



Central Coast Council  
Business Paper  
Ordinary Council Meeting  
**27 April 2021**





# COMMUNITY STRATEGIC PLAN 2018-2028

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

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

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

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

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

## RESPONSIBLE

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

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



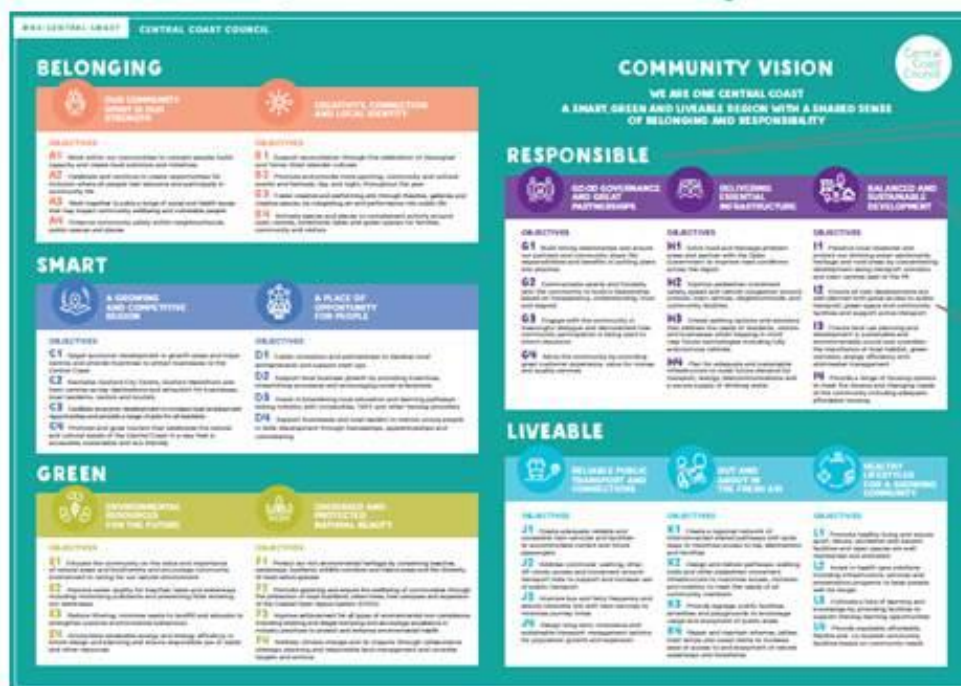
**Good governance and great partnerships**

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

There are 5 themes, 12 focus areas and 48 objectives

### COMMUNITY STRATEGIC PLAN 2018-2028 FRAMEWORK

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



Theme

Focus Area

Objective

# Meeting Notice

**The Ordinary Council Meeting  
of Central Coast Council  
will be held in the Council Chamber,  
2 Hely Street, Wyong on  
Tuesday 27 April 2021 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 Session .....	8

## **2 Chief Executive Officer Report**

2.1	Audit, Risk and Improvement Committee membership .....	10
-----	--	----

## **3 Community And Recreation Services**

3.1	Affordable Housing .....	14
3.2	Community Grants Program 2021-22.....	20
3.3	Central Coast Academy of Sport Financial Partnership Support 2020-21.....	25
3.4	Adoption of Events on Open Space Areas Policy and Adoption of Temporary Licensing of a Trade or Business on Open Space Areas Policy.....	29

## **4 Corporate Affairs Reports**

4.1	Presentation of Financial Reports and related Auditor's Reports for Central Coast Council and Central Coast Council Water Supply Authority for the period 1 July 2019 to 30 June 2020.....	33
4.2	Investment Report for March 2021 .....	34
4.3	Consideration of Submissions and Adoption of Code of Meeting Practice .....	39
4.4	Fire Protection Systems and Equipment - Inspection, Servicing and Maintenance .....	40
4.5	Sale of 11-23 Wyong Road, Tuggerah.....	44
4.6	Metro Cinema - Variation of Rent .....	50
4.7	Sale of 15-23 Hely Street, Wyong (Oasis).....	54
4.8	Sale of Part Lot 2 in DP550364 - 77 Howarth St, Wyong .....	57
4.9	Part lot sale of 325 Pacific Hwy, Wyong.....	60
4.10	Part Lot Sale of 1 Austin Butler Acc Woy Woy .....	65
4.11	Sale of Council Operational Assets (Tranche 3) .....	69
4.12	Proposed reclassification, rezoning and sale of Council Assets (Tranche 3) .....	75
4.13	Proposed reclassification and sale of Council Assets (Tranche 3) .....	80
4.14	Proposed agreement for lease NG Central School.....	85
4.15	Central Coast Aero Club .....	88
4.16	Albany Street, Masterplanning and Private Partners .....	93
4.17	Gosford Waterfront Renewal Framework.....	97
4.18	Central Coast Stadium- Rezoning and Reclassification .....	102

**5 Environment And Planning Reports**

5.1	Exhibition of the draft Operational Plan 2021-22 .....	106
5.2	Strategic Planning 2 Year Priority Projects.....	112
5.3	Planning Proposal RZ/4/2019, 6-8 Pacific Highway Wyong .....	115
5.4	Request to Prepare a Planning Proposal for Part of 121 and 129 Newling Street, Lisarow.....	119
5.5	Request to Prepare a Planning Proposal for land at Bakali Road and Central Coast Highway, Forresters Beach.....	123
5.6	Request to Prepare a Planning Proposal for Central Coast Local Environmental Plan Deferred Matters Lands.....	129
5.7	Central Coast Local Planning Panel - Membership .....	134
5.8	Tree Vandalism Statistics Report.....	138
5.9	Central Coast Council Flood Recovery Report.....	143

David Farmer

**Chief Executive Officer**

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

---

27 April 2021 Ordinary Council Meeting

Trim Reference: F2021/00035 - D14556347



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

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

---

27 April 2021 Ordinary Council Meeting

Trim Reference: F2021/00035 - D14556401



### **Summary**

Confirmation of minutes of the Ordinary Meeting of Council held on 13 April 2021 and the Extraordinary Meeting of Council held on 15 April 2021.

### **Recommendation**

*That Council confirm the minutes of the Ordinary Meeting of Council held on the 13 April 2021 and of the Extraordinary Meeting of Council held on 15 April 2021.*

### **Attachments**

- |          |   |   |           |
|----------|---|---|-----------|
| <b>1</b> | Minutes - Ordinary Meeting - 13 April 2021      | <a href="#">Click here for Attachment</a> | D14580474 |
| <b>2</b> | Minutes - Extraordinary Meeting - 15 April 2021 | <a href="#">Click here for Attachment</a> | D14587877 |

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

---



27 April 2021 Ordinary Council Meeting

Trim Reference: F2021/00035 - D14509478

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

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

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

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

### **Attachments**

Nil



**Item No:** 2.1  
**Title:** Audit, Risk and Improvement Committee membership  
**Department:** Chief Executive Officer's

---

27 April 2021 Ordinary Council Meeting

Reference: F2018/00028-002 - D14585739  
Author: Shane Sullivan, Unit Manager, Governance and Risk  
Executive: David Farmer, Chief Executive Officer

## Report purpose

To recommend the appointment of a new Independent External Member to the *Audit Risk and Improvement Committee* (ARIC) and to amend Council's [ARIC Charter](#) to expand the financial oversight role of the Committee.

## Executive Summary

The appointment of one of three Independent External Members ceases on 27 April 2021, resulting in a vacancy on ARIC. A recruitment process was undertaken and it is now recommended that Council appoint Albert Butler to the ARIC for a period of three years. Mr Butler has significant relevant experience and specifically has experience with large scale utilities.

The report also recommends changes to Council's [ARIC Charter](#) to increase the role of the Committee with regard to financial oversight. The proposed changes reflect the Office of Local Government Discussion Paper.

## Chief Executive Officer's Recommendation

- 1 *That Council appoint Mr Albert Butler as an Independent External Member of the Central Coast Council Audit, Risk and Improvement Committee for an initial period of three years.*
- 2 *That Council write to each of the unsuccessful applicants to the Audit, Risk and Improvement Committee Independent External Member role and advise them of the outcome, thanking them for their interest in the role.*
- 3 *That Council adopt the amended Audit, Risk and Improvement Committee Charter as attached to this report.*
- 4 *That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 1 to this report remain confidential in accordance with section 10A(2)(a) of the Local Government Act as they contain personnel matters concerning particular individuals (other than Councillors).*

**Appointment of Independent Member**

Due to the conclusion of Dr Colin Gellatly's tenure on the Audit, Risk and Improvement Committee, a recruitment process has been undertaken.

There were 24 applicants for the role. A shortlist of eight candidates was created by the selection panel and interviews were conducted. The selection panel did not make a recommendation to Council as to a preferred applicant.

The recruitment process was reported to Council on 13 April 2021. Council resolved that the applications be reviewed by the Chief Executive Officer to determine whether there was a suitable candidate.

The Chief Executive Officer has reviewed the applications. He contacted Mr Butler who was one of the shortlisted, interviewed candidates, and conducted a phone interview.

As a result, it is now recommended that Mr Butler be appointed to the ARIC for a period of three years.

Mr Butler has significant relevant experience including experiences with major utilities such as Sydney Water and the Electricity Commission. He also has experience in local government including being the Chair of the Audit and Risk Committee of the Department of Premier and Cabinet (which includes oversight of the Office of Local Government).

It is recommended that Mr Butler be appointed for a period of three years. Clause 15 of the [ARIC Charter](#) states:

15. *The three Independent External Members will be appointed, by resolution of the Council for up to an initial period no less than three years and not exceeding five years, after which they will be eligible for extension or re-appointment following a formal review of their performance by Council (noting that the total term on the Committee will not exceed eight years).*

The two other Independent Members were re-appointed by Council on 27 April 2020. Mr Gordon has one further year remaining as part of his current appointment. Mr Millington has two further years remaining as part of his current appointment.

**Change to Audit, Risk and Improvement Committee Charter**

It is proposed that the role of the Committee be expanded to include greater financial oversight. This is considered appropriate to provide advice regarding Council's financial situation and to monitor the controls Council has put in place to better monitor financial performance.

The proposed wording in the Charter is the wording the Office of Local Government (OLG) included under Financial Management and External Accountability in the Discussion Paper: A

*New Risk Management and Internal Audit Framework for Local Councils in NSW.* This Discussion Paper was issued in September 2019 and to date the finalised framework has not been made.

Consideration had been given to the removal of Councillors from the Committee. This is no longer recommended. It is anticipated that the Office of Local Government will issue Guidelines for the conduct of Audit, Risk and Improvement Committees and it is appropriate to wait for this Guideline before determining any change in the Committee make up.

Some administrative changes have been made to the Charter to reflect changes in roles and personnel.

The proposed changes to the Charter are set out in Attachment 2. Additions are shown in ***bold italics*** and deletions are shown in ~~strike through~~.

### **Financial Considerations**

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

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

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

The recommendations contained in this report will not impose any additional spending by Council in the current or next financial year over and above what is already planned.

Independent External Members will be paid as follows:

*The standard fee that will be paid for attendance is:*

- *\$20,920 (ex GST) per annum for the Chairperson; and*
- *\$2,092 (ex GST) per meeting for other Independent Members.*

*Fees are inclusive of travel, preparation and all other costs associated with attending the meetings.*

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

Theme 4: Responsible

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

## **2.1                    Audit, Risk and Improvement Committee membership (contd)**

---

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

### **Attachments**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Confidential - Applications for Independent ARIC Member March 2021 - | D14543966 |
| <b>2</b> | Audit, Risk and Improvement Committee revised Charter - April 2021   | D14546515 |

[Click here for Attachment](#)



**Item No:** 3.1  
**Title:** Affordable Housing  
**Department:** Community and Recreation Services

---

27 April 2021 Ordinary Council Meeting

Reference: F2021/00035 - D14466463  
Author: Belinda McRobie, Section Manager Community and Cultural Development  
Manager: Glenn Cannard, Unit Manager, Community Partnerships  
Executive: Julie Vaughan, Director Community and Recreation Services

### **Report purpose**

This report responds to outstanding actions from the Affordable Housing Strategy 2019. It seeks formal approval from Council to:

- Utilise an identified parcel of land for potential affordable housing development
- Exhibit the Council Affordable Housing Land (CAHL) Proposal for 28 days

It also recommends to commence the formal Expression of Interest process to identify and shortlist a panel of Affordable Housing Providers.

### **Executive Summary**

Council adopted the Central Coast Affordable and Alternative Housing Strategy in 2019. At a subsequent meeting in October 2020, Council resolved that staff:

- *prepare a Council Affordable Housing Land (CAHL) Proposal, meeting the criteria as outlined in the Affordable Housing Strategy.*
- *report the draft CAHL proposal to Council no later than the last meeting in March 2021 before being exhibited for 28 days.*

This report responds to these recommendations. A draft Council Affordable Housing Land Proposal (CAHL) has been prepared as attached and it is recommended it be placed on public exhibition.

### **Community and Recreation Services Recommendation**

- 1 *That Council endorse 23-25 Ashton Avenue The Entrance NSW 2261 (the site) for development of affordable housing (see land detail in Attachment 1).*
- 2 *That Council endorse the exhibition of the Council Affordable Housing Land (CAHL) Proposal for 28 days (Attachment 2)*

### **3.1 Affordable Housing (contd)**

---

- 3 *That Council staff make appropriate adjustments to the CAHL Proposal based on submissions received during the public exhibition period and report back to Council only if changes are significant and material.*
- 4 *That Council commence the Expression of Interest (EOI) process for the site to identify a panel of Affordable Housing Providers.*
- 5 *That Council authorise the Chief Executive Officer to commence the Request for Proposal process for the site and report back to Council with preferred provider and contractual arrangements.*

#### **Background**

In April 2019, Council adopted the Central Coast Affordable and Alternative Housing Strategy (CCA&AHS). The Strategy is a comprehensive plan which addresses initiatives across the housing continuum, from homelessness through to home ownership, providing pathways for a range of households, from very low through to moderate incomes.

There is a common misconception that affordable housing refers only to social or public housing. However, 'affordable housing' broadly describes reasonable housing cost in relation to income. A common benchmark is housing that does not absorb more than 30% of the gross income of very low, low- or moderate-income households.

The initial focus of the implementation of the Strategy is on actions that are most likely to have a practical impact on the supply of affordable housing, including developing affordable housing on underutilised Council land. The CAHL proposal achieves Strategy 4 of the CCA&AHS.

#### **Current Status**

Using the criteria outlined in the CAHL Proposal (attachment 2) Council staff have been working to review all suitable Council owned sites. The sites have been assessed to ensure permissible use, site suitability and localised demand for affordable housing, including demographic and housing statistics in each of the town centres.

The steps undertaken in the site selection are detailed in the CAHL proposal (Attachment 2).

#### **Consultation**

Specialist advice was sought and has been provided internally for site suitability by the following Council departments: Environment and Planning, Property Portfolio Management, Economic Development and Projects, Strategic Planning, Legal, Facilities and Asset Management and Finance.

Through the current process to identify surplus Council land suitable for sale, staff in the Community & Culture and Economic Development & Property business units have been working in collaboration to ensure that any land suitable for affordable housing is subject to the CAHL process in the first instance.

#### **Report**

The following Council owned land parcel has been identified as the initial site for the development of affordable housing:

23-25 Ashton Avenue, The Entrance NSW 2261

#### **Proposed approach**

An open Expression of Interest (EOI) process will be undertaken with the intent to form a site-specific panel of Affordable Housing Providers for a trial site who possess the relevant experience and capability in the development of affordable housing models.

It is intended that a further EOI process will be undertaken for future sites beyond the initial trial site.

In addition to the site identified in this report, additional sites in Toukley that have been identified as meeting the CAHL criteria, 9-15 Yaralla Rd, are recommended for reclassification from community to operational land within a further Council Report at the 27 April 2021 Ordinary Council Meeting (Item 3.11).

Another report scheduled for the 27 April 2021 Ordinary Council Meeting (Item 3.4), has identified further sites at Manning Rd, The Entrance as suitable for affordable housing and recommends those parcels are also subject to the CAHL process.

Following any EOI process, a Request for Proposal (RFP) open tender process will be undertaken utilising a Government approved Tender panel.

The RFP assessment criteria may include but not be limited to the following:

- Demonstrating a clear relationship with a Registered Community Housing Provider (CHP), to ensure that the affordable housing developed will remain well managed and maintained.
- The financial capability of the tenderer including any successful funding bids to be used for the development.
- Development/ construction experience including previous affordable housing developments.
- The tenderers readiness to commence development or preparations required.
- The operating model for the ongoing tenancy management and maintenance of the development.



### 3.1 Affordable Housing (contd)

---

- The tenure-mix (multi-tenure is preferred) and occupant demographics meet the needs of the community.
- The financial viability and return on investment for all partners involved in the development including Council
- The social return on the investment for the community.
- The consideration of the co-location of a multi-purpose community facility and services within the development.
- The rent and purchase price are targeted at very low- and low-income renting households and low-income purchasing households and may include Temporary or Transitional Accommodation specifically for formerly homeless clients.
- The development will conform with local character of the area and be well designed.
- Local employment targets, with the impact of this being the creation of jobs for local people in a leading local industry, construction.

As indicated in the CCA&AHS, the recommended tenure for developments is a mixed tenure approach. Mixed tenure models that incorporate alternative (special needs), social housing, affordable (discount market rent) housing, and private rental and/or owner-occupied housing are preferred as they generally improve social inclusion, reduce stigma and have the ability to cross subsidise the social or alternative housing components of a development.

Any development will be required to incorporate mixed tenure, limiting the private market proportion to no more than 30%. This will ensure that developments address the requirement for affordable housing supply to those in the very low and low household income thresholds.

The CAHL provides examples of potential models. They include, but are not limited to:

- *Return Market Value of Land*
- *Retain Dwellings*
- *Build to Rent Model*
- *Long-term Land Lease*
- *Council as the Developer*
- *Community Facility Contribution*
- *Sale of Land*
- *Community Land Trust*

### Financial Considerations

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

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

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

Given the nature and intent of this report there are no financial implications at this time.

#### **Financial Benefits**

The Affordable Housing Land Proposal presents a cost-neutral opportunity for Council whilst addressing a key social issue in the Local Government Area (LGA). The Proposal represents better use of existing Council assets.

The land parcel recommended is currently under utilised operational land and is not subject to a trust and is appropriate for inclusion in the CAHL proposal.

The indicative value of the land is approximately \$1.5Million - \$2Million.

The implementation of the CAHL proposal and subsequent development of affordable housing on Council-owned sites could potentially present a future revenue/ income stream. Any net return to Council will be dependent on the proposed model and the terms of the proposal accepted.

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

Theme 4: Responsible

#### **Goal I: Balanced and sustainable development**

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

#### **Risk Management**

- Whilst traditionally this is not Council core business the CAHL proposal provides the opportunity for leadership to address this significant social issue.
- Public perception. There is a reputational risk linked to the perceived loss of community land which in principle is for all residents, and the fear of developing "ghettos" which is a key theme that arose from the public exhibition of the Affordable and Alternative Housing Strategy. These risks can be managed through community education and a transparent engagement process with the stakeholders.

#### Options

##### *Option 1*

Proceed with recommendations. This will require no commitment from Council. It involves testing interest/ the market through an EOI process to establish a panel of Affordable Housing Providers. This will be followed by a Request For Proposal (RFP) process for a pilot project on the endorsed site. **This is the preferred option.**

##### *Option 2*

Do not proceed with recommendations. This would not meet the actions of the Affordable and Alternative Housing Strategy and therefore not meet the significant demonstrated need in the community. The proposal could be re-visited in the future. This is not the preferred option.

#### Critical Dates or Timeframes

Project timelines and processes are linked in the Expression of Interest Documentation.

#### Attachments

- |          |  |   |           |
|----------|--|---|-----------|
| <b>1</b> | Affordable Housing Council Report- Site Details                              | <a href="#">Click here for Attachment</a> | D14590022 |
| <b>2</b> | Affordable Housing Council Report - Council Affordable Housing Land Proposal | <a href="#">Click here for Attachment</a> | D14587153 |



**Item No:** 3.2  
**Title:** Community Grants Program 2021-22  
**Department:** Community and Recreation Services

---

27 April 2021 Ordinary Council Meeting

Reference: F2021/00035 - D14561261  
Author: Kerrie Forrest, Section Manager, Community Planning and Services  
Manager: Glenn Cannard, Unit Manager, Community Partnerships  
Executive: Julie Vaughan, Director Community and Recreation Services

### **Report purpose**

To seek endorsement for the delivery of a modified Community Grants Program in 2021-22. The Community Grants Program has been modified in consideration of Council's current financial situation and the need to reduce spending whilst also meeting a critical community need.

### **Executive Summary**

The report outlines how the modified Community Grants Program is proposed to be delivered in 2021-22. The program has been reduced to three programs:

- Community Development Grant Program;
- Community Events and Place Activation Grant Program; and the
- Community Support Grant Program.

Minor changes to the Policy and Program Guidelines have also been incorporated following an internal review undertaken in 2020 and to reflect the recommended program changes. The review involved an evaluation to identify areas for improvement that would better enable the program to meet community needs based on staff experience, feedback and engagement with grant applicants as part of program implementation

### **Community and Recreation Services Recommendation**

- 1 *That Council endorse the recommended changes to the Community Grants Program for 2021-22. The modified program will include –*
  - a *Community Development Grant Program*
  - b *Community Events and Place Activation Grant Program*
  - c *Community Support Grant Program*
- 2 *That Council endorse the recommended changes to the Policy for Community Grants as per Attachment 1.*

### Background

Central Coast Council Community Grants Program commenced in August 2017 and, following a comprehensive one-year review reported to Council in August 2018, was established in its current form with following six program areas:

- Community Support
- Community Events and Place Activation
- Community Infrastructure
- Community Development
- Social and Creative Enterprise
- Heritage

The primary focus is community capacity building with funding allocated to activities that enhance the sustainability of community-based organisations and to enable projects that provide demonstrated community benefit aligned with *One Coast Community Strategic Plan 2018-28*.

The Community Grants Program funded 377 Central Coast projects in 2018/19 and 2019/20 with an annual funding budget of \$1.58M. These applications have involved initiatives by people of all ages and consisted of new initiatives as well as projects with a long history and tradition. Projects have consistently involved the breadth of recreation, sports, heritage, the arts, community support, place and neighbourhood development and partnerships. Most funded applications are community run initiatives seeking cash funding to match their in-kind and volunteer hours contribution to achieve a tangible community benefit within the region.

### Current Status

Council's 2020/2021 Community Grants Program has been suspended since 1 November 2020 to reduce expenditure as part of the financial recovery and will remain closed for the remainder of this financial year. This includes the Community Support, Community Development, Social and Creative Enterprise, Community Infrastructure, Heritage and Events and Place Activation Grants Programs. This is an action under Council's Business Recovery Plan.

It is proposed that a modified and reduced Community Grants Program reopen in 2021-22 due to its critical importance to the community but at a reduced level of service.

### Report

The 2021-22 Community Grants Program is proposed to include the following:

- Community Development Grant Program – 1 round to open 1 July 2021, up to \$20,000 per application with a total available annual program allocation of \$300,000.

### **3.2 Community Grants Program 2021-22 (contd)**

---

- Community Events and Place Activation Program – 1 round to open 1 July 2021, up to \$20,000 per application with a total available annual program allocation of \$300,000.
- Community Support Program – small grant program, open all year round and assessed monthly, up to \$5,000 per application and/or in-kind support with a total available annual program allocation of \$300,000.

These three programs have been prioritised due to the significant benefits/outcomes these provide to the broader community. Analysis undertaken during the Community Grants Review in 2018 indicated a return on investment of 8:1 for Council's Community Grants. For every dollar allocated through the Community Grants program eight dollars was effectively delivered in community outcomes.

The Social and Creative Enterprise Grants Program, Community Infrastructure Grant Program and Heritage Grant Program will not be available in 2021-22. The future of these programs will be determined prior to the 2022-23 financial year.

Applications for creative projects will be eligible under both Community Development or Community Events and Place Activation funding streams.

The Community Infrastructure Grant Program provided funding to improve or build on new or existing local community assets, many of these were Council owned or controlled structures and land. Upgrades to Council's facilities will need to be budgeted as part of the future capital works program and other sources of funding are also available under State Government programs to fund community infrastructure projects.

Due to resourcing constraints the Heritage Grant Program will not operate within the next financial year and will be reassessed at a later date.

During 2020 an internal review was undertaken of the existing grants program. The review has identified several changes that will provide tangible improvements to the program.

In summary the proposed improvements for the Community Grants Program are as follows:

- greater clarity in some areas of eligibility and assessment criteria for each program with additional clauses on:
  - Personal use (accommodation travel food etc)
  - Retrospective funding
  - Salaries and wages
  - Out of region activity
  - Public liability insurance
  - Equipment
- improvements to templates and processes for easier applicant use, staff assessment and greater success rate in some programs

### 3.2 Community Grants Program 2021-22 (contd)

---

- delivery timeframe for all programs extended to 18 months
- review of a small number of eligibility criteria to remove obstacles for community projects of merit including:
  - adjustments of Community Events and Place Activation Grant Program to enable businesses operating a community event to apply without community partnerships
  - Adjustments to existing eligibility clauses to exclude all Government Departments and Agencies except for Central Coast based community run emergency services entities such as Rural Fire Service (RFS), State Emergency Service (SES) and Volunteer Rescue Association (VRA).

The Policy for Community Grants has been updated to reflect the recommended program changes (Attachment 1).

Funding Guidelines for each of the programs have been updated and are attached (Attachments 2-4).

#### **Financial Considerations**

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

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

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

The Community Grants Program has been modified to meet the funding allocated in 2021-22 within the Community and Culture Unit's reduced Operational budget. This includes a total allocation of \$900,000 with \$300,000 to be allocated to each of the three grant programs plus budget to cover associated expenditure: Smarty grants software license, promotion, community information sessions and grant writing workshops to build community capacity to secure funding.

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

Theme 1: Belonging

#### **Goal A: Our community spirit is our strength**

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

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

### Options

- 1 To endorse the recommended changes to implement a modified and reduced Community Grants Program in 2021/22 providing Council the ability to support community organisations in implementing specific projects, activities and services that provide community outcomes. **This is the recommended option.**
- 2 Council could decide to not undertake a Community Grants Program in 2021-22. This will impact on the delivery of many valuable community-based projects, events and activities. This is not recommended.

### Critical Dates or Timeframes

The recommendations are required to be endorsed by Council in April to ensure the program can be promoted and community information sessions held to communicate changes prior to the Grants Program reopening in July 2021.

The Community Development Grant Program and Community Events and Place Activation Grant Program will be open from 1 July to 31 July with applications to be assessed and reported to Council by December 2021.

The Community Support Grant Program will open from 1 July with applications assessed on a monthly basis and reported to Council throughout 2021-22.

### Attachments

1	Policy for Community Grants	<a href="#">Click here for Attachment</a>	D14592218
2	Community Development Grants Program Guidelines	<a href="#">Click here for Attachment</a>	D14587379
3	Community Events and Place Activation Grant Program Guidelines	<a href="#">Click here for Attachment</a>	D14587381
4	Community Support Grant Program Guidelines	<a href="#">Click here for Attachment</a>	D14587384



**Item No:** 3.3  
**Title:** Central Coast Academy of Sport Financial Partnership Support 2020-21  
**Department:** Community and Recreation Services

---



27 April 2021 Ordinary Council Meeting

Reference: F2017/00816 - D14587435  
Author: Glenn Cannard, Unit Manager, Community Partnerships  
Executive: Julie Vaughan, Director Community and Recreation Services

### **Report purpose**

To provide 2020/21 financial partnership support to Central Coast Academy of Sport.

### **Executive Summary**

The Central Coast Academy of Sport (CCAS) is a non-profit sporting organisation that exists to provide locally based sports development opportunities for athletes, coaches, officials and administrators within the NSW Central Coast Local Government Area (LGA).

CCAS was established in 2004 and is dependent on financial support from the NSW State Government, Council and corporate partners to ensure they have the necessary financial strength to operate on a day-to-day basis.

CCAS has been previously supported annually by both the former Gosford City and Wyong Shire Councils and received previous annual financial support from Central Coast Council (CCC).

It is recommended that Council provide \$45,000 to CCAS in direct financial support for the 2020/21 financial year.

### **Community and Recreation Services Recommendation**

*That Council provide \$45,000 financial partnership support to Central Coast Academy of Sport in 2020/2021.*

### **Background**

CCAS was founded in 2004 to provide locally based sports development opportunities for athletes, coaches, officials and administrators within the NSW Central Coast LGA and has historically received financial support from the former Gosford City and Wyong Shire Councils and been supported by CCC ongoing since amalgamation

Details on the historic funding arrangements are included in Table 1 below:

### 3.3 Central Coast Academy of Sport Financial Partnership Support 2020-21 (contd)

---

Table 1: Historic funding arrangements.

Financial Year	Investment
2013/13	\$15,000 x both Councils = \$30,000
2014/15	\$15,000 x both Councils= \$30,000
2015/16	\$15,000 x both Councils = \$30,000
2016/17	\$15,000 x both Councils = \$30,000
2017/18	\$20,000 x Central Coast Council
2018/19	\$40,000 x Central Coast Council
2019/20	\$44,150 x Central Coast Council

The recommended allocation of \$45,000 is commensurate with the figure provided to CCAS over the last few years and reflects the expanded nature of their role, function and importance within the local sporting community.

Within the 2020 calendar year the CCAS has:

- Directly supported 343 athletes – 53% female and 47% male – with 80% of athletes aged between 13-18.
- Directly supported 49 coaches.
- Delivered 14 talent programs across 13 different sports.
- Contributed \$9.4M to the local economy.
- Had 65 active volunteers that contributed over 6,200 volunteer hours.
- Partnered with 119 community and/or sporting organisations.

Since inception in 2004 the CCAS has:

- Supported the development of 3,915 local athletes.
- Developed talent that have represented the region at five Olympic Games.
- Produced 37 Australian Representative athletes.

#### Current Status

Due to Council's liquidity crisis, the Awarding Sponsorship program remains suspended and a revised Sponsorship program will not be re-introduced until the 2022 calendar year. CCAS remain reliant on receiving financial support from Council to ensure their operations can continue and it is recommended that CCAS are provided \$45,000 for the 2020/21 financial year while Council's approach to Sponsorship is finalised and a new Sponsorship program developed.

### **Consultation**

Council's Unit Manager Community and Culture has worked closely with the Managing Director of CCAS to ensure the ongoing support provides the most benefit for the region's athletes and coaches and is aligned to relevant CCC strategies and programs.

### **Financial Considerations**

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

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

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

The financial partnership support of \$45,000 can be funded through the existing, approved 2020/21 Awarding Sponsorship Program budget. No additional budget is needed.

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

Theme 1: Belonging

### **Goal L: Healthy lifestyle for a growing community**

B-A4: Enhance community safety within neighbourhoods, public spaces and places.

### **Risk Management**

There is a reputational risk to Council and a significant risk of reductions in the number of sporting development programs provided by CCAS if the financial partnership support is not provided for the 2020/21 financial year.

There have been major sporting infrastructure upgrades recently and we now have some premier sporting facilities within the region that will only realise their full potential if organisations such as CCAS are stable, sustainable and able to deliver quality sports development programs.

### **Options**

- 1 To provide the recommended 20/21 financial partnership support to Central Coast Academy of Sport for \$45,000. **This is the recommended option.**

### **3.3 Central Coast Academy of Sport Financial Partnership Support 2020-21 (contd)**

---

- 2 Council could decide to provide less or no financial support to Central Coast Academy of Sport however this presents a significant risk of reduced sporting development programs across the region. This is not recommended

#### **Attachments**

Nil.



**Item No:** 3.4  
**Title:** Adoption of Events on Open Space Areas Policy and Adoption of Temporary Licensing of a Trade or Business on Open Space Areas Policy  
**Department:** Community and Recreation Services

---

27 April 2021 Ordinary Council Meeting

Reference: F2020/00039 - D14440633  
Author: Brett Sherar, Unit Manager, Sports fields, Parks and Playgrounds  
Executive: Julie Vaughan, Director Community and Recreation Services

### **Report purpose**

The purpose of this report is for Council to adopt the following two policies; Events on Open Space Areas Policy and Temporary Licensing of Trade or Business on Open Space Areas Policy.

### **Executive Summary**

Following a Council resolution on 24 August 2020, Council's Draft Events on Open Space Areas Policy and Draft Temporary Licensing of a Trade or Business on Open Space Areas Policy were placed on public exhibition from 14 September 2020 to 29 October 2020.

A total of eight submissions were received for both policies. The attached public submission documents summarise Council's response to the submissions and identifies some minor changes made due to the submissions.

There has been a delay in finalising this report as staff were awaiting legal advice in relation to ensuring these policies aligned with all relevant State, Federal and Local Government Acts.

This report recommends that Council adopt both policies.

### **Community and Recreation Services Recommendation**

*That Council adopt the attached Events on Open Space Areas Policy and Temporary Licensing of a Trade or Business on Open Space Areas Policy having given consideration to submissions made during the public exhibition period.*

### **Background**

Central Coast Council has many open space areas that are sought for use by the community for both events and to operate a trade or business. These policies set out the criteria to allow both events and commercial operations to operate on open space areas without significant impact to other users and to protect the local environment.

### **3.4 Adoption of Events on Open Space Areas Policy and Adoption of Temporary Licensing of a Trade or Business on Open Space Areas Policy (contd)**

---

The purpose of the Events on Open Space Areas Policy is to:

- 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 guidelines
- d Ensure minimal impact on the community and environment
- e Be consistent with Council's Plans of management and Strategies for open space
- f Address issues of risk management and safety associated with the undertaking events on open space areas owned and managed by Council
- g Address issues of environmental sustainability associated with the undertaking events on open space areas owned and managed by Council
- h Add value to positive community active lifestyle outcomes

The purpose of the Temporary Licensing of a Trade or Business on Open Space Areas Policy is to:

- a Maximise use of open space areas for the community
- b Allocate and regulate use by operators wishing to conduct a trade or business on open space areas
- c Ensure minimal impact on the community and environment by operators conducting a trade or business on open space areas
- d Address associated issues of risk management and public safety on open space areas owned and managed by Council
- e Address issues of environmental sustainability associated with the undertaking of a trade or business on open space areas owned and managed by Council
- f Be consistent with Council's Plans of Management and/or Strategies for various open space areas
- g Ensure fairness and equity in decision making
- h Add positively to community active lifestyle outcomes.

#### **Consultation**

Council's Draft Events on Open Space Areas Policy and the Temporary Licensing of Trade or Business on Open Space Areas Policy were placed on public exhibition from 14 September 2020 to 29 October 2020.

A total of eight submissions were received for both policies. The attached public submission documents (Attachment 3 and Attachment 4) summarise Council's response to the submissions and identifies some minor changes made due to the submissions.

### 3.4 Adoption of Events on Open Space Areas Policy and Adoption of Temporary Licensing of a Trade or Business on Open Space Areas Policy (contd)

---

Based on the submissions received, these Policies have not been altered from the previous versions other than adding some minor information in relation to the relevant Acts and some minor changes under general terms.

#### Financial Considerations

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

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

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

There is no expenditure related to the adoption of these Policies. These Policies help support income generation on open space areas through the licensing or booking of public spaces.

#### Link to Community Strategic Plan

Theme 3: Green

#### Goal L: Healthy lifestyle for a growing community

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

#### Risk Management

These two policies reduce Council's risk in relation to activating Council's open space areas by setting consistent guidelines that ensure only appropriate events and commercial activities are approved for use, including protection of the environment, allowing access for the general public and not allowing uses that will damage assets or endanger members of the public.

#### Options

- 1 Adopt the Events on Open Space Areas Policy and the Temporary Licensing of Trade or Business on Open Space Areas Policy. **This is the Recommended Option.**
- 2 Adopt only one of the Policies (Not recommended)
- 3 Not adopt either of the Policies (Not recommended)

### 3.4 Adoption of Events on Open Space Areas Policy and Adoption of Temporary Licensing of a Trade or Business on Open Space Areas Policy (contd)

---

#### Critical Dates or Timeframes

There are no critical dates or timeframes identified.

#### Attachments

- |   |  |   |           |
|---|--|---|-----------|
| 1 | Draft Temporary Licensing of a Trade or Business on Open Space Areas Policy              | <a href="#">Click here for Attachment</a> | D14587936 |
| 2 | Draft Events on Open Space Areas Policy  | <a href="#">Click here for Attachment</a> | D14295509 |
| 3 | Events on Open Space Areas Policy Public Submissions                                     | <a href="#">Click here for Attachment</a> | D14582424 |
| 4 | Temporary Licensing of a Trade or Business on Open Space Areas Policy Public Submissions | <a href="#">Click here for Attachment</a> | D14582430 |



**Item No:** 4.1

**Title:** Presentation of Financial Reports and related Auditor's Reports for Central Coast Council and Central Coast Council Water Supply Authority for the period 1 July 2019 to 30 June 2020

**Department:** Corporate Affairs

---

27 April 2021 Ordinary Council Meeting

Reference: F2020/00030 - D14189750

Author: Peter Correy, Unit Manager, Finance

Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer



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 April 2021. The reason for providing this report as a late item is so that it can reflect as far as practicable the current situation with regard to Council's actions and response.



**Item No:** 4.2  
**Title:** Investment Report for March 2021  
**Department:** Corporate Affairs

---

27 April 2021 Ordinary Council Meeting

Reference: F2004/06604 - D14442799  
Author: Devini Susindran, Team Leader  
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

### **Report purpose**

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

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

### **Executive Summary**

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

### **Corporate Affairs Recommendation**

*That Council receive the Investment Report for March 2021.*

### **Background**

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

**Current Status**

Council's current cash and investment portfolio totals \$497.26 million at 31 March 2021.

<b>Source of Funds</b>	<b>Mar 2021 Value (\$'000)</b>
Investment Portfolio	\$470,546
Transactional accounts Per Bank Statement and cash in hand	\$26,712
<b>Total</b>	<b>\$497,258</b>

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

Total net return on the portfolio for Council in March, comprising entirely of interest earned, was \$411k. The total value of the Council's investment portfolio as at 31 March 2021 is outlined in Table 1 below.

**Table 1 – Portfolio Movement**

<b>Description</b>	<b>2019-20 Financial Year \$'000</b>	<b>Jul-Sep Qtr 2020/21 \$'000</b>	<b>Oct-Dec Qtr 2020/21 \$'000</b>	<b>Jan-21 2020/21 \$'000</b>	<b>Feb-21 2020/21 \$'000</b>	<b>Mar-21 2020/21 \$'000</b>	<b>FYTD 2020/21 \$'000</b>
<b>Opening Balance</b>	<b>445,661</b>	<b>348,210</b>	<b>299,678</b>	<b>371,131</b>	<b>451,961</b>	<b>446,205</b>	<b>348,210</b>
Movement for the period	-97,451	-48,532	71,453	80,830	-5,756	24,341	122,336
<b>Closing Balance</b>	<b>348,210</b>	<b>299,678</b>	<b>371,131</b>	<b>451,961</b>	<b>446,205</b>	<b>470,546</b>	<b>470,546</b>
Interest earnings	8,547	1,152	1,012	368	366	411	3,309

The market value of Council's investment portfolio at 31 March 2021 is \$471.575M.

During March, Council's total cash and investments increased \$4.92M for the month, with an increase of \$24.34M in Investment and a decrease of \$19.42M in transactional accounts reflecting quarterly rate instalments received in February invested in March.

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

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

**Table 2 - Investment Maturities as at 31 March 2021**

Time Horizon	Percentage Holdings	Maturity on or before	Value \$'000
<b>At Call</b>	10.67%	Immediate	50,190
<b>Investments</b>			
0 - 3 months	18.58%	Jun-2021	87,413
4 - 6 months	17.54%	Sep-2021	82,533
7 - 12 months	5.95%	Mar-2022	27,993
1 - 2 years	7.46%	Mar-2023	35,121
2 - 3 years	9.96%	Mar-2024	46,853
3 - 4 years	11.64%	Mar-2025	54,752
4 - 5 years	18.21%	Mar-2026	85,692
<b>Total Investments</b>	<b>89.33%</b>		<b>420,357</b>
<b>Total Portfolio</b>	<b>100.00%</b>		<b>470,546</b>

The investment portfolio is concentrated in AA above (35.47%), A (32.16%), and BBB (32.37%).

Council monitors and manages the portfolio taking into consideration credit ratings of financial institutions, interest rates offered for the maturity dates required and counterparty exposure.

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

### Environmental, Social and Green (ESG) Investments

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

Council currently holds 6.15% or \$28.92 million in ESG investments as at 31 March 2021.

### Portfolio Return

Interest rates on investments in the month, ranged from 0.35% to 3.18%, all of which exceeded the monthly Bank Bill Swap Rate (BBSW) benchmark of 0.01%.

The weighted running yield for March of 1.05% for Central Coast Council is favourable compared to benchmark bank bill swap (BBSW) *financial year to date* Calculated Bank Bill Index of 0.93% as shown in Graph 3 - Portfolio Returns in Attachment 3.

**Council's Portfolio by Source of Funds**

Council is required to restrict funds received for specific purposes. Restricted funds consist of funds in the investment portfolio and in transactional accounts as follows:

<b>Source of Funds</b>	<b>Value (\$'000) March 2021</b>
Investment Portfolio	\$470,546
Transactional accounts and cash in hand	\$26,712
<b>Total</b>	<b>\$497,258</b>
Restrictions as at 31 March 2021	\$426,678
Unrestricted Funds as at 31 March 2021	\$70,580

Council is managing the previously reported negative unrestricted funds balance, as part of Council's Business Recovery Plan.

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

**Financial Considerations**

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

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

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

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

**Link to Community Strategic Plan**

Theme 4: Responsible

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

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

**Attachments**

<b>1</b>	Summary of investments Mar 21	<a href="#">Click here for Attachment</a>	D14588701
<b>2</b>	Summary of Restrictions as at 31 March 2021	<a href="#">Click here for Attachment</a>	D14588738
<b>3</b>	Investment Report for March 2021 - Graph 1,2 and 3	<a href="#">Click here for Attachment</a>	D14588780
<b>4</b>	Treasury Direct Trading Limit Report March 2021	<a href="#">Click here for Attachment</a>	D14588791
<b>5</b>	Treasury Direct Portfolio Valuation Report March 2021	<a href="#">Click here for Attachment</a>	D14588797

**Item No:** 4.3  
**Title:** Consideration of Submissions and Adoption of  
Code of Meeting Practice  
**Department:** Corporate Affairs

---



27 April 2021 Ordinary Council Meeting

Reference: F2021/00035 - D14541557  
Author: Sarah Georgiou, Section Manager, Councillor Support  
Manager: Shane Sullivan, Unit Manager, Governance and Risk  
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

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 April 2021. The reason for providing this report as a late item is to allow time for consideration of public exhibition submissions received up to the end of the exhibition period and present the report to the Council meeting as per the resolution of Council.



**Item No:** 4.4  
**Title:** Fire Protection Systems and Equipment - Inspection, Servicing and Maintenance  
**Department:** Corporate Affairs

---

27 April 2021 Ordinary Council Meeting

Reference: F2021/00035 - D14551096  
Author: Graham Thomas, Section Manager, Projects and Assets  
Manager: Kim Radford, Unit Manager, Building Maintenance Depots and Administration  
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

### **Report purpose**

To approve budget for two financial years (FY 2021/2022 and FY 2022/2023) to enter into a two-year contract for the provision of fire protection systems and equipment services.

### **Executive Summary**

The Building Code of Australia (BCA) specifies various building categories. Of Council's 1200 buildings, approximately 350 buildings fall into categories that requires the installation and maintenance of specific fire safety equipment.

Installation, testing and maintenance is a specialised service performed in accordance with Environmental Planning and Assessment Regulation 2000, BCA and Australian Standards (AS1501-2012).

An open tender process identified Tenderer 1 (of the responses received) as detailed in confidential attachment 1. The identified successful proponent has been evaluated (capability and cost) as providing the best value for money to Council. The contract is a schedule of rates contract for routine servicing and repair and replacement of equipment with an estimated value of \$1.401 million over the maximum two-year contract term.

### **Corporate Affairs Recommendation**

- 1 *That Council enters into a contract with the preferred proponent identified in confidential Attachment 1 for the provision of fire protection systems and equipment services for a period of 2 years.*
- 2 *That Council approve the provision of forward budget for financial years FY2021/2022 through to FY2022/2023 up to a maximum of \$1.401 million over the maximum contract term.*
- 3 *That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 1 remains confidential in accordance with section 10A(2)(d)(i) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because*



#### **4.4 Fire Protection Systems and Equipment - Inspection, Servicing and Maintenance (contd)**

---

*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.*

##### **Background**

Council has the responsibility to ensure its buildings (approximately 1200 in total) are compliant the BCA, Environmental Planning and Assessment Regulation 2000 and Work Health Safety Act.

Legislation specifies and "calls up" requirements for fire safety compliance.

This includes the installation and maintenance of fire safety equipment referred to in the Regulation as Fire Safety Measures. Examples are fire extinguishers, alarm systems and hose reels. Council has over 11,000 Fire Safety Measures installed within its building portfolio.

Compliance is demonstrated through a process that verifies the correct number and type of Fire Safety Measures are installed within a building, and measures are operational. Upon verification, an Annual Fire Safety Statement is generated and displayed within the building.

The testing and maintenance is performed by a contractor who specialises in the delivery of these services.

An open tender process was undertaken to identify the recommended proponent.

The contact term is a maximum of four years with an initial two-year period (with 2 x 1 year extension options). The estimated contract value over the initial two-year term is \$1.401 million. This forecast is based on existing Council information and costs from the market that are subject to the Consumer Price Index (CPI).

The contract includes a control (Contract Officer Authorisation) for any variable cost over \$500. Costs will be incurred over multiple financial years.

##### **Current Status**

These services are currently contracted.

##### **Internal Consultation**

The Facilities and Asset Management Unit are the custodians of the current contract. Facilities and Asset Management has engaged with internal stakeholders on the review of the current contract.

##### **Financial Considerations**

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

#### 4.4 Fire Protection Systems and Equipment - Inspection, Servicing and Maintenance (contd)

---

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

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

Facilities and Asset Management Unit holds the budget for the contracted annual inspection and testing of fire safety measures in posting string 51102.821007.

Any costs required for reactive repairs or replacement of fire safety measures is budgeted and spend approved by the relevant building custodian of which there are 65 posting strings.

Facilities, Asset and Energy Management provides budget forecasts based on historic costs (adjusted for CPI) to these Business Units at budget setting time annually.

The known contract costs (with annual CPI increase) and the forecasted repair and replacement spend is expected to be as follows;

Financial Year	Months	Budget Amount	Annual contracted inspection and testing (2% annual increase)	Forecasted reactive repairs and replacement spend
20/21	1	\$56,000	\$11,332	\$44,668
21/22	12	\$672,750	\$148,187	\$524,563
22/23	11	\$672,994	\$138,554	\$534,440
<b>Total contract budget</b>	24	\$1,401,744	\$298,073	\$1,103,671

#### Link to Community Strategic Plan

Theme 1: Belonging

#### Goal A: Our community spirit is our strength

B-A4: Enhance community safety within neighbourhoods, public spaces and places.

#### Risk Management

Entering into a new contract mitigates a number of risks associated with operating under pre-merger contracts.

The new contract provides greater control over spend through a more robust works approval process.

#### Options

#### 4.4 Fire Protection Systems and Equipment - Inspection, Servicing and Maintenance (contd)

---

##### Option 1

Enter into a new contract for the provision of these services. **This is the recommended option.**

##### Option 2

Seek to continue on a month to month basis with the current commercial arrangement (not recommended).

##### **Timeframes**

Approval is sought to start the new contract arrangement in May 2021.

##### **Attachments**

- 1 Confidential - Fire Services - Evaluation Process Report - D14491928



**Item No:** 4.5  
**Title:** Sale of 11-23 Wyong Road, Tuggerah  
**Department:** Corporate Affairs

---

27 April 2021 Ordinary Council Meeting

Reference: F2020/02531 - D14544854  
Author: Joe O'Connor, Property Development Manager  
Manager: Jamie Barclay, Unit Manager Development and Property  
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

### **Report purpose**

For Council to consider the sale of 11-23 Wyong Road, Tuggerah being Lots 15-21 DP 25373 (the Land) to Mariners FC Developments Pty Ltd (Mariners).

### **Executive Summary**

The Mariners are seeking to develop their land on 1E Bryant Drive, Tuggerah (Lot 3 DP 270998) for a Hotel Development within their Centre for Excellence. As part of the proposal, they have made an unsolicited proposal to purchase the Council owned operational land at 11-23 Wyong Road, Tuggerah (being Lots 15-21 DP 25373), being adjacent to the Centre of Excellence. The land is surplus to Council's current and future requirements. The Mariners propose to continue the use of the Land as a vegetation buffer between their proposed Hotel and Wyong Road. Given the constraints of the Land, an open market sale would not lead to a desirable outcome, and this report recommends the direct sale to Mariners FC Developments Pty Ltd for not less than an independent market valuation.

### **Corporate Affairs Recommendation**

- 1 *That Council authorise the Chief Executive Officer to finalise the terms of sale for 11-23 Wyong Road, Tuggerah (being Lots 15-21 DP 25373) to Mariners FC Developments Pty Ltd, for not less than the independent market valuation as provided in Attachment 1.*
- 2 *That Council provide owners consent to Mariners FC Developments Pty Ltd to lodge a development application over 11-23 Wyong Road, Tuggerah (being Lots 15-21 DP 25373), to document plans which include pedestrian access and vegetation management.*
- 3 *That Council resolve, pursuant to Section 10A(2)(d)(ii) of the Local Government Act 1993, that Attachment 1 remain confidential as it contains commercial information of a confidential nature that would, if disclosed 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 Council's ability to negotiate a land sale.*

## Report

The land at 11-23 Wyong Road, Tuggerah was originally acquired by Council as part of a sewer buffer area, however, the Land does not form part of the buffer area for the Wyong South Sewer Treatment Plant. The Land is free from public trusts and classified operational land. The Land is constrained from development for a number of reasons. Firstly, the Land is zoned E3 (Environmental Management), under the Wyong Local Environmental Plan 2013 (WLEP 2013) and is restricted in vehicular access given the Land's location on Wyong Road. Attachment 2 provides a copy of the Property Plan.

The sites are heavily vegetated and provide a landscape buffer between Wyong Road and the Mariners Centre of Excellence. There is currently a lease in place between Mariners and Council to allow the removal of vegetation (subject to approval) to improve visibility and exposure to Wyong road. The sites are classified as Bushfire Prone Land, are heavily vegetated and surrounded by fire Trails, containing Category 1 Vegetation.



Figure 1 - 1E Bryant Dr, Tuggerah (Lot 3 in DP270998) Mariners FC Developments Pty Ltd



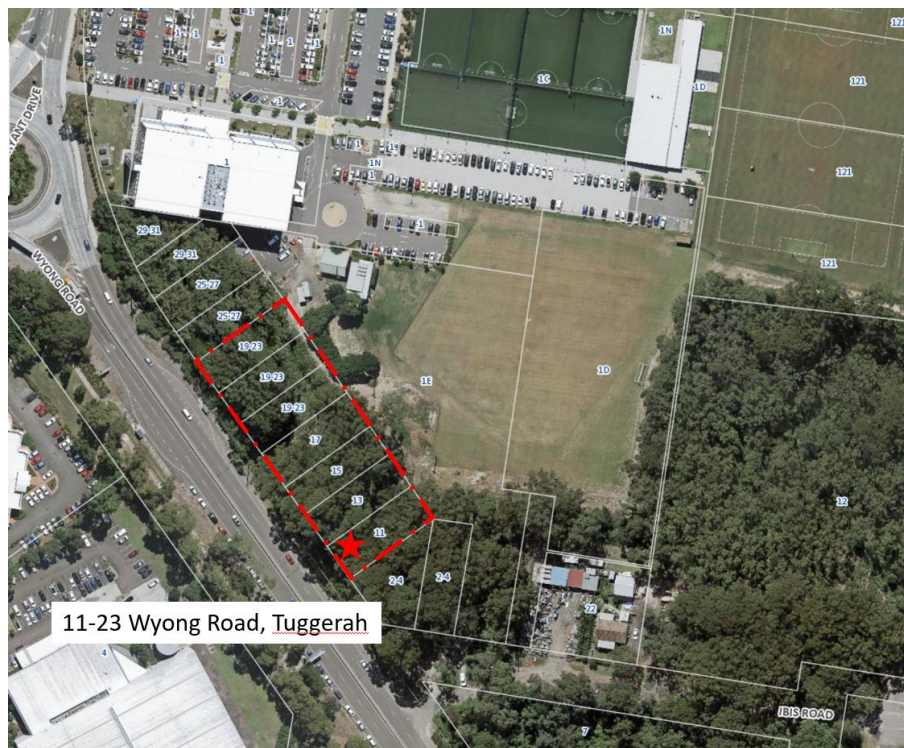


Figure 2 - Council owned land 11-23 Wyong Road, Tuggerah (being Lots 15-21 in DP 25373).



Figure 3 – Land Zoning, WLEP2013



Figure 4 – Proposed development, looking northeast from Wyong Road, with 11-23 Wyong Road, Tuggerah in foreground.

## Report

On their site at 1 Bryant Drive Tuggerah, the Mariners are proposing to develop a 4-star hotel consisting of between 120-136 rooms, with five conference rooms, restaurant, bar, and gym. In developing the Hotel, this would assist the Mariners in securing additional A League and W League games as well as the potential to host events linked to the International 2023 Women's World Cup.

The Mariners proposal has the potential economic flow on to increase FTE and economic output of the Tuggerah Business Park, Westfield and Tuggerah retail centres and Central Coast Sports College.

The Mariners have proposed to continue the use the Land as a vegetated buffer and include a pedestrian link between the proposed Hotel and Wyong Road. This would also include the vegetation management of the Land.

In considering the potential for the Land to be purchased by other adjoining neighbours, it is understood that they would not have the same ability to utilise the Land in the way proposed by the Mariners. This is because their land holding is relatively minor, heavily constrained by access, and don't have benefit to access from Bryant Dr which the Mariners enjoy. As such, the proposal from the Mariners provides a better outcome for the Land.

## Consultation

Consultation has occurred with Council's Urban Planning and Development, Water Services and Design and Council's independent Property Advisory Panel to inform the proposed recommendation.

### **Financial Considerations**

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

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

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

Council is not required to spend any budget to facilitate the proposed development on the Land. Further the only costs required are in the preparation of a contract of sale, which can be done by solicitors on Council's legal panel, with recent quotes being in the order of \$1,500. Funds are available for this transaction within Council's land sales program.

### **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**

Risk has been mitigated through upfront appropriate due diligence of this proposal, including a review of the Land and any other impediments of the sale. Further, through Council's Property Advisory Panel, this matter has been considered and recommendations provided to ensure the best outcome for Council and the community.

### **Options**

Option 1

That Council sell 11-23 Wyong Road, Tuggerah (being Lots 15-21 DP 25373) to Mariners FC Developments Pty Ltd, for not less than the independent market valuation (Attachment 1).

**This is the preferred option.**

Option 2

That Council does not sell the Land at this time.

### **Critical Dates or Timeframes**

While there are no specific timeframes for this sale to occur, given that the Mariners are looking to lodge a development application for their proposed Hotel to meet the timeframe



#### **4.5                    Sale of 11-23 Wyong Road, Tuggerah (contd)**

---

for the International 2023 Women's World Cup, it would be beneficial that Council resolve to proceed with the sale immediately to enable these works to occur.

#### **Attachments**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Confidential - Valuation Report -                       | D14567864 |
| <b>2</b> | Property Plan <a href="#">Click here for Attachment</a> | D14567860 |



**Item No:** 4.6  
**Title:** Metro Cinema - Variation of Rent  
**Department:** Corporate Affairs

---

27 April 2021 Ordinary Council Meeting

Reference: F2014/01791-002 - D14549994  
Author: Tiffany Spee, Property Officer  
Manager: Jamie Barclay, Unit Manager Development and Property  
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

### **Report purpose**

To outline recommended changes to the Metro Cinemas Lake Haven rent in order to ensure business sustainability due to ongoing impacts of COVID-19.

### **Executive Summary**

Metro Cinemas Lake Haven remain heavily burdened by the impacts of COVID-19 and have requested a waiving of rental fees as they are unable to pay the current rent and could be at risk of going into liquidation.

### **Corporate Affairs Recommendation**

- 1 *That Council adopt a 20% turnover rent from April 2021 to December 2021 in keeping with Council's obligations as landlord under the Retail and Other Commercial Leases (COVID-19) Regulation 2020 (NSW) and associated Mandatory Code of Conduct.*
- 2 *That Council review the retail and commercial Mandatory COVID regulation in December 2021 and report back to Council on implication to Metro Lease if applicable.*
- 3 *That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachments 1, 2 and 3 remain confidential in accordance with section 10A(2)(d)(i) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Council's ability to obtain value for money services for the Central Coast Community.*

### **Background**

At its meeting held 30 November 2020, Council resolved in part:

- 1267/20 *That Council adopt a 18% turnover rent from July 2020 to March 2021 in keeping with Council's obligations as landlord under the Retail and Other*

*Commercial Leases (COVID-19) Regulation 2020 (NSW) and associated Mandatory Code of Conduct.*

- 1268/20 *That Council review the retail and commercial Mandatory COVID regulation in March 2021 and report back to Council on implication to Metro Lease if applicable.*
- 1269/20 *That Council extend the lease via a deed of variation for 2 years at the end of the lease.*

Council has reviewed the Mandatory code of conduct in relation to retail and Commercial Leasing. Council as landlord *must offer tenants proportionate reductions in rent payable in the form of waivers and deferrals (as outlined under "definitions," below) of up to 100% of the amount ordinarily payable, on a case-by-case basis, based on the reduction in the tenant's trade during the COVID-19 pandemic period and a subsequent reasonable recovery period.*

### **Current Status**

Metro Cinemas Lake Haven admissions and revenue remain down. The concessions received by Council and the Government are due to cease in March 2021.

The performance of Metro Cinema's is in line with other cinemas in Australia as the industry responds to the pandemic.

### **Report**

Metro Cinemas is a unique tenant of Council as other tenants have generally been able to return some level of normality whilst the cinema industry remains heavily burdened by COVID-19.

Metro Cinemas have indicated that the outlook for cinemas turns on 3 keys issues:

#### **1 Supply of movies**

The major Hollywood film studios have withheld their blockbuster movies and have unofficially indicated that they will not release blockbuster movies until 85% of cinemas are open globally, and people feel comfortable returning to cinema.

Metro Cinemas have indicated that they screen approximately 160 movies per annum of which the top 30 movies accounts for 61% of box office revenue.

#### **2 Blockbusters streaming**

Several Hollywood film studios have their own streaming services, and in the last 6 months made the decision to release some blockbuster movies direct to their streaming service, rather than firstly via cinema. For example, Disney (40% of global cinema box office in 2019)

released Mulan directly to Disney+. The studios do not publish the results of their individual movies streamed; however, it is understood that the uptake for Mulan underperformed compared to expected cinema admissions.

### **3 Customers returning to cinema**

Customers need to be comfortable returning to cinema. It is expected that this will not occur until COVID vaccinations are available to everyone in that community, and the vaccines prove effective.

#### **Consultation**

Consultation has been held with relevant Council representatives from Finance unit in relation to the request from Metro Cinemas.

Ongoing Consultation has been conducted with Metro Cinemas.

#### **Financial Considerations**

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

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

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

It is proposed Metro pay rent at 20% of cinema turnover for the period April 2021 to December 2021. All other rent is waived for this period; however, outgoings will remain payable. Council staff will prepare a Q3 Budget adjustment to note the change in expected rent.

#### **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.

### **Risk Management**

Metro Cinemas Lake Haven have indicated they are unable to pay the current rent and could be at risk of going into liquidation. This would leave Council with a "specific use" facility and questionable future leasing possibilities should the current tenant stop trading.

### **Options**

Given the obligations under the mandatory Code of conduct, as landlord Council must allow for a reasonable recovery period. Given the unique nature of Metro Cinemas and its reliance on the global market, the option for Metro to pay turnover rent for the period April 2021 – December 2021 is considered fair and equitable.

### **Attachments**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Confidential - Metro Cinemas Report -                       | D14581654 |
| <b>2</b> | Confidential - Metro Cinemas Lake Haven - Drop in Revenue - | D14591834 |
| <b>3</b> | Confidential - Metro Cinemas -                              | D14592943 |



**Item No:** 4.7  
**Title:** Sale of 15-23 Hely Street, Wyong (Oasis)  
**Department:** Corporate Affairs

---

27 April 2021 Ordinary Council Meeting

Reference: F2004/09073 - D14574841  
Author: Joe O'Connor, Property Development Manager  
Manager: Jamie Barclay, Unit Manager Development and Property  
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

### **Report purpose**

For Council to consider the direct sale of 15-23 Hely Street, Wyong (the Property) to the Salvation Army.

### **Executive Summary**

On 30 November 2020 Council resolved to sell 15-23 Hely Street, Wyong (Oasis) on the open market for not less than the market valuation. In discussions with the lessee, the Salvation Army, they have indicated their willingness to purchase the site directly from Council for not less than the market valuation. As this is a direct sale, this report seeks Council's resolution to proceed with the sale to the Salvation Army. The sale to the Salvation Army would mean that the services provided by the Salvation Army to the community may continue unaffected. This report recommends the direct sale to the Salvation Army.

### **Corporate Affairs Recommendation**

- 1 *That Council resolve to sell the following lots for not less than market value as determined by an independent valuer to the Salvation Army:*  
  
*15-23 Hely St Wyong 2259 (PT 1 Sec1 DP 3136)*  
*15-23 Hely St Wyong 2259 (PT 2 Sec1 DP 3136)*  
*15-23 Hely St Wyong 2259 (PT 3 Sec1 DP 3136)*  
*15-23 Hely St Wyong 2259 (PT 4 Sec1 DP 3136)*  
*15-23 Hely St Wyong 2259 (PT 5 Sec1 DP 3136)*
- 2 *That Council authorise the Chief Executive Officer to finalise the terms of sale.*
- 3 *That Council resolve, pursuant to Section 10A(2)(d)(ii) of the Local Government Act 1993, that Attachment 1 remain confidential as it contains commercial information of a confidential nature that would, if disclosed 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 Council's ability to negotiate a land sale.*

**Background**

The Salvation Army currently leases 15-23 Hely Street Wyong from Council. On 30 November 2020 Council resolved to sell this land in the open market. Since this meeting, Council has met with the Salvation Army who have expressed an interest in purchasing the site. Council has provided the market valuation for the site (refer to confidential Attachment 1) which sets the sale's price for the site. The Salvation Army have also provided Council with a copy of their own valuation for the site. While the Salvation Army's valuation is less than the one obtained by Council, the Salvation Army are prepared to proceed with the sale based on Council's valuation price. The direct sale to the Salvation Army ensures that the services which are provided at the Oasis will continue to serve Wyong and the Coast.

While Council may consider a condition of sale to a private entity allowing for the continued tenure of the Salvation Army, through a direct sale, the consideration of the ongoing lease does not become an impediment of the sale.

**Current Status**

In accordance with the resolution of the 30 November 2020, Council has engaged a real estate agent and as such the property was placed on the market on 8 April 2021.

**Financial Considerations**

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

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

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

This recommendation does not require additional funds to be allocated from the budget. It's worth noting that potentially the direct sale loses the competitive tension that would be experienced in an open sale, however, the Property may not attract any other offers in line with the market valuation.

**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**

There is potential reputational risk should Council sell the Property on the open market and the services of the Salvation Army are lost to the community, particularly as an in-principle agreement has been received to purchase the Property for not less than the market valuation.

**Options**

## Option 1

That Council resolve to sell 15-23 Hely Street, Wyong directly to the Salvation Army for not less than the market valuation as provided in confidential Attachment 1. **This is the preferred option.**

## Option 2

That Council proceeds to sell 15-23 Hely Street, Wyong on the open market.

**Critical Dates or Timeframes**

As the Property is currently listed on the open market and as an offer has been received by the Salvation Army meeting Council's requirements, the offer should be accepted, and the direct sale should proceed on this basis.

**Attachments**

- 1 Confidential - Valuation Report - D14574843



**Item No:** 4.8  
**Title:** Sale of Part Lot 2 in DP550364 - 77 Howarth St, Wyong  
**Department:** Corporate Affairs

---



27 April 2021 Ordinary Council Meeting

Reference: F2004/09073 - D14567415  
Author: Joe O'Connor, Property Development Manager  
Manager: Jamie Barclay, Unit Manager Development and Property  
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

### **Report purpose**

For Council to consider the reclassification and sale of Part Lot 2 DP 550364 – 77 Howarth Street, Wyong (the Land).

### **Executive Summary**

Council has received an unsolicited proposal from the Wyong Race Club (the Club) to purchase an area of approximately 1.3 hectares of land on Lot 2 in DP 550364, which is located to the north of the Race Club's existing stables, and to the south of the Golf Course. The Club would be looking to further develop the number of stables within the Club. It is recommended that Council resolve to reclassify the Land to operational and sell the Land for not less than a market valuation to the Club.

### **Corporate Affairs Recommendation**

- 1 *That Council resolve to reclassify part Lot 2 DP 550364 - 77 Howarth Street, Wyong from community to operational land and sell for not less than market value as determined by an independent valuer to Wyong Race Club.*
- 2 *That subject to an executed contract of sale, Council provide owners consent for the Wyong Race Club to prepare, manage and lodge a planning proposal for the reclassification of part Lot 2 DP 550364 - 77 Howarth Street, Wyong from community to operational land.*
- 3 *That Council provide owners consent for the Wyong Race Club to lodge a development application for expansion of their stables.*
- 4 *That Council authorise the Chief Executive Officer to finalise the terms of sale.*

### **Background**

The Land proposed to be sold currently forms part of Wyong Golf Course (refer to Attachment 2) which is currently leased by the Wyong Golf Club from Council. The Golf Club

is currently off lease, and this will need to be resolved together with this matter as the lease area will change.

Attachment 1 provides a copy of the property plan. Attachment 2 provides a copy of the proposed area of sale.

### **Current Status**

While initial discussions have been held with the both the Race Club and the Golf Club, Council is required to make a resolution to progress this matter either through a direct or open sale, or otherwise discontinue any works on progressing the land reclassification and sale.

### **Report**

Council has received an unsolicited proposal from the Club to purchase an area of 1.3 hectares of land adjoining the existing stables. The Club's intent is to expand their existing stable area. This in turn would create economic benefit from the additional use of this site and help balance the ongoing training it provides to the racing community. The Club's proposed expansion will provide additional economic and social benefits created as a by-product of the additional stables tenants locating their operations into the new stable complex (some will come from other states and outside the Central Coast area) – the associated economic output may be in the order of \$5-\$7M economic activity and 50 or so jobs (direct and indirect).

The Race Club have also proposed to improve the wetlands to minimise the flooding that is impacting both the Race Club and Golf Course lands.

### **Consultation**

An initial meeting has been held on site on 25 November 2020 with the Race Club and the Club's representative to discuss the proposal with Council's Commercial leasing Unit, as well as the Economic Development Unit. The Club will be required to undertake all planning investigations in order to facilitate the reclassification.

### **Financial Considerations**

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

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

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

It is recommended that the Club prepare, manage and lodge any approvals or other required for the planning proposal as well as development applications associated with this transaction. This mitigates Council's financial exposure for the sale and minimizes any associated costs. As such, the only costs required are in the preparation of a contract of sale, which can be done by solicitors on Council's legal panel, with recent quotes being in the order of \$1,500. Funds are available for this transaction within Council's land sales program.

### 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

Risk has been mitigated through upfront due diligence of this proposal, including a review of the land and any other impediments to sell the land. Notwithstanding these measures, there is potential reputation risk associated with this proposal as it may be considered a loss of community classified land. However, as the proposal is for the sale to the adjoining Club, it can be demonstrated that this will safeguard the future of the Club which provides continued community benefit.

### Options

#### Option 1

That Council reclassify the Land, and proceed to sell the Land for not less than an independent market valuation to the Club. **This is the preferred option.**

#### Option 2

That Council does not reclassify or sell the Land.

### Critical Dates or Timeframes

The Club is keen to progress this matter, so a timely Council resolution would allow the Club to continue the work required or otherwise choose alternative to this option.

### Attachments

- |   |   |   |           |
|---|---|---|-----------|
| 1 | Property Plan                             | <a href="#">Click here for Attachment</a> | D14582359 |
| 2 | Possible Development and Area of Purchase | <a href="#">Click here for Attachment</a> | D14582362 |



**Item No:** 4.9  
**Title:** Part lot sale of 325 Pacific Hwy, Wyong  
**Department:** Corporate Affairs

---

27 April 2021 Ordinary Council Meeting

Reference: F2021/00439 - D14545176  
Author: Joe O'Connor, Property Development Manager  
Manager: Jamie Barclay, Unit Manager Development and Property  
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

### **Report purpose**

For Council to consider the reclassification and sale of part of Lot 103 DP 877557, 325 Pacific Hwy, Wyong (the Land).

### **Executive Summary**

Council has received an unsolicited proposal from the Wyong Golf Club (the Club) to purchase an area of 1.85 hectares of land on Lot 103 DP 877557, known as the Wyong Golf Course and is located on the eastern side of the clubhouse on Wyong Road. The Club would be looking to build a senior's living accommodation development. This proposal would address a housing shortage and provide greater housing options for the Coast. The club have identified that some of the land in the proposal is surplus with the current golf course needing to be reconfigured to accommodate the proposed development. It is recommended that Council resolve to reclassify the Land to operational and sell the Land for not less than a market valuation to the Club.

### **Corporate Affairs Recommendation**

- 1 *That Council resolve to reclassify part of Lot 103 DP 877557, 325 Pacific Hwy, Wyong from community to operational land and sell for not less than market value as determined by an independent valuer to Wyong Golf Club;*
- 2 *That subject to an executed contract of sale, Council provide owners consent for the Wyong Golf Club to prepare, manage and lodge a planning proposal for the reclassification of part of Lot 103 DP 877557, 325 Pacific Hwy, Wyong from community to operational land;*
- 3 *That Council provide owner's consent for the Wyong Golf Club to prepare, manage and lodge a development application for the construction of a seniors living development;*
- 4 *That Council authorise the Chief Executive Officer to finalise the terms of sale;*

- 5 *That Council resolve, pursuant to Section 10A(2)(d(ii)) of the Local Government Act 1993, that Attachment 1 remain confidential as it contains commercial information of a confidential nature that would, if disclosed 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 Council's ability to negotiate a land sale.*

### **Background**

The Land proposed to be sold currently forms part of Wyong Golf Course (refer to Attachment 2) which is currently leased by the Club from Council. The Club is currently off lease, and this will need to be resolved together with this matter as the lease area will change. Attachment 3 provides a copy of the property plan.

### **Current Status**

While initial discussions have been held with the Club, Council is required to make a resolution to progress this matter either through a direct or open sale, or otherwise discontinue any works on progressing the land reclassification and sale.

### **Report**

Council has received an unsolicited proposal from the Club to purchase an area of 1.85 hectares of land adjoining the clubhouse, located on Wyong Road. In the Club's proposal, they have indicated that they would be seeking to develop a senior's living development, to accommodate 155 units, comprising: 142 apartment units, 8 townhouses and 5 duplexes. The Land is located to the east of the clubhouse and in conjunction with this proposal, the Club would be looking to reconfigure the golf course such that the full 18 holes will be retained. Attachment 2 shows that the 18<sup>th</sup> hole and the putting green will be affected, and the design and reinstatement of this will need to be resolved. These works to the course would be at The Club's expense.

As the Land is currently community classified, the Club would need to undertake a Planning Proposal to reclassify the land to operational. The Club would be proposing seniors housing accommodation which is permitted as an Additional Permitted use under Schedule 1, Clause 1(2) of the Wyong LEP 2013 (WLEP), if the development is associated with a registered club – which is the case for the Wyong Golf Club. While the WLEP does not currently include the subject Land, the Club would need seek an amendment to the WLEP 2013 to include this Land within the APU areas. As the land owned by the Club (being Lot 104 DP 877557) currently enjoys the APU provisions, the Club would be seeking for the newly created lot to have the same provisions through an amendment to the LEP.

Although the sale of the Land to the Club would constitute a direct sale, and potentially the proposal could be developed by any proponent, there are various reasons why the recommendation to sell directly to the Club should be considered.

Firstly, the Club as the adjoining land owner and as a registered club, would be in a unique position to undertake the proposed seniors living development. Should Council decide to sell this to the open market, then the seniors living outcome and associated benefit to the community may not be achieved. This is because Council cannot guarantee that a private entity would have the same entitlement to the APU provisions. Further, the Club has the commercial objective to ensure the ongoing viability of the golf course, and also provide seniors housing which would be of interest to its members and community.

The Club has commissioned an economic study which estimated that the proposed development would lead to a total economic output of 420 FTE jobs and direct and indirect output of \$100 million.

### **Consultation**

The Club and their representative met with Council's COO on 10 March 2021 to discuss this proposal. While a range of options was discussed, it was generally accepted that a seniors' living development which would have a community focus through the Club would be a good outcome for the Coast.

The proposal has also been considered by the independent Property Advisory Panel on 25 March 2021. The Panel was established as a recommendation from the Administrator to ensure a best outcome for any property sales transaction. The Panel made the following recommendations:

- that Council ensure that there is a genuine need for seniors' living on the Coast;
- ensure that there is economic benefit achieved through the proposal;
- have a condition of sale which ensures that the Club development is viable and delivered by the established and well-known seniors' living providers. This could be achieved through provision of an owner's consent which ensures the best outcome.

### **Financial Considerations**

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

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

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

It is recommended that the Club prepare, manage and lodge any approvals or other required for the planning proposal as well as development applications associated with this transaction. This mitigates Council's financial exposure for the sale and minimizes any associated costs. As such, the only costs required are in the preparation of a contract of sale,

which can be done by solicitors on Council's legal panel, with recent quotes being in the order of \$1,500. Funds are available for this transaction within Council's land sales program.

### **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**

Risk has been mitigated through upfront due diligence of this proposal, including a review of the land and any other impediments to sell the land. Further, through Council's Property Advisory Panel, this matter has been considered and recommendations provided so as to ensure the best outcome for Council and the community. Notwithstanding these measures, there is potential reputation risk associated with this proposal as it may be considered a loss of community classified land. However, as the proposal is for the sale to the adjoining Club, it can be demonstrated that this will safeguard the future of the Club which provides continued community benefit.

### **Options**

#### **Option 1**

That Council reclassify the Land, and proceed to sell the Land for not less than an independent market valuation to the Club. **This is the preferred option.**

#### **Option 2**

That Council reclassify the Land, and proceed to sell the Land for not less than an independent market valuation on the open market.

#### **Option 3**

That Council does not reclassify or sell the Land.

### **Critical Dates or Timeframes**

The pandemic has created a housing crisis on the Central Coast due to the in-migration from Sydney with working from home options allowing many to relocate on the Central Coast. This in turn has had devastating effects for locals on both the rental and sales markets with the rental vacancy rate down below 1% (3% is deemed optimal for supply and demand to function) and property prices booming. Ultimately pricing many locals out of the market as

the higher earning people from Sydney outbid them, with 62% (.id community Demographic resources) of Wyong's population earning in the low and very low-income brackets, i.e. household income of less than \$1,449.00 per week.

Housing affordability is calculated at 30% or less of household income to allow enough money for all other essentials. The affordability for \$1,449.00 pw equates to a weekly rent or mortgage payment of \$434.70. Out of the 10 rental properties available in Wyong on Real Estate.com today (29/3/2021) only 2 would be affordable to the higher low-income earners with one priced at \$230 and the other at \$425. The remaining 8 properties range from \$460 to \$650.

As such, there is there an urgency for increased housing options and supply being provided to the Coast.

### **Attachments**

- |          |                                   |   |
|----------|-----------------------------------|---|
| <b>1</b> | Confidential - Valuation Report - | D14567486   |
| <b>2</b> | Proposed Area of Sale             | <a href="#">Click here for Attachment</a> D14571538 |
| <b>3</b> | Property Plan                     | <a href="#">Click here for Attachment</a> D14571539 |



**Item No:** 4.10  
**Title:** Part Lot Sale of 1 Austin Butler Acc Woy Woy  
**Department:** Corporate Affairs

---



27 April 2021 Ordinary Council Meeting

Reference: F2021/00438 - D14545178  
Author: Joe O'Connor, Property Development Manager  
Manager: Jamie Barclay, Unit Manager Development and Property  
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

### **Report purpose**

For Council to consider the reclassification and sale of part of Lot 9 in DP 235385 being known as 1 Austin Butler Acc, Woy Woy (the Land).

### **Executive Summary**

Council has received an unsolicited proposal from the Peninsula Plaza (Fincob Pty Ltd, the Plaza) to purchase an area of approximately 4,130m<sup>2</sup> of land on Lot 9 in DP 235385, 1 Austin Butler Acc, Woy Woy which is located on the eastern side of Peninsula Plaza and adjacent to Woy Woy Oval. The Plaza has intentions to expand their car park and centre as there are major operational issues needing to be resolved and this upgrade would also ensure the viability of the Plaza. It is recommended that Council resolve to reclassify the Land to operational and sell the Land for not less than a market valuation to the Plaza.

### **Corporate Affairs Recommendation**

- 1 *That Council resolve to reclassify part of Lot 9 in DP 235385, 1 Austin Butler Acc, Woy Woy from community to operational land and sell for not less than market value as determined by an independent valuer to Peninsula Plaza as set out in Attachment 1;*
- 2 *That subject to an executed contract of sale, Council provide owners consent for Peninsula Plaza, to manage and lodge a planning proposal for the reclassification of part of Lot 9 in DP 235385, 1 Austin Butler Acc, Woy Woy from community to operational land;*
- 3 *That Council provide owner's consent for Peninsula Plaza to lodge a development application over part of Lot 9 in DP 235385, 1 Austin Butler Acc, Woy Woy, subject to receipt of plans which can demonstrate no reduction in car park spaces to the Plaza, beautification works to the flood channel and provision of pedestrian and cycle link.*
- 4 *That Council authorise the Chief Executive Officer to finalise the terms of sale*

- 5 *That Council resolve, pursuant to Section 10A(2)(d(ii)) of the Local Government Act 1993, that Attachment 1 remain confidential as it contains commercial information of a confidential nature that would, if disclosed 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 Council's ability to negotiate a land sale.*

## Report

The Peninsula Plaza serves the Woy Woy community and is experiencing operational issues between access and egress with the loading dock, heavy vehicle movement, and patron parking.

In discussions with the Plaza, it is also understood that their anchor tenant, Woolworths' floorplate is undersized and there are only 4 years left on the lease. In order to secure the future lease and continued operation, Woolworths are wishing to undertake a full renewal of the supermarket which would bring it in line with the latest fit out standards and will involve an investment of approximately \$5 million. This upgrade would also ensure the long-term security of the existing 95 jobs and allow for an expansion to approximately 120 jobs. This expansion proposes an increase in floor area of 640m<sup>2</sup>, bringing the total area from 2,757m<sup>2</sup> to an expanded area of 3,397m<sup>2</sup>.

Attachment 2 provides a sketch of the proposed area of reclassification and sale, and Attachment 3 provides a proposed design of the upgrade works.

Initially, the Plaza approached Council to obtain a long-term lease over Council's Land which adjoins the Plaza, however it was considered that given the complexities of the proposal, it would be more appropriate that Council dispose of part of the lot to the Plaza instead.

While the Plaza is zoned B2 Local Centre, the Land being considered for sale is zoned RE1 Public Recreation. Given the proposed development by the Plaza, the current zoning of the Land does not support the upgrade to the Plaza. However, as the Land is heavily flood affected, it is unlikely that the Department of Planning, Industry and Environment Land would support a rezoning of the Land.

As such, it may be possible that the Plaza could seek an amendment to the Gosford Local Environment Plan 2014 (GLEP) for the Land to be included in Schedule 1 Additional Permitted Use to facilitate this ancillary use. In order to achieve this, the Plaza would need to demonstrate that there is substantial public benefit associated with the amendment to the GLEP 2014. An example of substantial public benefit could include:

- demonstrate that there is no reduction in the number of car spaces to the Plaza;
- consideration of beautification works to the flood channel;
- provision of a pedestrian and cycle link.

Council can ensure that this is secured prior to the sale as a condition of the contract.

**Consultation**

Consultation has occurred with Council's Urban Planning and Development, Sports Fields Parks and Playgrounds and City Planning and Design Units to inform the proposed recommendation. Further, this proposal has been discussed with Council's Property Advisory Panel who are supportive of the sale.

**Financial Considerations**

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

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

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

It is recommended that the Plaza prepare, manage and lodge any approvals or other required for the planning proposal as well as development applications associated with this transaction. This mitigates Council's financial exposure for the sale and minimizes any associated costs. As such, the only costs required are in the preparation of a contract of sale, which can be done by solicitors on Council's legal panel, with recent quotes being in the order of \$1,500. Funds are available for this transaction within Council's land sales program.

**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**

Risk has been mitigated through upfront due diligence of this proposal, including a review of the land and any other impediments to sell the land. Further, through Council's Property Advisory Panel, this matter has been considered and recommendations provided so as to ensure the best outcome for Council and the community. Notwithstanding these measures, there is potential reputation risk associated with this proposal as it may be considered a loss of community classified land.

**Options**

## Option 1

That Council reclassify the Land and proceed to sell the Land for not less than an independent market valuation to the Plaza. **This is the preferred option.**

## Option 2

That Council do not reclassify or sell the Land.

**Critical Dates or Timeframes**

While there are no specific timeframes for this reclassification to occur, given that the anchor tenant of the Plaza is coming up for renewal, it is important for the Plaza to resolve this operational issue to ensure their tenure at the Plaza.

**Attachments**

- |   |                                   |   |
|---|-----------------------------------|---|
| 1 | Confidential - Valuation Report - | D14571540   |
| 2 | Proposed Area of Sale             | <a href="#">Click here for Attachment</a> D14565623 |
| 3 | Proposed Development              | <a href="#">Click here for Attachment</a> D14565625 |

**Item No:** 4.11  
**Title:** Sale of Council Operational Assets (Tranche 3)  
**Department:** Corporate Affairs

---



27 April 2021 Ordinary Council Meeting

Reference: F2004/09073 - D14567283  
Author: Joe O'Connor, Property Development Manager  
Manager: Jamie Barclay, Unit Manager Development and Property  
Executive: Natalia Cowley, Director, Corporate Affairs

## **Report purpose**

For Council to consider the sale of Council properties.

## **Executive Summary**

Council's Business Recovery Plan required a review of Council's property assets which could be disposed of to assist with its financial situation. This report provides an additional group of properties which are surplus to Council's current and future needs.

This report is the first of three reports regarding Council's asset disposal program. The first report is seeking a resolution to sell operational and appropriately zoned surplus Council land. The second report will be seeking a reclassification from community to operational and for Council to prepare a planning proposal to rezone the surplus land prior to sale. The third report will be seeking approval to reclassify surplus Council owned land from community to operational prior to selling the land. The reports have been separated because of the different legislative and disposal processes involved.

This report recommends that Council authorise the sale of these properties.

## **Corporate Affairs Recommendation**

- 1 *That Council resolve to sell the following properties for not less than market value as determined by an independent valuer;*
  - i. *50 Akora Road, Wyoming (Lot 2 DP 789440)*
  - ii. *3 Albert Street East Gosford (Lot 9 DP 819624)*
  - iii. *9 Russell Drysdale Street East Gosford (Lot E DP39240)*
  - iv. *31 Alison Road, Wyong (Lot 3 Sec 10 DP 3136)*
  - v. *305 Bushells Ridge Road, Kiar (Lot 185 DP 823132)*

- vi. 11 Church Street, Wyong (Lot 1 DP 421613)  
11 Church Street, Wyong (Lot 2 DP 421613)  
11 Church Street, Wyong (Lot 3 DP 421613)  
11 Church Street, Wyong (Lot 4 DP 421613)
- vii. 2W Rankens Street, Wyong (Lot 4 DP 659489)
- viii. 14 Elsiemer Street, Long Jetty (Lot 150 DP 519032)
- ix. 116 Evans Road Toukley (Lot 29 DP 21112)
- x. 49 Hammond Road, Toukley (Lot 30 DP 21112)
- xi. 10 Lakeside Parade, the Entrance (Lot 61 DP 24151)
- xii. 23 Memorial Avenue, Blackwall (Lot 197 DP 10172)  
23A Memorial Avenue, Blackwall (Lot 198/DP10172)
- xiii. 17 Rankens Court, Wyong (Lot 15 DP 656584)
- xiv. 4 Tyrrell Place, Killarney Vale (Lot 479 DP 704452)  
6 Tyrrell Place, Killarney Vale (Lot 478 DP 704452)
- xv. 3 Bullion Street, Umina (Lot 48 Sec A DP 8872)  
5 Bullion Street, Umina (Lot 49 Sec A DP 8872)  
7 Bullion Street Umina (Lot 50 Sec A DP 8872)  
9 Bullion Street, Umina (Lot 51 Sec A DP 8872)  
11 Bullion Street, Umina (Lot 52 Sec A DP8872)  
4A Alfred Street, Umina (Lot 41 Sec A DP 8872)  
4B Alfred Street, Umina (Lot 42 Sec A DP 8872)  
6 Alfred Street, Umina (Lot 43 Sec A DP 8872)  
8 Alfred Street Umina (Lot 44 Sec A DP 8872)  
10 Alfred Street, Umina (Lot 45 Sec A DP 8872)
- xvi. 148 Wyong Road, Killarney Vale (Lot 52 DP 1106508)  
150 Wyong Road, Killarney Vale (Lot 511 DP 845787)
- xvii. 82 Yarram Road, Bensville (Lot 41 Sec E DP 6113)  
84 Yarram Road, Bensville (Lot 42 Sec E DP 6113)

2 That Council resolve to sell the following properties for not less than market value as determined by an independent valuer;

- i. 305 Bushells Ridge Road, Kiar (Lot 186 DP 823132)
- ii. 435 Bushells Ridge Road, Bushells Ridge (Lot 192 DP 1032847)

- iii. *That Council resolve to prepare a planning proposal to lodge with council to rezone these properties from RU6 Transition to the proposed zone IN1 General Industrial.*
- 3 *That Council resolve to sell the following properties for not less than market value as determined by an independent valuer, noting that they have been identified as affordable housing sites and may be sold or used subject to the Council Affordable Housing (CAHL) proposal;*
- i. *8 Manning Road, The Entrance (Lot 4 DP 14547)  
10 Manning Road, The Entrance (Lot 5 DP 14527)  
14A and 14B Manning Road, The Entrance (Lot 7 DP 14527)  
18 Manning Road, The Entrance (Lot 9 DP 14527)  
20A Manning Road, The Entrance (Lot 10 DP 14527)  
24A Manning Road, The Entrance (Lot 12B DP 14527)*
- 4 *That Council resolve to sell 8 Bay Village Road, Bateau Bay (Lot 51 DP 1154778) and 10 Bay Village Road, Bateau Bay (Lot 2 DP 1154356) after a new Library Facility is built by Charter Hall within the Bateau Bay Shopping Centre*
- 5 *That Council authorise the Chief Executive Officer to finalise the terms of sale.*

## **Background**

Council adopted the Business Recovery Plan on 19 October 2020 in order to commence actions which would support the ongoing sustainability of Council and the services it provides to the community. One area identified has been the sale of Council land assets which are surplus to need and could be sold. On 30 November 2020 the first group of properties were identified and have been since put on the market for sale. To provide further oversight of the land sales program, it was also resolved at this meeting to develop a Property Advisory Committee. This Committee has been developed and has reviewed the assets included within this report.

## **Current Status**

The ongoing due diligence process includes:

- reviewing these sites against Council resolutions and historical records;
- ensuring Council retains ownership of land that is needed for its current and future service delivery,
- ensuring that any sale would not contravene legislative requirements, such as land that had been dedicated to Council,
- consultation with internal and external stakeholders affected by the disposal of these assets, and;
- consultation and discussion with the Property Advisory Committee.

**Report**

Attachment 1 provides a further group of Council land classified as operational land proposed to be sold.

**Consultation**

This group of properties has been discussed and considered by the Property Advisory Committee on 30 March 2021 and their recommendations have been incorporated. Further, the list has been discussed with Council's Chief Operating Officer on 7 April 2021.

**Financial Considerations**

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

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

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

Should Council resolve to sell these sites, then a budget allocation of \$720,000 may be required for transaction costs associated with putting these sites on the market. The sale proceeds from Tranche 3 will provide council with a multi-million dollar return on expenditure as the sale process will far exceed the costs associated with the disposal of these properties.

The following budget allocations have been considered:

Market Valuations \$140,000: to engage valuer(s) to obtain market valuations against all sites. This figure has been obtained from recent quotes against similar properties, which are in the order of between \$3,500 – \$10,500 per property depending on the size and complexity.

Legal Fees / Conveyancing \$100,000: for legal and any disbursements associated with the preparation of sale's contracts. It has been considered that it would be more cost effective to outsource these works to Council's legal panel. Costs include title searches, disbursements, preparation of contracts, contract negotiation, and execution / attend settlement of contracts, with a range of between \$1,500-4,500 per contract. In preparing some of the sites for sale, it will also be necessary to register easements and prepare plans of subdivision which may also require surveyor fees included in this allowance.

Reclassification/Planning Proposals \$30,000: to facilitate four planning proposals (includes staff time, public hearing, consultant facilitator and heritage expert).

Marketing \$450,000: includes advertising and marketing material, aerial photography, information memorandum, signage, social media and sundry costs (between \$10,000 -



\$15,000 per contract). Real estate agent's commissions will be payable upon completion of the contract and these will be deducted from the sales price achieved. Commissions have not been included in this allowance.

This budget is reasonable given the complexity of some of the sites which may require considerable work in preparing these sites for sale.

The costs will be funded out of Council's asset disposal budget in the 2020/21 and 2021/22 Financial Years.

### **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**

There are various risks involved with the liquidation of these assets. Some of these include:

- Public perception – although these sites are operational land, there is reputational risk in the perceived loss of community land. This can be managed through transparent engagement and communication with the community;
- Opportunity Cost – while these sites have been identified as surplus to Council's need, there is the possibility that these sites could be redeployed for other uses and represent an opportunity cost to Council. These opportunities have been considered and reviewed within the analysis of these sites.

### **Options**

Option 1

That Council endorse the sale of the nominated sites through a competitive sales and marketing campaign, provided the sale price is not less than market value.

This would require a budget allocation of \$720,000, and these funds will need to be sourced from Council's current approved operational budget.

**This is the preferred option.**

Option 2

That Council does not proceed to sell the nominated sites. In this instance, Council would need to find other opportunities to assist with its financial recovery.

Option 3

That Council authorises the sale of some but not all the nominated sites. In this instance, Council would need to find additional opportunities to assist with its financial recovery.

**Critical Dates or Timeframes**

Given Council's financial situation, it is imperative that a resolution be made to allow Council to commence the required processes so that these assets can be liquidated promptly. Should Council resolve to sell these sites, then a competitive quotation process for valuers and real estate agents would commence, with an intent to progress all sites to market before the end of the calendar year, or as soon as practicable.

**Attachments**

- 1    Property Plans    [Click here for Attachment](#)    D14582287



**Item No:** 4.12  
**Title:** Proposed reclassification, rezoning and sale of Council Assets (Tranche 3)  
**Department:** Corporate Affairs

---

27 April 2021 Ordinary Council Meeting

Reference: F2004/09073 - D14567268  
Author: Joe O'Connor, Property Development Manager  
Manager: Jamie Barclay, Unit Manager Development and Property  
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

### **Report purpose**

For Council to consider the classification and sale of Council properties including the preparation of planning proposals as required for rezoning.

### **Executive Summary**

Council's Business Recovery Plan required a review of Council's property assets which could be disposed of to assist with its financial position. This report provides an additional group of properties which are surplus to Council's current and future needs.

This report is the second of three reports regarding Council's asset disposal program. This report is seeking a resolution to reclassify surplus Council land from community to operational and for Council to prepare a planning proposal to rezone the surplus land prior to sale.

This report recommends that Council authorise the reclassification of Council land from community to operational, and to prepare a planning proposal to lodge with Council to rezone as appropriate and sell these properties.

### **Corporate Affairs Recommendation**

- 1 *That Council resolve to reclassify the following land from community to operational land, and that Council prepare the planning proposals to lodge with Council to rezone as appropriate and sell for not less than market value as determined by an independent valuer;*
  - i. *7 Angler Street, Woy Woy (Lot 89 DP6213)*
  - ii. *9 Angler Street, Woy Woy (Lot 88 DP6213)*
  - iii. *83-85 Brisbane Avenue, Umina (Lot 195 DP 9894)*
  - iv. *85 Brisbane Avenue, Umina (Lot 196 DP 9894)*

- v. 1-3 Fassifern Street, Ettalong Beach (Lot 121 DP 1179469)
- vi. 40A George Street, East Gosford (Lot 1 DP996535)
- vii. 6 Ithome Street, Wyong (Lot 4 DP614523)
- viii. 336-350 Terrigal Drive, Terrigal (Lot 10 DP 1187594)
- ix. 191 Wallarah Road, Kanwal (Lot 21 DP 813270)
- x. 48W Wallarah Road, Kanwal (Lot 2 DP733448)
- xi. 4 Wilson Road, Terrigal (Lot 2 DP 630641)
- xii. 2-4 Park Road, The Entrance (Part Lot 1 DP 180642)
- xiii. 2-4 Park Road, The Entrance (Part Lot 1 DP 406038)

2 That Council authorise the Chief Executive Officer to finalise the terms of sale.

### **Background**

Council adopted the Business Recovery Plan on 19 October 2020 in order to commence actions which would support the ongoing sustainability of Council and the services it provides to the community. One area identified has been the sale of Council's land assets which are surplus to need and could be sold. On 30 November 2020 the first group of properties were identified and have been since put on the market for sale. To provide further oversight of the land sales program, it was also resolved at this meeting to develop a Property Advisory Committee. This Committee has been established and has reviewed the assets included within this report.

### **Current Status**

The ongoing due diligence process includes:

- reviewing these sites against Council resolutions and historical records;
- ensuring Council retains ownership of land that is needed for its current and future service delivery,
- ensuring that any sale would not contravene legislative requirements, such as land that had been dedicated to Council,
- consultation with internal and external stakeholders affected by the disposal of these assets, and;
- consultation and discussion with the Property Advisory Committee.

## **Report**

Attachment 1 provides a property plan of each land parcel proposed for reclassification, rezoning and sale.

## **Consultation**

This group of properties has been discussed and considered by the Property Advisory Committee on 30 March 2021 and their recommendations have been incorporated. Further, the list has been discussed with Council's Chief Operation Officer on 7 April 2021.

## **Financial Considerations**

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

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

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

Should Council resolve to sell these sites, then a budget allocation of \$340,000 may be required for transaction costs associated with putting these sites on the market. The sale proceeds from Tranche 3 will provide council with a multi-million dollar return on expenditure as the sale proceeds will far exceed the costs associated with the disposal of these properties.

The following budget allocations have been considered:

Market Valuations \$60,000: to engage valuer(s) to obtain market valuations against all sites. This figure has been obtained from recent quotes against similar properties, which are in the order of between \$3,500 – \$10,500 per property depending on the size and complexity.

Legal Fees / Conveyancing \$40,000: for legal and any disbursements associated with the preparation of sale's contracts. It has been considered that it would be more cost effective to outsource these works to Council's legal panel. Costs include title searches, disbursements, preparation of contracts, contract negotiation, and execution / attend settlement of contracts, with a range of between \$1,500-\$4,500 per contract. In preparing some of the sites for sale, it will also be necessary to register easements and prepare plans of subdivision which may also require surveyor fees included in this allowance.

Reclassification/Planning Proposals \$80,000: to facilitate four planning proposals (includes staff time, public hearing, consultant facilitator and heritage expert).

## 4.12 Proposed reclassification, rezoning and sale of Council Assets (Tranche 3) (contd)

---

Marketing \$160,000: includes advertising and marketing material, aerial photography, information memorandum, signage, social media and sundry costs (between \$10,000 - \$15,000 per contract). Real estate agent's commissions will be payable upon completion of the contract and these will be deducted from the sales price achieved. Commissions have not been included in this allowance.

This budget is reasonable given the complexity of some of the sites which may require considerable work in preparing these sites for sale.

The costs will be funded out of Council's asset disposal budget in the 2020/21 and 2021/22 Financial years.

### 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

There are various risks involved with the liquidation of these assets. Some of these include:

- Public perception – although these sites are operational land, there is reputational risk in the perceived loss of community land. This can be managed through transparent engagement and communication with the community;
- Opportunity Cost – while these sites have been identified as surplus to Council's need, there is the possibility that these sites could be redeployed for other uses and represent an opportunity cost to Council. These opportunities have been considered and reviewed within the analysis of these sites.

### Options

#### Option 1

That Council reclassify the Land and proceed to sell the Land for not less than an independent market valuation to the Plaza. **This is the preferred option.**

#### Option 2

That Council do not reclassify or sell the Land. This is not the preferred option.

Option 3

That Council authorises the reclassification, rezoning and selling of some but not all the nominated sites. In this instance, Council would need to find additional opportunities to assist with its financial recovery.

**Critical Dates or Timeframes**

Given Council's financial situation, it is imperative that a resolution be made to allow Council to commence the required processes so that these assets can be liquidated promptly. Should Council resolve to sell these sites, then a competitive quotation process for valuers and real estate agents would commence, with an intent to progress all sites to market before the end of the calendar year, or as soon as practicable.

**Attachments**

- 1 Property Plans [Click here for Attachment](#) D14582253



**Item No:** 4.13  
**Title:** Proposed reclassification and sale of Council Assets (Tranche 3)  
**Department:** Corporate Affairs

---

27 April 2021 Ordinary Council Meeting

Reference: F2004/09073 - D14544359  
Author: Joe O'Connor, Property Development Manager  
Manager: Jamie Barclay, Unit Manager Development and Property  
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

### **Report purpose**

For Council to consider the reclassification and sale of Council properties.

### **Executive Summary**

Council's Business Recovery Plan required a review of Council's property assets which could be disposed of to assist with its financial position. This report provides an additional group of properties which are surplus to Council's current and future needs.

This report is the final of the three reports regarding Council's asset disposal program. This report is seeking a resolution to reclassify surplus Council owned land from community to operational prior to selling the land.

This report recommends that Council authorise the reclassification and sale of these properties.

---

### **Corporate Affairs Recommendation**

- 1 *That Council resolve to reclassify the following land from community to operational land and sell for not less than market value as determined by an independent valuer;*
  - i. *9 Berrys Head Road, Narara (Lot 2 DP 1025043)*
  - ii. *75 Bungary Road, Norah Head (Lot 1 DP 860696)*  
*75 Bungary Road, Norah Head (Lot 5 Sec 24 P 758779)*
  - iii. *43A Ulana Avenue, Halekulani (Lot 2 DP 218406)*
  - iv. *10W Woodcutters Road, Bensville (Lot 32 DP 1044070)*
- 2 *That Council resolve to reclassify the following land for not less than market value as determined by an independent valuer, noting that they have been identified as affordable*



*housing sites and may be sold or used subject to the Council Affordable Housing (CAHL) proposal;*

- i. 9 Yaralla Road, Toukley (Lot 76 DP 20493)*  
*11 Yaralla Road, Toukley (Lot 77 DP 20493)*  
*13 Yaralla Road, Toukley (Lot 78 DP 20493)*  
*15 Yaralla Road, Toukley (Lot 79 DP 20493)*

*3 That Council authorise the Chief Executive Officer to finalise the terms of sale.*

### **Background**

Council adopted the Business Recovery Plan on 19 October 2020 in order to commence actions which would support the ongoing sustainability of Council and the services it provides to the community. One area identified has been the sale of Council's land assets which are surplus to need and could be sold. On 30 November 2020 the first group of properties were identified and have been since put on the market for sale. To provide further oversight of the land sales program, it was also resolved at this meeting to develop a Property Advisory Committee. This Committee has been developed and has reviewed the assets included within this report.

### **Current Status**

The ongoing due diligence process includes:

- reviewing these sites against Council resolutions and historical records;
- ensuring Council retains ownership of land that is needed for its current and future service delivery,
- ensuring that any sale would not contravene legislative requirements, such as land that had been dedicated to Council,
- consultation with internal and external stakeholders affected by the disposal of these assets, and;
- consultation and discussion with the Property Advisory Committee.

### **Report**

Attachment 1 provides a further group of Council land being considered within this report.

### **Consultation**

This group of properties has been discussed and considered by the Property Advisory Committee on 30 March 2021 and their recommendations have been incorporated. Further, the list has been discussed with Council's Chief Operation Officer on 7 April 2021.

**Financial Considerations**

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

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

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

Should Council resolve to sell these sites, then a budget allocation of \$100,000 may be required for transaction costs associated with putting these sites on the market. The sale proceeds from Tranche 3 will provide council with a multi-million dollar return on expenditure as the sale proceeds will far exceed the costs associated with the disposal of these properties.

The following budget allocations have been considered:

Market Valuations \$20,000: to engage valuer(s) to obtain market valuations against all sites. This figure has been obtained from recent quotes against similar properties, which are in the order of between \$3,500 – \$10,500 per property depending on the size and complexity.

Legal Fees / Conveyancing \$10,000: for legal and any disbursements associated with the preparation of sale's contracts. It has been considered that it would be more cost effective to outsource these works to Council's legal panel. Costs include title searches, disbursements, preparation of contracts, contract negotiation, and execution / attend settlement of contracts, with a range of between \$1,500-4,500 per contract. In preparing some of the sites for sale, it will also be necessary to register easements and prepare plans of subdivision which may also require surveyor fees included in this allowance.

Marketing \$70,000: includes advertising and marketing material, aerial photography, information memorandum, signage, social media and sundry costs (between \$10,000 – 15,000 per contract). Real estate agent's commissions will be payable upon completion of the contract and these will be deducted from the sales price achieved. Commissions have not been included in this allowance.

This budget is reasonable given the complexity of some of the sites which may require considerable work in preparing these sites for sale.

The required budget will be funded out of Council's asset disposal budget in the 2020/21 and 2021/22 financial years.

## **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**

There are various risks involved with the liquidation of these assets. Some of these include:

- Public perception – although these sites are operational land, there is reputational risk in the perceived loss of community land. This can be managed through transparent engagement and communication with the community;
- Opportunity Cost – while these sites have been identified as surplus to Council's need, there is the possibility that these sites could be redeployed for other uses and represent an opportunity cost to Council. These opportunities have been considered and reviewed within the analysis of these sites.

### **Options**

#### **Option 1**

That Council reclassify the Land and proceed to sell the Land for not less than an independent market valuation to the Plaza. **This is the preferred option.**

#### **Option 2**

That Council do not reclassify or sell the Land. This is not the preferred option.

#### **Option 3**

That Council authorises the sale of some but not all the nominated sites. In this instance, Council would need to find additional opportunities to assist with its financial recovery.

### **Critical Dates or Timeframes**

Given Council's financial situation, it is imperative that a resolution be made to allow Council to commence the required processes so that these assets can be liquidated promptly. Should Council resolve to sell these sites, then a competitive quotation process for valuers and real estate agents would commence, with an intent to progress all sites to market before the end of the calendar year, or as soon as practicable.

**Attachments**

- 1**   Property Plans   [Click here for Attachment](#)   D14582306

**Item No:** 4.14  
**Title:** Proposed agreement for lease NG Central School  
**Department:** Corporate Affairs

---



27 April 2021 Ordinary Council Meeting

Reference: F2020/03104 - D14586543  
Author: Joe O'Connor, Property Development Manager  
Manager: Jamie Barclay, Unit Manager Development and Property  
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

### **Report purpose**

For Council to consider an agreement for lease with the Ngaruki Gulgul School (NG Central School, the School) over part of Warnervale Education and Business Precinct (the Precinct).

### **Executive Summary**

Council has received a proposal from NG Central School to undertake a lease over 1,000m<sup>2</sup> of suitably zoned land for the purposes of a School. It is proposed that Council enter a community lease for an area within the Warnervale Education and Business Precinct to the School. The School provides an essential service to the Coast community and it is recommended that Council support the School by resolving to enter into an agreement for lease with the School.

### **Corporate Affairs Recommendation**

- 1 *That Council resolve to enter into an agreement for lease of an area of 1,000m<sup>2</sup> with the Ngaruki Gulgul School, or associated company, within Part Lot 2 in DP1234942 (known as the Warnervale Education and Business Precinct, 30 Jack Grant Ave, Warnervale) to build an educational facility.*
- 2 *That Council authorise the Chief Executive Officer to execute all necessary documentation relevant to the Agreement for Lease and Lease with Ngaruki Gulgul School, or associated company, at Warnervale Education and Business Precinct.*

### **Background**

Established in 2014, the Ngaruki Gulgul (NG Central School) meaning 'standing strong' in Darkinjung language, are a registered and accredited special assistance, non-government school for years 9 to 12. The School provides pathways into trade or further vocational education and training across the horticulture, hospitality, retail, construction and automotive industries. They also help students who are experiencing financial, academic and or social barriers that limit their capacity to engage in their education.

**Current Status**

The proposed arrangement for lease to the School represents an appropriate use of the educational zoned land at Warnervale and would assist the School in serving the community. Given that the Precinct is yet to be subdivided and developed, Council could novate the lease to the purchaser or developer once the EOI for the Precinct has been completed.

**Financial Considerations**

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

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

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

It is not considered that there are any financial costs associated with this proposal.

**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**

There is minimal risk associated with this proposal, as the agreement for lease would ensure that there are no penalties should the proposal not proceed, however the agreement for lease would allow the School to commence any planning requirements. The lease would be developed in line with Council's relevant leasing policy.

**Options**

Option 1

That Council enter into an agreement for lease and a community lease with the NG Central School. **This is the preferred option.**

Option 2

That Council do not enter the agreement for lease and lease with NG Central School. This is not the preferred option.

**Critical Dates or Timeframes**

As the School is keen to commence planning for their educational facilities a Council resolution would allow them to make the necessary arrangements should Council agree to this proposal, or alternatively the School could seek an alternative location for their School.

**Attachments**

- 1 Proposed Lease Area [Click here for Attachment](#) D14587280

**Item No:** 4.15  
**Title:** Central Coast Aero Club  
**Department:** Corporate Affairs

---



27 April 2021 Ordinary Council Meeting

Reference: F2004/06700-002 - D14567351  
Author: Joe O'Connor, Property Development Manager  
Manager: Jamie Barclay, Unit Manager Development and Property  
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

### **Report purpose**

For Council to consider a land purchase or land swap with the Central Coast Aero Club (CCAC).

### **Executive Summary**

The Central Coast Aero Club own Lots 211 and 212 DP 812718, at 25 Jack Grant Ave (the Land). The terms of their licence with Council's Warnervale Airport, allow Council to exercise a call option such that Council can purchase the CCAC land. On 16 February 2021 the NSW Parliament passed the Warnervale Airport (Restrictions) Repeal Bill 2020 (the Bill) which removes the restrictions over the Warnervale Airport. The Bill requires that Council develop an operations plan for the development of the Airport. In order to achieve this, it is important that Council secure this land to be able to unlock the Airport land.

It is recommended that Council exercise its call option to either undertake a land swap or land purchase of the CCAC land at Lots 211 and 212 DP 812718, at 25 Jack Grant Ave, Warnervale.

### **Corporate Affairs Recommendation**

- 1 *That Council exercises its option to purchase Lots 211 and 212 DP 812718 at 25 Jack Grant, Warnervale and enters into a contract of sale with Central Coast Aero Club with a delayed settlement for 12 months.*
- 2 *That Council enters into a contract of sale to sell a proposed lot (within Lot 3 of DP1230740) of an equivalent area to Lots 211 and 212 DP812718 to the Central Coast Aero Club (refer to Attachment 1) for not less than a market valuation.*
- 3 *That Council enters into a contract of sale to undertake a land swap of an equivalent area of land with the Central Coast Aero Club between Lots 211 and 212 DP 812718 and 25 Jack Grant, Warnervale and the newly created lot (within Lot 3 DP 1230740, set out in Attachment 1).*



- 4 *That Council endorse the area (within Lot 3 DP 1230740, refer to Attachment 1) to be swapped with the Central Coast Aero Club and once the plan of subdivision (refer to Attachment 1) has been registered over the new lot, the contract of sale for both the land purchase for Lots 211 and 212 DP 812718 at 25 Jack Grant, Warnervale and the land sale (within Lot 3 DP 1230740, refer to Attachment 1) will be rescinded with no penalty, and the contract for the land swap will be entered into.*
- 5 *That Council enter into a licence agreement with the Central Coast Aero Club to access the Aircraft landing area and taxiways for not less than 45 years.*
- 6 *That Council enter into a licence agreement with the Central Coast Aero Club to occupy Lots 211 and 212 DP 812718, at 25 Jack Grant Ave Warnervale for a period of 2 years with a 2 year option to allow time for subdivision development approvals and construction of a new Central Coast Aero Club facility at the proposed new location (within Lot 3 DP 1230740, refer to Attachment 1).*
- 7 *That Council provides owners consent for the Central Coast Aero Club to lodge any approvals or other over the newly created lot.*
- 8 *That Council authorise the Chief Executive Officer to finalise the terms of sale.*
- 9 *That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 2 and 3 remain confidential in accordance with section 10A(2)(d)(i) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Council's ability to obtain value for money services for the Central Coast Community.*

### **Background**

In a separate report on the 13 April 2021 Ordinary Council meeting, Council has resolved on the creation of a draft masterplan for the development of the Central Coast Airport. The reorganisation of the CCAC's location is crucial to the logical arrangement of the masterplan. This potentiality was considered at the point at which the licence to the CCAC was executed. The recommendation allows for the development of the draft masterplan.

Refer to Attachment 1 which provides a proposed location of the land swap.

### **Current Status**

Council's Economic Development and Property Unit has met with the board members of the CCAC on 1 April 2021 to discuss this arrangement and the CCAC generally supports this proposal.

The development of Western Sydney Airport (Badgerys Creek) due to open in 2026 and its likely impact on Bankstown Airport (reduced or removed Sydney Basin training area) will make Central Coast Airport at Warnervale a very important asset for the region that will increase economic, employment and tourism opportunities.

The CCAC is currently experiencing strong growth and demand for hangar space with the increased popularity of general and light aviation.

### **Financial Considerations**

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

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

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

Council has available property restricted funds which it will utilise for the development of the initial stages of the works associated with the proposed land swap and Airport Masterplan.

Central to this proposal is the subdivision of Lot 3 DP 1230740 to create of a lot of an equivalent area to one currently owned by the CCAC. This subdivision application would need to address biodiversity, services, flooding, bushfire, aboriginal heritage and other planning considerations. The consultant fees associated with this application would be approximately \$170,000.

Once the subdivision application is approved Council would be able to extend services to the proposed lot, such as the continuation of the water and power from the current site of the CCAC and connecting sewer to either the sewer main near the proposed lot or alternatively construction of a septic tank system. These works would require a budget allocation of \$130,000.

### **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.

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

S-C3: Facilitate economic development to increase local employment opportunities and provide a range of jobs for all residents.

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

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

**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.

**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.

**Risk Management**

The recommended option would allow Council to methodically plan for the plan of management and the draft masterplan for the Central Coast Airport. This recommendation has been mitigated by ensuring that the swap only occurs in circumstances that are favourable to the development of the masterplan, and further that there are no financial penalties to Council should the proposal not proceed.

**Options**

**Option 1**

That Council exercise its call option to purchase the CCAC Land over Lots 211 and 212 DP 812718, at 25 Jack Grant Ave and enter a delayed settlement for 12 months.

The Council resolve to endorse an area to be swapped with the Aero Club and once the subdivision is registered, rescind the contract of sale of land at no penalty and enter a land swap agreement. **This is the preferred option.**

**Option 2**

That Council does not exercise its call option and maintains the existing arrangement with the CCAC.

**Critical Dates or Timeframes**

The CCAC's licence with Council expires on 1 August 2021 and in addition Council is required to resolve the operational plan for the Airport within the next three years. As such, it is important that Council makes a resolution so that the CCAC have security of tenure at the Central Coast Airport at Warnervale.

**Attachments**

- |          |  |   |            |
|----------|--|---|------------|
| <b>1</b> | Proposed Aero Club location  | <a href="#">Click here for Attachment</a> | D14582961  |
| <b>2</b> | Confidential - Valuation Report - 25 Jack Grant Avenue, Warnervale -   |   | D14589970  |
| <b>3</b> | Confidential - Legal Documents - Agreements - Licence Deed - Airport - Wyong Shire Council - Central Coast Aero Club Ltd - 25 Lot 211 212 DP 812718 Jack Grant Ave Warnervale - 31/3/2015 - 1/8/2021 - |   | LDOC009552 |

**Item No:** 4.16  
**Title:** Albany Street, Masterplanning and Private Partners  
**Department:** Corporate Affairs

---



27 April 2021 Ordinary Council Meeting

Reference: CPA/2646 - D14580299  
Author: Ben Brown, Property Development Manager  
Manager: Jamie Barclay, Unit Manager Development and Property  
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

### **Report Purpose**

For Council to consider the sale of the subject lots located at 219 Albany Street North Gosford after the appointment of a successful proponent to develop the lots via an Expressions of Interest process. The proponent will be required to demonstrate consideration and inclusion of the encumbrances and tenants prior to sale.

### **Executive Summary**

At the Ordinary Meeting of Council held on 30 November 2020, Council resolved:

- 1264/20 That a further report be provided regarding the following properties and any impacts with regard to environment and community concerns:
- a) 219b Albany Street North Gosford 2250 (Lot 203 DP 840680) 219c Albany Street North Gosford 2250 (Lot 204 DP 840680)
  - b) 219 Albany Street North Gosford 2250 (Lot 201 DP 840680), comprising Henry Wheeler Place (formerly Lots 7 & 10 DP 238231) and negotiating alternative arrangements for access and service easements with affected adjoining property owners.

Consideration of the land encumbrances, environmental and community concerns has determined that the sale of the subject properties would be premature without the appropriate level of due diligence being completed. Engaging with private partners via an EOI process to Masterplan the site will mitigate these concerns. Upon demonstration that the concerns have been appropriately dealt with, the sale process will commence.

### **Corporate Affairs Recommendation**

- 1 *That Council resolve to reclassify the following land from community to operational land.*
- a) *219 Albany Street North Gosford 2250 (Lot 201 DP 840680), comprising Henry Wheeler Place (formally Lots 7 & 10 DP 238231).*

- 2 *That Council issues an EOI requesting submissions from the market to experienced entities to develop the subject lots to a higher and better use.*
- 3 *That Council enters into a Memorandum of Understanding or equivalent enabling the successful proponent to exclusively hypothetically develop the site.*
- 4 *That the proponent demonstrates neither the environment or community has not been adversely affected by the proposed hypothetical development.*
- 5 *That Council sell the subject lots to the proponent after the proponent has demonstrated the inclusion of the current tenants into any new development proposal.*
- 6 *That Council sell the subject lots to the proponent after the proponent has demonstrated the following in relation to the current easements:*
  - (a) *That any lots benefiting from any easement over Lot 201 are not adversely affected by the hypothetical development; or*
  - (b) *That the proponent has negotiated with any Owners benefiting from the easements, the modification or extinguishment thereof.*
- 7 *That Council sell the subject lots at market value after adjustment to take into consideration the current tenants' reduced rental effect on sale value.*

## **Background**

The subject properties were removed from Tranche 1 of the land sale process due to environmental and community concerns.

Due to the numerous encumbrances affecting site, Council believes the optimal outcomes to all affected parties will involve a private entity to hypothetically develop the site with consideration to the current encumbrances in any future development.

## **Report**

Attachment 1 provides a summary of the parcel information for the subject lots.

Numerous encumbrances hinder the land and therefore considerations include:

- Community;
- Environmental;
- Legal;
- Design; and
- Valuation.

It is difficult to analyse all the above considerations without knowledge of the end user, their proposed design and how the considerations can be successfully incorporated into their proposal.

It would be premature for Council to sell the lots without consideration of these encumbrances. Furthermore, valuing a site with the potential of a higher and better use design is difficult and the resultant sale value will reflect a comparable sales value of similar lots until the encumbrances are resolved.

Therefore, Council is proposing to issue an EOI inviting prospective proponents to masterplan the site with consideration to the encumbrances on site. Upon the proponent successfully demonstrating the elimination or incorporation of the site encumbrances, Council will be able to exclusively sell the subject lots to the proponent.

### **Consultation**

Due to the numerous encumbrances burdening the subject lots, Council consulted with the following disciplines:

#### *Legal*

- Internal legal consultation has determined that two lots (Lot 201 DP 840680), comprising Henry Wheeler Place (formerly Lots 7 & 10 DP 238231 may require reclassification to Operational Land.
- 88B instrument outlines the Lots burdened and benefiting from easements.

#### *Bushfire*

- Travers Bushfire & Ecology has outlined the bushfire constraints and building setbacks required from the flame zone.

#### *Ecology*

- Conacher Consulting has outlined the Bio credits required to remove any bushland to accommodate any proposal. No threatened species or threatened ecological communities were observed within the site during surveys.

#### *Town Planning*

- Barker Ryan Steward has provided planning advice.

### **Financial Considerations**

The recommended course of action is to transfer the financial risk and cost of further developing the site to a proponent to achieve an optimal sale value. The course of action is

to invite skilled proponents to develop the lots with consideration of the encumbrances for an optimal outcome to all stakeholders.

The Expressions of interest will be funded out of Council asset disposal budget.

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

Theme 2: Smart

### **Goal D: A place of opportunity for people**

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

### **Risk Management**

Council is proposing to reduce its risk exposure by issuing an EOI to the market for a proponent to develop the site and thereafter sell. The successful proponent will be able to demonstrate an understanding of the encumbrances and how their design will incorporate and/or mitigate these. It will be expected the proponent will construct after sale.

### **Options**

The following options are available:

#### **Option 1**

That Council proceeds with issuing an EOI and thereafter appointing a successful proponent to develop the site with an eventual sale. **This is the preferred option.**

#### **Option 2**

That Council develops the site utilizing its own resources.

### **Critical Dates or Timeframes**

Issuing an EOI and engaging with a successful proponent to hypothetically develop the subject properties will take several months. Upon resolution Council will prepare the EOI and issue to the market.

### **Attachments**

- 1 Parcel Information [Click here for Attachment](#) D14580116



**Item No:** 4.17  
**Title:** Gosford Waterfront Renewal Framework  
**Department:** Corporate Affairs

---



27 April 2021 Ordinary Council Meeting

Reference: CPA/3261 - D14580680  
Author: Ben Brown, Property Development Manager  
Manager: Jamie Barclay, Unit Manager Development and Property  
Executive: Natalia Cowley, Director, Corporate Affairs

### **Report Purpose**

To consider progression of the proposed Waterfront Renewal Framework for the Gosford Waterfront ensuring the execution and delivery of various opportunities which have been identified in previous proposals and current local and state government documents. It is further proposed Council leads this initiative, engaging with relevant stakeholders throughout the project's progression.

### **Executive Summary**

At the Ordinary Meeting of Council held on 23rd November 2020, Council resolved:

- 1113/20 *That Council receives the report on Response to Notice of Motion, 27 April 2020 – Gosford Waterfront Marina.*
- 1114/20 *That Council, in relation to Council's resolution of 27 April 2020 (353/20), resolve that the Chief Executive Officer undertake the following:*
- a provide progress reports to the Gosford CBD and Waterfront Committee regarding the adopted Interim Local Strategic Planning Statement and Somersby to Erina Corridor Strategy as they relate to the Gosford City Centre and Gosford Waterfront Precinct; and*
  - b work with the Greater Sydney Commission to explore opportunities for the Gosford Waterfront Precinct.*

Following the above resolution, the Greater Sydney Commission has not identified the Gosford Waterfront as an initial area of focus. The Gosford Waterfront remains a critical component of the Gosford CBD and its renewal is key to its revitalisation. This report seeks resolution to adopt the proposed Waterfront Renewal Framework. It is further proposed that Council lead this renewal initiative guided by the Waterfront Renewal Framework.

**Corporate Affairs Recommendation**

- 1 *That Council adopt the proposed Waterfront Renewal Framework for the Gosford Waterfront, ensuring the execution and delivery of various opportunities which have been identified in previous proposals and current local and state government documents.*
- 2 *That Council leads this development renewal initiative via the Gateway phases as outlined in the Waterfront Renewal Framework.*
- 3 *That the Chief Executive Officer engages with relevant stakeholders such as the Greater Sydney Commission, Government Departments and other relevant stakeholders.*
- 4 *That Council negotiates where applicable any aboriginal land claims or crown land leases or licences.*
- 5 *That Council, based on previous Masterplans, prepares three options for renewal of the Gosford Waterfront accompanied by further financial assessment to assure proof of concept. This would occur in consultation with relevant specialist consultants outlined in this report.*
- 6 *That Council stage the execution and delivery of those various opportunities that have been identified in previous proposals and current local and state government documents to achieve optimal development outcomes.*
- 7 *That Council, based on the preferred option, lodge a Planning Proposal to amend the SEPP zoning categorisation which will amend the current land use, permitted building heights and FSR.*
- 8 *That Council issues an Expression of Interest to private partners, exploring potential development sites along the Waterfront once a detailed business case has been completed.*
- 9 *That Council award an Expression of Interest to a private partner to execute and deliver those development sites that have been identified as part of the detailed business case.*

**Background**

Council has undertaken preliminary due diligence regarding previous proposals which explored opportunities for the Gosford Waterfront including a summary of the constraints and issues. Refer to Attachment 1, *Briefing note*.

The Greater Sydney Commission has not identified the Gosford Waterfront as an initial focus area. Council therefore proposes to lead the execution and delivery of those opportunities identified for the Waterfront ensuring its future renewal is undertaken in a

methodical and systematic manner as outlined in the proposed Waterfront Renewal Framework.

### **Report**

Over the last 30 years, many proposals and strategies have been undertaken and unsolicited proposals received, identifying potential opportunities for the Gosford Waterfront. These proposals have been difficult to progress, for various reasons and additionally it has been challenging to deliver any proposal along the Waterfront. Recognising the potential of the Waterfront and facilitating its renewal is important to continuing the revitalisation of the Gosford City Centre.

Several local and state government documents have identified the Gosford Waterfront as having significant potential as a regional attractor and key public open space associated with the Gosford City Centre. These include:

- Urban Design Framework (UDF);
- Interim Local Strategic Planning Statement (LSPS);
- Economic Development Strategy;
- Somersby to Erina Growth Corridor (Southern Growth Corridor);
- Gosford City Centre Development Control Plan (DCP);
- GSC- Central Coast Strategy.

Refer to Attachment 2 '*Gosford Waterfront Studies & Strategies*' which provides a review of the Government documents and Waterfront opportunities outlined within.

All the above-mentioned documents have explored and identified likeminded opportunities for the Gosford Waterfront. The challenge is how to facilitate their delivery. Attachment 3 '*Gosford Urban Design Study Analysis*' visually depicts the constraints and opportunities for the Waterfront.

A concise framework is required to ensure the execution and delivery of those opportunities identified in the afore mentioned documents. As such, Council proposes the adoption of a *Waterfront Renewal Framework* as outlined in Attachment 4. Importantly, this framework aligns with the NSW Government's Urban Development Framework UDF which will ensure collaboration between the various State Government agencies as we progress with the framework's gateways.

### **Consultation**

The UDF is the most comprehensive public consultation to date. Moving forward, the UDFs public consultation findings will be utilized in any future Masterplan design progression.

Further public consultation will be undertaken as part of the finalization of the preferred Masterplan option.

**Financial Considerations**

The intent of the proposed Waterfront Renewal Framework is to follow a clear and concise systematic procedure to reduce financial risk exposure.

Where possible, Council intends to use internal resources to ensure the execution and delivery of various opportunities which have been identified in previous proposals for the Waterfront. These resources include:

- Property Development Manager
- Architectural Designers x 2
- Senior Urban Designer
- Strategic Planner

Several external consultants will be required to be engaged to confirm proof of concept. These consultants include but are not limited to:

- Surveyor;
- Town Planner;
- Flood Engineer;
- Traffic Engineer;
- Quantity Surveyor;
- Land Economist.

The collective cost of planning to the point of issuing the EOI to private partners is estimated at approximately \$140,000.

Council has available restricted development funds which it will utilise for the consultants costs to develop the renewal framework.

**Link to Community Strategic Plan**

Theme 2: Smart

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

S-C2: Revitalise Gosford City Centre, Gosford Waterfront and town centres as key destinations and attractors for business, local residents, visitors and tourists.

**Risk Management**

The Waterfront Renewal Framework will advocate sound financial analysis of various design options to understand the following:

- Council's future financial and liability exposure;

#### 4.17 Gosford Waterfront Renewal Framework (contd)

---

- Required private investment;
- Required State Government investment and involvement.

Engagement of key consultants will ensure proof of concept prior to movement to subsequent project gateways.

#### Options

The following options are available:

##### Option 1

That Council proceeds with a Council lead Waterfront Renewal Framework as outlined. **This is the preferred option.**

##### Option 2

That Council awaits State Government intervention.

#### Critical Dates or Timeframes

Council intends to develop various options including due diligence and financial analysis by 31 October 2021.

#### Attachments

1	Briefing Note - Gosford Waterfront	<a href="#">Click here for Attachment</a>	D14580685
2	Gosford Waterfront Studies and Strategies Summary	<a href="#">Click here for Attachment</a>	D14580691
3	Gosford Waterfront Urban Design Study Analysis	<a href="#">Click here for Attachment</a>	D14580699
4	Gosford Waterfront Development Framework	<a href="#">Click here for Attachment</a>	D14580700



**Item No:** 4.18  
**Title:** Central Coast Stadium- Rezoning and  
Reclassification  
**Department:** Corporate Affairs

---

27 April 2021 Ordinary Council Meeting

Reference: CPA/3261 - D14580070  
Author: Ben Brown, Property Development Manager  
Manager: Jamie Barclay, Unit Manager Development and Property  
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

### **Report Purpose**

For Council to consider submitting an application to rezone the Central Coast Stadium to an appropriate B3, B4, or B6 zone or a mixed zoning thereof as defined in the Gosford SEPP and reclassify the land to an Operational classification which will enable greater opportunities as defined in the Stadium Implementation Plan.

### **Executive Summary**

At the Ordinary Meeting of Council held on 23 March 2021 resolved:

*83/21 That Council adopt the Stadium Implementation Plan and make it available on Council's website.*

The Central Coast Stadium's potential is limited by its current zoning (RE1) and land classification (Community). Rezoning and reclassification of the Stadium site will allow complementary uses at the Stadium site and allow greater flexibility in any adopted Masterplan design.

### **Corporate Affairs Recommendation**

- 1 That Council prepare a planning proposal to lodge with Council to rezone Lots 1 and 2 of DP101876 from its current RE1 zoning to an appropriate B3, B4 or B6 Zone as defined in the Gosford SEPP.*
- 2 That Council reclassify the site from its current classification of Community 'Sportsground' to Operational.*

### **Background**

The Central Coast Stadium site is currently zoned RE1 with a land classification of Community 'Sportsground'. This is a major hindrance towards the Stadium site's development opportunities and overall ability to activate the precinct.

Several opportunities within the overall Central Coast Stadium site are shown in Attachment 1 and outlined below.

*1 Lot 2 DP 1011876*

- a) Stadium Proper- Ongoing upgrades and modifications;
- b) Eastern Area- Dane Drive retail activation under the eastern grandstand;
- c) Western Area- The grassed area is underutilised and presents as a site to be developed to a higher and better use.

*2 Lot 1 DP101876*

- d) Northern Area- currently leased to the Gosford Bowling Club and is a key site which could be developed to a higher and better use.

Within the Implementation Plan, a Masterplan of the Stadium site is scheduled to be completed by December 2021. Key to any adopted Masterplan will be appropriate zonings and land classification which will enable greater precinct activation and connectivity to the city centre and waterfront.

**Report**

Council is focused in developing a refreshed plan for the Stadium to ensure it meets the community's and hirer's needs for major event facilities, supports the activation of the Stadium precinct, on a sound financial basis for Council.

Strategic Priorities found within the Implementation Plan for the Stadium includes Strategic Priority 3 'Precinct', which focuses on:

- Enhancing how the Stadium and its patrons engage with the broader precinct;
- Increased patron stay and spending.

Key to achieving the goals of Strategic Priority 3 'Precinct', is to develop a precinct masterplan. It is expected the adopted Masterplan will lead to greater community, economic and financial impacts of events held at the Stadium, to both the Stadium and surrounding businesses.

It is intended that Council will develop the scope of the masterplan, including considerations (at a minimum) of:

- Connectivity to transport links, CBD and local businesses;
- Engagement with Brisbane Waters and Leagues Parks;
- Parking;

- Non- event day activation.

The existing RE1 zoning is a major hindrance to the stadium's potential as it limits the potential for the stadium's further development. Furthermore, the current land classification of Community 'Sportsground' requires modifications to allow additional uses, such as the proposed Dane Drive Retail activation. These modifications can involve a timely process modifying the existing Plan of Management.

Council will need to prepare a planning proposal to amend the LEP and change the zoning And reclassify the Stadium land which will allow complementary uses at the Stadium site and allow greater flexibility in any adopted Masterplan design.

### **Consultation**

Public consultation and findings from the Draft Central Coast Stadium Strategy has concluded.

### **Financial Considerations**

The fees associated with LEP modification and the preparation of the Planning Proposal will be covered by the Economic development and Property stadium consultants' budget in the current financial year and in the 2021/22 financial year.

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

Theme 2: Smart

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

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

### **Risk Management**

Council will be reviewing other Stadium sites in similar sized cities to determine the most appropriate rezoning.

### **Options**

Option 1

That Council proceeds with Rezoning and Reclassifying the Stadium as outlined. **This is the preferred option.**



Option 2

That Council makes no modifications to the current zoning or land classification which will limit that Stadium's Masterplanning potential.

**Critical Dates or Timeframes**

Finalisation of a Masterplan by December 2021 which will align with the objectives within the implementation plan.

**Attachments**

- 1 Stadium Legend [Click here for Attachment](#) D14580033



**Item No:** 5.1  
**Title:** Exhibition of the draft Operational Plan 2021-22  
**Department:** Environment and Planning

---

27 April 2021 Ordinary Council Meeting

Reference: F2021/00508 - D14562145  
Author: Sharon McLaren, Section Manager, Corporate Planning and Reporting  
Mellissa McKee, Financial Controller  
Michelle Best, Financial Controller  
Melissa McCulloch, Acting Section Manager Financial Services  
Manager: Peter Correy, Unit Manager, Finance  
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer  
Scott Cox, Director Environment and Planning

### **Report purpose**

The purpose of this report is to recommend that the draft Operational Plan 2021-2022, including the proposed Fees and Charges, as presented in Attachments 1 and 2, is publicly exhibited for a period of 28 days.

### **Executive Summary**

In accordance with the *Local Government Act 1993* and *Local Government (General) Regulations 2005* Council is required to develop an Operational Plan before the commencement of each financial year and publicly exhibit that plan for a period of no less than 28 days.

The draft Operational Plan for the 2021-2022 financial year is the final year of the Delivery Program (2018-2019 to 2021-2022) and has been prepared in accordance with the above legislation. It includes:

- Operational actions and indicators that Council intends to carry out in the 2021-2022 financial year and a four year capital works program. This is linked to the Community Strategic Plan (CSP)
- Financial information, including the Long Term Financial Plan, operational and capital income and expenditure, Statement of Revenue, proposed rates, and the Fees and Charges (under separate cover) planned for 2021-2022.

In summary, based on Council's preferred scenario of a 15% Special Rate Variation, it is proposed that in 2021-2022 Council will receive \$666.8M in operational revenue and spend \$659.8M on services and operational costs, which results in a modest surplus of \$7.0M (excluding capital grants and contributions) – which will be allocated towards the repayment of the restricted reserves debt. This includes the delivery of over 70 projects, actions and indicators, including:

- Adoption and implementation of the Disability Inclusion Action Plan
- Continued lifeguard services at patrolled beaches
- Implementation of priority actions from the Biodiversity Strategy
- Supporting the Local Government elections and effective induction of Councillors
- Review of the Community Strategic Plan and development of a new Delivery Program (2022-2023 to 2024-2025), Operational Plan 2022-2023, and Resourcing Strategy (Long Term Financial Plan, Workforce Management Strategy and Asset Management Strategy)
- Consolidation of the 7.11 Contribution Plans, with commencement of Phase 3
- Continued service delivery at libraries, with an annual target of 530,000 visits and 100,000 loans.

It is also proposed that \$173.5M will be spent on capital works projects, with a focus on depreciation and maintaining Council's existing infrastructure. This includes over 350 capital works projects in 2021-2022, with the draft Operational Plan 2021-2022 also including details of capital works projects for the following three years.

The draft Operational Plan and proposed Fees and Charges for the 2021-2022 financial year is presented in Attachments 1 and 2 and is now ready to be placed on public exhibition for community review. This report seeks the endorsement of this.

### **Environment and Planning Recommendation**

- 1 *That Council endorse the draft Operational Plan (Attachment 1), including Fees and Charges (Attachment 2), for the 2021-2022 financial year for the purposes of public exhibition from Thursday 29 April to Wednesday 26 May 2021 and invite public submissions in accordance with the Local Government Act 1993.*
- 2 *That Council give public notice of the draft Operational Plan 2021-2022, including Fees and Charges, in accordance with s.405(3) of the Local Government Act 1993, and publicly exhibit that draft Operational Plan 2021-2022 in accordance with that public notice.*
- 3 *That Council resolve, for the purpose of s. 405(4) of the Local Government Act 1993, that maps showing the parts of the Central Coast local government area to which each category and sub-category of ordinary and special rates proposed in the draft Operational Plan 2021-2022 be made available in Council's Gosford and Wyong Administration Offices.*
- 4 *That Council consider submissions and final adoption of the draft Operational Plan 2021-2022, including Fees and Charges, at a meeting of the Council on 28 June 2021.*

**Background**

Prior to adopting an Operational Plan for the 2021-2022 financial year Council is required to publicly exhibit its draft Operational Plan and in accordance with the following sections and sub-sections of the *Local Government Act 1993*, it must:

- Sub-section 405 (3) - give public notice of the draft Operational Plan 2021-2022, advising that submissions may be made to Council for a period of no less than 28 days
- Sub-section 405 (3) - publicly exhibit the draft Operational Plan 2021-2022 in accordance with that notice
- Section 405(4) - make available for inspection at an office of the Council a map of the Central Coast Local Government Area that shows those parts of that area to which each category and sub-category of the ordinary rate and each special rate included in the draft Operational Plan applies.

**Current Status**

The draft Operational Plan for the 2021-2022 financial year has been prepared in accordance with the *Local Government Act 1993* and *Local Government (General) Regulation 2005* and responds to Council's financial situation, with the need to repay restricted funds and return to financial sustainability. The draft Operational Plan 2021-2022 includes the proposed income and expenditure, with details of the projects, actions and indicators that will be carried out in 2021-2022 based on the available budget.

It is now recommended that the draft Operational Plan 2021-2022 (Attachment 1), including the proposed Fees and Charges (Attachment 2), be placed on public exhibition from Thursday 29 April 2021 to Wednesday 26 May 2021.

**Report**

The draft Operational Plan 2021-2022 (Attachment 1) is comprised of the following:

- Introduction – this includes information about the Local Government Area, the organisation and other information that is necessary when reading the document, such as the Community Strategic Plan (CSP) framework and details about the financial situation.
- Operational Plan – this includes the priorities from the Delivery Program, and the Operational Plan actions and indicators proposed for 2021-2022 that are aligned to the CSP
- Financial Information – includes the financial overview for 2021-2022, the operating and capital income and expenditure, and the four year capital works program
- Long Term Financial Plan (LTFP) – includes assumptions and 10 year forecasting based on those assumptions
- Statement of Revenue – details the proposed rates and annual charges for 2021-2022
- Fees and Charges (Attachment 2) – details the proposed fees and charges for 2021-2022

### Consultation

It is proposed that the draft Operational Plan 2021-2022 (Attachment 1) and the proposed Fees and Charges (Attachment 2) are publicly exhibited from Thursday 29 April to Wednesday 26 May 2021. During this time the documents will be available online at [www.yourvoiceourcoast.com.au](http://www.yourvoiceourcoast.com.au) or at Council's Gosford and Wyong administration buildings.

Members of the community may make a submission by writing via:

Post: PO Box 21, Gosford NSW 2250; or  
PO Box 20, Wyong NSW 2259

Email: [ask@centralcoast.nsw.gov.au](mailto:ask@centralcoast.nsw.gov.au)

Online at: [www.yourvoiceourcoast.com](http://www.yourvoiceourcoast.com)

### Financial Considerations

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

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

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

The draft Operational Plan details the financial income and expenditure for the 2021-2022 financial year and projected financial forecasts till the 2030-2031 financial year. Where relevant the financial information includes the following scenarios:

- **Scenario 1:** A one-off 15% permanent increase (inclusive of 2% standard rate peg and 13% SRV) that would be applied in 2021-2022. If approved this will ensure an additional \$22.9M in income.
- **Scenario 2:** Standard rate peg (no rate rise). As per IPARTs SRV application requirements, this would mean 2% increase in 2021-2022 and 2.5% in 2022-2023.

The table below is an extract from the draft Operational Plan 2021-2022 and provides a summary of the proposed budget of Council for 2021-2022 and the following three financial years. This is based on Council's preferred scenario of a 15% SRV (NB: figures are subject to rounding).

## 5.1 Exhibition of the draft Operational Plan 2021-22 (contd)

Financial Summary	2021-2022	2022-2023	2023-2024	2024-2025
	\$ million	\$ million	\$ million	\$ million
Operating Income	666,792	693,922	701,290	708,798
Operating Expenditure	659,748	670,467	681,300	692,250
<b>Net Operating Result (excluding Capital Grants and Contributions)</b>	<b>7,043</b>	<b>23,456</b>	<b>19,990</b>	<b>16,548</b>
Capital Grants and Contributions	42,890	42,722	42,529	42,872
<b>Net Operating Result (including Capital Grant and Contributions)</b>	<b>49,934</b>	<b>66,178</b>	<b>62,519</b>	<b>59,420</b>
<b>Capital Works Program</b>	<b>173,547</b>	<b>182,606</b>	<b>188,106</b>	<b>193,606</b>

### Link to Community Strategic Plan

Theme 4: Responsible

### Goal G: Good governance and great partnerships

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

### Risk Management

The exhibition timeline ensures the community has adequate time to review the draft Operational Plan 2021-2022 and Council has adequate time to consider those submissions and adopt a final Operational Plan 2021-2022 by 1 July 2021.

This timeline ensures Council meets its requirements and aims to mitigate any risk of being in breach of legislation.

### Options

Council has the option to:

- 1 Adopt the draft Operational Plan 2021-2022 for exhibition. The draft Operational Plan 2021-2022 (Attachment 1), including the proposed Fees and Charge (Attachment 2), have been prepared in accordance with relevant legislation. Adopting the draft Operational Plan 2021-2022 for exhibition is in accordance with requirements and seeks to ensure that Council does not breach legislation. **This is the recommended option.**
- 2 Resolve not to adopt the draft Operational Plan 2021-2022 for exhibition. Council may choose to exhibit the draft Operational Plan 2021-2022 at a different time but doing so

may put Council at risk of being in breach of legislation and possible consequences imposed by the Minister for Local Government (not recommended).

**Critical Dates or Timeframes**

It is proposed that the draft Operational Plan 2021-2022 (Attachment 1) and the proposed Fees and Charges (Attachment 2) are publicly exhibited from Thursday 29 April 2021 to Wednesday 26 May 2021. Council is required to consider all submissions it receives prior to adopting the Operational Plan 2021-2022. A summary of those submissions, consideration of recommended changes and adoption of the Operational Plan 2021-2022 and proposed Fees and Charges will be presented at the Ordinary Meeting of Council on 28 June 2021.

**Attachments**

- |          |                                  |   |           |
|----------|----------------------------------|---|-----------|
| <b>1</b> | Draft Operational Plan 2021-2022 | <a href="#">Click here for Attachment</a> | D14595338 |
| <b>2</b> | Draft Fees and Charges 2021-2022 | <a href="#">Click here for Attachment</a> | D14582320 |



**Item No:** 5.2  
**Title:** Strategic Planning 2 Year Priority Projects  
**Department:** Environment and Planning

---

27 April 2021 Ordinary Council Meeting

Reference: F2021/00508 - D14573036  
Author: Karen Tucker, Acting Unit Manager, Strategic Planning  
Executive: Scott Cox, Director Environment and Planning

### **Report purpose**

To seek Council's endorsement of the Strategic Planning 2 Year Priority Projects for the financial years 2021/2022 and 2022/2023. (Attachment 1).

### **Executive Summary**

This report seeks Council's endorsement of the determined priority projects to be undertaken for the 2021/2022 and 2022/2023 financial years.

Due to limitations upon available resources and funding, the prioritisation of the projects to be undertaken by the Strategic Planning Unit for the next two years is required. Priority is given to projects which are required to support the provision of the consolidated and comprehensive Central Coast Local Environment Plan and Development Control Plan as well as projects with determined deadlines by external agencies such as NSW Department of Planning, Industry and Environment (DPIE) and Audit NSW.

Some of the key projects for 2021/2022 include:

- Phase 1 of the Central Coast Housing Strategy
- Stage 3 of the Consolidated Central Coast Section 7.11 Contribution Plan
- Phase 2 of the Environmental Lands Review
- Central Coast Employment Land Audit and Strategy

Key projects identified for 2022/2023 include:

- Comprehensive Review of Central Coast Section 7.11 Contribution Plan
- Review of Character Statements
- Greater Warnervale Area Structure Plan

### **Environment and Planning Recommendation**

*That the draft Strategic Planning Priority Projects program for financial years 2021/2022 and 2022/2023 be adopted.*



### Report

The draft Operational Plan for the 2021-2022 financial year has been prepared in accordance with the *Local Government Act 1993* and *Local Government (General) Regulation 2005* for consideration of Council for public exhibition.

The draft Operational Plan includes the priority projects for 2021 – 2022 across Council including the Strategic Planning projects.

Due to Council's current financial situation the number of strategic planning projects that are to be delivered in 2021/2022 and 2022/2023 has been reduced.

The 2021/2022 and 2022/2023 draft Strategic Planning Priority Projects program confirms Council's commitment to delivering on required projects while also allowing for Planning Proposals and Planning Agreements to be assessed and determined by existing resources.

Prior to the adoption of the 2022/2023 Operational Plan, projects for the financial year will be presented to a Councillor workshop for determination within the annual allocated project budget.

### Consultation

Public consultation on each strategy will be undertaken in accordance with Council's Community Participation Plan.

It is proposed that the draft Operational Plan 2021-2022, which includes the 2021/2022 Strategic Planning Priority projects, will be publicly exhibited from Thursday 29 April to Wednesday 26 May 2021.

A Councillor workshop is planned for allocation of projects prior to the delivery of the operational plan for future years commencing for the 2022/2023 financial year.

### Financial Considerations

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

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

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

All projects will be developed utilising in house resources and subject matter experts, where possible. Expenditure will be in line with the draft Operational Plan 2021 – 2022 and as adopted by Council.

### Link to Community Strategic Plan

Theme 4: Responsible

### Goal I: Balanced and sustainable development

R-I2: Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport.

### Risk Management

The adoption of the Strategic Planning Priority projects ensures Council is able to fulfil its legislative strategic planning requirements.

### Options

- 1 Adopt the draft 2021 / 2022 and 2022 / 2023 draft Strategic Planning Priority Projects program. **This is the recommended option.**

Adopting the draft Priority Projects will ensure the community is aware of the strategic planning priorities of Council for the next 2 years and allow resourcing to be focussed on delivering on the projects.

- 2 Resolve not to adopt the draft Operational Plan 2021-2022 for exhibition (Not recommended).

May allow lower level priorities to be pushed through community or political requests to be advanced above legislative and prioritised projects. This may impact service delivery due to the reduction in resources.

### Attachments

- |   |   |   |           |
|---|---|---|-----------|
| 1 | 2021/22 and 2022/23 Strategic Planning Projects | <a href="#">Click here for Attachment</a> | D14589607 |
|---|---|---|-----------|

**Item No:** 5.3  
**Title:** Planning Proposal RZ/4/2019, 6-8 Pacific Highway Wyong  
**Department:** Environment and Planning

---



27 April 2021 Ordinary Council Meeting

Reference: F2016/01755 - D14555301  
Author: Peta James, Urban Designer  
Jared Phillips, Section Manager, City Planning and Design  
Manager: Karen Tucker, Acting Unit Manager, Strategic Planning  
Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

To recommend refusal of Planning Proposal RZ/4/2019 to increase building height and floor space ratio (FSR) on 6-8 Pacific Highway, Wyong.

### **Executive Summary**

Council has received a request to prepare a Planning Proposal (RZ/4/2019) to increase the building height from 11m to 25m and floor space ratio (FSR) from 1.1:1 to 3:1 for Lot 1 DP 335938, Lot 1 DP781734, Lot 135 DP 755245, 6-8 Pacific Highway, Wyong.

The proposal is not considered to have strategic merit for the following reasons;

- the increase in height and FSR have not been adequately justified and are not supported by any strategic study;
- vehicular access to the site remains unresolved with respect to flooding and legal access; and
- the proposal is considered to be inconsistent with the following legislation.
  - The Central Coast Regional Plan
  - Ministerial Directions 2.2 Coastal Management and 4.3 Flood Prone Land
  - State Environmental Planning Policy (Coastal Management)) 2018
  - State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development

The Planning Proposal was considered by the Local Planning Panel on the 8 April 2021 and they did not support the proposal.

It is recommended that Council does not proceed with the preparation of a planning proposal for this site.

**Environment and Planning Recommendation**

*That Council refuse the request to prepare a planning proposal to amend the Wyong Local Environmental Plan 2013 on Lot 1 DP 335938, Lot 1 DP781734, Lot 135 DP 755245 (6-8 Pacific Highway, Wyong) to enable a height and floor space ratio increase for the following reasons:*

- a) The Applicants justification for increased height and floor space cannot be supported because they have not been adequately justified and are not supported by any Strategic Study;*
- b) The Planning Proposal is considered to be inconsistent with:*
  - The Central Coast Regional Plan*
  - Ministerial Directions 2.2 Coastal Management and 4.3 Flood Prone Land*
  - State Environmental Planning Policy (Coastal Management)) 2018*
  - State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development*
- c) The proposed height and floor space ratio are out of scale with the current and desired future character of the area.*
- d) Vehicular access to the site has not been adequately resolved with respect to providing:*
  - Access to the site which does not pass through a Flood Planning Area.*
  - Legal and physical access to the site via the creation of a right-of-way*

**Report**

The subject site is part of a larger site previously referred to as the "Southern Gateway Site" within the Key Sites provisions under the WLEP 2013. The objective of these provisions was to offer height bonuses to amalgamated sites that could provide significant public benefit. The Key Sites clause did not allow for increases to FSR. The Applicant uses this clause as the primary justification to increase height and FSR on the subject site. The clause activating height bonuses for the Key Sites in the WLEP 2013 was time limited and expired on 23 December 2018. As the clause did not achieve its desired outcomes, Council has not replicated the clause in the Central Coast Local Environmental Plan (CCC LEP) which was endorsed by Council on 14 December 2020.

The Key Site provisions were intended for amalgamated sites that could provide significant public benefit. The subject site area is less than half of the "Southern Gateway Site" area. To rely on the expired controls as justification for increased height and FSR on this small standalone site cannot be supported. Additionally, Council is not satisfied that development resulting from the proposed controls, more than double that currently permitted, on a relatively small site of approximately 1,120m<sup>2</sup> would be able to comply with SEPP 65 and the principles outlined in the Apartment Design Guide.

Vehicular access to the site has not been satisfactorily resolved and based on the information provided Council is not satisfied that the proposal is consistent with Ministerial Section 9.1 Direction 4.3 Flood Prone Land. The proposal relies solely on vehicular access via River Road over public land which is an identified flood planning area. In the event of flooding, access to River Road can be restricted for both future residents and waste services for several days. Increasing height and FSR for the subject site will result in increased vehicular traffic along River Road. In times of flood this has the potential to expose Council to increased risk in terms of community concerns and potential increased infrastructure costs. This is unable to be supported when an alternate solution via a high-level access above River Road has been identified and included in Council's adopted planning controls. Legal and physical access via the creation of a right-of-way is crucial to the success of any proposal on this land.

The proposal relies on access across Council owned land in River Road. No evidence has been provided that Council would support access across public land from River Road.

As outlined above and detailed in the Attachments to this report the proposal to increase height and FSR on the subject site is not considered to have strategic merit. It is recommended that the Application be refused.

### **Statutory Compliance and Strategic Justification**

The proposal has been assessed having regard for all State Environmental Planning Policies, Ministerial Directions and relevant guidelines set out within the Central Coast Regional Plan 2036 as detailed in Attachment 2 – Strategic Assessment.

### **Consultation**

The proposal was reviewed by Council's staff and their comments are included in the Attachments. Consultation with external agencies is not required as the planning proposal is recommended for refusal.

### **Financial Considerations**

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

*1036/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.*

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

The direct cost to Council is the preparation of the Planning Proposal and the fee has been paid that covers this service. There is no financial impact if the Planning Proposal is refused.

## **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.

### **Goal I: Balanced and sustainable development**

R-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.

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

## **Central Coast Interim Local Strategic Planning Statement**

Interim Local Strategic Planning Statement (LSPS) came into effect on 21 August 2020 after adoption by Council on 29 June 2020. Priorities applicable to the Planning Proposal are identified in Attachment 2.

## **Risk Management**

There have been no risks identified arising from this proposal if it is refused by Council as discussed in this report.

## **Conclusion**

The request to increase height and FSR on the subject site is not considered to have strategic merit. Furthermore, they are not adequately justified or supported by any strategic study. It is recommended that Council does not proceed with the preparation of a planning proposal on this site.

## **Attachments**

- |          |   |   |           |
|----------|---|---|-----------|
| <b>1</b> | Summary PP 4 2019 6 - 8 Pacific Hwy Wyong | <a href="#">Click here for Attachment</a> | D14463465 |
| <b>2</b> | PP 4 2019 6 - 8 Pacific Hwy Wyong         | <a href="#">Click here for Attachment</a> | D14548739 |

**Item No:** 5.4  
**Title:** Request to Prepare a Planning Proposal for Part of 121 and 129 Newling Street, Lisarow  
**Department:** Environment and Planning

---



27 April 2021 Ordinary Council Meeting

Reference: 083.2020.00000108.001 - D14489248  
Author: Jenny Mewing, Principal Strategic Planner  
Manager: Karen Tucker, Acting Unit Manager, Strategic Planning  
Executive: Scott Cox, Director Environment and Planning

### **Report purpose**

To consider a request to prepare a Planning Proposal to enable a residential housing development.

### **Executive Summary**

Council has received a request to prepare a Planning Proposal for a new lot (proposed lot 2) to be created by the consolidation and re-subdivision of Lot 122 DP 1218619 and Lot 4 DP 660988 which was granted development consent on 21 July 2020 (under DA/58001/2020).

The request seeks Council's endorsement to prepare a Planning Proposal to rezone proposed lot 2 from B2 Local Centre to R1 General Residential to enable residential development.

This matter was referred to the Local Planning Panel (LPP) on the 8 April 2021. The LPP generally supports the proposal proceeding to gateway.

This report recommends that the Council proceed with the preparation of a Planning Proposal.

### **Environment and Planning Recommendation**

- 1 *That Council prepare a Planning Proposal to amend the Gosford Local Environmental Plan 2014 (GLEP 2014), or draft Central Coast Council Local Environmental Plan (if in effect), by rezoning proposed lot 2 under the consolidation and re-subdivision of Lot 122 DP 1218619 and Lot 4 DP 660988 (DA 58001/2020 of 21/7/20) from B2 Local Centre to R1 General Residential.*
- 2 *That Council forward the Planning Proposal to the Minister requesting a Gateway Determination.*

## **5.4 Request to Prepare a Planning Proposal for Part of 121 and 129 Newling Street, Lisarow (contd)**

---

- 3 *That Council request delegation for Council to finalise and make the draft Local Environmental Plan.*
- 4 *That if required Council authorise the Chief Executive Officer (or delegate) to enter into a Planning Agreement (PA), and to negotiate and execute all documentation in relation to the finalisation of the PA.*
- 5 *That if required Council prepare and exhibit an amendment to the relevant Section 7.11 Development Contributions Plan and Development Control Plan to support the development of the land subject to this planning proposal.*
- 6 *That Council undertake public authority and community consultation in accordance with the Gateway Determination requirements, including the concurrent exhibition of any draft Voluntary Planning Agreement, draft Development Control Plan amendment and / or draft Section 7.11 Development Contributions Plan amendment (if required).*

### **Report**

The request to rezone the subject land from B2 Local Centre to R1 General Residential is considered to have strategic merit, as it enables infill housing within an urban area supported by existing public and service infrastructure. It is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

### **Consultation**

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

### **Financial Considerations**

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

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

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

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



**Link to Community Strategic Plan**

Theme 4: Responsible

**Goal I: Balanced and sustainable development**

R-I1: Preserve local character and protect our heritage and rural areas including concentration of development along transport corridors and around town centres and east of the M1.

**Goal I: Balanced and sustainable development**

R-I2: Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport.

**Goal I: Balanced and sustainable development**

R-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.

**Goal I: Balanced and sustainable development**

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

**Central Coast Interim Local Strategic Planning Statement**

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

The Interim Local Strategic Planning Statement is a framework for a growing Central Coast Region. It sets a clear vision for the future and a proactive framework for delivering a growing and sustainable Region with a strong network of centres and thriving and connected communities. The Interim Local Strategic Planning Statement (LSPS) is our guide to how the Central Coast will respond to future population growth challenges in a manner that benefits our existing residents.

Various strategies and planning priorities outlined in the LSPS are applicable to this Planning Proposal. The proposal is generally consistent with these priorities.

### **Risk Management**

There have been no risks identified at this stage to the natural and built environment associated with the proposed amendment to GLEP 2013 (or the CCLEP), about seeking a Gateway Determination.

### **Options**

- 1 Support the Recommendation. **This is the Recommended Option.**

The proposal has strategic merit.

- 2 Refuse to support the Request for a Planning Proposal (Not Recommended)

### **Conclusion**

The request to rezone proposed lot 2 from B2 local Centre to R1 General Residential is considered to have strategic merit. It is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

### **Attachments**

- |   |  |   |           |
|---|--|---|-----------|
| 1 | Planning Assessment Report   | <a href="#">Click here for Attachment</a> | D14479223 |
| 2 | Strategic Assessment   | <a href="#">Click here for Attachment</a> | D14479245 |
| 3 | Local Planning Panel Record of Advice - Agenda Item 4.4 - 8 April 2021 | <a href="#">Click here for Attachment</a> | D14584547 |



**Item No:** 5.5  
**Title:** Request to Prepare a Planning Proposal for land at Bakali Road and Central Coast Highway, Forresters Beach  
**Department:** Environment and Planning

---

27 April 2021 Ordinary Council Meeting

Reference: F2020/00039 - D14487570  
Author: Bruce Ronan, Town Planner  
Jenny Mewing, Principal Strategic Planner  
Manager: Karen Tucker, Acting Unit Manager, Strategic Planning  
Executive: Scott Cox, Director Environment and Planning

### **Report purpose**

To consider a request to prepare a Planning proposal to enable residential subdivision of land fronting Bakali Road and Central Coast Highway, Forresters Beach.

### **Executive Summary**

This Planning Proposal seeks to rezone a triangular area of land between Bakali Road and the Central Coast Highway, Forresters Beach, from 7(a) Conservation and Scenic Protection (Conservation) and 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) under Interim Development Order No 122 (IDO 122) to E2 Environmental Conservation, R2 Low Density Residential and RE1 Public Recreation.

This Planning Proposal is similar to a proposal that was originally considered by the former Gosford City Council (fGCC) in 2013 and amended by Central Coast Council in 2019, before being withdrawn by the applicant in November 2020.

The main issues to be resolved for the Planning Proposal are:

- the upgrading of the Central Coast Highway to 4 lanes by Transport for NSW and whether direct access to the site from the Highway is feasible. Formal advice will be sought from Transport for NSW post Gateway. If this direct access is not feasible, access to the Highway is able to be provided via Bakali Road.
- preparation of a Planning Agreement to address dedication of land for a local park and protection of the wetland via the implementation of a Vegetation Management Plan.

The Planning Proposal was considered by the Local Planning Panel on the 8 April 2021 and was supported in principle.

## **5.5 Request to Prepare a Planning Proposal for land at Bakali Road and Central Coast Highway, Forresters Beach (contd)**

---

This report recommends that the Council proceed with the preparation of a Planning Proposal.

### **Environment and Planning Recommendation**

- 1 *That Council prepare a Planning Proposal to:*
  - a) *Rezone the following lots to R2 Low Density Residential under Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan (whichever is in effect at the time):*  
*Lot 1 DP 405510,*  
*Lot 51 DP 1028301,*  
*Lot 62 DP 838562,*  
*Lots 155 & 156 DP 531710,*  
*Lots 1-14, 18 & 19 DP 23283,*  
*Lots 1-8 DP 24187,*  
*Lots 1-3 DP 101649,*  
*part of Lot 522 DP 1077907,*  
*Lots 1, 2 & 4 DP 1000694, and*  
*part of Lot 3 DP 1000694.*
  - b) *Rezone part of Lot 522 DP 1077907 and part of Lot 3 DP 1000694 to E2 Environmental Conservation under Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan (whichever is in effect at the time);*
  - c) *Rezone part of Lot 522 DP 1077907 (or part of Lot 522 DP 1077907 and part of Lot 3 DP 101649) Central Coast Highway, Forresters Beach to RE1 Public Recreation under the Gosford Local Plan 2014 or Central Coast Local Environmental Plan (whichever is in effect at the time);*
  - d) *Apply a Minimum Lot Size of:*
    - *1850 m<sup>2</sup> to land proposed to be zoned R2 Low Density Residential and fronting Bakali Road on Lot 3 DP 1000694 and parts of Lots 1 & 2 DP 1000694, and*
    - *550 m<sup>2</sup> to all other land proposed to be rezoned R2 Low Density Residential,*
    - *40 Ha for the land proposed to be rezoned E2 Environmental Conservation.*
  - e) *Apply a maximum building height of 8.5 m to all land proposed to be rezoned R2 Low Density Residential and E2 Environmental Conservation.*
- 2 *That Council submit the Planning Proposal to the Minister for Planning in accordance with Section 3.35(2) of the Environmental Planning and Assessment Act 1979, requesting*

## **5.5 Request to Prepare a Planning Proposal for land at Bakali Road and Central Coast Highway, Forresters Beach (contd)**

---

*a Gateway Determination, pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.*

- 3 *That Council request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.*
- 4 *That Council prepare appropriate Development Control Plan provisions to support the development of the land subject to this Planning Proposal.*
- 5 *That Council authorize the Chief Executive Officer (or delegate) to enter into a Planning Agreement with the owner of Lot 522 DP 1077907, Lot 4 DP 1000694 and Lot 3 DP 101649 to require:*
  - *Dedication of 4000m<sup>2</sup> of land to Council for a park;*
  - *Undertake roadworks to satisfy the requirements of Transport for NSW and Council;*
  - *Preparation and Implementation of a Vegetation Management Plan for the area proposed to be zoned E2 Environmental Management.*
- 6 *That Council undertakes community and public authority consultation in accordance with the Gateway Determination requirements, including the concurrent exhibition of the draft Planning Agreement and draft Development Control Plan.*

### **Background**

The Planning Proposal and accompanying Planning Agreement were being progressed in accordance with Council's resolution of 25 March 2019, when on 1 October 2020, the Department of Planning, Industry and Environment (DPIE) directed Council to determine all Planning Proposals over four years old, which would not be able to be finalised by 31 December 2020. Despite the strategic merit of the proposal, it could not be finalised by the 31 December 2020. The only option available to meet this deadline was refusal of the Planning Proposal. The applicant was advised and elected to withdraw the application.

This report relates to a new proposal, which has similar objectives to that previously considered by Council. The only difference between the former proposal and this current proposal is the location of the proposed park. It is likely that the park will be located within the site, not fronting the Central Coast Highway. However, this alternative location is reliant on the road widening and intersection options proposed by Transport for NSW (TfNSW) which are to be confirmed during consultation following the Gateway.

### **Report**

The Planning Proposal request is to:

- rezone a cleared area of the subject land to R2 Low Density Residential,

## **5.5 Request to Prepare a Planning Proposal for land at Bakali Road and Central Coast Highway, Forresters Beach (contd)**

---

- rezone 4000m<sup>2</sup> within this area to RE1 Public Recreation for public recreation purposes,
- rezone the vegetated wetland area of the site to E2 Environmental Conservation.

An assessment of the proposal has been undertaken to inform this determination, as detailed in Attachments 1 and 2. As the Proposal has strategic merit it is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

### **Consultation**

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

### **Financial Considerations**

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

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

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

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

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

Theme 3: Green

#### **Goal F: Cherished and protected natural beauty**

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

G-F2: Promote greening and the wellbeing of communities through the protection of local bushland, urban trees, and expansion of the Coastal Open Space System (COSS).

Theme 4: Responsible

#### **Goal I: Balanced and sustainable development**

## 5.5 Request to Prepare a Planning Proposal for land at Bakali Road and Central Coast Highway, Forresters Beach (contd)

---

R-I2: Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport.

R-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

### Central Coast Interim Local Strategic Planning Statement

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

The Interim Local Strategic Planning Statement is a framework for a growing Central Coast Region. It sets a clear vision for the future and a proactive framework for delivering a growing and sustainable Region with a strong network of centres and thriving and connected communities. The Interim Local Strategic Planning Statement (LSPS) is our guide to how the Central Coast will respond to future population growth challenges in a manner that benefits our existing residents.

Various strategies and planning priorities outlined in the LSPS are applicable to this Planning Proposal. The proposal is generally consistent with these priorities.

### Risk Management

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

### Options

- 1 Support the Recommendation as the Planning Proposal has strategic merit. **This is the Recommended Option.** The basis for this recommendation is:
  - the Planning Proposal represents a rationalisation of the urban footprint in this locality;
  - the land is serviced and the services can be augmented to accommodate the future development;
  - there will be a public benefit in the provision of a local park;
  - the wetland vegetation on the land will be protected.
- 2 Refuse to support the Request for a Planning Proposal (Not Recommended). Should the Planning Proposal not be supported, an opportunity will be missed for rezoning suitable land for residential purposes on the fringe of the existing built-up area.

## **5.5 Request to Prepare a Planning Proposal for land at Bakali Road and Central Coast Highway, Forresters Beach (contd)**

---

### **Conclusion**

The request to rezone part of the subject land to R2 Low Density Residential, RE1 Public Recreation and E2 Environmental Conservation is considered to have strategic merit, subject to confirmation by appropriate additional studies (post Gateway Determination) and consultation. It is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

### **Attachments**

- |          |                             |   |           |
|----------|-----------------------------|---|-----------|
| <b>1</b> | Planning Assessment Report  | <a href="#">Click here for Attachment</a> | D14510808 |
| <b>2</b> | Strategic Assessment        | <a href="#">Click here for Attachment</a> | D14510804 |
| <b>3</b> | Local Planning Panel Advice | <a href="#">Click here for Attachment</a> | D14582537 |



**Item No:** 5.6  
**Title:** Request to Prepare a Planning Proposal for Central Coast Local Environmental Plan Deferred Matters Lands  
**Department:** Environment and Planning

---



27 April 2021 Ordinary Council Meeting

Reference: F2016/02118-005 - D14546137  
Author: Rodney Mergan, Senior Strategic Planner  
Jenny Mewing, Principal Strategic Planner  
Manager: Karen Tucker, Acting Unit Manager Strategic Planning  
Executive: Scott Cox, Director Environment and Planning

### **Report purpose**

To seek Council's endorsement for the preparation of a Planning Proposal relating to the Deferred Matters (DM) land under draft Central Coast Local Environmental Plan (CCLEP).

### **Executive Summary**

Council resolved at its meeting of 14 December 2020 to "*defer the inclusion of lands currently identified as Deferred Matters under Gosford Local Environmental Plan 2014 (GLEP 2014) from CCLEP*" for further consideration. It was identified during the public exhibition of the CCLEP that the proposed zoning of much of the DM did not reflect conditions of the land, nor consider proposed amendments to minimum lot size controls.

Work is currently underway for the finalisation and notification (Gazettal) of CCLEP excluding DM land that is not owned by Council. The DM lands will remain subject to the provisions of *Interim Development Order No. 122 (IDO 122)* and *Gosford Planning Scheme Ordinance (GPSO)* after the CCLEP comes into effect.

The rezoning of the DM lands is required to ensure that all land within the Central Coast Local Government Area (LGA) is subject to a zoning under the *Standards Instrument (Principal Local Environmental Plan) Order 2006*. It is also required to ensure that a consistent zoning framework for environmental lands applies across the LGA.

The principles and criteria to be applied to determine the zoning of the DM lands will be derived from consideration of best practices from comparable LGAs, Department of Planning, Industry and Environment (DPIE) Practice Notes and Guidance for Environmental Zones, criteria applied under the existing Environmental Planning Instruments (EPIs) of Council and any relevant spatial data that can be utilised from the Environmental and Urban Edge Zone Review (EUEZR).

Amendment to the Central Coast Development Control Plan (CCDCP) may also be required to reflect zoning changes and remove references to the IDO 122 and GPSO.

## **5.6 Request to Prepare a Planning Proposal for Central Coast Local Environmental Plan Deferred Matters Lands (contd)**

---

This matter was referred to the Local Planning Panel (LPP) on the 8 April 2021. The LPP recognised the need for this work to be undertaken as a priority and supported a Planning Proposal being forwarded for a Gateway determination.

This report recommends that the Council proceed with the preparation of a Planning Proposal.

### **Environment and Planning Recommendation**

- 1 *That Council prepare a planning proposal for the integration of Deferred Matters land under Central Coast Local Environmental Plan into Central Coast Local Environmental Plan.*
- 2 *That Council submit the Planning Proposal to the Minister for Planning and Public Places, in accordance with Section 3.35(2) of the Environmental Planning and Assessment Act 1979, requesting a Gateway Determination, pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.*
- 3 *That Council request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.*
- 4 *That Council prepare appropriate Development Control Plan provisions to support the rezoning of the land subject to this Planning Proposal.*
- 5 *That Council undertakes community and public authority consultation in accordance with the Gateway Determination requirements.*
- 6 *That Council, following public authority and community consultation as required under the Gateway Determination, consider a report on the outcome of this process.*

### **Background**

As reported to Council 9 March 2021, the DM Lands and Environmental Zone Review process for the Central Coast is being undertaken in three phases:

- Phase 1: rezoning of Council owned DM land;
- Phase 2: rezoning of the remaining DM land; and
- Phase 3: standardisation of zoning for environmental lands subject to the CCLEP

### **Current Status**

Phase 1 of this process was endorsed by Council 9 March 2021 and information has been submitted to DPIE in order to progress the finalisation and Gazettal of CCLEP.

The initial version of CCLEP will not include the DM land. This land will continue to be subject to the existing deemed EPIs, IDO 122 and the GPSO in the interim.

This report relates to Phase 2 of the process mentioned above.

### **Report**

Following the inclusion of the Council owned DM lands within the CCLEP (as per Council's resolution of 9 March 2021), there are some 3445 parcels of land which will remain deferred from the CCLEP.

It is proposed to prepare and submit a planning proposal for submission to DPIE and the Minister for Planning and Public Places seeking a Gateway Determination to bring these lands into the CCLEP.

The Planning Proposal will include an Environmental Lands Framework (ELF) that will include the principles and criteria to be utilised to:

- Review and rezone of the DM lands to an appropriate zoning available under the *Standard Instrument Local Environmental Plan* (SI LEP);
- Review and apply appropriate development standards (such as minimum lot sizes, as well as other relevant planning controls and/or planning maps);
- Determine appropriate land use permissibilities;
- Review and consideration of the bonus lot provisions currently available for land zoned under IDO 122.

The principles and criteria to be applied will consider best practice from comparable Local Government Areas, DPIE Practice Notes and Guidance for Environmental Zones, criteria applied under the existing EPIs of Council and the relevant spatial information that can be utilised from the EUEZR.

The CCDCP will also be amended to update mapping references explaining where the DCP applies and to remove references to Deferred Matters lands as well as land under CCLEP or other issues as identified.

### **Consultation**

The Gateway Determination will set out the public and agency consultation required.

### **Financial Considerations**

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

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

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

The process is proposed to be undertaken using Council resources and will lead to consistency and certainty of planning controls for the Central Coast as well as organisational efficiencies.

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

Theme 3: Green

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

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

### **Risk Management**

The adoption of the amending LEP will provide for a reduction in inconsistencies in environmental zones and reduce ambiguity in the application of planning controls.

### **Options**

- 1 Proceed as per the Environment and Planning Recommendation. **This is the Recommended Option.**

The resolution of the DM lands is critical to completing a harmonised zoning framework for the environmental lands across the Central Coast LGA.

- 2 Do not endorse the Recommendations and undertake *Phase 3 - Standardisation of zoning for Environmental Lands subject to the CCLEP through Central Coast* (Not Recommended).

This would extend the consultation process significantly and potentially introducing additional issues that do not relate to the DM lands.

## **5.6 Request to Prepare a Planning Proposal for Central Coast Local Environmental Plan Deferred Matters Lands (contd)**

---

### **Critical Dates or Timeframes**

The Gateway Determination will provide Council with the relevant timeframes for tasks. Council's Operational Plan 2021/22 identifies the completion of this project by June 2022.

### **Attachments**

- |          |  |   |
|----------|--|---|
| <b>1</b> | Record of Planning Proposal Advice - Local Planning Panel Agenda Item 4.6 - 8 April 2021 | <a href="#">Click here for Attachment</a> D14584543 |
|----------|--|---|

**Item No:** 5.7  
**Title:** Central Coast Local Planning Panel - Membership  
**Department:** Environment and Planning

---



27 April 2021 Ordinary Council Meeting

Reference: F2020/02502 - D14265121  
Author: Andrew Roach, Unit Manager, Development Assessment  
Executive: Scott Cox, Director Environment and Planning

## **Report purpose**

To extend the appointment of Central Coast Local Planning Panel members until 11 May 2023. Panel membership is currently due to expire on 11 July 2021.

## **Executive Summary**

At the Ordinary Meeting of Central Coast Council on 11 May 2020, Council resolved to constitute the Central Coast Local Planning Panel and to appoint the inaugural panel members for a period of 14 months, expiring 11 July 2021. The *Environmental Planning & Assessment Act 1979* (Schedule 2 Clause 11(1)) sets out that Panel appointments may be for a maximum period of 3 years and this report seeks to extend the appointment of the current Panel to a 3 year term as set out in the Act.

The report also provides some background information in relation to the Local Planning Panel, as well as data on Panel performance.

## **Environment and Planning Recommendation**

*That Council resolve, in accordance with Schedule 2 Clause 11 (1) of the Environmental Planning & Assessment Act 1979, to continue the existing CCLPP Chair, Expert and Community Panel membership (as noted in Attachment 1), to the maximum allowable period of three years, expiring on 11 May 2023.*

## **Background**

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

At the Ordinary Meeting of Central Coast Council on 11 May 2020, Council resolved to constitute the Central Coast Local Planning Panel and to the appointment of the inaugural panel members. Relevant resolutions from the Ordinary Meeting of 11 May 2020 are:

- Council resolve to Constitute the Central Coast Local Planning Panel (minute 371/20);
- Appoint expert and community members for a period of 14 months (minute 372/20 and 373/20) - A list of appointed members is included as *Attachment 1*; and
- Council direct the Chief Executive Officer to monitor the performance of the Central Coast Local Planning Panel in accordance with Part 2, Division 5 Clause 2.20 (5) of the *Environmental Planning and Assessment Act 1979* and provide a report to Council no later than the last meeting in July, 2021 (minute 374/20)

### **Term of Appointment of Local Planning Panel Members**

Appointments Local Planning Panel members may be for a maximum period 3 of years in accordance with Schedule 2 Clause 11 (1) of the *Environmental Planning and Assessment Act 1979*. In the report presented to Council at the Ordinary Meeting of 11 May 2020, the recommendation of Council officers was to appoint Panel members for a 3 year period in accordance with the provisions of the Act. Council resolved to appoint members for a period of 14 months, expiring in July 2021.

The recommendation of this report is that the appointment of existing Panel members made at the meeting of 11 May 2020 be extended to the 3 year period as permitted under the *Environmental Planning and Assessment Act 1979*. This would see the current appointments expire in May 2023. This aims to provide certainty and consistency in the operation of the Panel for the forthcoming period.

It is also noted that Council is in receipt of correspondence from the Department of Planning Industry and Environment stating that Councils may be requested to further extend Panel appointments until February 2024. This request may be made to all Councils in NSW in order to ensure that Local Planning Panel terms are aligned in all local government areas across the state. If the Department make this formal determination/request, then a further report will be presented to a future meeting of the Council.

### **Performance of the Local Planning Panel**

Since the inception of the Central Coast Local Planning Panel until February 2021, a total of 14 meetings of the Panel have been held, determining 40 development applications and providing advice on two Planning Proposals.

Further details of the performance of the Panel is included as *Attachment 2*.

### **Financial Considerations**

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

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

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

The provisions of the *Environmental Planning and Assessment Act 1979* are clear that Council must make all the necessary arrangements for the operation of the Local Planning Panel. This includes: '... *provide staff and facilities for the purpose of enabling a local planning panel to exercise its functions*' including general secretariat services (Section 2.20(4) of the Act), provision of meeting facilities (Clause 25(1) of Schedule 2 of the Act); reporting, technical advice and assistance to the Panel, and the payment of sitting fees for Panel members (noting that minimum sitting fees for the Local Planning are set out in the '*Remuneration Determination*' for Local Planning Panels (issued under the provisions of the Clauses 14 and 15 of Schedule 2 of the Act).

Based on the operation of the Panel since its inception, the cost of operating the Panel is in the order of \$500,000 per annum.

Provision will be made in forward budget for costs associated with operation of the Local Planning Panel, and the decisions recommended in this report will have no additional cost implications which have not already been established through the constitution of the Panel in May 2020.

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

Theme 4: Responsible

### **Goal I: Balanced and sustainable development**

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

### **Risk Management**

Central Coast Council must, by virtue of Section 2.17 of the *Environmental Planning and Assessment Act, 1979* have a functioning Local Planning Panel to determine a range of development applications and provide advice on Planning Proposals. Failure to provide panel membership, by either extending the tenure of the current panel membership or selecting alternate membership may result in the Council failing to meet its legislative obligations.

### **Options**

- 1 That Council resolve to continue the Panel membership of the previously appointed Expert/Independent panel members and Community panel members until 11 May



2023, bringing to the maximum allowable period of three years in accordance with Schedule 2 Clause 11 (1) of the *Environmental Planning & Assessment Act 1979*. This action is the recommendation of this report and aims to ensure continuity for Panel operations, and aligns with the maximum term for Panel members as set out in the *Environmental Planning and Assessment Act 1979*.

- 2 Resolve not to extend the appointment of current Panel membership, and instead pursue the appointment of alternate members. Note, that the process would require a formal selection process as set out in the Ministerial Direction titled '*Local Planning Panels Direction – Operational Procedures*' and dated 30 June 2020 and other NSW Government Guidance. This action is not recommended as it does not provide continuity for operation of the Panel, will involve lengthy selection process, and does not provide certainty and consistency in Panel operations for the near future.
- 3 Do nothing. This action is not recommended as it does not provide continuity for the operation of the Panel and may result in Council failing to meet its statutory obligations to ensure a functioning Panel membership (noting that Section 2.17 of the *Environmental Planning and Assessment Act 1979* requires Central Coast Council to have a functioning Local Planning Panel).

### Critical Dates or Timeframes

Appropriate decision making will need to be made to ensure Panel members are in place beyond the current cessation of Panel membership on 11 July 2021.

### Attachments

- |   |  |   |           |
|---|--|---|-----------|
| 1 | CC Local Planning Panel                    | <a href="#">Click here for Attachment</a> | D14556245 |
| 2 | Performance of the CC Local Planning Panel | <a href="#">Click here for Attachment</a> | D14556242 |



**Item No:** 5.8  
**Title:** Tree Vandalism Statistics Report  
**Department:** Environment and Planning

---

27 April 2021 Ordinary Council Meeting

Reference: F2020/02982 - D14509249  
Author: Scott Irwin, Section Manager, Sustainable Environments  
Manager: Luke Sulkowski, Unit Manager, Environmental Management  
Executive: Scott Cox, Director Environment and Planning

### **Report purpose**

To action a resolution of Council from 23 February 2021 by providing information for the consideration of Council about the number of tree vandalism incidents on the Central Coast and their impact. In accordance with this resolution, this report also makes recommendations on whether further changes to the Tree and Vegetation Vandalism Management Policy (the policy) are therefore appropriate.

### **Executive Summary**

At its meeting of 23 February 2021, Council adopted the "Tree and Vegetation Vandalism Management Policy". The report provided information to Council following community consultation on the draft policy which was placed on public exhibition between Monday 14 September 2020 and Thursday 29 October 2020.

This report provides supplementary information in accordance with Council's resolution of 23 February 2021 on the number of unauthorised tree works annually.

Council receives nearly 10,000 requests regarding trees per annum. A total of 592 requests of 9972 requests in 2020 were for unauthorised tree removal, vandalism, damage or poisoning. Of these, approximately 20% were actually tree vandalism cases. Over the past 3 years an average of 437 requests have been received per annum.

### **Environment and Planning Recommendation**

- 1 *That Council receive the report on Tree Vandalism Statistics*
- 2 *That the Chief Executive Officer provide a report on tree vandalism statistics twice a year and to also include properties where a Penalty Infringement Notice or prosecution where tree vandalism has occurred*

### **Background**

At its meeting of 23 February 2021, in consideration of a report titled "Outcomes of Exhibition of Draft Tree and Vegetation Vandalism Management Policy" Council resolved the following:

*45/21 Resolved*

- 1 *That Council adopt the Central Coast Council Draft Tree and Vegetation Vandalism Minutes of the Ordinary Meeting of Council 23 February 2021 Management Policy in accordance with the changes identified in 'Attachment 3' which include amendments made in response to feedback received during public exhibition.*
- 2 *That a further report be provided to Council providing information about the number of tree vandalism instances on the Central Coast and their impact to understand if any further changes to the Policy might be appropriate.*

This report specifically addresses part 2 of resolution 45/21.

### **Current Status**

In 2020 Council received a total of 9,972 service requests relating to trees (see Table 1). A total of six qualified arborists are employed by Council with the task of assessing all these service requests. This generally involves field inspections, assessment, documentation and written responses to the customer. Their functions also extend to other tasks such as issuing, and management of physical tree maintenance or removal works to contractors or other staff. Not allowing for any staff leave, this equates to an average 32 requests per staff member that need to be managed each week, including the coordination of works.

**Table 1 - Total Service Requests by category received by Central Coast Council in 2020 relating to tree management**

<b>Central Coast Council Service Request Type</b>	<b>Service Requests received in 2020</b>
Public Tree Maintenance, Pruning or Removal	5,621
Tree or Branches Fallen on Public Land	1,722
Tree on Private Land Maintenance, Pruning or Removal	798
Illegal Tree Works	592
Development Assessment*	611
Private Tree Applications*	583
<b>TOTAL</b>	<b>9,972</b>

*\*Numbers were provided external to Council's service request management system.*

Council's service request management system (CX) recorded a total of 592 requests during the 2020 year for 'Illegal Tree Works' which generally relate to alleged tree vandalism instances. When compared with previous years a total of 384 requests were recorded in the 2019 year and 335 requests in 2018 year (see table 2). Attachment 1 demonstrates the triaging process for managing CX requests for Tree Compliance related enquiries. This process is currently under review as a result of the recent restructure which aligns all tree services in one directorate.

**Table 2 - Total Service Requests relating to 'Illegal Tree Works' received by Central Coast Council from 2018 to 2020**

<b>Year</b>	<b>Service Requests received</b>
2018	335
2019	384
2020	592
<b>TOTAL</b>	<b>1,311</b>

Of the total illegal tree works requests received, approximately 20% (110 for 2020) are for tree vandalism on public land, including tree poisoning occurrences. The remaining 80% are related to alleged illegal tree works on private land and in most instances prior approval has been granted, the works are exempt, or there is insufficient information or evidence for Council to progress the investigation.

Successful regulatory action in response to reports of tree vandalism on public land is usually not able to be achieved. Tree vandalism on public land may go unnoticed by Council and neighbours, and where it is noticed the level of evidence required to achieve a successful prosecution may not be achieved. Regulatory action is difficult on many of those under active investigation as most do not generally possess sufficient evidence to take formal regulatory action. Of the total of 110, five (5) penalty infringement notices under the Environment Planning and Assessment (EP&A) Act 1979 for development without consent (totalling \$21,000) were issued on private land in 2020. A large proportion of investigations find that property owners have exemption under the NSW Rural Fire Service 10/50 Vegetation Clearing Code of Practice or allege danger from falling branches during storms.

## **Report**

Tree compliance functions are currently performed by Council's Tree Risk Management Officers who are also required to consider and evaluate risks in response to public tree complaints, and to manage public tree works (pruning or removal via other Council staff or contractors) where extreme or very high risks are identified. These officers also consider tree permit applications for private land in accordance with Council's Tree and Vegetation chapter of the Development Control Plan (DCP).

Tree compliance investigations are triaged along with public safety requests. There is no staff member dedicated to respond to out of hours complaints relating to illegal tree works. Successful regulatory activities in response to illegal tree works requires significant investment of time and resources and the team do their best with the resources available. As part of the proposed restructure this Compliance function would be incorporated into the existing Development Control Officer's responsibilities.

Other regulatory service requests related to public health and building regulation enquiries over 2020 total 6,179 as demonstrated in Table 3. Nine dedicated staff regulate public health and building compliance actions.

**Table 3 – Total Public Health and Building Service Requests received by Central Coast Council in 2020 that do not relate to tree management.**

<b>Central Coast 2020 Service Request Type</b>	<b>Service Requests received in 2020</b>
Animals	240
Land use Development	2,484
Pollution & Noise	2407
Sewer & Drainage	1005
Vehicle and Parking	5
Waste Litter and Illegal Dumping	38
<b>TOTAL</b>	<b>6,179</b>

### **Consultation**

In drafting this report data was gathered from Council's service request management system and discussion held with Councils Tree Risk Management Team

### **Financial Considerations**

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

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

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

There are no financial implications arising from recommendations made in this report

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

Theme 3: Green

### **Goal F: Cherished and protected natural beauty**

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

### **Risk Management**

Recommendations of this report have no impact on risk. The proposal to reallocate the task of tree compliance out of Council's tree risk management team may allow Council's tree management staff to focus more on the health and risk of tree failure and allow dedicated and appropriately trained compliance staff to pursue relating to illegal tree works.

**Attachments**

- |   |   |   |           |
|---|---|---|-----------|
| 1 | DRAFT Tree Compliance Work Flow for CX Requests | <a href="#">Click here for Attachment</a> | D14579220 |
|---|---|---|-----------|

**Item No:** 5.9  
**Title:** Central Coast Council Flood Recovery Report  
**Department:** Environment and Planning

---



27 April 2021 Ordinary Meeting

Reference: F2021/00034 - D14595970  
Author: Scott Irwin, Section Manager, Sustainable Environments  
Manager: Luke Sulkowski, Unit Manager, Environmental Management  
Executive: Scott Cox, Director Environment and Planning

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 April 2021.