispensers at high use sites is estimated at \$27,604 per year and allocate the required budget ongoing.**

Background

At the Ordinary Meeting on 22 June 2020, Council resolved the following in part;

580/20 *That Council requests that the Chief Executive Officer provide a report on the reinstallation of soap in public toilets including information that specifically addresses:*

- i. The number of Council run public toilet/amenities blocks*
- ii. The reasons for the removal of soap from public toilets (on the Central Coast and generally throughout NSW/Australia if known)*
- iii. The cost of reintroducing soap to Council's Public Toilet blocks including the cost of materials, servicing and anticipated costs of slip and fall incidents*

694/20 *That Council note that as resolved on 22 June 2020 (580/20 and 582/20) a report will be provided to the 24 August 2020 Ordinary Meeting to consider an approach to the installation of vandal resistant soap dispensers in identified public toilets. And further that Council now allocate \$100,000 as part of the 2020/21 Operational Plan for the purpose of installing vandal resistant soap dispensers in identified public toilets noting that the actual endorsement of expenditure of these funds would be subject to any determination of Council as a result of the report to the 24 August 2020 Ordinary Meeting.*

Current Status

A public toilet by definition, for the purpose of this report are toilet facilities that are open daily to the public. Generally, sportsground amenities, and tennis facility toilets are not open to the public as they are allocated and opened by a user group for their purposes. However, there are a small number of these facilities that are utilised and managed as a public toilet and these have been included in the public toilet listing in this report.

Council operates 154 public toilet blocks. Historically, Council has not provided soap in public toilets due to:

- Vandalism that already occurs in the toilets (to vandal-proof toilet roll holders, toilet pans etc) and the subsequent cost of repair;
- Risk of people slipping on soap on the floor and injuring themselves;
- History of claims due to slips; and
- Operational impact to refill soap, clean up spills and vandalism on the cleaning staff's already tight schedule.

Since COVID-19, Council has undertaken significant research into what our surrounding Councils have implemented regarding soap in public toilets. At the time of our investigation:

- Lake Macquarie, Cessnock and Newcastle Councils were not supplying soap dispensers and were not planning on doing so.

- Newcastle Council did install soap dispensers and within a few weeks they were being vandalised. The dispensers were removed, and the installation of further dispensers was ceased.
- Maitland Council are providing soap dispensers to their high use sites, as these amenities receive a higher level of service and surveillance. This is standard for Maitland Council and not a result of COVID-19.
- Sunshine Coast Council installed soap dispensers in response to COVID-19 and has had 17 dispensers vandalised in the first 14 weeks of installation.

In response to the question regarding potential costs of slip and fall incidents, Staff can advise that whilst the cost of potential incidents and claims is difficult to determine, if a matter was to go to court it would be expected that legal costs would be at least \$80,000. If found liable, associated damages could be up to several hundreds of thousands of dollars, depending on the injury. This does not include the additional costs for staff time or investigative costs

Options

All of Council's public toilet sites were reviewed and categorised into three categories in order to determine the most feasible options for the installation of soap and ongoing management of soap dispensers.

The three categories are:

- 1 *All public toilet sites* - 154 sites across the local government area;
- 2 *Town centre sites* - these 23 sites are generally serviced daily, if not more frequently in some of the key town centre areas; and
- 3 *High use sites* – these 74 sites have been determined as sites that meet one or more of the following criteria:
 - frequent cleaning schedule;
 - high usage;
 - good visual surveillance; and/or
 - do not receive regular vandalism.

An investigation was undertaken on the different types of soap dispensers available on the market. Most dispensers were either made from plastic or stainless steel. Elements considered were durability, availability, vandal resistance and functionality. The investigation resulted in two different suppliers of soap dispensers being short listed as the most durable and vandal resistant available on the market. However, one of these products, whilst well designed and highly durable, is an American product and not available in Australia until September 2020 at the earliest. Additionally, there were also concerns of ongoing availability of the soap dispensers and the soap cartridge refills into the future.

The other shortlisted product is the preferred and recommended product by *Tuff Stuff Washrooms*. These units are supplied by a Sydney based company and the dispensers are Metlam Australia brand. The dispensers are not provided with a warranty against vandalism,

however the vandal guards that are installed over the dispensers will be guaranteed for 2 years against vandalism. The vandal guard is well designed with the aim at preventing the dispenser's from being pulled off the walls or the dispenser mechanism or refill points being broken.

This product uses a liquid soap and can be refilled from bulk supply that is currently held in Council's stores. The soap dispenser is currently in stock; however, the vandal proof guard covering is custom made and will take approximately six weeks to be supplied to Council from placement of order. Procurement is prepared to proceed immediately post Council resolution.

Options

1 Installation of Tuff Stuff soap dispensers and vandal guards at the 74 high use sites.

Supply and installation timeframe of up to 10 weeks from placement of order.

These sites have higher visual surveillance as they are serviced 5-7 days per week

This option is recommended by staff.

2 Installation of Tuff Stuff soap dispensers on delivery, followed by vandal guards at the 74 high use sites.

Supply and installation of the soap dispenser is 4 weeks from order

Supply and installation of the vandal guards is 10 weeks from order.

These sites have higher visual surveillance as they are serviced 5-7 days per week

This option considers the pandemic however requires sites to be visited twice to undertake the two separate installations. Additionally, there is a higher risk of the soap dispensers being vandalised prior to the guards being installed. Noting the experience of Sunshine Coast Council with an average of one dispenser vandalised per week since installation.

This option is not recommended by staff.

3 Installation of Tuff Stuff soap dispensers at all 154 public toilet sites

The level of service at public toilet varies and some sites are serviced only 3 times a week. There is a risk of vandalism and low surveillance at these sites. Some sites are subject to vandalism on a regular basis and soap dispensers are not recommended to be installed at these sites.

This option is not recommended by staff.

4 Installation of Tuff Stuff soap dispensers at 23 Town centre sites only

As these sites receive a higher level of service and higher level of usage, they are suitable for the installation of soap dispensers.

This recommendation is supported by staff as the minimum approach, if recommendation 1 is not supported.

Financial Impact

The financial impact of the recommendation is \$62,235 in capital costs for the initial installation at 74 sites.

The ongoing operational costs are anticipated to be \$27,604 per year. There is currently no budget increase in the 20/21 operational budget for this.

The vandalism costs are unknown. Estimates have been based on the experience of Sunshine Coast Council (since their installation of soap dispensers in response to COVID-19) that have had an average of 1.2 units needing replacement per week.

Link to Community Strategic Plan

Theme 5: Liveable

Goal A: Our community spirit is our strength

A3: Work together to solve a range of social and health issues that may impact community wellbeing and vulnerable people.

Risk Management

The preferred choice of dispenser has considered vandalism resistance, warranty period, availability of replacement units, and functionality.

Dispensers will be installed over sinks to reduce drips on the floor.

Installation at high use sites only will ensure that the sites are serviced five to seven times per week and ensure a higher level of use and visual surveillance, therefore potentially reducing vandalism and ensuring any incidences of vandalism are reported quickly.

Signage will be installed at all sites that soap is to be provided, as a form of remote supervision. The estimated cost for the supply and installation of signage has been included in the capital costs.

Timeframes

Supply of soap dispensers and vandal guards is approximately 10 weeks from placement of order.

Attachments

- | | | |
|---|--|-----------|
| 1 | Attachment 1 - List of Public Toilet sites | D14116967 |
| 2 | Attachment 2 - Capital and Operational Costs | D14116963 |

Attachment 1**Attachment 1 - List of Public Toilet sites**

| | Building Name | St_Number | Street | Suburb | Soap (yes/no) |
|------------|--|------------------|-------------------|------------------|-------------------------------|
| 1. | Adcock Park - Baseball Amenities Public Toilets | | Central Coast Hwy | West Gosford | Yes |
| 2. | Amenities Block Fagans Park Point Clare | 1 | Jirrah Ave | Point Clare | No |
| 3. | Amenities Block The Point | 2A | Cliff Ave | Avoca Beach | Yes |
| 4. | Apex Park Public Toilets Wyong | | North Rd | Wyong | No |
| 5. | Azzuro Blue | 12 | The Entrance Rd | The Entrance | Yes |
| 6. | Bar Point Public Toilet | | Hawkesbury Rvr | Bar Point | No |
| 7. | Benavie Reserve Public Toilets | 41 | Gerda Rd | Macmasters Beach | Yes |
| 8. | Blue Lagoon Public Toilets | 8CR | Bateau Bay Rd | Bateau Bay | No |
| 9. | Blue Street Public Toilets | 1 | Blue St | Blue Bay | Yes |
| 10. | Bluebell Park Public Toilets | 267 | Lakedge Ave | Berkeley Vale | No |
| 11. | Boat Harbour Public Toilets | 2W | Ginganup Rd | Summerland Point | Yes |
| 12. | Budgewoi Sailing Club Public Toilets | 1W | Sunrise Ave | Budgewoi | No |
| 13. | Buff Point Community Hall Public Toilets | 48 | Narambi Rd | Buff Point | No |
| 14. | Buff Point Oval Public Toilets | 17W | Moola Rd | Buff Point | No |
| 15. | Bullion Street Public Toilets | | Bullion St | Umina Beach | Yes |
| 16. | Bush Street Reserve Public Toilets | 10 | Bush St | Norah Head | Yes |
| 17. | Canton Beach Reserve Public Toilets - Beach Pde | 1CR | Beach Pde | Canton Beach | Yes |
| 18. | Canton Beach Reserve Public Toilets - Belbowrie St | 1 | Oleander St | Canton Beach | Yes |
| 19. | Charmhaven Park Public Toilets | 35W | Parkside Dr | Charmhaven | No |
| 20. | Chittaway Point Hall Public Toilet | 72-76 | Geoffrey Rd | Chittaway Point | No |
| 21. | Copacabana SLSC Public Toilets | | Del Monte Pde | Copacabana | Yes |
| 22. | Copacabana Tennis | 10 | Pueblo Street | Copacabana | No |
| 23. | Coral Street Carpark Public Toilets | 1 | Duffys Ln | The Entrance | Yes |
| 24. | Correa Bay Reserve Public Toilets | | Woy Woy Rd | Woy Woy | Yes |

Attachment 1**Attachment 1 - List of Public Toilet sites**

| | Building Name | St_Number | Street | Suburb | Soap (yes/no) |
|------------|--|------------------|--------------------|----------------|-------------------------------|
| 25. | Couche Park Public Toilet | 3B | Couche Cr | Koolewong | No |
| 26. | Craigie Reserve Public Toilets | 1W | Donald Ave | Kanwal | No |
| 27. | Dane Drive Public Toilet - Demountable Used For Special Events | | Dane Dr | Gosford | Yes |
| 28. | Davistown Memorial Oval Public Toilets | 20-38 | Davistown Rd | Davistown | No |
| 29. | Davistown Waterfront Public Toilets | 1 | Mirreen Ave | Davistown | No |
| 30. | Deerubbun Reserve Public Toilets | | Peats Ferry Rd | Mooney | Yes |
| 31. | Dening Street Carpark Ladies Public Toilets | 10 | Dening St | The Entrance | No |
| 32. | Dening Street Carpark Mens Public Toilets | 10 | Dening St | The Entrance | Yes |
| 33. | Don Small Oval | 1W | Wolmsley Ave | Tacoma | Yes |
| 34. | Edgewater Park Public Toilets | 1 | Narambi Rd | Buff Point | Yes |
| 35. | EDSACC - Bato Skate Park Public Toilets | 460 | The Entrance Rd | Bateau Bay | No |
| 36. | Empire Bay Tennis | 9 | Shelley Beach Road | Empire Bay | No |
| 37. | Ettalong Beach Reserve Public Toilet | 68 | Schnapper Rd | Ettalong Beach | Yes |
| 38. | Eve Williams Oval Public Toilets | 20 | Patonga Dr | Patonga | Yes |
| 39. | Extreme Sports Park Public Toilets | 2 | Highview Ave | San Remo | No |
| 40. | Ferry Road Public Toilet | | Ferry Rd | Ettalong Beach | Yes |
| 41. | Ficus Avenue Public Toilets | | Ficus Ave | Avoca Beach | Yes |
| 42. | Florence Avenue Public Toilets | 10 | Masons Pde | Gosford | Yes |
| 43. | Gosford Tourist Information Centre Public Toilets | 200 | Mann St | Gosford | Yes |
| 44. | Gwandalan Lioness Park Public Toilets | 2W | Koowong Rd | Gwandalan | Yes |
| 45. | Gwandalan Lions Park Public Toilets | 136W | Gamban Rd | Gwandalan | No |
| 46. | Halekulani Oval Old Public Toilets | 107 | Scenic Drive | Budgewoi | No |
| 47. | Hardys Bay Public Toilets | | Araluen Dr | Killcare | No |
| 48. | Hardys Bay Public Toilets - Killcare Road | | Araluen Dr | Killcare | Yes |

Attachment 1**Attachment 1 - List of Public Toilet sites**

| | Building Name | St_Number | Street | Suburb | Soap (yes/no) |
|------------|---|------------------|-------------------|--------------------|-------------------------------|
| 49. | Harry Moore Oval Public Toilets | 41 | Crossingham St | Toukley | No |
| 50. | Heador Street Reserve Public Toilets (Toukley Tennis) | 4-16 | Ray St | Toukley | No |
| 51. | Heazlett Park Amenities / Public Toilets / Rowing Club Storage Building | 31 | Ficus Ave | Avoca Beach | Yes |
| 52. | Heazlett Park Tennis | 187 | Avoca Drive | Avoca Beach | No |
| 53. | Illoura Reserve Public Toilet | | Pine Ave | Davistown | Yes |
| 54. | Jack Gear Reserve Public Toilets | 18-19 | Linga Longa Rd | Yarramalong | No |
| 55. | Jasmine Green Park Public Toilets | | Sydney Ave | Umina Beach | Yes |
| 56. | Jenny Dixon Reserve Public Toilets | 1CR | Park St | Norah Head | Yes |
| 57. | Joshua Porter Reserve Public Toilets | 52W | Lloyd Ave | Chain Valley Bay | No |
| 58. | Jubilee Park Public Toilets | 12 | Kitchener Rd | Long Jetty | No |
| 59. | Kalakau Ave Public Toilets | 80A | Kalakau Ave | Forresters Beach | Yes |
| 60. | Kanwal Oval / Hall Public Toilets | 27-33 | Pearce Rd | Kanwal | No |
| 61. | Karagi Park Public Toilets | 1CR | Hutton Rd | The Entrance North | No |
| 62. | Kariong Community Hall Public Toilets | 2 | Dandaloo St | Kariong | No |
| 63. | Katandra Reserve Public Toilets | 42 | Katandra Rd | Holgate | No |
| 64. | Kibble Park Public Toilets | 118-120 | Donnison St | Gosford | Yes |
| 65. | Killarney Vale Public Toilets | 148-150 | Wyong Rd | Killarney Vale | Yes |
| 66. | Killcare SLSC | 81 | Beach Dr | Killcare | Yes |
| 67. | Kincumba Mountain Reserve Public Toilets | 199 | Island View Dr | Green Point | No |
| 68. | Kitchener Park Public Toilets | | Maitland Bay Dr | Blackwall | No |
| 69. | Koala Park Public Toilets | 295 | Scenic Dr | San Remo | No |
| 70. | Koolewong Waterfront Reserve Public Toilet | 90A | Brisbane Water Dr | Tascott | Yes |
| 71. | Kulnura Memorial Hall Public Toilets | 1066 | George Downes Dr | Kulnura | No |

Attachment 1**Attachment 1 - List of Public Toilet sites**

| | Building Name | St_Number | Street | Suburb | Soap (yes/no) |
|------------|--|------------------|-------------------|--------------------|-------------------------------|
| 72. | Kurraba Oval Public Toilets | 18W | Kurraba Pde | Berkeley Vale | No |
| 73. | Kurrawa Ave Public Toilets Point Clare | | Kurrawa Ave | Point Clare | No |
| 74. | Kyeema Ave Public Toilet | 15 | Kyeema Ave | Saratoga | No |
| 75. | Lake Munmorah Hall Public Toilets | 1 | Colongra Bay Rd | Lake Munmorah | No |
| 76. | Lakes Beach Public Toilet | 2CR | Uwa St | Budgewoi | Yes |
| 77. | Lions Park Public Toilet | | North Burge Rd | Woy Woy | Yes |
| 78. | Long Jetty Foreshore Public Toilet - Archbold St | 300 | Tuggerah Pde | The Entrance | No |
| 79. | Long Jetty Foreshore Public Toilets - Gladstan Ave | 210CR | Tuggerah Pde | Long Jetty | No |
| 80. | Long Jetty Lions Park Public Toilets | 418 | The Entrance Rd | Long Jetty | No |
| 81. | Lucinda Avenue Public Toilets | 13W | Trelawney St | Killarney Vale | No |
| 82. | Maidens Brush Oval Amenities | 60 | Maindens Brush Rd | Wyoming | No |
| 83. | Mannering Park Tennis Clubhouse Public Toilet | 2W | Campbell Pde | Mannering Park | No |
| 84. | Mazlin Reserve Public Toilets | 10CR | Bald St | Norah Head | Yes |
| 85. | McKenzie Reserve Public Toilets | 2A | Weemala St | Budgewoi | No |
| 86. | Memorial Park Public Toilets | 46 | Marine Pde | The Entrance | Yes |
| 87. | Mount Ettalong Public Toilets | 10 | Berrima Cr | Umina Beach | Yes |
| 88. | Narara Valley Precinct Park Public Toilets | 7 | Apara Cl | Narara | No |
| 89. | Norah Head Rock Pool Public Toilets | 10 | Bush St | Norah Head | No |
| 90. | North Avoca SLSC | 46 | North Avoca Pde | North Avoca | Yes |
| 91. | North Entrance SLSC Public Toilets | 77B | Hutton Rd | The Entrance North | Yes |
| 92. | North Shelly Beach Public Toilets | 89CR | Oaks Ave | Toowoona Bay | Yes |
| 93. | Ocean Beach SLSC Public Toilets | 176 | The Esplanade | Umina Beach | Yes |
| 94. | Osborne Park Public Toilets | 55W | Peel St | Toukley | No |
| 95. | Pacific St Public Toilet | 1 | Pacific St | Wamberal | Yes |
| 96. | Patonga Foreshore Public Toilets | 87 | Bay St | Patonga | No |

Attachment 1**Attachment 1 - List of Public Toilet sites**

| | Building Name | St_Number | Street | Suburb | Soap (yes/no) |
|-------------|---|------------------|--------------------|--------------------|-------------------------------|
| 97. | Pearl Parade Public Toilet | | Pearl Pde | Pearl Beach | Yes |
| 98. | Pelicans Wharf Public Toilets | 7CR | Wilfred Barrett Dr | The Entrance North | No |
| 99. | Picnic Point Public Toilets | 300 | Tuggerah Pde | The Entrance | Yes |
| 100. | Pioneer Park Public Toilets Point Frederick | 10 | Albany St | Point Frederick | No |
| 101. | Pretty Beach Public Toilets | 1 | Pretty Beach Rd | Pretty Beach | No |
| 102. | Pretty Beach Tidal Baths Public Toilet | 1 | Pretty Beach Rd | Pretty Beach | No |
| 103. | Public Toilets at Terrigal Pump Station | 9 | Terrigal Dr | Terrigal | Yes |
| 104. | Relocatable Amenities Building | 10 | Masons Pde | Gosford | Yes |
| 105. | Rumbalara Reserve Public Toilet | | Emma James St | East Gosford | No |
| 106. | Saltwater Creek Park Public Toilets | 200 | Tuggerah Pde | Long Jetty | Yes |
| 107. | San Remo Hot Water Outlet Public Toilets | 100 | Highview Ave | San Remo | No |
| 108. | Sandy Beach Public Toilets | 173 | Kullaroo Rd | Summerland Point | Yes |
| 109. | Saratoga Oval Public Toilet | | Willaroo Rd | Saratoga | No |
| 110. | School of Arts Public Toilets | 1A | Jaques St | Ourimbah | No |
| 111. | Seabreeze Avenue Park Public Toilet | 14A | Seabreeze Ave | Kincumber | No |
| 112. | Shelly Beach Public Toilets | 92 | Shelly Beach Rd | Shelly Beach | Yes |

Attachment 1**Attachment 1 - List of Public Toilet sites**

| | Building Name | St_Number | Street | Suburb | Soap (yes/no) |
|-------------|---|------------------|-------------------|---------------|-------------------------------|
| 113. | Shelly Beach Rd Tennis Clubhouse Public Toilets | 9 | Shelly Beach Rd | Shelly Beach | No |
| 114. | Shelly Beach SLSC Public Toilets | 75 | Shelly Beach Rd | Shelly Beach | Yes |
| 115. | Slade Park Public Toilets | | Budgewoi Rd | Budgewoi | No |
| 116. | Sohier Park Public Toilets | 6 | Shirley St | Ourimbah | Yes |
| 117. | Soldiers Beach Headland Public Toilets | 120 | Soldiers Point Dr | Norah Head | Yes |
| 118. | Soldiers Beach SLSC Public Toilet | 101 | Soldiers Point Dr | Norah Head | Yes |
| 119. | Somersby Hall Public Toilet | 830 | Wisemans Ferry Rd | Somersby | No |
| 120. | Spencer Waterfront Public Toilet | 4658 | Wisemans Ferry Rd | Spencer | No |
| 121. | St Johns Lookout Public Toilets | 110 | Toomeys Rd | Holgate | No |
| 122. | Stoney Park Public Toilet | 30 | Rawson Rd | Woy Woy | No |
| 123. | Sun Valley Park Public Toilets | 6 | Sun Valley Rd | Green Point | No |
| 124. | Sutton Reserve Public Toilets | 7CR | Parkside Ave | Bateau Bay | No |
| 125. | Swadling Reserve Public Toilets | 160 | Bay Rd | Toowoona Bay | Yes |
| 126. | Taylors Bay Public Toilets | 2W | Noamunga Cr | Gwandalan | No |
| 127. | Tenth Avenue Public Toilets | 41-47 | Tenth Ave | Budgewoi | Yes |

Attachment 1**Attachment 1 - List of Public Toilet sites**

| | Building Name | St_Number | Street | Suburb | Soap (yes/no) |
|-------------|---|------------------|--------------------|----------------|-------------------------------|
| 128. | Terrigal SLSC | 81 | Terrigal Esplanade | Terrigal | Yes |
| 129. | Terry Oval Public Toilet | 1A | Emma James St | Springfield | No |
| 130. | The Entrance Ocean Baths Public Toilets | 92CR | Ocean Pde | The Entrance | Yes |
| 131. | The Entrance SLSC Public Toilets | 44 | Marine Pde | The Entrance | Yes |
| 132. | The Haven Public Toilets | 2 | Scenic Hwy | Terrigal | Yes |
| 133. | Tom Burke Reserve Public Toilets | 1 | Colongra Bay Rd | Lake Munmorah | Yes |
| 134. | Toowoona Bay SLSC | 160 | Bay Rd | Toowoona Bay | Yes |
| 135. | Toukley Gardens Public Toilets | 224-232 | Main Rd | Toukley | No |
| 136. | Toukley Hall & Library Public Toilets | 249-251 | Main Rd | Toukley | Yes |
| 137. | Toukley Village Green Public Toilets | 25 | Yaralla Rd | Toukley | Yes |
| 138. | Tuggerah Dog Park Public Toilets | 105 | Church Rd | Tuggerah | No |
| 139. | Umina Beach Public Toilet | | Sydney Ave | Umina Beach | Yes |
| 140. | Vales Point Park Public Toilets | 1CR | Peveril St | Mannering Park | No |
| 141. | Victoria Street Carpark Public Toilets | 105 | Victoria St | East Gosford | Yes |
| 142. | Wagstaffe Hall Public Toilet | 55 | Wagstaffe Ave | Wagstaffe | No |

Attachment 1**Attachment 1 - List of Public Toilet sites**

| | Building Name | St_Number | Street | Suburb | Soap (yes/no) |
|-------------|--|------------------|----------------|--------------------|-------------------------------|
| 143. | Wairakei Road Park Public Toilet | 15 | Wairakei Rd | Wamberal | Yes |
| 144. | Wallarah Point Public Toilets | 1 | Wallarah Rd | Gorokan | Yes |
| 145. | Walter & Edith Denniss Park Public Toilets | 42 | Hutton Rd | The Entrance North | No |
| 146. | Wamberal Beach Public Toilet | 12 | Wiles Ave | Wamberal | Yes |
| 147. | Wamberal Memorial Hall Public Toilet | 182 | Ocean View Dr | Wamberal | No |
| 148. | Waratah Road Public Toilets | 6 | Waratah Rd | Mangrove Mountain | No |
| 149. | Woodburys Inn Reserve Public Toilets | 62 | Yarramalong Rd | Mardi | No |
| 150. | Woy Woy Grandstand | 51 | Chambers Pl | Woy Woy | No |
| 151. | Woy Woy Tidal Baths Public Toilet | | Brick Wharf Rd | Woy Woy | Yes |
| 152. | Wyong Lions Park Public Toilets | 1CR | Panonia Rd | Wyong | Yes |
| 153. | Wyong Old School Public Toilet | 8 | Rankens Ct | Wyong | Yes |
| 154. | Yaruga Picnic Ground Public Toilet | | Dolly Ave | Springfield | No |

| | All sites | Town centres | High use sites (includes town centres) |
|---|-----------|--------------|---|
| Capital Cost | | | |
| Number of amenities | 154 | 23 | 74 |
| Number of soap dispensers to be installed | 385 | 59 | 194 |
| | | | |
| Cost of dispensers | \$57,634 | \$8,832 | \$34,183 |
| Cost for Signage (supplied and installed) | \$43,428 | \$6,486 | \$20,680 |
| Total cost of labour for initial install | \$12,433 | \$2,016 | \$7,372 |
| Total Capex cost | \$113,495 | \$17,334 | \$62,235 |
| Operational Costs per annum | | | |
| Cost of liquid soap 5L tubs (initial) | \$6,298 | \$965 | \$1,210 |
| Annual cost for liquid soap 3 x liquid soap 5L tub refills (per year) | \$18,797 | \$2,895 | \$9,522 |
| Cost of labour 3 x refills (per year) | \$3,447 | \$531 | \$1,746 |
| Estimated cost of vandalism (based on 1.2 incidences per week) | \$31,068 | \$4,496 | \$15,126 |
| Total Operational Cost per annum | \$56,163 | \$8,887 | \$27,604 |



Item No: 4.1
Title: Meeting Record of the Town Centre Advisory Committee held on 15 July 2020
Department: Connected Communities

24 August 2020 Ordinary Council Meeting

Reference: F2019/00505 - D14109726
Manager: Glenn Cannard, Unit Manager, Community Partnerships
Executive: Julie Vaughan, Director Connected Communities

Summary

To note the Meeting Record of the Town Centre Advisory Committee held on 15 July 2020.

Recommendation

That Council receive the report on Meeting Record of the Town Centre Advisory Committee held on 15 July 2020.

Background

The Town Centre Advisory Committee held a meeting on 15 July 2020. The Meeting Record of that meeting is Attachment 1 to this report.

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

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Attachments

- 1 Town Centre Advisory Committee Meeting Record - 15 July 2020 [D14109735](#)

Town Centre Advisory Committee Meeting Record 15 July 2020



| | | |
|-----------|---------------------|-------------------|
| Location: | Zoom Meeting | |
| Date: | 15 July 2020 | |
| Time | Started at: 3.04pm | Closed at: 4.48pm |
| Chair | Mayor Lisa Matthews | |
| File Ref | F2019/00505 | |

Present:

Mayor Lisa Matthews, Councillor Chris Holstein, Councillor Jane Smith, Rod Dever, Robert Diaz, Matthew Hingerty (left 3.37pm), Juan Iocco, Matthew Lusted, Paula Martin, Brenton Pavier

Council Staff present:

Julie Vaughan – Director Connected Communities, Glenn Cannard – Unit Manager Community Partnerships, Shari Driver – Unit Manager Strategic Planning, Kelly Drover – Advisory Group Support Officer

Item 1 Welcome, Acknowledgement of Country and Apologies

Apologies received: Deborah Warwick, Matthew Wales

The Chairperson, Mayor Lisa Matthews declared the meeting open and completed an Acknowledgement of Country and Connection to Land Statement.

Item 2 Disclosures of Interest

The Chair called for any Disclosures of Interest. No disclosures were received.

Item 3 Confirmation of Previous Meeting Record

The Advisory Group confirmed the Meeting Record from 19 May 2020.

The Advisory Group discussed the Action Log.

Item 4 Chamber of Commerce Updates (Standing Item)

- Bob Diaz (Entrance Chamber of Commerce) advised that their Board Meeting was held last night and Kirsty Brooks from Artscape presented to the Board. The AGM is scheduled for mid-August. Fright Night has been held off due to COVID19 social distancing requirements.

Town Centre Advisory Committee Meeting Record
15 July 2020



- Matthew Lusted (Wyong Chamber of Commerce) advised that the next face to face Chamber meeting is scheduled for 28 July 2020 and will be held at Motel Mezza with 50 attendees having a farm to plate meal. Paula will be attending to present on the Bigger Backyard Program. The AGM is set for August with half the board members up for re-election.
- Rod Dever (Gosford/Erina Chamber of Commerce) advised that the AGM will be held in October. They are working with Paula in relation to the Bigger Backyard projects for upcoming events. The Board Meeting was held last night, and discussions held around engaging with State Ministers in relation to visiting the area to receive presentations from members. The Board are also looking to get a speaker on the 1000GB city to come and present. A reminder has also been sent to businesses around the importance of reporting incidences and emergency situations.
- Paula Martin (NSW Business Chamber) provided an update on the Bigger Backyard project. 438 businesses have pledged a total of \$1.8million per month with an economic impact of \$64million to the Central Coast. Strong pledges have been received from professional services and building trades. Across all Town Centres there has been a dramatic drop in disruption to supply chains as well as a drop in disruption in channels to market which has reduced from 70% - 34%. The Business Chamber is in conversation with Central Coast staff to see when we could celebrate a Bigger Backyard event and official launch which will most likely occur in October.
- Matt Hingerty advised that the Central Coast Tourism Board meets next week and that they support the Council reforms and look forward to working with Council.

The Advisory Group discussed that a number of organisations are now choosing to have their staff work from home, so they are either reducing or exiting premises. Whilst this is a win for businesses as they are no longer paying rent on large floor spaces it is concerning for landlords and associated businesses. Paula Martin advised that Business NSW have been doing work in the Sydney CBD on this issue and looking at the impact to cities.

Action: Paula Martin to speak to Sydney Business Chamber about providing the Advisory Group with an update on what is happening in the Sydney Metro area and what initiatives they have in place to invigorate the city.

Item 5 Update on Place Plans (Action 11)

Glenn Cannard (Unit Manager Community Partnerships) advised that the Consultants for both the Kibble Park Place Plan and The Entrance Place Plan will be reaching out to members of the Town Centre Advisory Committee and Gosford CBD Committee for individual sessions and the opportunity to provide comment on the plans.

Action: Further update on Place Plans to be provided at the next meeting.

Item 6 Transformational Town Centre Projects (Item 13)

The Advisory Group discussed the impact of COVID19 on businesses including taking out insurance for an event and being held liable if someone does have an incidence of COVID19. It was identified that we need

Town Centre Advisory Committee Meeting Record
15 July 2020



to look at ways to get people back into the Town Centres and spending money including a program of events (not just one offs, regular weekly or fortnightly events).

Councillor Holstein advised of an initiative of Erina Fair the last 3 days which involved a range of young performers busking throughout the centre (in accordance with COVID19 regulations). Glenn Cannard advised that discussions have been held with police and as of next week Council will be allowing busking. The Events team have an approach ready to roll out in the Town Centres.

The NSW Government has released a COVID19 Safety Plan and businesses can register as being COVID safe which will involve them receiving signage (posters etc) that they can put up in the window to let the community know they are a COVID safe business.

The Advisory Group discussed whether we need to review any red tape in the Town Centres that might help businesses operate differently or longer hours.

Glenn Cannard advised that Council is just about to launch an EOI to activate 5 vacant buildings that Council owns.

Action: Scott Cox – Director Environment and Planning to be invited to the next meeting to discuss compliance for businesses using Council footpaths / converting their businesses due to COVID19.

Item 7 Priority Action Areas for Remaining 12 Months

The Advisory Group discussed the following priority action areas for the remaining 12 months.

- Outdoor dining
- Shopfront activations (working with landowners and real estates)
- Car parking
- How to get people back into the Town Centres
- Streetscaping
- What each of the Town Centres has identified as its unique selling point

The Advisory Group also discussed the need for staff to sit down with key people to look at what each individual Town Centre needs as the priority action areas can be very different for each Town Centre.

Action: A joint meeting between the Tourism Committee, Employment and Economic Development Committee and Town Centre Advisory Committee to be arranged once face to face meetings can be held.

Item 8 General Business and Close

No general business was discussed.

The meeting closed at 4.48pm

Next Meeting: **Tuesday 15 September 2020**
 3pm – 5pm
 Location TBC



Item No: 4.2
Title: Meeting Record of the Employment and Economic Development Committee meeting held 14 July 2020
Department: Innovation and Futures

24 August 2020 Ordinary Council Meeting

Reference: F2018/00100 - D14091778

Executive: Ricardo Martello, Executive Manager Innovation and Futures

Summary

The purpose of this report is for Council to note the Meeting Record of the Employment and Economic Development Committee meeting held 14 July 2020.

Recommendation

That Council receive the report on Meeting Record of the Employment and Economic Development Committee meeting held 14 July 2020.

Background

The Employment and Economic Development Committee held a meeting on 14 July 2020. The Meeting Record of that meeting is Attachment 1 to this report.

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

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Attachments

- 1 Employment and Economic Development Committee Meeting Record - 14 July 2020 [D14091665](#)

Employment and Economic Development Committee Meeting Record 14 July 2020



| | | |
|-----------|-----------------------|-------------------|
| Location: | Zoom Meeting | |
| Date: | 14 July 2020 | |
| Time | Started at: 4.03pm | Closed at: 6.21pm |
| Chair | Councillor Jane Smith | |
| File Ref | F2018/00100 | |

Present:

Councillor Chris Holstein, Councillor Kyle MacGregor (joined 4.21pm), Councillor Bruce McLachlan, Councillor Jane Smith, William Adames, John Asquith, Mike Goodman (left 6.20pm)

External Attendees:

Paula Martin – NSW Business Chamber, Jade Moffat – PTECH (left 4.38pm), Jillian Williams – PTECH (left 4.38pm)

Council Staff present:

Ricardo Martello – Executive Manager Innovation and Futures, Louise Fisher – Chief External Funding Coordinator (left 4.53pm), Christine Jarvis – Business Development Manager, Zoie Magann – Advisory Group Support Officer

Item 1 Apologies, Welcome and Acknowledgement of Country

Apologies received: Councillor Rebecca Gale, Councillor Jilly Pilon, Councillor Jeff Sundstrom

The Chairperson, Councillor Jane Smith, declared the meeting open and completed an Acknowledgement of Country statement and Connection to Land Statement.

Item 2 Disclosure of Interest

The Chair called for any declarations of interest.

Councillor Bruce McLachlan declared a less than significant non-pecuniary interest as he had done previously, as a business owner on the Central Coast.

Item 3 Confirmation of Previous Meeting Records

The Advisory Group confirmed the Meeting Record from 17 December 2019.

Employment and Economic Development Committee Meeting Record
14 July 2020



The Advisory Group reviewed the Action Log, noting they are still interested in receiving updates for the pending items including constraint mapping, youth unemployment and the Destination Brand.

Action: Paula Martin to provide presentation on outcomes of NSW Business Chamber report on youth unemployment with regard to COVID at the next meeting.

Item 4 Presentation from PTECH (Action 27)

Jillian Williams and Jade Moffat from PTECH provided a presentation on PTECH (Pathways in Technology), which is an IBM project to help upskill students and generate employment opportunities with local industry partners.

The following key points were noted:

- PTECH involves a partnership between secondary schools, industry, and government to address skills gaps in technology and promote employment in these areas. The aim is skilled youth being placed in jobs with partnered industries.
- Projected that Australia will need over 300,000 additional tech workers to meet employer demand by 2024.
- There are currently 15 PTECH schools in Australia and 220 globally (across 28 countries). Wyong was one of the first of three PTECH schools established in NSW, and is considered a standout in Australia.
- Three additional schools on the Central Coast will be taking part in PTECH program: Henry Kendall High School, Tuggerah Lakes Secondary College Tumby Umbi, Kariong Mountain High School).
- Industry partners on the Central Coast include Mars, Sanitarium, NSW Health, IBM, Borg, University of Newcastle.
- There are no aptitude tests for students to join PTECH stream, or other barriers such as additional fees. Concept of 'new collar' roles – students are equipped with foundation level tech skills and are expected to undertake ongoing learning and development.
- Noted that PTECH doesn't replace the NSW Curriculum, but compliments it. PTECH works closely with teachers and leaders in schools to ensure holistic approach.

Ricardo Martello (Executive Manager Innovation and Futures) noted that Jillian and Jade will be taking part in the Central Coast Innovation Breakfast for the July topic, Future of Education. More info is available here: <https://www.centralcoast.nsw.gov.au/whats-on/council/central-coast-innovation-breakfast-zoom-july-2020>

Item 5 Infrastructure Priorities Working Group

Ricardo Martello (Executive Manager Innovation and Futures) provided an overview of the Infrastructure Priorities Working Group on behalf of Louise Fisher (Chief External Funding Coordinator). The Working Group is an intergovernmental group established to identify infrastructure needs for the Central Coast region and advocate for grant opportunities. Their aim is to ensure the same priorities are held by relevant government bodies to improve outcomes for the Central Coast.

The following key points were noted:

- Data and evidence gathered by the group is building on previously endorsed projects in order to develop a Central Coast Regional Infrastructure Priority List with short (5yrs), medium (10yrs) and long (15yrs) term solutions.
- Stakeholders involved include:
 - Central Coast Council

Employment and Economic Development Committee Meeting Record
14 July 2020



- Regional Development Australia (Central Coast)
- Regional NSW – Regions, Industry, Agriculture and Resources
- NSW Department of Planning, Industry and Environment
- Transport for NSW
- Subject matter experts as required
- Timing of group establishment is important considering current economic crisis due to COVID. Noted that all levels of government have role to play in stimulating economy – involvement in the group puts Council in a good position for this.
- Priority List is currently being drafted and will be brought back to key stakeholders (including this Advisory Group) once ready. State and Federal budgets need to be considered, and there is significant amount of data to collate and review. It is difficult to provide an anticipated timeframe, but staff are hopeful for upcoming months.
- Noted that funding wouldn't necessarily be provided directly to Council, but would be allocated to relevant government body to deliver regional infrastructure (e.g. Transport for NSW to undertake road improvements).
- Central Coast Council was one of two NSW Councils that proactively submitted COVID projects for consideration.

Action: Update on Infrastructure Priorities Working Group and list of identified projects to be brought back to Advisory Group once ready.

Item 6 Update on Economic Development Strategy (Standing Item)

Ricardo Martello (Executive Manager Innovations and Futures) provided an update on Council's Economic Development Strategy (EDS).

The below key points were noted:

- Draft EDS and Economic Recovery & Resilience Framework endorsed by Council for public exhibition on 9 June 2020. Submissions close 20 July 2020. Info here: <https://www.yourvoiceourcoast.com/all-projects/public-exhibition-central-coast-economic-development-and-recovery-plans>.
- Graphs showing key social and economic data for the Central Coast were displayed using stats from the National Cities Performance Framework.
- Economic impact of COVID can be seen in stats. As at end of May 2020, there were around 22,000 applications for JobSeeker payments on the Central Coast. Numbers are now declining – reduction suggests casuals who were stood down and applied for payments are now returning to paid employment.
- JobKeeper applications submitted have been largest for businesses registered in 2250 postcode. Noted that large industrial businesses in area contribute to this significantly.
- Good news story: Bigger Backyards Program has been successful tool for promoting local economy through pledges between local businesses.
- Noted that household internet connections are a priority for State and Federal governments, given current climate and increase in people working from home. Working from home offers significant economic value to Central Coast as there is reduced number of people commuting outside of area for work. Also potential for people to make lifestyle change and move to area given flexibility of working arrangements.

Action: Staff to provide further info on Active Transport data from the National Cities Performance Framework, with view to better understand what stats mean for Central Coast.

Employment and Economic Development Committee Meeting Record
14 July 2020



Action: Staff to investigate if National Cities Performance Framework data for comparable cities of Logan (QLD) and Casey (VIC) is available for Advisory Group review.

Action: Staff to review and provide presentations to Advisory Group members.

Action: Paula Martin to provide closing report on Bigger Backyards Program at next applicable Advisory Group meeting.

Item 7 Terms of Reference and Future Focus for Advisory Group

The Advisory Group considered their progress to date and proposed way forward to actively support economic development and employment opportunities on the Central Coast.

The following key points were noted:

- Frustrations from members feeling they had been bombarded with information, and hadn't actually achieved much over the past few years.
- Group needs to identify key issues to focus on and have active role in these matters (i.e. workshopping issues and coming up with solutions). All want to see more action/outcomes achieved. Some suggestions were as follows:
 - COVID investigations – impact and effective recovery.
 - Continue with key economic updates.
 - Focus on systemic solutions not individual projects – outputs of strategic conversations can feed into the projects.
 - Consider short, medium, and long-term solutions for region, not just the quick wins.
 - Explore working from home opportunities and diversification of local economy.
 - Support of local small businesses, including non-traditional models like co-operatives
 - Ongoing consideration of sustainability – members have skills and knowledge from economic, social and environmental perspectives
- Important to have measurable outcomes so that group can track progress and manage expectations. Suggestion that group identifies 3-5 drivers for economy, and use these as report card (Tasmania provides good example).
- Adoption of Economic Development Strategy will help guide group by identifying focus areas, Members can then provide input into key projects. Noted importance that projects are considered with COVID in mind.
- Good news stories: group previously advocated for increase in staff resources for Economic Development team, which has since been implemented. Knowledge sharing from group has been beneficial for some members in their external roles.
- Interested in exploring working from home as avenue to stimulate economy on the Central Coast. Noted that Sydney surround areas will similarly be looking to capitalise on this opportunity, so timing is important. Staff have been considering conducting a survey to investigate what people need to work from home successfully and how this can be best accommodated.
- Requested that any data for consideration/discussion at meetings is provided in advance so that members can sufficiently review. Meeting would then provide time for questions and clarification, rather than delivery of the data.

Action: Staff to investigate providing list of potential opportunities related to working from home to Advisory Group members before next meeting for consideration.

Employment and Economic Development Committee Meeting Record
14 July 2020



Action: Advisory Group members to review Terms of Reference in preparation for discussion at next meeting, as well as considering stakeholders who may be invited to meetings moving forward to respond to identified priorities.

Action: Reminder to be sent to Advisory Group members with Meeting Record about suggesting projects for staff consideration. (Members have one week to provide feedback)

Item 8 General Business and Close

The Advisory Group agreed to hold an extraordinary meeting in August 2020 (or next available date) to workshop focus areas. Group will continue to consider meeting frequency and adjust as necessary.

The meeting closed at 6.21pm

Next Meeting: **1 September 2020 (Extraordinary)**
 4pm – 6pm
 Zoom Meeting (TBC)



Item No: 4.3
Title: Activities of the Development Assessment and Environment and Certification Units - April to June 2020 - Quarter 4
Department: Environment and Planning

24 August 2020 Ordinary Council Meeting

Trim Reference: F2019/00041-004 - D13770295

Author: Michelle Ritchie, Section Manager, Business Performance and Integration

Manager: Sara Foster, Unit Manager Business Support and Systems

Executive: Andrew Roach, Unit Manager, Development Assessment

Report Purpose

This report includes information and statistics regarding the operations of the Development Assessment and Environment and Certification Units which covers the submission and determination of development, construction and subdivision applications. This report provides a summary of applications for the April to June 2020 Quarter.

Recommendation

That Council receive the report on Activities of the Development Assessment and Environment and Certification Units - April to June 2020 - Quarter 4.

Background

As the Central Coast community continues to grow, Council is committed to assessing development applications, which respond to the need to providing for a variety of housing choice to suit the needs and lifestyles of the community, support local jobs and services while appreciating and protecting our environmental assets.

The Central Coast Regional Plan (CCRP) provides that the population of the Central Coast will increase by approximately 75,500 people (to 415,050) by 2036. As a result, there is an increased need for local housing and employment options. The CCRP establishes that the region is expected to have 36,350 more households, setting a target of 41,500 new homes by 2036. In order to meet this target, the equivalent of approximately 2,075 new homes per year will be required for the 20-year life of the plan.

Since the commencement of the CCRP in 2016, **11,025** additional dwellings have been approved, and Council is tracking well against future housing requirements outlined in the Central Coast Regional Plan.

4.3 Activities of the Development Assessment & Environment and Certification Units - April to June 2020 - Quarter 4 (contd)

Housing approvals

During the April to June 2020 quarter, **716** development applications were determined including the approval of **191** new dwellings (including secondary dwellings, detached dwellings, dual-occupancies, seniors living, multi-dwelling housing and units within residential flat buildings).

Development Applications Determined

| Type: | Number Determined | Number Approved | Estimated Value of <u>Approved</u> Development \$ |
|---|-------------------|-----------------|---|
| Residential – Single new dwelling, Residential – New Second Occupancy, Residential – Alterations and Additions Residential New Multi-Unit | 444 | 442 | \$110,545,327 |
| Residential - Seniors Living, Residential Other | 17 | 17 | \$30,934,346 |
| Commercial / Retail / Office / Tourist/ Community Facility | 27 | 26 | \$35,671,755 |
| Industrial and Infrastructure | 18 | 17 | \$5,615,055 |
| Subdivision only | 8 | 8 | \$1,720,000 |
| Mixed | 2 | 2 | \$1,327,439 |
| Other | 29 | 28 | \$2,323,013 |
| Section 4.55 | 171 | 170 | \$34,257,825 |
| Total | 716 | 710 | \$222,394,760 |

Number of outstanding Development Applications

The total number of Development Applications outstanding at the end of the quarter was **506** with **436** applications under assessment.

Net Median Turnaround Times

The net median turnaround time for development applications determined (including s.455) within the Development Assessment Unit during the April to June 2020 Quarter was **44** calendar days.

The net median turnaround time for development applications determined (including s.455) within the Environment and Certification Unit during the April to June 2020 Quarter was **33** calendar days.

The net median turnaround time for all development applications (including s.455) determined by the Development Assessment Unit and the Environment and Certification Unit during the April to June 2020 Quarter was **34** calendar days.

Subdivision Lots Released

| Type | Number of Lots Released |
|-----------------------|-------------------------|
| Commercial/Industrial | 17 |
| Residential | 146 |
| Total | 163 |

*There were 8 lots effected by boundary realignments/consolidations

Other Approvals and Certificates

| Type | Number Determined | Number Approved |
|--|-------------------|-----------------|
| Building Information Certificates | 56 | 56 |
| Construction Certificates issued by Council | 195 | 195 |
| Complying Development Certificates issued by Council | 37 | 37 |

Variations to Development Standards

Each quarter all Councils are required to report to the Department of Planning and Environment the development applications that have been granted consent involving variation to relevant development standards.

Gosford Local Environmental Plan 2014 (GLEP) and Wyong Local Environmental Plan 2013 (WLEP) permit variations to some development standards, as long as the development is considered to meet the following objectives:

- (a) To provide an appropriate degree of flexibility in applying certain development standards to particular development.

4.3 Activities of the Development Assessment & Environment and Certification Units - April to June 2020 - Quarter 4 (contd)

- (b) To achieve better outcomes for and from development by allowing flexibility in particular circumstances.

In each case, the relevant development application must also address the objectives of the development standard being varied.

State Environmental Planning Policy No 1 (SEPP 1) also permits variations to the development standards within *Interim Development Order Number 122* (IDO122), which applies to some land within the former Gosford local government area.

Council requires that a written request to vary a development standard be considered in each case, which must address the following matters:

- Why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- That there are sufficient environmental planning grounds to justify contravening the development standard.

A review of Council records has identified that consent was granted to **15** development applications from April to June 2020 Quarter that included a variation to a development standard within WLEP, GLEP or IDO122. A copy of the variation to development standard register for the April to June 2020 Quarter is attached.

Link to Community Strategic Plan

Theme 4: Responsible

Goal I: Balanced and sustainable development

I3: 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.

Attachments

- 1** Development Standards Variations 1 April - 30 June 2020 [D14079408](#)

| Council DA Reference # | Address | Category of development | Environmental planning instrument | Zoning of land | Development standard to be varied | Justification of variation | Extent of variation | Concurring authority | Date DA determined |
|------------------------|---|-----------------------------------|-----------------------------------|-------------------------------|---|---|---|----------------------|--------------------|
| 011.2019.000 57574.001 | LOT: 90 DP: 29721 27 Beachview Esp MACMASTERS BEACH, 2251 | Residential - Single new dwelling | GLEP 2014 | R2 LOW DENSITY RESIDENTIAL | 4.3 Height | The gradient of the land means strict compliance with the standard would come at the cost of amenity within the design of the dwelling. There will be little to no impact on amenity of neighbours as a result of the variation. | 10% | COUNCIL | 23/04/2020 |
| 011.2017.000 51472.001 | LOT: 1 DP: 18278 40 Dwyer St NORTH GOSFORD, 2250 | Residential - New multi unit | GLEP 2014 | R1 GENERAL RESIDENTIAL | 4.3 - Height of Building & 4.4 Floor Space Ratio | <p>Clause 4.3 - Height of building - The proposed height will be consistent with surrounding future development and will be considerably lower than future building heights to the south. The proposed variations not give rise to any significant impacts on surrounding or nearby properties. The imposition of strict adherence to the development standard is considered unreasonable and unnecessary given the context of the site, the fact that the variation will result in negligible impacts on the adjoining properties, and the fact that the height variation will be largely undiscernible from the public domain. The topography of the site, the benefit of the consolidation and the surrounding zoning context provide sufficient environmental planning grounds to support the variation.</p> <p>Clause 4.4 Floor Space Ratio - proposal has been demonstrated to be consistent with the objectives of the zone and The additional FSR in the proposal will not result in adverse amenity, privacy, overshadowing or view impacts on surrounding properties.</p> | 4.3 Height - 9.7 Cl 4.4 Floor Space Ratio 9.99% | COUNCIL | 03/06/2020 |
| 011.2019.000 57079.001 | LOT: 602 DP: 10570 20, Warrah St ETTALONG BEACH, 2257 | Residential - New multi unit | GLEP 2014 | R1 GENERAL RESIDENTIAL | 4.1B Minimum lot Size and Height & 4.3 - Height of Building | <p>Minimum Lot Size - Minor extent of variation Height - Minor encroachment above height and encroaching height is an architectural feature as outlined under Clause 4.6</p> <p>Clause 4.1B of GLEP 2014 Minimum lot size - Requirement 750m² Proposed 730.4 Variation 19.6m² or 2.61% Clause 4.3 of GLEP 2014 Maximum Height 8.5m Proposed height 9.27m Variation of 770mm or 9%.</p> | Lot Size: 2.61% Height: 9% | COUNCIL | 07/04/2020 |
| 011.2019.000 57306.001 | LOT: 1 SP: 7533 1/222 Henry Parry Dr NORTH GOSFORD, 2250 | Residential - New multi unit | GLEP 2014 | R1 GENERAL RESIDENTIAL | Clause 4.3 Height | Sloping topography makes it difficult to meet standard and there will be no impact on streetscape amenity of neighbours. | 1.2m / 10% | COUNCIL | 20/05/2020 |

| Council DA Reference # | Address | Category of development | Environmental planning instrument | Zoning of land | Development standard to be varied | Justification of variation | Extent of variation | Concurring authority | Date DA determined |
|---------------------------|---|---|-----------------------------------|--|--|---|---|----------------------|--------------------|
| 011.2019.000 57550.001 | LOT: 22 DP: 538202 51 Smiths Rd SOMERSBY, 2250 | Industrial | GLEP 2014 | RU1 PRIMARY PRODUCTION RU5 VILLAGE | Clause 4.3 Height | The proposed variation to the height provision for the RU 5 Village zone can be justified as the variation is small (1.85%) and the proposed building is located in a position on the site where the building is located topographically well below the main viewing area being Wisemans Ferry Road and dwellings located on adjoining properties will not be able to view the structure due to stands of existing trees providing a visual barrier. | 1.85% | COUNCIL | 07/05/2020 |
| 011.2019.000 57561.001 | LOT: 1 DP: 1221260, 234 Terrigal Dr TERRIGAL, 2260 | Residential - New multi unit | GLEP 2014 | R1 GENERAL RESIDENTIAL | Clause 4.4 Floor Space Ratio | The proposal is of an acceptable bulk, scale and density and the variation to FSR will not result in any unreasonable amenity impacts. | 8% | COUNCIL | 25/06/2020 |
| 011.2019.000 57656.001 | LOT: 188 DP: 223884 44 Kalakau Ave FORRESTER'S BEACH, 2260 | Residential - Alterations & Additions | GLEP 2014 | R2 LOW DENSITY RESIDENTIAL | LEP Clause 4.3(2) - Maximum Building Height and Clause 4.4(2) Maximum Floor Space Ratio. | Height variation - Consistent with adjoining development, site area and shape makes compliance with the numerical standard difficult. Floor Space Ratio variation - Consistent with adjoining development, site area and shape makes compliance with the numerical standard difficult. 1. Height Variation - The proposal seeks a maximum overall height of 9.348 metres in lieu of the permitted 8.5 metre mapped height limit applicable to the allotment, resulting in a variation of 9.9%. 2. Floor Space Ratio Variation - The proposal seeks a maximum overall Floor Space Ratio of 0.55:1 in lieu of the permitted mapped 0.5:1 Floor Space Ratio applicable to the allotment, resulting in a variation of 10%. | Height: 9.9% Floor Space Ratio: 10% | COUNCIL | 06/04/2020 |
| 011.2019.000 57678.001 | LOT: 1 DP: 709328 1 Pacific Hwy MOONEY MOONEY, 2083 | Residential - Alterations & Additions | GLEP 2014 | R2 LOW DENSITY RESIDENTIAL | CI 4.3 Building height | The proposed first floor addition has a building height of 8.7m at the highest point. The maximum building height is 8.5m. This is a 2.35% variation. | 2.35% | COUNCIL | 16/04/2020 |

| Council DA Reference # | Address | Category of development | Environmental planning instrument | Zoning of land | Development standard to be varied | Justification of variation | Extent of variation | Concurring authority | Date DA determined |
|---------------------------|---|--|-----------------------------------|----------------------------------|------------------------------------|---|---|----------------------|--------------------|
| 011.2019.000 57692.001 | LOT: 5 DP: 17934 9 Webb St EAST GOSFORD, 2250 | Residential - New multi unit | GLEP 2014 | R1 GENERAL RESIDENTIAL | Clause 4.4 Floor Space Ratio | The proposal is a minor departure from the development standard and the additional gross floor area will not be readily perceptible externally, and will not unreasonably contribute to building bulk or result in adverse impacts on the streetscape or surrounding properties. | 38m ² or 8.35% proposed - approx 25sqm or 5.5% variation | COUNCIL | 17/06/2020 |
| 011.2019.000 57743.001 | LOT: E DP: 409113 51 Frederick St EAST GOSFORD, 2250 | Residential - New multi unit | GLEP 2014 | R1 GENERAL RESIDENTIAL | Clause 4.4(2) & Clause 4.3 | <p>Clause 4.4(2) of Gosford LEP 2014 stipulates a maximum floor space ratio of 0.7:1 with reference to the Floor Space Ratio Map. However Clause 4.4(2A) reduces floor space ratio to 0.5:1 where all car parking is not located in the basement, as is the case with the subject proposal. The site has an area of 1453.9m² and the maximum permitted floor area is therefore 726.95m². The proposed building has a gross floor area of 795.28m² which results in a floor space ratio of 0.547:1. The excess floor area of 68.33m² represents a 9.39% variation to the development standard. Clause 4.3 - Height of Buildings of Gosford Local Environmental Plan 2014, stipulates a maximum height of 8.5m. The development is predominantly below 8.5m building height, and a small part of the roof on the north-east building has a maximum height of between 8.57m and 8.77m, which represent an excess of between 70mm and 270mm or variation of between 0.82% to 3.17% to the 8.5m height limit.</p> <p>Slope of land means it would be difficult to meet standard and there will be no impact on amenity of neighbour.</p> | Floor: 9.39% Height: 0.82- 3.17% | COUNCIL | 17/04/2020 |
| 011.2020.000 57805.001 | LOT: 112 DP: 565188 28 Sorrento Rd EMPIRE BAY, 2257 | Residential - New second occupancy | GLEP 2014 | R2 LOW DENSITY RESIDENTIAL | 4.3 - Height (Primary Dwelling) | <p>The proposed development (Primary Dwelling) seeks a 13.5% variation to the max height limit.</p> <p>This is for two main reasons:</p> <ul style="list-style-type: none"> -The proposed addition seeks to match in with an existing roof line which has an existing height variation. -A small portion of the proposed addition extends upwards and is designed to add a layer of architectural interest to the development. | 13.5% | COUNCIL | 16/04/2020 |

| Council DA Reference # | Address | Category of development | Environmental planning instrument | Zoning of land | Development standard to be varied | Justification of variation | Extent of variation | Concurring authority | Date DA determined |
|---------------------------|--|---|-----------------------------------|----------------------------------|--|---|--------------------------------|----------------------|--------------------|
| 011.2020.000 57960.001 | LOT: 718 DP: 30049 195 Del Monte Pl COPACABANA, 2251 | Residential - Alterations & Additions | GLEP 2014 | R2 LOW DENSITY RESIDENTIAL | Clause 4.3 - Height of Buildings | Slope of land means it would be difficult to meet standard and there will be no impact on amenity of neighbours. | 19.9% | COUNCIL | 28/04/2020 |
| 011.2020.000 58070.001 | LOT: 30 DP: 15452 9 Uralla Ln BLACKWALL, 2256 | Residential - Alterations & Additions | GLEP 2014 | R2 LOW DENSITY RESIDENTIAL | Gosford LEP 2014 Cl 4.3 Building height Gosford LEP 2014 Cl 4.3 Building height | Building Height - The required building height is 8.5m. Proposed building height is 8.85m. This exceeds the required height by 350mm and is a 4.1% variation. The lot is steep with fall to the street. The existing dwelling is being altered and existing floor levels are being maintained. The proposed development is not considered to have a significant impact on the surrounding built environment or the amenity of adjoining premises and is supported for approval. Front Setback - Average setback of the nearest two neighbouring dwellings is 13.7m. The proposed setback is 10.133m This is a 26% variation. The encroachment is a proposed first floor deck extension. The deck is open sided, unroofed, and is not considered to add significant scale and bulk of the overall development. The front setback encroachment is not considered substantial and not have a significant impact on the surrounding built environment or the amenity of adjoining premises and is supported for approval. | Height 4.1% Front SB 26% | COUNCIL | 04/05/2020 |
| 011.2020.000 58109.001 | LOT: 76 DP: 11007 433 Ocean Beach Rd UMINA BEACH, 2257 | Residential - New multi unit | GLEP 2014 | R1 GENERAL RESIDENTIAL | 4.1B Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing and residential flat buildings | Council in its planning assessment have conceded that the prescriptive requirements outlined within the Multi-Unit Housing and Residential Flat Buildings chapter are unrealistic for medium density development to be fully compliant with the numerical measures of the multi-dwelling chapter in the GDCP 2013. The economic feasibility to consolidate allotments and provide such little yield due to the loss of land available in regards to the required setbacks are onerous and rather the assessment of villa style development has been taken into account the context of what is been established and recently been approved by Council. | 9.9% | COUNCIL | 30/06/2020 |

| Council DA Reference # | Address | Category of development | Environmental planning instrument | Zoning of land | Development standard to be varied | Justification of variation | Extent of variation | Concurring authority | Date DA determined |
|---------------------------|--|---|-----------------------------------|------------------------------|-----------------------------------|---|---------------------|----------------------|--------------------|
| 011.2020.000 58293.001 | LOT: A DP: 415730 376 Booker Bay Rd BOOKER BAY, 2257 | Residential - Alterations & Additions | GLEP 2014 | R1 GENERAL RESIDENTIAL | Clause 4.3 Building Height | Maximum building height is 8.5m. Proposed building height is 8.783m. This is 283mm over the requirement or a 3.3% variation. The proposed modest first floor addition has a hip roof with a small length of ridge that exceeds the building height requirement. The lot is sloping to the rear. The neighbouring property has a similar ridge height of 8.76m. The ridge height is not considered to have a significant impact on the surrounding built environment or the amenity of adjoining premises and is supported for approval. | 3.3% | COUNCIL | 24/06/2020 |

Item No: 4.4
Title: Response to Notice of Motion - Sewerage Issues in Kanwal
Department: Water and Sewer



24 August 2020 Ordinary Council Meeting

Reference: F2019/00041-004 - D14043836
Author: Gerhard Lategan, Civil Works Engineer
Manager: Vanessa Trzcinka, Section Manager, Network Operations
Executive: Jamie Loader, Director Water and Sewer

Summary

At the Ordinary Meeting of 9 June 2020, the following was resolved:

- 510/20 *That Council request the Chief Executive Officer to collate a report on the history of the sewerage system of Central Coast Council in the Kanwal area with a focus on the following aspects:*
- a *A list of overflows and issues with the sewer system in Kanwal that have required rectification work or the like during the period 2010 to present.*
 - b *The methodology and approach to maintenance of the sewer system from 2010 to present with a comparison of both former councils and Central Coast Councils current approach. Including a comparison of the 'emergency response' system and direct servicing of sewer maintenance.*
 - c *Reporting requirements for staff and contractors around community complaints on sewer issues and response to emergency overflows or problems with the network. Consultation and awareness for residents when overflows and issues with the sewer system occur including the potential health impacts for residents and damage or impact on properties.*
 - d *The impact of 'fatbergs', root system destruction of pipes and the causes of problems within the sewer system and the causes of problems requiring maintenance on the sewer system including examples of when damage occurred and was responded to.*
 - e *The recent work that was conducted by 'inter flow' or other contractors or direct staff during 2019, including scope of works and costs for works completed on the sewer network.*
 - f *A comparison between investment in the Sewer network in Kanwal to other suburbs on the Central Coast (including Davistown) over the period 2010 to present.*
- 511/20 *That Council request the Chief Executive Officer report back on this important issue in a timely manner responding to ongoing community interest in this matter and concern around the state of our local sewer system.*

Recommendation

That Council receive and note this report.

Summary

This report is a summary of the methodology, response and maintenance approach to sewer chokes and overflows within the Kanwal sewage system and compares the system performance to the rest of the Central Coast LGA. The following information is provided in response to the specific issues raised:

a A list of overflows and issues with the sewer system in Kanwal that have required rectification work or the like during the period 2010 to present.

The past five financial year's information was obtained for the number of overflows and chokes in Kanwal and the whole of Central Coast. Prior to 2015, data relating to issues in the water and sewer network was kept in several locations and in different formats. In 2015, the dispatch data base was created to capture and store data in a more accurate and consistent format. Accordingly, the data from prior to 2015 is considered unreliable and is not included in this report.

Kangal's sewer network comprises of 28 kilometres of reticulation and rising sewer mains, compared to 2,548 kilometres for the entire Central Coast. The portion of Kanwal's sewer network represents 1.1% of the total of Central Coast's sewer mains.

Table 1 below compares the number of overflows and sewer chokes for the past five (5) years.

| Financial Year | Number of overflows/annum | | Number of chokes/annum | |
|----------------|---------------------------|---------------|------------------------|---------------|
| | Kanwal | Central Coast | Kanwal | Central Coast |
| 2015-16 | 8 | 817 | 9 | 977 |
| 2016-17 | 9 | 877 | 12 | 875 |
| 2017-18 | 13 | 741 | 14 | 952 |
| 2018-19 | 7 | 804 | 8 | 986 |
| 2019-20 | 6 | 716 | 6 | 731 |

Table 2 below compares the ratio of overflows and chokes per 100 km. This data is commonly used for National Benchmarking purposes.

4.4 Response to Notice of Motion - Sewerage Issues in Kanwal (contd)

| | Ratio of overflows per 100 km | | Ratio of chokes per 100 km | |
|----------------|-------------------------------|---------------|----------------------------|---------------|
| Financial Year | Kanwal | Central Coast | Kanwal | Central Coast |
| 2015-16 | 28.6 | 32.1 | 32.1 | 38.3 |
| 2016-17 | 32.1 | 34.4 | 42.9 | 34.3 |
| 2017-18 | 46.4 | 29.1 | 50.0 | 37.4 |
| 2018-19 | 25.0 | 31.5 | 28.6 | 38.7 |
| 2019-20 | 21.4 | 31.1 | 21.4 | 31.8 |

As can be seen from the data above, the ratio of faults in the Kanwal system compares favourably to the rest of Council's sewer systems. There was an increase of overflows and chokes in the 2017-18 financial year in comparison to the rest of the Central Coast. In the following years performance improved. This improvement is attributed to targeted maintenance and repair work.

The NSW Government provides an annual performance monitoring report for all 92 local water utilities (LWUs).

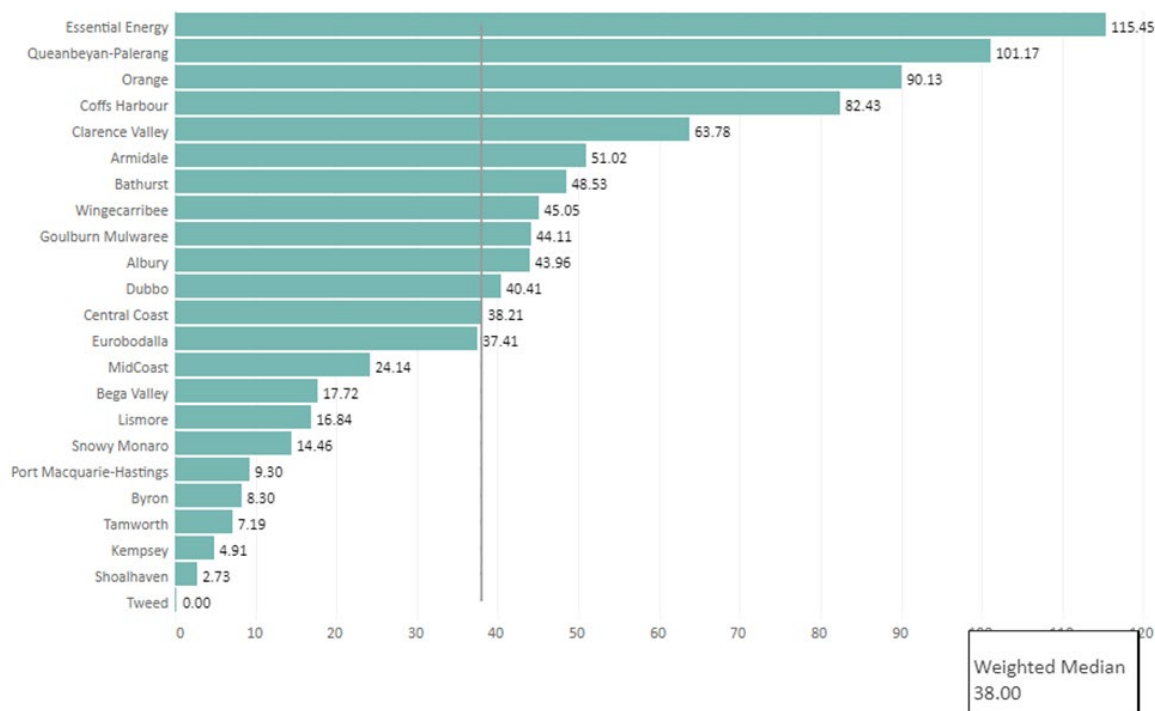
The below performance monitoring data provides comparison of all LWUs in regional NSW under the category of Major (greater than 10,000 connected properties) for sewer chokes and breaks per 100km main for the 2018-19 reporting period.

Breaks and Chokes per 100 Km - Sge

Units: No. per 100km main

Total chokes and breaks in both gravity (reticulation) and rising (pressure) mains resulting in an interruption to the sewerage service or overflows per 100km of sewage main.

The weighted median is the median of the available validated data for the indicator with the number of connected properties applied as weights.



The below performance monitoring data provides comparison of all LWUs in regional NSW for sewer overflows reported to the regulator per 100km main for the 2018-19 reporting period.

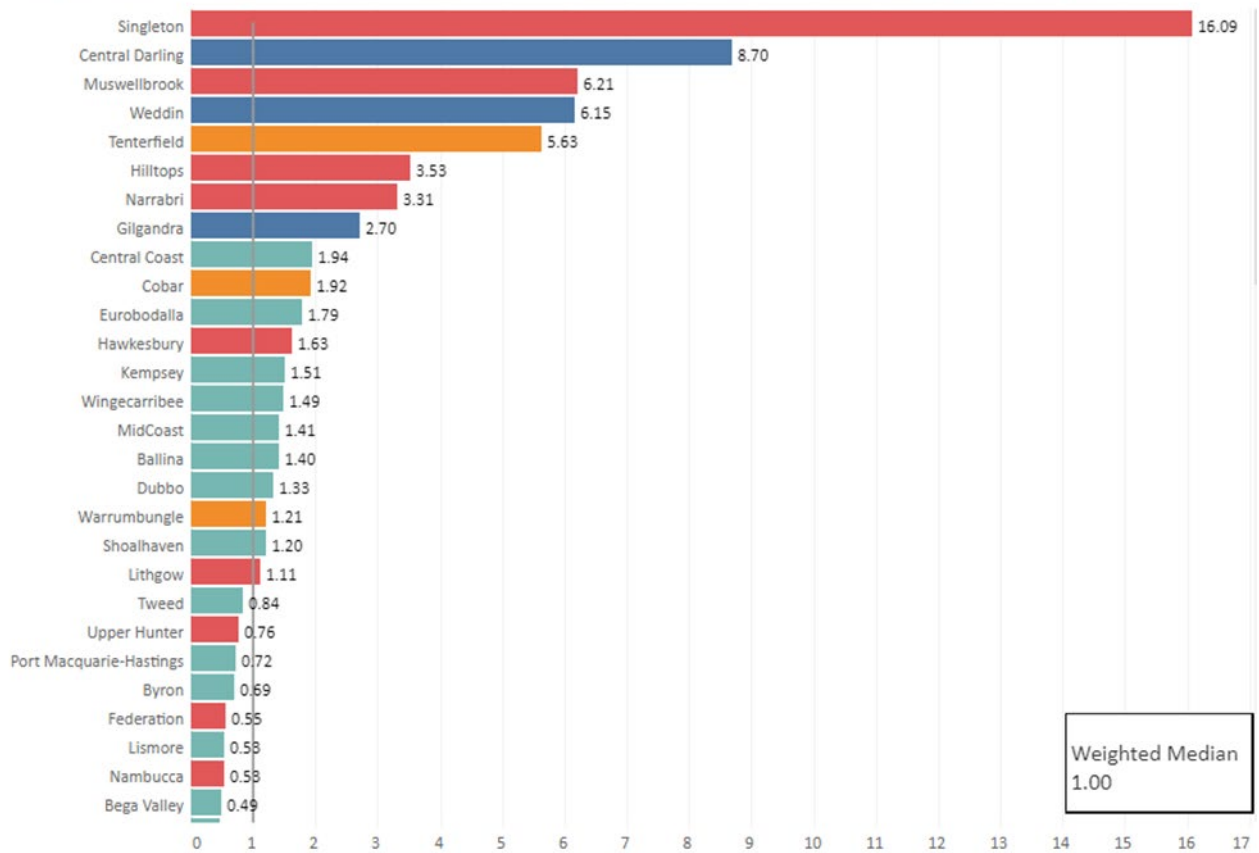
4.4 Response to Notice of Motion - Sewerage Issues in Kanwal (contd)

Sewer Overflows per 100 km main - Reported to Regulator

Units: No. per 100km main

Untreated sewage spills or discharges escape from the sewerage system to the external environment, reported as per utility's licence.

The weighted median is the median of the available validated data for the indicator with the number of connected properties applied as weights.



- b The methodology and approach to maintenance of the sewer system from 2010 to present with a comparison of both former councils and Central Coast Councils current approach. Including a comparison of the 'emergency response' system and direct servicing of sewer maintenance.**

Both former Council areas applied the same methodology and approach to the operation, maintenance and emergency response of their sewer systems.

Residents can report all water and sewerage issues to Council's call centre 24/7. These issues are prioritised, and Council crews are dispatched to attend to these in a timely manner.

In addition, Council has a telemetry system that monitors key water and sewer assets 24/7, e.g. sewer pumping stations. The telemetry tells us if the sewer system is working properly and efficiently. Crews are dispatched to respond to any issues identified in the system.

This approach is consistent with other utilities and complies with the Water Services Association of Australia (WSAA) code.

Modern technologies such as CCTV inspections allow for a more pro-active approach throughout the Central Coast sewer system, with priority areas highlighted for remediation. These remediation works now include relining of sewer mains and manholes without interruption of service to the community.

c Reporting requirements for staff and contractors around community complaints on sewer issues and response to emergency overflows or problems with the network. Consultation and awareness for residents when overflows and issues with the sewer system occur including the potential health impacts for residents and damage or impact on properties.

Council staff attend to sewer issues as a matter of priority. Council has reporting protocols in place for reporting environmental incidents to the EPA. Following an overflow event, Council staff and contractors clean and disinfect all areas impacted by an overflow.

Depending on the nature or significance of an overflow, Council's website, social media and/or local radio stations will be used to notify the community. At a more localised level, signs are used to notify the community of the potential health impacts.

Minor damage to property is managed by Council staff. Major damage of property is managed through Council's insurance claims process.

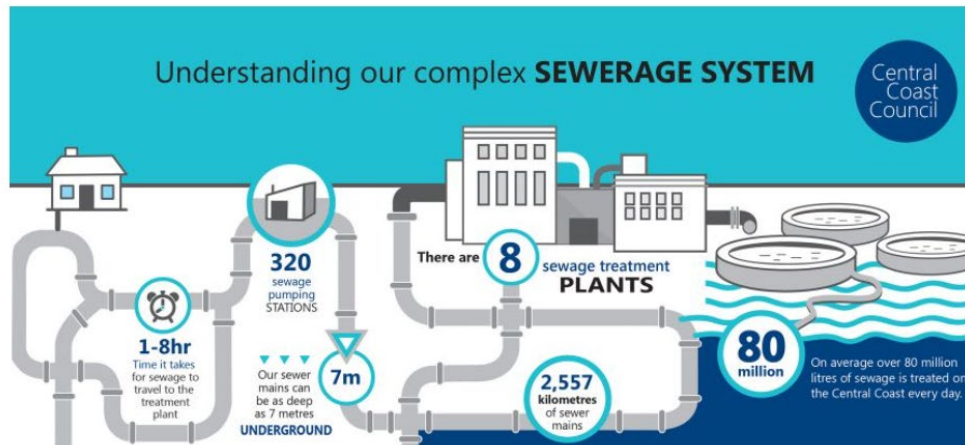
Council recently conducted a region wide sewer infrastructure awareness campaign in 2019, titled 'Save Our Sewers'. This program is ongoing with information on Council's website.

The objectives of the campaign were to build community awareness of:

- The size and complexity of the Central Coast's sewer infrastructure.
- The fact that breaks and leaks will periodically occur across all sewer systems for a range of reasons.
- The actions Council takes when a sewer main breaks or leak occur.
- Customer behaviour that can negatively impact sewer infrastructure – flushing of inappropriate objects, damage caused to pipes by digging.
- Actions the community should take if they become aware of a break or leak (call to action).

This campaign included promotion across Council's communication platforms such as website, social media, media releases, community publications including e-news, Coast Connect Quarterly, Coast Connect Water and radio advertising. The image below is an example of the community awareness campaign.

Save our Sewers! Only flush the 3 P's



- d The impact of 'fatbergs', root system destruction of pipes and the causes of problems within the sewer system and the causes of problems requiring maintenance on the sewer system including examples of when damage occurred and was responded to.**

A fatberg is a large mass of congealed wet wipes, cloths, fats and oils flushed into the sewer system. Fatbergs are becoming an increasing problem for water authorities locally and internationally. However, impacts on Central Coast infrastructure has been minimal in regard to 'fatbergs'.

Most sewer system blockages are caused through root intrusion due to plants and trees searching for moisture and nutrients. Root intrusion affects both council and private sewer infrastructure, with problems often undetected until resulting blockages occur. Undetected root intrusion can also damage pipework, leading to further rehabilitation works.

Our 'Only flush the 3 P's' awareness campaign has significantly reduced problems within our network.

Key communication messages are:

- We want to remind you to only ever flush the three P's down your porcelain throne – poo, pee and paper.
- Everything else needs to go in the appropriate bin - this includes tissues, nappies, paper towels and wipes, even if they are labelled 'flushable'.
- These materials do not break down properly, and when mixed with other materials that shouldn't be poured down our sinks like fats and oils, can cause 'fatbergs' creating blockages in our sewer systems.
- Blockages are not only unpleasant; but can create overflows into our waterways and environment as well as within property boundaries, which can become very costly for homeowners.
- We have crews on standby to respond to reports 24 hours a day, 365 days a year so it is important, and we encourage our community, to let us know day or

night about any sewer blockages by contacting Council's customer contact centre.



Figure 1: Root mass removed from a manhole in Council's sewer system



Figure 2: Root mass removed from a sewer main in Council's sewer system



Figure 3: Tree roots in a sewer manhole in Council's sewer system



Figure 4: Tree roots and other solids removed from a sewer main in Council's sewer system

- e The recent work that was conducted by 'inter flow' or other contractors or direct staff during 2019, including scope of works and costs for works completed on the sewer network.**

Works delivered by Interflow are part of the annual sewer mains rehabilitation program across the Central Coast Region. Sewer mains are inspected using CCTV cameras to assess

4.4 Response to Notice of Motion - Sewerage Issues in Kanwal (contd)

condition and then works are prioritised accordingly also considering the number of chokes and breaks in the preceding period.

The program is designed to rehabilitate or replace sewer mains that:

- no longer meet their targeted performance level; and/or
- their condition may compromise the standard of service.

This program also allows for the rehabilitation of Council's critical and non-critical assets (including manholes).

Rehabilitation involves relining existing sewer pipes with a new structural lining which will extend their life by up to 50 years. Sewer pipes are cleaned as part of preparation for relining and a CCTV inspection carried out before and after the works to ensure the relining is successful.

Manhole rehabilitation is also part of this project as manholes disintegrate over time due to the presence of sulphuric acid in the pipes and manholes which compromises the structural integrity of these assets.

In the 2019 calendar year, Council spent approximately \$12,000 with its principal contractor Interflow Pty Ltd, within the Kanwal system. Work delivered included condition assessment and subsequent repair of both sewer mains and manholes. Internal maintenance costs are not captured at an individual suburb level and are not included in this report.

f A comparison between investment in the Sewer network in Kanwal to other suburbs on the Central Coast (including Davistown) over the period 2010 to present.

Table 3 below shows the rehabilitation costs performed by Council's principal contractor, on the sewer system in Kanwal and for the rest of the Central Coast.

| Financial Year | Rehabilitation cost - contractor | |
|----------------|----------------------------------|-------------------------------------|
| | Kanwal | Central Coast (Inclusive of Kanwal) |
| 2016-17 | \$3,790 | \$477,919 |
| 2017-18 | \$2,825 | \$119,099 |
| 2018-19 | \$8,868 | \$2,635,808 |
| 2019-20 | \$2,937 | \$7,644,727 |

Davistown is a vacuum sewer system (i.e. a closed sewer system) and is operated differently from the Kanwal sewer system. The main difference is that wastewater is drawn away from the property as opposed to a more traditional sewer system, such as Kanwal, where wastewater gravitates away from the property. The most common failure or faults in a vacuum sewer system is vacuum controller failure and illegal stormwater entry flooding or overloading the sewer collection system; not so much the condition of the pipework.

There are no rehabilitation costs for Davistown available due to the closed nature of the system. Internal maintenance costs are not captured at an individual suburb level. As of this financial year Council has begun to capture maintenance cost at a sewer catchment level. This is based on the end of system wastewater treatment plant and would capture cost for numerous suburbs.

Link to Community Strategic Plan

Theme 4: Responsible

Goal H: Delivering essential infrastructure

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

Attachments

Nil.

Item No: 5.1
Title: Questions with Notice
Department: Governance

24 August 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14104865



Questions with Notice

The following question was submitted by Councillor Hogan:

Catherine Hill Bay Water and sewer services

Central Coast Council is providing water and sewer services to residents at Catherine Hill Bay which is located in the Lake Macquarie LGA.

- 1 *Could staff please provide a brief report outlining the mechanisms and financial benefits of this arrangement?*
- 2 *Could staff also provide a brief report on the Norah Head treatment plant; how it works, how many lines and what suburbs it services?*

Response provided by Director Water and Sewer:

Central Coast Council is providing water and sewer services to residents at Catherine Hill Bay which is located in the Lake Macquarie LGA.

- 1 *Could staff please provide a brief report outlining the mechanisms and financial benefits of this arrangement?***

Potable water supply

Solo Water Pty Ltd holds a retail supplier's licence under the Water Industry Competition Act (WICA) to supply drinking water, non-potable water and sewerage services to approximately 470 residential properties in the Catherine Hill Bay development. In future, Solo Water's scheme may be extended to additional development subject to relevant approvals.

Solo Water's subsidiary organisation, Catherine Hill Bay Water Utility Pty Ltd (CHBWU), holds a network operator's licence and have built water and sewerage infrastructure to serve the Catherine Hill Bay development. Solo Water has an agreement with CHBWU to access this infrastructure to supply water and provide sewerage services to customers.

A 6.5km potable water main owned by CHBWU runs from the point of connection at Central Coast Council's Kanangra reservoir site, along Kanangra Drive, then through the Crangan Bay and Lake Munmorah conservation areas to serve Catherine Hill Bay. The CHBWU scheme incorporates a 1-million litre reservoir at Catherine Hill Bay for storage and fire flow demands. No drinking water is being trucked to Catherine Hill Bay from Council's supply system. Water carting may be required during an emergency however daily supply is transferred by the above-mentioned pipeline.

Effluent removal scheme

Treated sewage effluent from Catherine Hill Bay is discharged into Council's sewerage system at present under a liquid trade waste approval. This treated effluent is trucked from Catherine Hill Bay to Toukley Sewage Treatment Plant.

The liquid trade waste approval was issued initially on 31 October 2017 for the discharge of untreated domestic sewage to Toukley STP via tankers as Catherine Hill Bay STP was still under construction at that time. In November 2018, CHBWU commissioned its Catherine Hill Bay STP, and a significant portion of the treated effluent being recycled on site for irrigation use. CHBWU continues to truck its surplus treated effluent under the same liquid trade waste approval and associated fee structure.

Solo Water has made a formal application to dispose of its surplus treated effluent directly to Gwandalan Sewage Treatment Plant via a gravity main. Water and Sewer's Liquid Trade Waste team is currently working with Department of Planning Industry and Environment (DPIE) for a concurrence approval of this application.

Financial structure

Council treats Solo Water as a large single customer and invoices them at the rates prescribed by NSW Independent Pricing and Review Tribunal (IPART). Potable water charges are determined according to an annual water service charge and volumetric supply charges. No bulk supply agreement exists between Council and Solo Water, and the connection is subject to Water Supply Developer Charges in line with the Development Servicing Plan.

In terms of effluent disposal, Council treats Solo Water as an industrial customer. Solo Water will be invoiced according to IPART prescribed charges for the quantity of water they discharge into Council's sewerage system and for any chemical or biological loads exceeding the concentrations prescribed by DPIE.

2 Could staff also provide a brief report on the Norah Head treatment plant; how it works, how many lines and what suburbs it services?

Council's Toukley Sewage Treatment Plant (STP) is located in the suburb of Norah Head. It treats domestic sewage from the neighboring suburbs of Budgewoi, Buff Point, Canton Beach, Gorokan, Halekulani, Lake Haven, Magenta, Norah Head, Noraville, Toukley,

Tuggerawong and Wyongah. Approximately 229 km of sewer mains and five sewage pump stations are in the catchment of Toukley STP to bring domestic sewage, and commercial and industrial liquid waste to the plant.

Toukley STP has a septic area that receives trucked liquid waste from approved liquid trade waste contractors (such as Australian Natural Landscapes, Remondis, Toxfree and CAC Transport), sewer pump station clean outs and chemical toilet waste. Toukley STP also receives trucked sewage from the Catherine Hill Bay development.

At the STP, incoming sewage and liquid trade waste undergoes a series of complex physical, chemical and biological treatment processes to:

- a) remove coarse floating matter;
- b) remove heavy and suspended particles (such as grit, egg shell, metal pieces, etc);
- c) degrade organic matter in sewage
- d) settle degraded organic matter;
- e) separate water from organic solids;
- f) extract biosolids; and
- g) kill pathogenic microorganisms in treated effluent.

All disposed solid and liquid material from Toukley STP are required to meet the regulatory and legislative standards and guidelines, and the performances and potential non-compliances are regularly reported to internal and external stakeholders and regulatory agencies.

Treated effluent from Toukley STP is disinfected and discharged to the ocean outfall tank. In addition to Toukley STP effluent, this outfall tank receives treated effluent from Charmhaven, Mannering Park, Gwandalan and Wyong South STPs. The combined effluent from five STPs in the outfall tank is disposed via the Norah Head Ocean Outfall.

A portion of treated effluent is treated further at Toukley STP to tertiary standards (chlorine and ultra-violet disinfection). This water is used on-site for STP operations and for hosing down tanks and equipment. This treated water is also taken offsite to irrigate ovals, parks and golf courses, and for dust suppression and constriction.

During one of the biological treatment processes (digester phase), methane gas is produced. Methane gas is captured at the digester and is used at the boilers to maintain an optimum temperature for the microorganisms to operate in the biological treatment process.

Suspended matter and solids extracted from incoming sewage are disposed in landfills. Biosolids collected from the treatment process is dewatered and trucked off site to the Australian Native Landscapes site to be processed further and be mixed with green waste to make compost, fertiliser, potting mix and other similar products. Extracted grease and oil are disposed as they cannot be treated further.

The following question was submitted by Councillor Hogan:

Ratepayers per ward

What is the total number of ratepayers per ward? What is the revenue collected per ward per annum?

The response will be provided by the Acting Chief Financial Officer on or before the 24 August 2020 meeting.

The following question was submitted by Councillor Gale:

AC Unit at Gosford Regional Gallery

Can Council confirm if the large air conditioning unit placed on the Reserve boarding the Gosford Regional Gallery and Japanese Gardens (George St East Gosford) is temporary or permanent? Was a DA lodged for this unit?

The response will be provided or before the 24 August 2020 meeting.

This is a complex question requiring research and resources to provide an appropriate response. As a result it is not possible to provide a response for this Council meeting and it is proposed to provide the response for inclusion in the Business Paper for the meeting of DD MMM 2020.

Attachments

Nil



Item No: 6.1
Title: Deferred Item - Notice of Motion - Broadwater Hotel site in Mann St Gosford
Department: Councillor

24 August 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14117612
Author: Louise Greenaway, Councillor

At its meeting held 10 August 2020, the council resolved as follows:

775/20 That Council defer consideration of the following item:

Item 5.6 - Notice of Motion – Broadwater Hotel site in Mann St Gosford

Recommendation

- 1 That Council confirms its intention to demolish the Broadwater Hotel site in Mann St Gosford**
- 2 That Council requests the CEO to investigate the use of the site for the provision of temporary public car-parking once the demolition is complete**
- 3 That a Report be brought to Council detailing the costs of converting the site to an appropriate standard for temporary car parking and include any additional considerations relating to whether or not the staff recommend the site be utilised for parking.**

Chief Executive Officer Response

The Chief Executive Officer considers that this Notice of Motion has legal, strategic, financial or policy implications which should be taken into consideration by the meeting. As a result, the Chief Executive Officer will provide a report in relation to the Notice of Motion. This report will be provided as a Late Item and will be made available by close of business on the Friday prior to the Council Meeting.

Attachments

- | | | |
|----------|--|-----------|
| 1 | CEO Response - Notice of Motion - Broadwater Hotel site in Mann St Gosford | D14105143 |
|----------|--|-----------|

Title: CEO Response - Notice of Motion - Broadwater Hotel site in Mann St Gosford

Department: Innovation and Futures

10 August 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14105143

Executive: Ricardo Martello, Executive Manager, Innovation and Futures



Summary

This report provides a response to Item 5.6 - Notice of Motion – Broadwater Hotel site in Mann St Gosford.

- 1 That Council confirms its intention to demolish the Broadwater Hotel site in Mann St Gosford.**
- 2 That Council requests the Chief Executive Officer to investigate the use of the site for the provision of temporary public car-parking once the demolition is complete.**
- 3 That a Report be brought to Council detailing the costs of converting the site to an appropriate standard for temporary car parking and include any additional considerations relating to whether or not the staff recommend the site be utilised for parking.**

Staff Comments:

This Notice of Motion recommends the use of operational resources for a purpose not currently planned or funded as part of the Council's 2020/21 Operational Plan. The investigation for the provision of temporary public car parking and associated costs of converting the site to an appropriate standard for temporary car parking have not been planned or funded.

It is noted that as part of adopting the 2020/21 Operational Plan on 27 July 2020 there were a number of operational budget decisions made that impact on Council's resource levels, including on the Economic Development and Project Delivery Unit who would be responsible for this investigation. In this Unit existing staff resources are fully allocated to operational projects and services. Given the current resource levels, in order to undertake this investigation, it will likely be necessary to reduce current services or current service standards.

Staff Recommendation:

It is recommended that Council either:

- a) Determine what corresponding reduction in service would be acceptable in order to deliver the actions set out in the Notice of Motion; or
- b) Defer consideration of this matter to be undertaken as part of the formal quarterly review process to ensure consistency and transparency

Attachments

Nil.

Item No: 6.2
Title: Notice of Motion - Committee Costs Update
Department: Councillor



24 August 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14127982

Author: Rebecca Gale, Councillor

Councillor Gale has given notice that at the Ordinary Council Meeting to be held on 24 August 2020 she will move the following motion:

- 1 *That the Chief Executive Officer report on all the costs accumulated from the committee groups since the commencement of this elected Council board by end of September 2020.***
- 2 *That the Chief Executive Officer report on the estimated costs for all current committees to continue operation for the final year of this elected Council.***
- 3 *That Councillors be given the opportunity to resign from involvement in such committee groups effective immediately.***

The Chief Executive Officer response:

The Chief Executive Officer considers that this Notice of Motion has legal, strategic, financial or policy implications which should be taken into consideration by the meeting. As a result, the Chief Executive Officer will provide a report in relation to the Notice of Motion. This report is provided at attachment 1.

Attachments

- 1 CEO Response - Notice of Motion - Committee Costs Update D14128929**

Title: CEO Response - Notice of Motion - Committee Costs Update

Department: Governance

24 August 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14128929

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

Executive: Gary Murphy, Chief Executive Officer



Summary

This report provides a response to Item XX - Notice of Motion – Committee Costs Update.

Motion:

- 1 That the Chief Executive Officer report on all the costs accumulated from the committee groups since the commencement of this elected Council board by end of September 2020.**

Staff Comments:

It is assumed that this relates to the costs for all current Advisory Groups.

It is unlikely that a report on all costs could be provided to Council. Staff would be able to provide indicative costs based on Councillor and staff attendance, as well as meeting length. Details of costs related to preparation and follow up would be estimates.

Staff have been collecting most data since the election but there may be some gaps. An estimate of the associated costs with the methodology for that calculation could be provided to Council for any instances for which data is not held.

This information could be provided to the meeting of 28 September 2020.

If information beyond this is required it would result in the diversion of resources from business as usual and compliance activities.

- 2 That the Chief Executive Officer report on the estimated costs for all current committees to continue operation for the final year of this elected Council.**

Staff Comments:

It is assumed that this relates to the estimated costs for all current Advisory Groups. This information could be provided to the meeting of 28 September 2020.

3 *That Councillors be given the opportunity to resign from involvement in such committee groups effective immediately.*

Staff Comments:

In April and May 2020, interviews were conducted with the Councillor Chairs of Advisory Groups. One suggestion discussed in a number of those interviews was that all Councillors should be given the opportunity to review their membership of Advisory Groups, which aligns to this part of the Motion.

This process could be facilitated over the period to 11 September 2020 and reported to Council at the meeting of 28 September 2020.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Attachments

Nil.

Item No: 6.3
Title: Notice of Motion - Forgotten North Gateway Disgrace
Department: Councillor



24 August 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14127991
Author: Greg Best, Councillor
Bruce McLachlan, Councillor

Councillors Best and McLachlan have given notice that at the Ordinary Council Meeting to be held on 24 August 2020 they will move the following motion:

- 1 That Council notes with great concern the continuing deterioration in the visual amenity and overall public safety in and around the Toukley Bridge Gateway precinct due to:-**
 - a The RMS graffiti laden worksite known locally as the 'RMS Shanty Town'.**
 - b The concrete shell known as the 'Toukley Taj Mahal' and its dilapidated abandoned wharf.**
 - c The remnant collapsing and highly dangerous foundations of the old Toukley Bridge (now local Heritage listed).**
 - d The abandoned asbestos laden and dilapidated Gorokan Fish Coop building (including stylish fencing) controlled by Department of Lands.**
 - e The abandoned and again dangerous Coop Wharf.**
 - f The Rotting seaweed removal platform and gaol like fencing.**
- 2 That further Council notes the disappointment/complaints and local outrage at such a disgraceful display in the gateway to our Scenic North.**
- 3 That Council write to the RMS and Department of Lands on behalf of our Local Community demanding that their areas of responsibilities be immediately addressed.**
- 4 That Council request the CEO provide a thorough report for Council and indeed the Community's consideration as to the best way forward to beautify and take more seriously this important gateway.**
- 5 Further in contrast Council congratulates Staff on the recent installation of the state-of-the-art Community Exercise and Play Area installed in the Gorokan Bridge Silver Playground Area.**

Councillors Note

I have attached a series of photos to assist you and making it abundantly clear that the continued deterioration of The Toukley Bridge precinct must now end.

The long list above in this Motion is a failed Report Card on every level. From a visual amenity, travelling into our Scenic North, it is a disgrace. From a public safety perspective it is dynamite.

I have personally witnessed large groups of children playing and jumping from the dilapidated, nail-infested foundations of the old Toukley Bridge. We have multiple wharves abandoned in the area, again real navigation hazards, compounded by dilapidating buildings on both sides.

I appreciate the Department of Lands is in a DA process for demolishing the Fish Coop however this building has been dilapidated for nearly a decade and even if they receive a DA there is nothing compelling them to pull down this fibro bomb immediately.

With regard to the Toukley Taj Mahal on the eastern side of the Bridge, these ruins have been the subject of numerous Notice of Motions by myself in the former Wyong Council and legal action has been taken against the owners. As the deterioration has escalated and public safety is clearly an issue, I would appreciate Staff commentary around what further options may be available to Council.

On the issue of the locally known RMS Shanty Town, it is an irony that on the bunting around the graffiti laden demountables is the slogan "Investing in Regional Roads." In my view this third world village is an absolute slap in the face to our local Community and to all those that try and make Toukley and Gorokan a destination. The hard work of our shopkeepers and all those they employ rely on a good impression when people come to visit. I appreciate the RMS is conducting works under the Toukley Bridge and they have been I believe for almost two years now, however this is no excuse for such an ad hoc and poorly maintained worksite that is a blight on our Community.

In conclusion the most staggering observation is that the dilapidated rotting remnant, Toukley Bridge studded with two inch rusting spikes protruding from it (see photos attached) has by this Council been identified as a Local Heritage Item. If it collapses killing unsuspecting fisherpersons, who will be held responsible?

Councillors, simply put, we can do better for our Community and I appeal to you to give the above Motion the 'unanimous' attention that the Community demands.

Finally I would like to take this opportunity to genuinely thank our Staff for their excellent efforts in bringing to life such a wonderful Community installation that of the Public Exercise and Play Equipment recently installed that is a glaring contrast to

the disgrace that is literally across the road. Also, we should not forget the extraordinary efforts by the Veterans Community to beautify and memorialise the southern adjoining park areas that the Community now enjoy.







**Chief Executive Officer Response:**

The Chief Executive Officer considers that this Notice of Motion has legal, strategic, financial or policy implications which should be taken into consideration by the meeting. As a result, the Chief Executive Officer will provide a report in relation to the Notice of Motion. This report will be provided as a Late Item and will be made available by close of business on the Friday prior to the Council Meeting.

Attachments

Nil.