



Central Coast Council  
Business Paper  
Ordinary Council Meeting  
**12 October 2020**





# COMMUNITY STRATEGIC PLAN 2018-2028

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

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

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

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

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

## RESPONSIBLE

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

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

 **Good governance and great partnerships**

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

There are 5 themes, 12 focus areas and 48 objectives

### 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.

The diagram illustrates the Community Strategic Plan framework, organized into five main themes, each with specific focus areas and objectives:

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



# Meeting Notice

**The Ordinary Council Meeting  
of Central Coast Council  
will be held remotely - online  
Monday 12 October 2020 at 6.30 pm,  
for the transaction of the business listed below:**

## **1 Procedural Items**

- 1.1 Disclosures of Interest ..... 5
- 1.2 Confirmation of Minutes of Previous Meeting..... 7
- 1.3 Notice of Intention to Deal with Matters in Confidential Session .....32

## **2 Planning Reports**

- 2.1 Deferred Item - Planning Proposal RZ /6/2016 Warnervale and Virginia Rd, Warnervale .....34

## **3 General Reports**

- 3.1 Planning Proposal 84/2015 for land on the corner of Collingwood Drive and Matcham Road, Matcham .....93
- 3.2 Proposed Council Meeting Dates..... 112
- 3.3 Establishment of Alcohol Free Zones..... 116
- 3.4 Hawkesbury-Nepean River Coastal Management Program Stage 1 Scoping Study..... 126
- 3.5 Management of Coastal Land Parcels at The Entrance North and Wamberal ..... 138
- 3.6 Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons and Terrigal Water Quality Sub-Committee meetings held 25 August 2020 ..... 148

## **4 Information Reports**

- 4.1 Meeting Record for the Catchments and Coast Committee Tuggerah Lakes meeting held on 26 August 2020 ..... 166
- 4.2 Meeting Record of the Gosford CBD and Waterfront Advisory Committee meeting held 13 August 2020..... 172
- 4.3 Meeting Record of the Social Inclusion Advisory Committee meeting held 11 August 2020 ..... 178
- 4.4 Activities of the Social Impact Taskforce ..... 184
- 4.5 The Entrance Channel - Studies and Reports ..... 187
- 4.6 The Entrance Beach North - Coastal Erosion Update..... 206

**5 Questions With Notice**

5.1 Questions with Notice ..... 209

**6 Notices Of Motion**

6.1 Deferred Item - Notice of Motion - Leveraging Jobs Hub off \$250M  
State Government Rail Investment at Kangy Angy ..... 210

6.2 Notice of Motion - Collapse of Confidence in Council's Internal Controls  
and Financial Management ..... 214

6.3 Notice of Motion - Tradie led COVID recovery for the Central Coast..... 217

**7 Confidential Items**

7.1 Code of Conduct Investigation Report - INV25/2019

7.2 Code of Conduct Investigation Report - INV6/2020

Gary Murphy  
**Chief Executive Officer**



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

---



12 October 2020 Ordinary Council Meeting

Trim Reference: F2020/00039 - D14204825

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

Section 451 of the LG Act states:

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

## 1.1 Disclosures of Interest (contd)

---

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

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

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

### **Recommendation**

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

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

---

12 October 2020 Ordinary Council Meeting

Trim Reference: F2020/00039 - D14204832



### **Summary**

Confirmation of minutes of the Ordinary Meeting of Council held on 28 September 2020.

### **Recommendation**

***That Council confirm the minutes of the Ordinary Meeting of Council held on the 14 September 2020.***

### **Attachments**

- 1 Minutes - Ordinary Meeting - 28 September 2020



## Central Coast Council

### Minutes of the Ordinary Council Meeting of Council

Held remotely - online  
on 28 September 2020

---

#### Present

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

#### In Attendance

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

The Mayor, Lisa Matthews, declared the meeting open at 6.33pm.

At the request of the Mayor, Mr Gary Murphy, Chief Executive Officer advised that the meeting will be held remotely in accordance with section 747A of The Local Government Act 1993 clause 1(a)(i) and section 413L of The Local Government (General) Regulation 2005. Councillors were also reminded to adhere to the relevant policies and procedures including the Code of Meeting Practice and Code of Conduct.

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

The reports are recorded in their correct agenda sequence.

#### Apologies

Time commenced: 6.38pm

**Moved:** **Councillor Sundstrom**

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

#### Resolved

**900/20 That Council accept the apologies received from Councillor Burke and Gale for tonight's Ordinary Meeting.**

**901/20 That Council grant the leave of absence submitted by Councillor Gale for the meeting of 12 October 2020.**

**For:  
Unanimous**

The Mayor commemorated Ms Susan Ryan who recently passed away and acknowledged the contribution she had for women in Government as she was the first women from Australian Labor Party to serve in cabinet, first women to hold the portfolio relating to women's affairs, served as a Senator for the Australian Capital Territory, notably involved in the creation of the Sex Discrimination Act 1984 and Affirmative Action Act 1986 and Australia's first Age Discrimination Commissioner.

### **1.1 Disclosures of Interest**

---

Time commenced: 6.41pm

#### **2.1 Outcome of exhibition of Planning Proposal related to Precinct 2A and 2B North Wyong Shire Structure Plan**

Mayor Matthews declared a pecuniary interest in the matter as a family member owns land within this precinct. Mayor Matthews left the meeting at 6.52pm, returned at 7.07pm and did not participate in discussion on this matter.

#### **2.3 Request to prepare Planning Proposal No 239 Debenham Road North, Somersby**

Councillor Marquart declared a significant non pecuniary interest in the matter as he owns property within close proximity to the current proposal. Councillor Marquart left the meeting at 7.09pm, returned at 7.11pm and did not participate in discussion on this matter.

#### **3.3 State of Environment Report 2020**

Councillor Vincent declared a pecuniary interest in the matter as his employer has charter over the northern ash dams. Councillor Vincent left the meeting at 8.03pm, returned at 8.09pm and did not participate in discussion on this matter.

#### **3.6 Adoption of amendments to 2020-21 Fees and Charges**

Mayor Matthews declared a pecuniary interest in the matter as family members might be affected by the changes associated with these fees and charges. Mayor Matthews left the meeting at 8.51pm, returned at 8.59pm and did not participate in discussion on this matter.

Councillor Hogan declared a pecuniary interest in the matter as the organisation she works for rents premises from Council. Councillor Hogan left the meeting at 8.51pm, returned at 8.59pm and did not participate in discussion on this matter.

Councillor Best declared a less than significant non pecuniary interest in the matter as his employer rents premises from Council. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

### **3.7 Community Support Grant Program - July 2020**

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she knows of community group recipients.

Councillor Holstein declared a significant non pecuniary interest in the matter as he is a member of the Rotary Club.

Councillor McLachlan declared a pecuniary interest in the matter as his company has sponsored one of the grant applicants previously.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows some of the grant applicants.

This item was resolved by the exception method.

### **3.8 Draft Skatepark Action Plan**

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as his son was a NSW team rider/skater. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

### **4.3 Working Together Staying Strong COVID Grants - August 2020**

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

This item was resolved by the exception method.

### **7.1 Metro Cinema at Lake Haven - Rent Waiver**

Mayor Matthews declared a significant non pecuniary interest in the matter as the Chief Executive Officers' partner was her Campaign Manager in the 2017 Local Government Elections.

This item was resolved by the exception method.

**Moved: Councillor MacGregor**

**Seconded: Councillor Mehrtens**

**Resolved**

**902/20 That Council receive the report on disclosure of interest and note advice of disclosures.**

**For:**

**Unanimous**



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

---

Time commenced: 6.47pm

**Moved: Councillor MacGregor**

**Seconded: Councillor Sundstrom**

**Resolved**

**903/20 That Council confirm the minutes of the Ordinary Meeting of Council held on the 14 September 2020.**

**For:**

**Unanimous**

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

---

Time commenced: 6.47pm

**Moved: Councillor Hogan**

**Seconded: Councillor Mehrrens**

**Resolved**

**904/20 That Council resolve that the following matters be dealt with in closed session, pursuant to s. 10A(2)(a) of the Local Government Act 1993 for the following reasons:**

**Item 7.1 – Metro Cinema at Lake Haven – Rent Waiver**

**Reason for considering in closed session:**

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

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

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

**That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report and Attachment 1 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.**

**For:**  
**Mayor Matthews, Councillors Best, Hogan, Holstein, MacGregor, Marquart, McLachlan, Mehrstens, Smith, Sundstrom and Vincent**

**Against:**  
**Councillors Greenaway and Pilon**

### Procedural Motion – Exception

Time commenced: 6.48pm

**Moved: Councillor Holstein**

**Seconded: Councillor Pilon**

### Resolved

**905/20 That Council adopt the following items as a group and in accordance with the report recommendations:**

<b>Item #</b>	<b>Item Title</b>
<b>3.5</b>	<b>Investment Report for July and August 2020</b>
<b>3.7</b>	<b>Community Support Grant Program – July 2020</b>
<b>4.1</b>	<b>Meeting Record of the Coastal Open Space System (COSS) Committee Extraordinary Meeting held on 18 August 2020</b>
<b>4.2</b>	<b>Meeting Record of the Playspaces Advisory Committee Meeting held on 5 August 2020</b>
<b>4.3</b>	<b>Working Together Staying Strong COVID Grants - August 2020</b>
<b>6.4</b>	<b>Notice of Motion – Wamberal Taskforce</b>
<b>7.1</b>	<b>Metro Cinema at Lake Haven – Rent Waiver</b>

**906/20 That Council discuss the following items individually:**

<b>Item #</b>	<b>Item Title</b>
<b>2.1</b>	<b>Outcome of exhibition of Planning Proposal related to Precinct 2A and 2B North Wyong Shire Structure Plan</b>
<b>2.2</b>	<b>Planning Proposal RZ /6/2016 Warnervale and Virginia Rd, Warnervale</b>
<b>2.3</b>	<b>Request to prepare Planning Proposal No 239 Debenham Road North, Somersby</b>
<b>2.4</b>	<b>Review of the Warnervale Section 7:11 Pan Request for Public Exhibition</b>
<b>3.1</b>	<b>Draft Economic Development Strategy 2020-2040 and Economic Recovery and Resilience Framework</b>

<b>Item #</b>	<b>Item Title</b>
<b>3.2</b>	<b><i>Proposed Development of Warnervale Education and Business Precinct</i></b>
<b>3.3</b>	<b><i>State of Environment Report 2020</i></b>
<b>3.4</b>	<b><i>Amended Code of Meeting Practice and Consideration of Submissions</i></b>
<b>3.6</b>	<b><i>Adoption of amendments to 2020-221 Fees and Charges</i></b>
<b>3.8</b>	<b><i>Draft Skatepark Action Plan</i></b>
<b>3.9</b>	<b><i>Biodiversity Strategy</i></b>
<b>3.10</b>	<b><i>Meeting Record of the Companion Animals Advisory Committee held 28 July 2020</i></b>
<b>6.1</b>	<b><i>Notice of Motion - Additional Motion to LGNSW Annual Conference - Legislative Reform</i></b>
<b>6.2</b>	<b><i>Notice of Motion - Extreme Risks and Lease Liabilities</i></b>
<b>6.3</b>	<b><i>Notice of Motion - Leveraging Jobs Hub off \$250M State Government Rail Investment at Kangy Angy</i></b>

**For:**  
**Unanimous**

## **2.1 Outcome of exhibition of Planning Proposal related to Precinct 2A and 2B North Wyong Shire Structure Plan**

---

Time commenced: 6.52pm

Mayor Matthews declared a pecuniary interest in the matter as a family member owns land within this precinct. Mayor Matthews left the meeting at 6.52pm, returned at 7.07pm and did not participate in discussion on this matter.

The Mayor vacated the chair and the Deputy Mayor assumed the chair at 6.52pm.

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

### **Resolved**

**907/20 That Council amend Planning Proposal (PP\_2013\_WYONG\_013\_02; RZ/2/2013) as exhibited in response to issues raised by submissions and to provide greater guidance for future development of the land, as follows:**

- a Relocation of RE1 Public Recreations zoning adjoining the wildlife and riparian corridors to more suitable, less topographically constrained locations;**
- b Widening the central wildlife corridor from 30m to a minimum of 40m; and**

- c** *Realignment of the R2 Low Density Residential zone and RE1 Public Recreation Zone to promote a more orderly and feasible development outcomes.*

**908/20** *That Council supports the Planning Proposal (PP\_2013\_WYONG\_013\_02; RZ/2/2013) as exhibited and outlined above, to land within Precincts 2A and 2B from RU6 Transition and E2 Environmental Conservation to R2 Low Density Residential, RE1 Public Recreation, E2 Environmental Conservation and E3 Environmental Management under Wyong Local Environmental Plan 2013 or the Central Coast Local Environmental Plan (whichever is in effect);*

**909/20** *That Council request the Secretary of the Department of Planning, Industry and Environment to concur that the inconsistency of the Planning Proposal with the s9.1 Ministerial Direction 4.3 Flood Prone Land be considered of minor significance for the reasons outlined in this report;*

**910/20** *That Council request, upon the receipt of concurrence requested by resolution 3, and the adoption of the updated Warnervale District S.7.11 Development Contribution Plan, the Chief Executive Officer to exercise the delegation issued by the Department of Planning, Industry and Environment for Planning Proposal (PP\_2013\_WYONG\_013\_02; RZ/2/2013) to proceed with the steps for drafting and making of Amendment No. 34 to Wyong Local Environmental Plan 2013 or an amendment to the Central Coast Local Environmental Plan (whichever is in effect);*

**911/20** *That Council request that the Chief Executive Officer investigate further a voluntary scheme to increase the width of the wildlife corridor through Landholder agreements that may include options of voluntary acquisition and provide a report back to Council.*

**912/20** *That Council amend the draft site-specific Development Control Plan Chapter - Wadalba South Urban Release Area (as exhibited) in response to issues raised by submissions and to provide greater guidance for future development of the land, as follows:*

- a** *Addition of objectives and controls regarding flooding, stormwater and biodiversity;*
- b** *Including additional and expanded requirements for Council to consider at the DA stage which include staging and servicing requirements;*
- c** *Minor alterations to wording, terminologies and references to make the DCP clearer and to better reflect objectives.*

**913/20** *That Council adopt the site-specific Development Control Plan Chapter - Wadalba South Urban Release Area (as amended at Attachment 2) as Chapter 6.28 within Wyong Development Control Plan 2013, and as Chapter 5.52 within the Central Coast Development Control Plan (when it comes into effect), which shall come into effect upon notification of the plan.*

**914/20** *That Council publish a public notice of its decision regarding the adoption of the Development Control Plan within 28 days;*

**915/20** *That Council provide the Planning Secretary with a copy of the Development Control Plan within 28 days;*

**916/20** *That Council advise all those who made a submission of the decision.*

**For:**  
**Councillors Best, Holstein, MacGregor, Marquart, McLachlan, Pilon, Smith, Sundstrom and Vincent**

**Against:**  
**Councillors Greenaway, Hogan and Mehrtens**

The Deputy Mayor vacated the chair and the Mayor resumed the chair at 7.07pm.

## **2.2 Planning Proposal RZ /6/2016 Warnervale and Virginia Rd, Warnervale**

---

Time commenced: 7.07pm

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

**Resolved**

**917/20** *That Council defer consideration of this item until a site visit has been conducted for those interested Councillors.*

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

**Against:**  
**Councillor Vincent**

## **2.3 Request to prepare Planning Proposal No 239 Debenham Road North, Somersby**

---

Time commenced: 7.09pm

Councillor Marquart declared a significant non pecuniary interest in the matter as he owns property within close proximity to the current proposal. Councillor Marquart left the meeting at 7.09pm, returned at 7.11pm and did not participate in discussion on this matter.

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

**Resolved**

**918/20** *That Council defer consideration of this item until a site visit has been conducted for those interested Councillors.*

**For:**  
**Mayor Matthews, Councillors Best, Greenaway, Hogan, Holstein, MacGregor, McLachlan, Mehrstens, Pilon, Smith and Sundstrom**

**Against:**  
**Councillor Vincent**

## **2.4 Review of the Warnervale Section 7:11 Plan Request for Public Exhibition**

---

Time commenced: 7.11pm

**Moved:** Councillor Greenaway  
**Seconded:** Councillor MacGregor

### **Resolved**

**919/20 That Council request the Chief Executive Officer to exhibit the draft amended Warnervale District Contributions Plan 2020 for 28 days to allow for public consultation.**

**920/20 That a further report be presented to Council on the outcomes of the public exhibition and that such report include correspondence confirming the binding written commitments from the State Government relating to infrastructure that it will provide at specific locations and which notes both the budgeted amount and the delivery dates for such infrastructure.**

**921/20 That Council hold discussions with the Department of Planning, Environment and Industry during the exhibition period to determine how the Special Infrastructure Contributions will be utilised for the Warnervale District.**

**For:**  
**Unanimous**

## **3.1 Draft Economic Development Strategy 2020-2040 and Economic Recovery and Resilience Framework**

---

Time commenced: 7.20pm

Councillor Mehrstens left the meeting at 7.30pm and returned at 7.31pm  
Councillor Sundstrom left the meeting at 7.44pm and returned at 7.45pm  
Councillor Pilon left the meeting at 7.51pm and did not vote on the motion

**Moved:** Councillor Holstein  
**Seconded:** Councillor McLachlan

**1 That Council acknowledges the significant needs of the Central Coast business community and regional economy in both the short and long term.**



- 2 That Council receive and note the Draft Economic Development Strategy 2020-2040, Economic Recovery and Resilience Framework, and Economic Development Team Resources report and all supporting documentation.
- 3 That Council endorse the Draft Central Coast Economic Development Strategy 2020-2040.
- 4 That Council endorse the Draft Central Coast Economic Recovery and Resilience Framework.

Amendment Moved: Councillor Smith  
Amendment Seconded: Councillor MacGregor

- 1 That Council receive and note the Draft Economic Development Strategy 2020-2040 and the Economic Recovery and Resilience Framework.
- 2 That Council endorse the Draft Central Coast Economic Development Strategy 2020-2040 with the following amendments:
  - a Amendments as resolved by Council on 9 June 2020 to be made in the final document
  - b Page 26 – under IMPROVING ECONOMIC LEADERSHIP AND COORDINATION - Add "Projects that build consensus across all levels of government, key stakeholders and the community"
  - c Wherever a reference to a "City Deal" is made, specify that the action is to "investigate a City Deal"
  - d Page 31 – "Work with stakeholders, peak bodies and the community to modernise and streamline planning processes and requirements to future-proof our new development"
  - e Replace references to "removing red tape" to "streamlining processes"
- 3 That Council endorse the Draft Central Coast Economic Recovery and Resilience Framework with the following amendments:
  - Page 5 - Council is investigating opportunities to advance the economic revitalisation of Gosford, Wyong, The Entrance, Peninsula and other town centres.
  - Page 8 – Amend to add "Quadruple Bottom Line" as a Response Principle - defined in terms of economic, social, ecological and governance
  - Page 17 – Amend Strategic Themes to add "Quadruple Bottom Line"
  - Page 22 – replace "entering into public-private partnerships" with "investigate public-private partnerships"
  - Replace references to "removing red tape" with "streamlining processes"
- 4 That Council note that the Implementation Plans for the Draft Central Coast Economic Development Strategy 2020-2040 and the Draft Economic Recovery and Resilience Action Plan are

*draft documents to be amended in line with changes above and subject to further discussion before finalisation.*

**For:**  
Mayor Matthews, Councillors Best, Greenaway,  
Hogan, MacGregor, Mehrtens, Pilon, Smith,  
Sundstrom and Vincent

**Against:**  
Councillors Holstein, McLachlan and Marquart

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

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

### **Resolved**

**922/20** *That Council receive and note the Draft Economic Development Strategy 2020-2040 and the Economic Recovery and Resilience Framework.*

**923/20** *That Council endorse the Draft Central Coast Economic Development Strategy 2020-2040 with the following amendments:*

- a** *Amendments as resolved by Council on 9 June 2020 to be made in the final document*
- b** *Page 26 – under IMPROVING ECONOMIC LEADERSHIP AND COORDINATION - Add "Projects that build consensus across all levels of government, key stakeholders and the community"*
- c** *Wherever a reference to a "City Deal" is made, specify that the action is to "investigate a City Deal"*
- d** *Page 31 – "Work with stakeholders, peak bodies and the community to modernise and streamline planning processes and requirements to future-proof our new development"*
- e** *Replace references to "removing red tape" to "streamlining processes"*

**924/20** *That Council endorse the Draft Central Coast Economic Recovery and Resilience Framework with the following amendments:*

- *Page 5 - Council is investigating opportunities to advance the economic revitalisation of Gosford, Wyong, The Entrance, Peninsula and other town centres.*
- *Page 8 – Amend to add "Quadruple Bottom Line" as a Response Principle - defined in terms of economic, social, ecological and governance*
- *Page 17 – Amend Strategic Themes to add "Quadruple Bottom Line"*

- **Page 22 – replace “entering into public-private partnerships’ with “investigate public-private partnerships”**
- **Replace references to “removing red tape” with “streamlining processes”**

**925/20 That Council note that the Implementation Plans for the Draft Central Coast Economic Development Strategy 2020-2040 and the Draft Economic Recovery and Resilience Action Plan are draft documents to be amended in line with changes above and subject to further discussion before finalisation.**

**For: Mayor Matthews, Councillors Best, Greenaway, Hogan, Holstein, MacGregor, Marquart, Mehrtens, Smith, Sundstrom and Vincent**

**Against: Councillor McLachlan**

### **3.2 Proposed Development of Warnervale Education and Business Precinct**

---

Time commenced: 7.52pm

Councillor Pilon left the meeting at 7.51pm and did not vote.

**Moved: Councillor Greenaway**  
**Seconded: Councillor MacGregor**

#### **Resolved**

**926/20 That Council endorse the proposed concept plan for Warnervale Education and Business Precinct noting that this is not to be interpreted as an endorsement of, or acceptance of any of the content of Planning Proposal PP\_2014\_Wyong\_012\_00 and that this Concept Plan will be further developed independently of that proposal.**

**927/20 That Council approve the industry and community exhibition and consultation of the concept plan for 28 days.**

**928/20 That Council approve the call for expressions of interest from business, industry and education providers to partner with the Warnervale Education and Business Precinct.**

**929/20 That a further report to brought back to Council detailing the outcome of the expressions of interest.**

**For: Unanimous**

### **3.3 State of Environment Report 2020**

---

Time commenced: 7.57pm

Councillor Vincent declared a pecuniary interest in the matter as his employer has charter over the northern ash dams. Councillor Vincent left the meeting at 8.03pm, returned at 8.09pm and did not participate in discussion on this matter.

Councillor Pilon left the meeting at 7.51pm and returned at 8.08pm

**Moved: Councillor Smith**

**Seconded: Councillor Greenaway**

**Resolved**

**930/20 That Council adopt the Central Coast State of the Environment Report 2020 for publication on the website**

**931/20 That Council note an updated version of the Central Coast State of the Environment Report 2020 will be presented in November 2021**

**932/20 That Council refer the State of the Environment Report to the Innovation and Futures Reference Group for further consideration of gaps, information and data to be included in the final State of the Environment Report.**

**For:**

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

**Against:**

**Councillors Best, Marquart and McLachlan**

---

**3.4 Amended Code of Meeting Practice and Consideration of Submissions**

---

Time commenced: 8.09pm

Councillor Greenaway left the meeting at 8.13pm and returned at 8.14pm

Councillor Mehrtens left the meeting at 8.15pm and returned at 8.16pm

Councillor Best left the meeting at 8.23pm and returned at 8.24pm

Councillor MacGregor left the meeting at 8.50pm and did not vote on the motion

**Moved: Councillor Smith**

**Seconded: Councillor MacGregor**

**1 That Council in accordance with s.363 of the NSW Local Government Act 1993 adopt the amended Code of Meeting Practice that is Attachment 1 to this report having given consideration to all submissions and feedback received concerning the amended Code of Meeting Practice as required by s.362 of the NSW Local Government Act 1993 and making the following change in response to the submission received:**

- *Provide for the conduct of Council Meetings in the Gosford area at a suitable venue within two months of the lifting of restrictions under any relevant Public Health Order and Regulation; and*

- Provide for the conduct of Council Meetings at that venue for every second Council meeting from that time onward.
  - Provide for the conduct of Briefings alternatively between Gosford and Wyong once Council Meetings have resumed between alternative locations of Gosford and Wyong
- 2 That Council note that one submission, that is Attachment 2 to this report, was received during the exhibition period.
  - 3 That Council revoke Central Coast Council's [Webcasting of Council Meetings Policy](#) as it is now obsolete and the Code of Meeting Practice provides for the webcasting of all Council Meetings as required under the Model Code of Meeting Practice made in accordance with the NSW Local Government Act 1993.

Amendment Moved: Councillor Best  
 Amendment Seconded: Councillor McLachlan

- 1 That Council in accordance with s.363 of the NSW Local Government Act 1993 adopt the amended Code of Meeting Practice that is Attachment 1 to this report having given consideration to all submissions and feedback received concerning the amended Code of Meeting Practice as required by s.362 of the NSW Local Government Act 1993.
- 2 That Council note that one submission, that is Attachment 2 to this report, was received during the exhibition period.
- 3 That Council revoke Central Coast Council's Webcasting of Council Meetings Policy as it is now obsolete and the Code of Meeting Practice provides for the webcasting of all Council Meetings as required under the Model Code of Meeting Practice made in accordance with the NSW Local Government Act 1993.
- 4 That Council in the provision of open and transparent communications allows for the chat facility on the webcast of Council Meetings be activated.

For:  
 Councillors Best, Marquart and McLachlan

Against:  
 Mayor Matthews, Councillors Greenaway, Hogan, Holstein, MacGregor, Mehrrens, Pilon, Smith, Sundstrom and Vincent

The amendment was put to the vote and declared LOST.

Further Amendment Moved: Councillor Best  
 Further Amendment Seconded: Councillor McLachlan

- 1 That Council in accordance with s.363 of the NSW Local Government Act 1993 adopt the amended Code of Meeting Practice that is Attachment 1 to this report having given consideration to all submissions and feedback received concerning the amended Code of Meeting Practice as required by s.362 of the NSW Local Government Act 1993.

- 2 That Council note that one submission, that is Attachment 2 to this report, was received during the exhibition period.
- 3 That Council revoke Central Coast Council's Webcasting of Council Meetings Policy as it is now obsolete and the Code of Meeting Practice provides for the webcasting of all Council Meetings as required under the Model Code of Meeting Practice made in accordance with the NSW Local Government Act 1993.
- 4 That Council request the Chief Executive Officer report on the process and resources required for Council to livestream all Councillor briefings other than confidential.

For:  
Councillors Best, Holstein, Marquart, McLachlan  
and Pilon

Against:  
Mayor Matthews, Councillors Greenaway, Hogan,  
MacGregor, Mehrtens, Smith, Sundstrom and  
Vincent

The further amendment was put to the vote and declared LOST.

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

#### **Resolved**

- 933/20 That Council in accordance with s.363 of the NSW Local Government Act 1993 adopt the amended Code of Meeting Practice that is Attachment 1 to this report having given consideration to all submissions and feedback received concerning the amended Code of Meeting Practice as required by s.362 of the NSW Local Government Act 1993 and making the following change in response to the submission received:**
- **Provide for the conduct of Council Meetings in the Gosford area at a suitable venue within two months of the lifting of restrictions under any relevant Public Health Order and Regulation; and**
  - **Provide for the conduct of Council Meetings at that venue for every second Council meeting from that time onward.**
  - **Provide for the conduct of Briefings alternatively between Gosford and Wyong once Council Meetings have resumed between alternative locations of Gosford and Wyong**
- 934/20 That Council note that one submission, that is Attachment 2 to this report, was received during the exhibition period.**
- 935/20 That Council revoke Central Coast Council's [Webcasting of Council Meetings Policy](#) as it is now obsolete and the Code of Meeting Practice provides for the webcasting of all Council Meetings as required under the Model Code of Meeting Practice made in accordance with the NSW Local Government Act 1993.**



**For:**  
**Mayor Matthews, Councillors Greenaway,  
Hogan, Holstein, Mehrrens, Pilon, Smith,  
Sundstrom and Vincent**

**Against:**  
**Councillors Best, Marquart and McLachlan**

### **3.5 Investment Report for July and August 2020**

---

This item was resolved by the exception method.

**Moved: Councillor Holstein**  
**Seconded: Councillor Pilon**

**Resolved**

**936/20 That Council receive the Investment Report for July and August 2020.**

**For:**  
**Unanimous**

### **3.6 Adoption of amendments to 2020-21 Fees and Charges**

---

Time commenced: 8.51pm

Mayor Matthews declared a pecuniary interest in the matter as family members might be affected by the changes associated with these fees and charges. Mayor Matthews left the meeting at 8.51pm, returned at 8.59pm and did not participate in discussion on this matter.

Councillor Hogan declared a pecuniary interest in the matter as the organisation she works for rents premises from Council. Councillor Hogan left the meeting at 8.51pm, returned at 8.59pm and did not participate in discussion on this matter.

Councillor Best declared a less than significant non pecuniary interest in the matter as his employer rents premises from Council. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

The Mayor vacated the chair and the Deputy Mayor assumed the chair at 8.51pm.

Councillor MacGregor left the meeting at 8.50pm and returned at 8.54pm

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

**Resolved**

- 937/20** *That Council note that the proposed new fees and amendments to the 2020-21 Fees and Charges were publicly exhibited from 30 July 2020 to 26 August 2020 in accordance with ss. 610F and 705 of the Local Government Act 1993.*
- 938/20** *That Council further note that there were no submissions received during the public exhibition period for the new fees and amendments to the 2020-21 Fees and Charges.*
- 939/20** *That Council determine, pursuant to s. 610F of the Local Government Act 1993, to approve the new fees and amendments to the 2020-21 Fees and Charges.*
- 940/20** *That Council notes income yield from Fees and Charges for 2019/20 was \$56,671,859 against the 2020/21 exhibited budget of \$67,224,885.*

**For:**  
**Councillors Best, Holstein, MacGregor, Marquart, McLachlan, Mehrtens, Pilon and Smith**

**Against:**  
**Councillors Greenaway and Vincent**

**Abstained: Councillor Sundstrom**

The Deputy Mayor vacated the chair and the Mayor resumed the chair at 9.00pm.

### **3.7 Community Support Grant Program - July 2020**

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she knows of community group recipients.

Councillor Holstein declared a significant non pecuniary interest in the matter as he is a member of the Rotary Club.

Councillor McLachlan declared a pecuniary interest in the matter as his company has sponsored one of the grant applicants previously.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows some of the grant applicants.

This item was resolved by the exception method.

**Moved: Councillor Holstein**

**Seconded: Councillor Pilon**

#### **Resolved**

- 941/20** *That Council support the recommendations in principle to allocate \$18,334.82 from the 2020/21 grants budget to the Community Support Grant program, as outlined in the following report and Attachment 1*
- 942/20** *That Council decline applications for the reasons indicated in Attachment 2, the applicants be advised and where relevant, directed to alternate funding*

**943/20** *That Council request the Chief Executive Officer to review the proposals and identify those that may not be able to proceed at this stage due to the COVID-19 pandemic and only allocate to those able to deliver proposed projects*

**For:**

**Unanimous**

---

### **3.8 Draft Skatepark Action Plan**

---

Time commenced: 9.00pm

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as his son was a NSW team rider/skater. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

**Moved: Councillor Holstein**

**Seconded: Councillor MacGregor**

**Resolved**

**944/20** *That Council endorse the draft Central Coast Skatepark Action Plan for the purposes of community consultation.*

**945/20** *That the draft Central Coast Skatepark Action Plan be placed on public exhibition for a period of 28 days.*

**946/20** *That a further report comes back to Council on the outcomes of the public exhibition.*

**947/20** *That prior to the circulation of the strategy for community consultation that the strategy be amended to include four regional skate parks (north, south, east and west) with an even distribution of these high quality facilities across the LGA to encourage skateboarding tourism, the further development of competition grade facilities and the delivery by council of high quality facilities for both intra-regional and extra regional visitors to our regions skate parks.*

**For:**

**Unanimous**

---

### **3.9 Biodiversity Strategy**

---

Time commenced: 9.12pm

**Moved: Councillor Smith**

**Seconded: Councillor MacGregor**

**Resolved**

**948/20 That Council adopts the attached draft Central Coast Council Biodiversity Strategy amended as follows:**

- a a new theme titled "Protect and Expand the Coastal Open Space System (COSS);**
- b a brief history of the COSS;**
- c an explanation of the mechanisms that identified and enabled the COSS including, but not limited to, Bonus Lot Provision, COSS Levy, COSS Committee and voluntary acquisition process;**
- d actions relating to expanding COSS, protection of COSS lands and funding options that are independent of a reliance on offsetting.**

**For:**

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

**Against:**

**Councillors Best and Marquart**

### **3.10 Meeting Record of the Companion Animals Advisory Committee held 28 July 2020**

Time commenced: 9.22pm

**Moved: Councillor Best**

**Seconded: Councillor MacGregor**

**Resolved**

**949/20 That Council note the report on Meeting Record of the Companion Animals Advisory Committee meeting held on 28 July 2020.**

**950/20 That Council request the Office of Local Government to amend the section 29 of the Companion Animals Act 1998 to include:**

- The owner of a cat must take all reasonable precautions to prevent the cat from escaping from the property on which it is being kept.**

**Maximum penalty— 8 penalty units.**

**(1A) The regulations may, for the purposes of this section, specify what constitutes or does not constitute reasonable precautions to prevent a cat from escaping.**

**(2) For the purposes of subsection (1), owner of a cat includes the person who is for the time being in charge of the cat.**

**951/20 That Council submit this matter to the Local Government NSW Annual Conference as a motion.**

**For:**  
**Mayor Matthews, Councillors Best, Hogan,**  
**Holstein, MacGregor, McLachlan, Marquart,**  
**Pilon, Smith, Sundstrom and Vincent**

**Abstained:**  
**Councillor Mehrtens and Greenaway**

The meeting was adjourned at 9.38pm and resumed at 9.51pm.

#### **4.1 Meeting Record of the Coastal Open Space System (COSS) Committee Extraordinary Meeting held on 18 August 2020**

---

This item was resolved by the exception method.

**Moved: Councillor Holstein**  
**Seconded: Councillor Pilon**

**Resolved**

**952/20 That Council receive the report on Meeting Record of the Coastal Open Space System (COSS) Committee Extraordinary Meeting held on 18 August 2020.**

**For:**  
**Unanimous**

#### **4.2 Meeting Record of the Playspaces Advisory Committee Meeting held on 5 August 2020**

---

This item was resolved by the exception method.

**Moved: Councillor Holstein**  
**Seconded: Councillor Pilon**

**Resolved**

**953/20 That Council receive the report on Meeting Record of the Playspaces Advisory Committee Meeting held on 5 August 2020.**

**For:**  
**Unanimous**

#### **4.3 Working Together Staying Strong COVID Grants - August 2020**

---

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

This item was resolved by the exception method.

**Moved:** Councillor Holstein  
**Seconded:** Councillor Pilon

**Resolved**

**954/20** That Council receive the report on the Working Together Staying Strong Grant Program August 2020 applications as outlined in the following report and Attachments 1 and 2.

**For:**  
**Unanimous**

**6.1 Notice of Motion - Additional Motion to LGNSW Annual Conference - Legislative Reform**

---

Time commenced: 9.51pm

**Moved:** Councillor Greenaway  
**Seconded:** Councillor MacGregor

**Resolved**

**955/20** That Council resolve to submit the following additional motion to the LGNSW Annual Conference regarding the following issues, noting that it will be finalised and circulated to all Councillors prior to submission;

**Call on LGNSW to actively campaign for legislative reform that would**

- a** make it an offence for a person to intentionally or recklessly threaten or incite violence towards any persons listed in (b) (i) below, in the exercise of any function under the Local Government Act or any other Act or any regulation conferring functions on a council
- b** make it an offence for a person to publish content that reasonable persons would regard as being, in all the circumstances, intimidating, menacing, harassing or offensive towards any of the following in the exercise of any function under the Local Government Act or any other Act or any regulation conferring functions on a council
- (i)
- the Minister
  - the Departmental Chief Executive
  - a person authorised under section 746
  - an auditor appointed under Part 3 of Chapter 13
  - a council
  - a councillor
  - an administrator of a council appointed under this Act
  - an employee of a council



- **a police officer**
  - **a person duly authorised to perform the function for the purposes of the Act or regulation concerned.**
- c impose, in addition to Maximum penalties as provided in similar legislation eg Crimes (Domestic and Personal Violence) Act 2007, a further penalty to the effect that anyone convicted of such an offence be disqualified from holding public office as per s 275 of the Local Government Act 1993**

**For:**  
**Mayor Matthews, Councillors Greenaway, Hogan, Holstein, MacGregor, Mehrstens, Smith, Sundstrom and Vincent**

**Against:**  
**Councillors Best, Pilon, McLachlan Marquart**

## **6.2 Notice of Motion - Extreme Risks and Lease Liabilities**

Time commenced: 10.10pm

Councillor MacGregor left the meeting at 10.14pm and returned at 10.22pm

Councillor Pilon left the meeting at 10.15pm and returned at 10.16pm

Moved: Councillor Best

Seconded: Councillor Marquart

- 1 *That Council recognises and thanks staff for their risk minimisation initiative to introduce a revised 'Displacement Threshold' at Warnervale Airport / ALA requiring \$13,000.00 of new line markings as opposed to trimming the trees, due to Council Resolutions on foot.*
- 2 *Further Council notes that all relevant parties other than Council, i.e. Central Coast Aero Club and HTH Holdings / Hudsons, are more than happy to deal with the vegetation issue as a matter of urgency.*
- 3 *That Council notes with great concern that the new reduced thresholds have now resulted in disqualifying urgent Medical Evacuation Aircraft / AirMed from accessing the Airport along with other Emergency Service Providers such as RFS training on the eve of our 20/21 Bushfire Season.*
- 4 *That Council notes repeated staff reports highlighting the need for urgent safety action around vegetation issues, concerns by CASA, benchmarked against their Safety Matrix and the recently released Warnervale Airport (Restrictions) Act Review recommending urgent action to mitigate vegetation safety issues, i.e. trees at the end of the runway. It is with this understanding and in light of the Staff Response (see 1 above) that Council now formally seek advice from our Insurers Statewide, as to whether these actions are sufficient for them to continue insuring this Council, its Ratepayers and indeed Councillors in the event of the loss of an aircraft, serious injury or death if found negligent that may lend itself to Manslaughter Charges.*
- 5 *That further to Council's recent far reaching initiative to change the name of the Airport from an Airport to an ALA, Aircraft Landing Area, staff investigate and report on what governance and due diligence was carried out prior to this decision being made and as to whether Council now as the owner and Lessor of the Airport has breached its obligations under the License Deed due to possible*

*implications that will now arise from the re-identification of the Airport to an ALA, reportedly through no consultation.*

*For:*  
*Councillors Best, Holstein, Marquart, McLachlan and Pilon*

*Against:*  
*Mayor Matthews, Councillors Greenaway, Hogan, MacGregor, Mehrtens, Smith, Sundstrom and Vincent*

A division was called by Councillors Marquart and Best

*For:*  
*Councillors Best, Holstein, Marquart, McLachlan and Pilon*

*Against:*  
*Mayor Matthews, Councillors Greenaway, Hogan, MacGregor, Mehrtens, Smith, Sundstrom and Vincent*

The motion was put to the vote and declared LOST

---

**6.3 Notice of Motion - Leveraging Jobs Hub off \$250M State Government Rail Investment at Kangy Angy**

---

Time commenced: 10.52pm

**Moved: Councillor Best**  
**Seconded: Councillor Pilon**

**Resolved**

**956/20 That Council defer consideration of item 6.3 - Notice of Motion - Leveraging Jobs Hub off \$250M State Government Rail Investment at Kangy Angy to the 12 October 2020 Ordinary Meeting.**

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

**Against:**  
**Councillor Vincent**

---

**6.4 Notice of Motion - Wamberal Taskforce**

---

This item was resolved by the exception method.

**Moved: Councillor Holstein**  
**Seconded: Councillor Pilon**

**Resolved**

- 957/20** *That the Chief Executive Officer seek to make available on Council's website the minutes of the recently established Wamberal Taskforce noting that:*
- a for past meetings, these minutes should be available on the website by end of October, 2020; and*
  - b for future meetings, the minutes should be available on the website within 1 week of formal adoption by the Wamberal Taskforce.*
- 958/20** *That the Chief Executive Officer provide a report to the last meeting in October, 2020 on*
- a the costs of emergency works undertaken at Wamberal Beach and North Entrance Beach as directed by the State government*
  - b the process and progress of recovering those costs from the State government*

**For:**  
**Unanimous**

The confidential report was adopted by the exception method (minute 905/20) and therefore the resolutions are reported as follows;

#### **7.1 Metro Cinema at Lake Haven - Rent Waiver**

---

Mayor Matthews declared a significant non pecuniary interest in the matter as the Chief Executive Officers' partner was her Campaign Manager in the 2017 Local Government Elections.

This item was resolved by the exception method.

**Moved:** **Councillor Holstein**  
**Seconded:** **Councillor Pilon**

**Resolved**

- 959/20** *That Council defer consideration of Metro Cinema at Lake Haven – Rent Waiver to the Ordinary Meeting to be held on 28 September 2020 and note that a report will be provided for Council's consideration in the business paper of 12 October 2020.*

**For:**  
**Unanimous**

**The Meeting** closed at 10.52 pm.



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

---

12 October 2020 Ordinary Council Meeting

Trim Reference: F2020/00039 - D14204848

## **Summary**

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

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

## **Recommendation**

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

**Item 7.1 – Code of Conduct Investigation Report – INV25/2019**

**Item 7.2 – Code of Conduct Investigation Report – INV6/2020**

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

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

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

***That Council resolve in accordance with section 10A(2)(i) of the Local Government Act that this matter be considered in closed session of Council as it relates to alleged contraventions of the Code of Conduct made under section 440. On balance consideration of this matter in open Council would not be in the public interest as it contains confidential information and the matter remains undetermined by Council at this time.***

**Context**

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

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

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

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

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

**Attachments**

Nil



**Item No:** 2.1  
**Title:** Deferred Item - Planning Proposal RZ /6/2016  
Warnervale and Virginia Rd, Warnervale  
**Department:** Innovation and Futures

---

12 October 2020 Ordinary Council Meeting

Reference: RZ/6/2016 - D14217151  
Author: Shannon Turkington, Senior Strategic Planner  
Manager: Gary Hamer, Section Manager, Strategic Planning  
Executive: Ricardo Martello, Executive Manager Innovation and Futures

## Summary

At its meeting held 28 September 2020, the Council resolved as follows;

*526/20 That Council defer consideration of this item until a site visit has been conducted for those interested Councillors.*

## Report Purpose

The purpose of the report is for Council to consider a Planning Proposal and amendments to Chapter 6.5 of Wyong Development Control Plan (DCP) in relation to Lot 1 DP 385242, Lots 1, 2 & 3 DP 1101086, Lot 1 DP 1018444 and Lots 73, 74, 75 & 76 DP 7091 (15-35 Warnervale Road & Part of 95-105 & 107-171 Virginia Road, Warnervale. The Proposal seeks to rezone the land to R1 General Residential, R2 Low Density Residential and E3 Environmental Management.

This report provides an overview of the outcomes of community consultation in respect of the Planning Proposal and draft Development Control Plan.

This report recommends that Council finalise the Planning Proposal and adopt changes to Chapter 6.5 of Wyong Development Control Plan (DCP) relating to the subject land.

## Recommendation

- 1 That Council supports the Planning Proposal as exhibited to rezone Lot 1 DP 385242, Lots 1, 2 & 3 DP 1101086, Lot 1 DP 1018444 and Lots 73, 74, 75 & 76 DP 7091 (15-35 Warnervale Road & Part of 95-105 & 107-171 Virginia Road, Warnervale to R1 General Residential, R2 Low Density Residential and E3 Environmental Management under Wyong Local Environmental Plan 2013 or the Central Coast Local Environmental Plan (whichever is in effect).***

**2.1 Deferred Item - Planning Proposal RZ /6/2016 Warnervale and Virginia Rd, Warnervale (contd)**

---

- 2 That Council request the Secretary of the Department of Planning, Industry and Environment to concur that the inconsistency of the Planning Proposal with the s9.1 Ministerial Direction 4.3 Flood Prone Land be considered of minor significance for the reasons outlined in this report.**
- 3 That Council request, upon the receipt of concurrence requested by resolution 2, the Chief Executive Officer to exercise the delegation issued by the Department of Planning, Industry and Environment for Planning Proposal (PP\_2017\_CCOAS\_010\_00; RZ/6/2016) to proceed with the steps for drafting and making of Amendment No. 35 to Wyong Local Environmental Plan 2013 or an amendment to the Central Coast Local Environmental Plan (whichever is in effect).**
- 4 That Council advise all those who made a submission of the decision.**
- 5 That Council adopt amendments to Chapter 6.5 Warnervale South (Attachment 2) as:
  - a Amendment to chapter 6.5 within Wyong Development Control Plan 2013, or as new Chapter 5.25 within the Central Coast Development Control Plan (whichever is in effect), which shall come into effect upon notification of the plan.**
  - b Amended as per the following items outlined in response to the exhibition period incorporating the following changes:
    - i. Inclusion of an additional road type (Park Edge)**
    - ii. Updating of bushfire requirements to meet current legislation**
    - iii. Updating of maps to be consistent with approved development on the site**
    - iv. Minor alterations to wording, terminologies and references to ensure consistency with legislation updates.******
- 6 That Council publish a public notice of its decision regarding the adoption of the Development Control Plan within 28 days.**
- 7 That Council provide the Planning Secretary with a copy of the Development Control Plan within 28 days.**

## **Background**

At the Ordinary Meeting held on 26 July 2017 Council resolved to

## 2.1 **Deferred Item - Planning Proposal RZ /6/2016 Warnervale and Virginia Rd, Warnervale (contd)**

---

- 446/17 *That the Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013, to rezone lands at (15-35 Warnervale Road & Part of 95-105 & 107-171 Virginia Road);*
- *Lot 1 DP 385242*
  - *Lots 1, 2 & 3 DP 1101086*
  - *Lot 1 DP 1018444*
  - *Lots 73, 74, 75 & 76 DP 7091*
- from E3 Environmental Management to R2 Low Density Residential, from RE1 Public Recreation to R1 General Residential, from R2 Low Density Residential to R1 General Residential and from RU6 Transition to R2 Low Density Residential and E3 Environmental Management, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979.*
- 447/17 *That the Council forward the Planning Proposal to the NSW Minister for Planning requesting a gateway determination, as well as requesting delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act, 1979.*
- 448/17 *That the Council prepare and exhibit, subject to the Gateway Determination, appropriate Development Control Plan provisions to amend Wyong Development Control Plan 2013.*
- 449/17 *That the Council prepare and exhibit, subject to the Gateway Determination, appropriate amendments to applicable Section 94 Development Contributions Plan (if required) to support the development of the subject land.*
- 450/17 *That the Council authorise staff to negotiate and prepare a Voluntary Planning Agreement with respect to any aspect of the proposal, (if required).*
- 451/17 *That the Council undertake community and public authority consultation, in accordance with the Gateway Determination requirements, including the concurrent exhibition of the draft Development Control Plan, draft amending Section 94 Development Contributions Plan and draft Voluntary Planning Agreement (if required).*
- 452/17 *That the Council consider a further report on results of the agency and community consultation.*

A Gateway Determination was issued by the then NSW Department of Planning and Environment on 17 October 2017. Amending Gateway Determinations were issued to extend the timeframe for completion of the Planning Proposal until 1 November 2020.



## 2.1 Deferred Item - Planning Proposal RZ /6/2016 Warnervale and Virginia Rd, Warnervale (contd)

### The Site

The Planning Proposal applies to Lot 1 DP 385242, Lots 1, 2 & 3 DP 1101086, Lot 1 DP 1018444 and Lots 73, 74, 75 & 76 DP 7091 (15-35 Warnervale Road & Part of 95-105 & 107-171 Virginia Road, Warnervale (see Figure 1).

The site is zoned RE1 Public Recreation, R2 Low Density Residential, RU6 Transition and E3 Environmental Management. The total area is approximately 210 hectares (ha) which includes approximately 150 ha of floodplain. The land is predominately clear and used for grazing livestock.

The site is located south of Warnervale Road and west of Virginia Road and is referred to as the southern portion of Precinct 7A, now identified as Precinct 7 in the *North Wyong Shire Structure Plan* (NWSSP). The main Northern Railway line adjoins the site to the west and North Wyong Industrial area is located to the south.

The Planning Proposal covers a small part of a prior rezoning known as 'Precinct 7A' that rezoned 540 ha of land from 10(a) Investigation zone to R1 General Residential zone, R2 Low Density Residential zone, B1 Neighbourhood centre, B7 Business Park zone, E2 Environmental Conservation zone, E3 Environmental Protection zone, RE1 Public Recreation and RE2 Private Recreation in 2013 under *Wyong Local Environmental Plan 2013* (WLEP 2013).



Figure 1 – Site Area

## 2.1 Deferred Item - Planning Proposal RZ /6/2016 Warnervale and Virginia Rd, Warnervale (contd)

The site is being developed by AV Jennings, a development consent has been issued for stage 1 (5 lots) and for stages 2A and 2B on the 3 July 2020. The development consent for stages 2A and 2B is for subdivision (158 residential lots, 1 commercial lot, 14 residue lots and wildlife corridor). A copy of the approved subdivision is provided below.

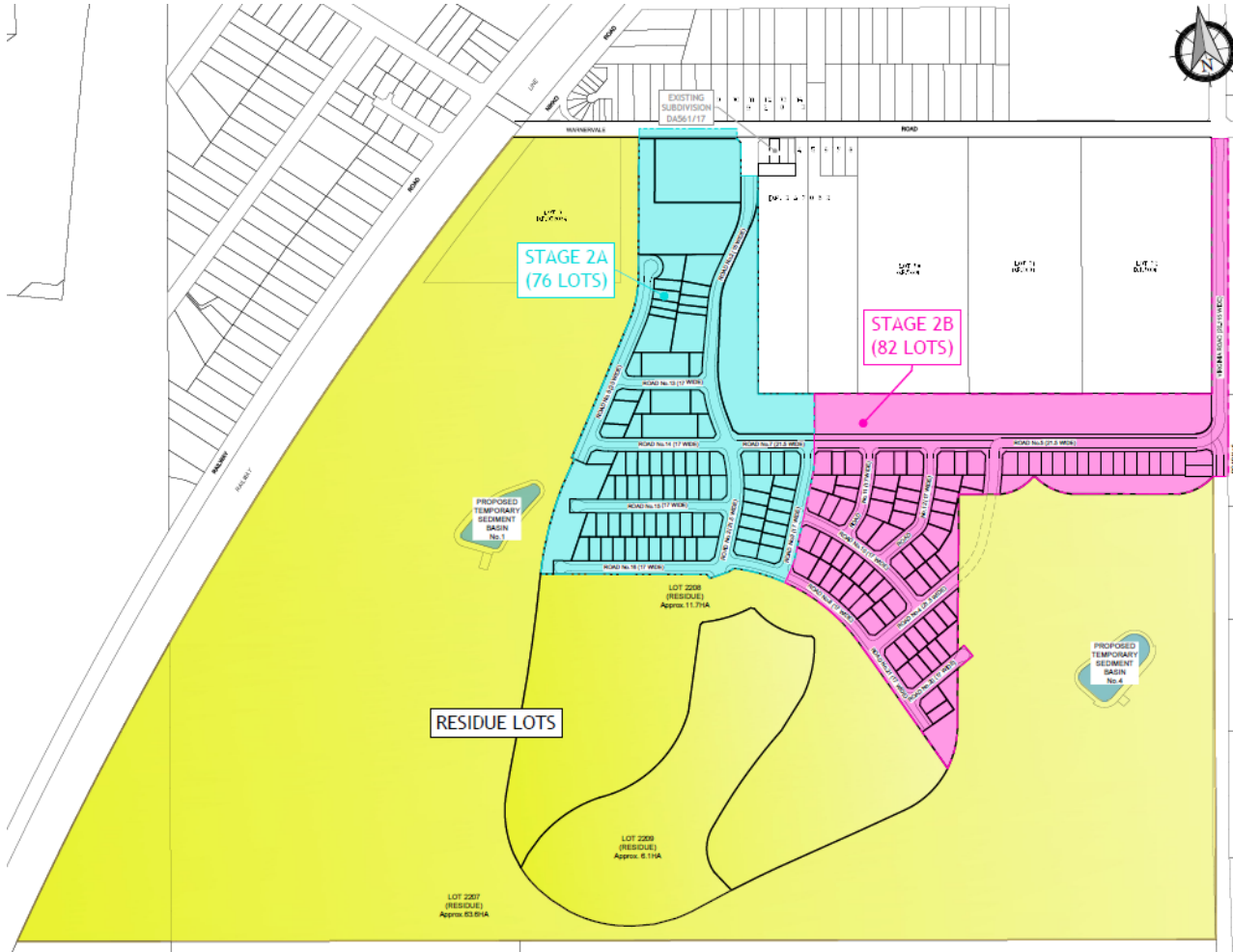


Figure 2 – Approved lot layout Stages 2A and 2B (AV Jennings)

### The Proposal

The intended outcome of the proposal is to enable the subdivision and development of the site to accommodate a variety of housing types from single dwellings to medium density housing. The inclusion of the R1 General Residential zone will allow a mixture of housing types, providing greater housing diversity in the Warnervale area. The Planning Proposal will create an additional 180 lots, with the overall Masterplan for the site providing approximately 526 lots.

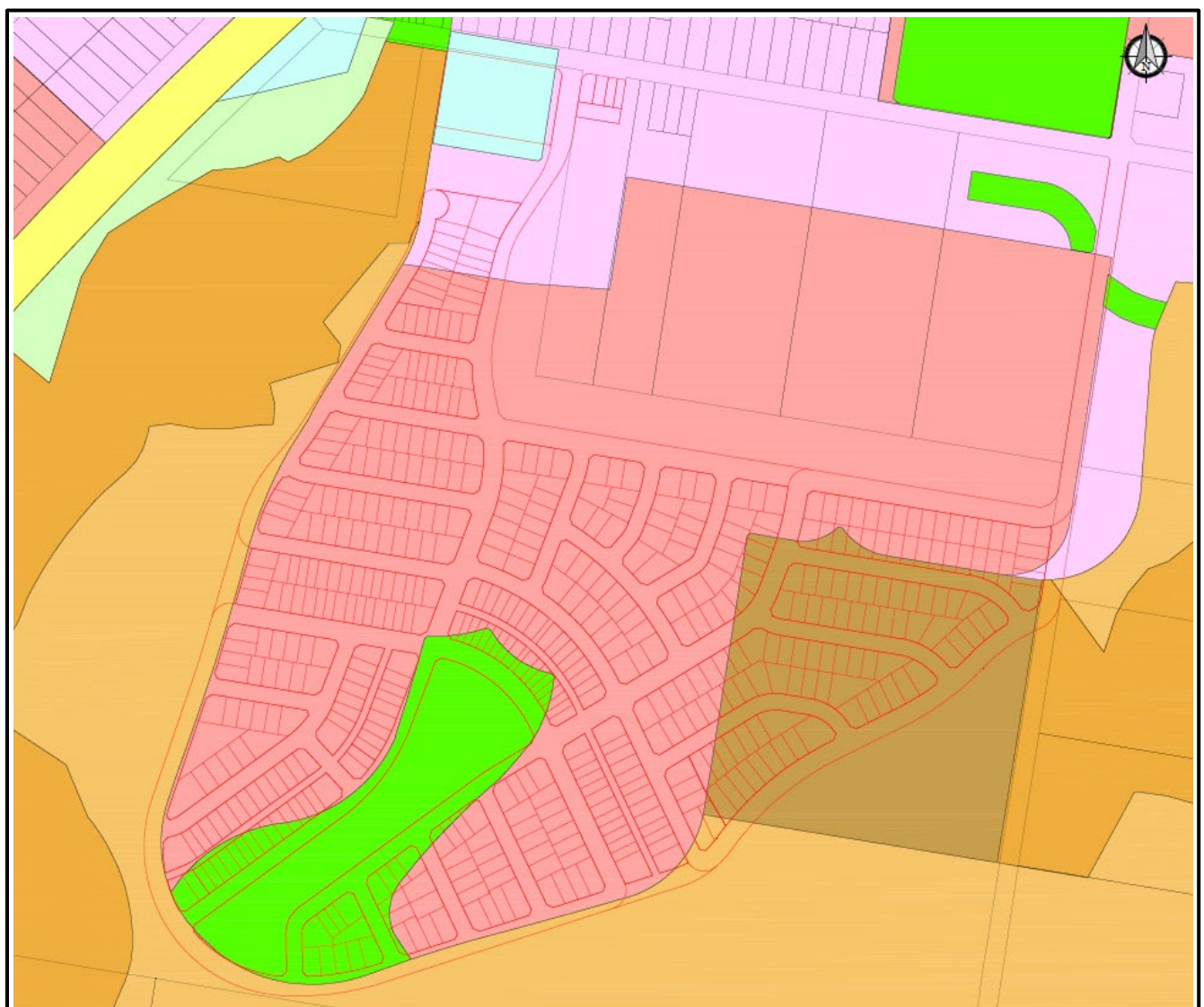
The amendment proposes the following changes to the *Wyong Local Environmental Plan 2013* or the *Central Coast Local Environmental Plan*:



## 2.1 Deferred Item - Planning Proposal RZ /6/2016 Warnervale and Virginia Rd, Warnervale (contd)

- Rezone part of the land zoned R2 Low Density Residential to R1 General Residential
- Rezone land zoned RU6 Transition to R2 Low Density Residential and E3 Environmental Management;
- Rezone land zoned RE1 Public Recreation to R1 General Residential
- Amend the Minimum Lot Size Map to remove the minimum lot size requirements for land proposed to be zoned R1 General Residential and amend the minimum lot size on land to be rezoned from RU6 Transition to R2 Low Density Residential to 450m<sup>2</sup>.
- Amend the Land Reservation Acquisition Map to reflect the new zone boundaries of the E3 Environmental Management zone.

A draft development control plan (Chapter 6.5 Wyong Development Control Plan and Chapter 5.25 Central Coast Development Control Plan) was exhibited with the Planning Proposal.



### Legend

<b>B1</b> Neighbourhood Centre	<b>R2</b> Low Density Residential
<b>E2</b> Environmental Conservation	<b>RE1</b> Public Recreation
<b>E3</b> Environmental Management	<b>RE2</b> Private Recreation
<b>R1</b> General Residential	<b>RU6</b> Transition

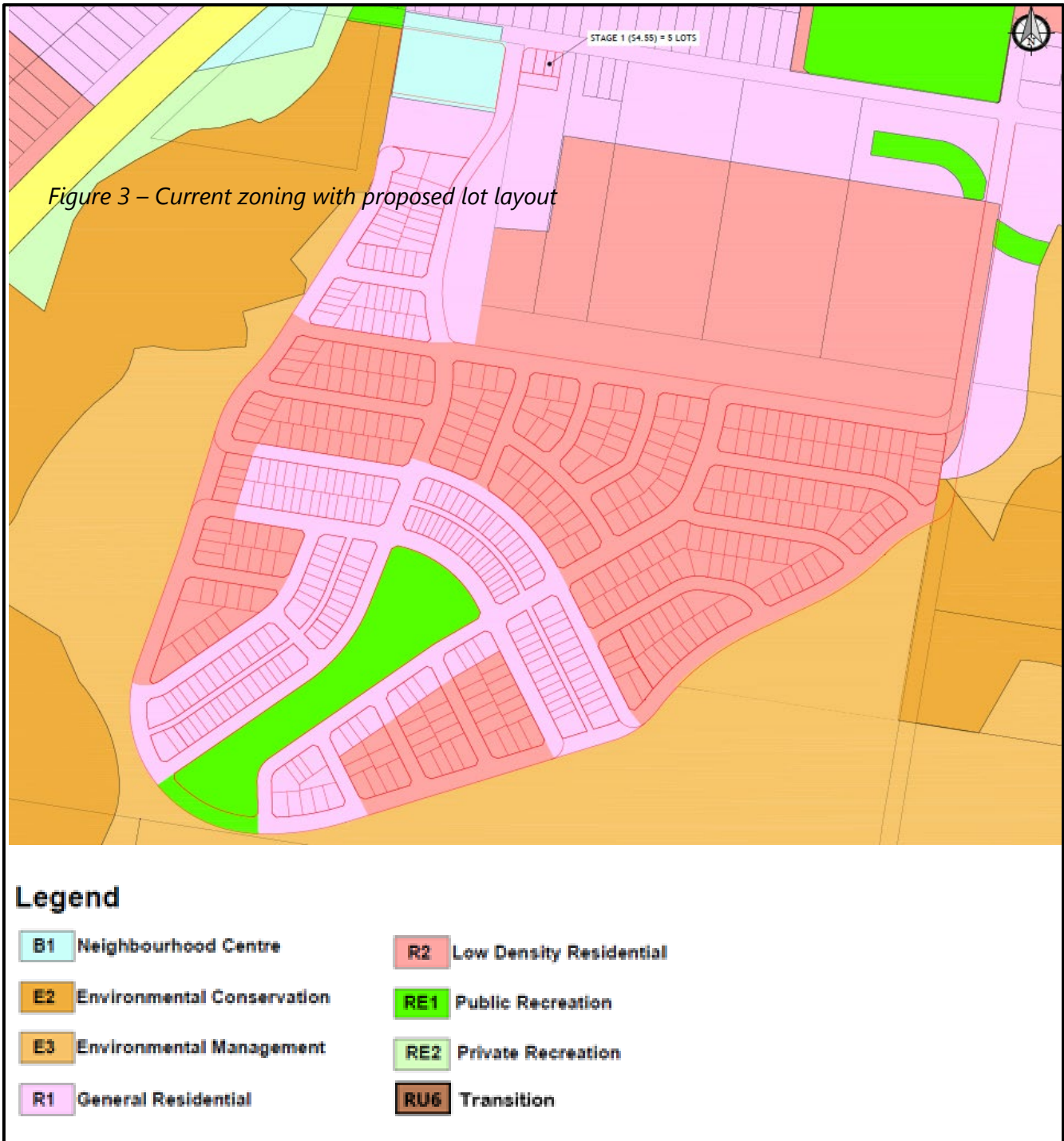


Figure 4 – Proposed zoning and lot layout

## **2.1 Deferred Item - Planning Proposal RZ /6/2016 Warnervale and Virginia Rd, Warnervale (contd)**

---

### **Consultation**

The Planning Proposal, draft DCP Chapter and relevant supporting information were publicly exhibited for 28 days between 20 May and 17 June 2020.

The exhibition was undertaken in accordance with the Gateway Determination (as amended) the DP&E's *A Guide to Preparing Local Environmental Plans* and the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The exhibition material was available on Council's Your Voice Our Coast website during the above dates. A notice of the exhibition was also placed on the Public Notices page on Council's website.

### **Community Consultation**

Two submissions were received during the exhibition period; one from a community member and one from the applicant of the Planning Proposal (ADW Johnson).

The submission from the community member raised two concerns being the reduction of open space and filling of land presently zoned E2 Environmental Conservation which is within the Porter Creek Flood Plain.

The second submission requested changes to the draft development control plan and additional site-specific LEP controls to allow a reduction in the minimum lot size to allow the Low Rise Housing Diversity Code to apply to the site.

Minor amendments have been made to the draft development control plan as a result of the community consultation. A detailed summary of submissions and the response to issues raised is provided within Attachment 3, Summary of Submissions.

### **Agency Consultation**

The former Office of Environment and Heritage (OEH) reviewed the Planning Proposal following issue of the Gateway Determination. Further consultation was undertaken between Council staff, the applicant and OEH to address concerns raised regarding the inconsistency with s9.1 Ministerial Direction 4.3 Flood Prone Land.

To address the inconsistency with the s9.1 Ministerial Direction, a revised development footprint was submitted to Council which significantly reduced the encroachment of both the proposed residential land into the flood planning area and proposed filling into the floodplain. Council staff reviewed the development footprint and determined that the flood impacts of the proposal were of minor significance and therefore consistent with s9.1 Ministerial Direction 4.3 Flood Prone Land.

## **2.1 Deferred Item - Planning Proposal RZ /6/2016 Warnervale and Virginia Rd, Warnervale (contd)**

---

Further comments were received from the Biodiversity and Conservation Division of the Department of Planning, Industry and Environment (formerly the Office of Environment and Heritage) during the exhibition period which recommends that the Planning Proposal boundary is restricted to the area outside the flood planning area in accordance with the Ministerial Direction.

Whilst the proposal seeks to rezone land from E3 Environmental Management to R1 General Residential and R2 Low Density Residential, Council considers the proposal to be acceptable and will request the Secretary of the Department of Planning, Industry and Environment to concur with Council's opinion that any inconsistency of the planning proposal with the s9.1 Ministerial Direction 4.3 Flood Prone Land is of a minor significance.

Transport for NSW also provided a response requesting that a traffic study of the broader Warnervale area as well as the North Wyong Enterprise and Industrial Area be undertaken to assess the impact of development on the State Road Network and its intersections. TfNSW has recommended that this study is undertaken, and the relevant development contribution plans be updated to collect towards the required transport infrastructure.

Council is undertaking a review of the Local Infrastructure Contribution Plans for the Central Coast Region, which includes a traffic and transport study for the Central Coast. The comments received from TfNSW will be addressed through the contribution plan review process.

Responses were also received from Rural Fire Service and Heritage NSW, no other issues were raised as part of the Planning Proposal Exhibition.

### **Assessment**

The assessment of the Planning Proposal has identified that the rezoning has strategic merit for the following reasons:

- The Planning Proposal is consistent with the goals, directions and actions in the CCRP, specifically creating well planned, compact settlement patterns and providing housing choice to meet community needs.
- The Planning Proposal is consistent with the North Wyong Shire Structure Plan and delivers on the dwelling estimates nominated for Precinct 7.
- The site is included within the Warnervale Local Infrastructure Contribution Plan.

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

The Planning Proposal has been assessed having regard to the relevant State Environmental Planning Policies, section 9.1 Ministerial Directions and relevant guidelines set out within

## **2.1 Deferred Item - Planning Proposal RZ /6/2016 Warnervale and Virginia Rd, Warnervale (contd)**

---

regional and local plans, includes the Central Coast Regional Plan and North Wyong Shire Structure Plan.

Although there is a minor inconsistency of the Planning Proposal with section 9.1 Ministerial Direction 4.3 Flood Prone Land, the development footprint has been reduced and the inconsistency is considered to be minor.

The Planning Proposal is consistent with the remaining relevant statutory and strategic planning considerations and is suitable for finalisation.

### **Financial Impact**

The direct cost to Council is the preparation of the Planning Proposal and Council's fee has been paid for this service.

### **Environmental Impacts**

A biodiversity assessment was undertaken as part of the Planning Proposal, the E3 Land proposed to be rezoned to residential is clear of vegetation and does not impact on the biodiversity corridors within the North Wyong Shire Structure Plan or Central Coast Regional Plan.

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

Theme 5: Liveable

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

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 risks identified with the Planning Proposal can be managed through the detailed design and development application process for the site.

### **Delegation**

Council has been issued with the delegations of the Minister to make amending Local Environmental Plans (LEPs).

Council has been issued with the delegation of the Minister to make the amending LEP. Council advised the DPIE that Council's new delegate for this function is the Chief Executive Officer (CEO), Gary Murphy.

## **2.1 Deferred Item - Planning Proposal RZ /6/2016 Warnervale and Virginia Rd, Warnervale (contd)**

---

The Gateway Determination issued on 17 October 2017 (as amended) provides the Council's CEO, the appropriate delegations under Section 3.36 of the EP&A Act to make this plan.

### **Conclusion**

The Planning Proposal to rezone the land to R1 General Residential, R2 Low Density Residential and E3 Environmental Management provides an opportunity to allow housing diversity in the Warnervale area through the inclusion of medium density housing while protecting important environmental values of the site.

It is recommended that the Council support finalisation and implementation of the Planning Proposal and adopt amendments to DCP Chapter 6.5 Warnervale South, to be incorporated into WDCP 2013 or the new CCDCP (with the amendments discussed in the report). The amendments to the DCP will come into effect upon the LEP amendment being made.

### **Attachments**

- |                                                                               |           |
|-------------------------------------------------------------------------------|-----------|
| <b>1</b> Planning Proposal Summary - Warnervale and Virginia Road, Warnervale | D14159771 |
| <b>2</b> Draft DCP Chapter 6-5-Warnervale South                               | D14159755 |
| <b>3</b> Table of Submissions                                                 | D14159763 |



# Proposal Summary

Applicant	ADW Johnson
Owner	Bitova Pty Ltd
Application Number	RZ/6/2016
Description of Land	<p><i>Property Description:</i></p> <p>15-35 Warnervale Road &amp; Part of 95-105 &amp; 107-171 Virginia Road, Warnervale</p> <p><i>Legal Description:</i></p> <p>Lot 1 DP 385242, Lots 1, 2 &amp; 3 DP 1101086, Lot 1 DP 1018444 and Lots 73, 74, 75 &amp; 76 DP 7091</p>
Site Area	210 Ha
Existing Use	Vacant, used for cattle grazing
Zoning	<i>Existing Zone:</i> E3 Environmental Management, R2 Low Density Residential, RE1 Public Recreation and RU6 Transition
Minimum Lot Size	450 m <sup>2</sup> for land zoned R2 Low Density Residential and 40 ha for land zoned RU6 Transition
Proposed Amendments – Wyong Local Environmental Plan 2013 or Central Coast Local Environmental Plan	
Zoning	E3 Environmental Management, R1 General Residential, R2 Low Density Residential and RE1 Public Recreation
Minimum Lot Size	Amend the Minimum Lot Size Map to remove the minimum lot size requirements for land proposed to be zoned R1 General Residential and amend the minimum lot size on land to be rezoned from RU6 Transition to R2 Low Density Residential to 450m <sup>2</sup> .

# CHAPTER 6.5 WARNERVALE SOUTH

## 1.0 INTRODUCTION

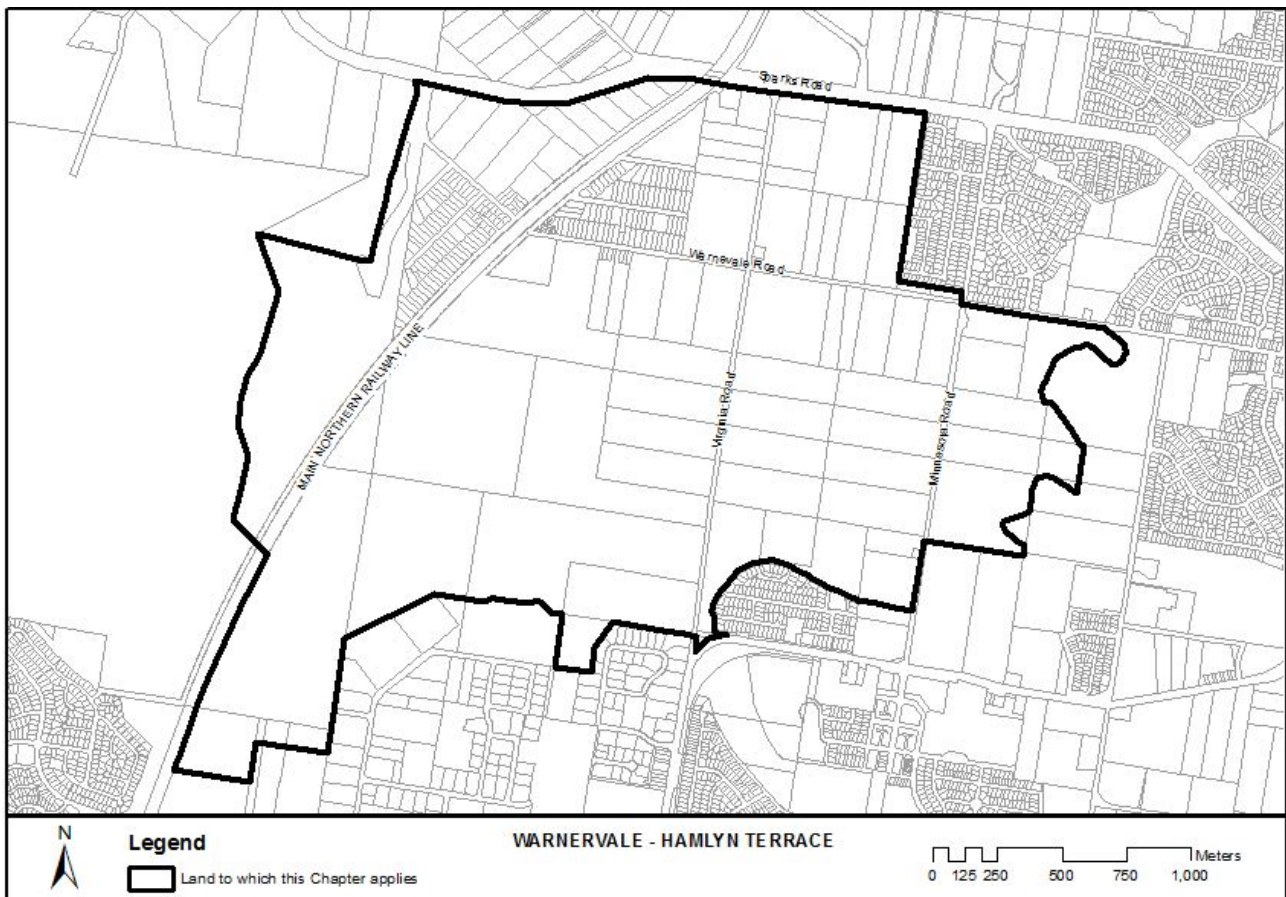
The purpose of this Chapter is to provide guidance in the preparation of proposals to develop the land to which this Chapter applies.

### 1.1 Objectives of this Chapter

- To provide a high quality and varied residential environment with accessible open space, convenience and community facilities.
- To provide attractive streetscapes which reinforce the function of a street and enhance the amenity of dwellings.
- To provide opportunity for a variety of housing types.
- To provide a safe and efficient system of roads and pathways for vehicular, pedestrian and cycle movements.
- To provide for the protection and enhancement of the environment.
- To create a mix of housing promoted with denser development responding to amenity and proximity to local services.
- To retain and restore flood affected bushland areas to form part of the wider vegetation corridor.
- To adopt water sensitive urban design that employs best practice in quality and quantity controls.
- To support public transport initiatives and resultant improved air quality emission/sustainability objectives.
- To appropriately integrate development with the existing built and natural environment.

### 1.2 Land to which this Chapter Applies

This Chapter applies to land as shown in Figure 1.



**Figure 1 Land to which this plan applies – Warnervale South Area**

### 1.3 Relationship to other Chapters and Policies

This Chapter should be read in conjunction with other relevant Chapters of this Development Control Plan and other Policy Documents of Council, including but not limited to:

- Chapter 2.1 – Dwelling Houses, Secondary Dwellings and Ancillary Development
- Chapter 2.3 – Dual Occupancy
- Chapter 2.4 – Multiple Dwelling Residential
- Chapter 2.11 – Parking and Access
- Chapter 3.6 – Tree & Vegetation Management
- Section 4 – Subdivision
- Central Coast Council – Civil Works Specification



## 2.0 SUBDIVISION DESIGN AND ENVIRONMENTAL CONSIDERATIONS

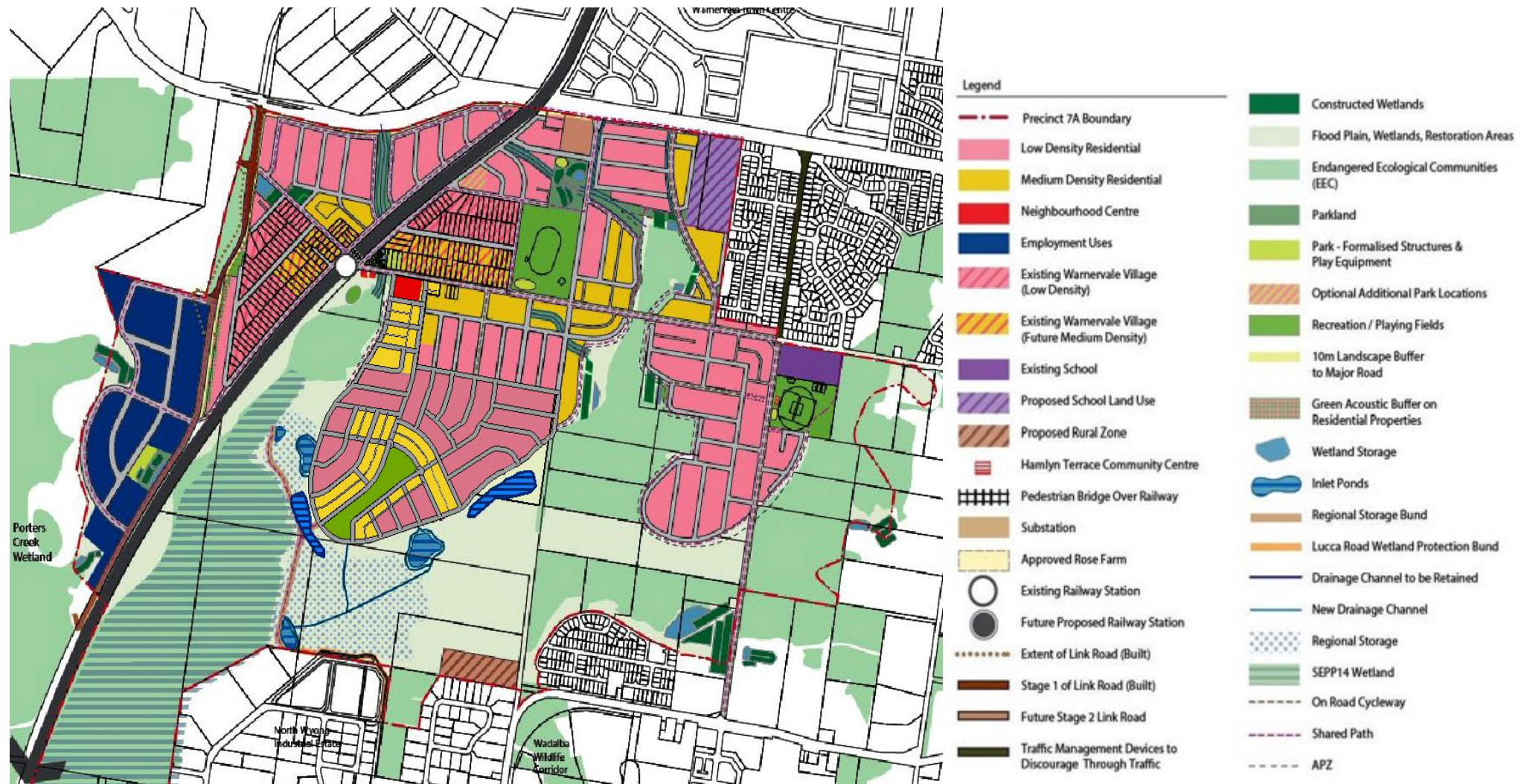


Figure 2 Indicative Structure Plan – Precinct 7A

## 2.1 Character Consideration – Subdivision and Provision of Open Space

Appropriate open space and parkland are significant contributors to establishing a distinctive character for a locality. Subdivision design is to consider appropriate open space and parkland in the first instance and not as an afterthought.

Warnervale South is to include a wide range of diverse and interesting open spaces and parks which will together create a unique location for living, working and relaxing. The residential and employment precincts of Warnervale South will be surrounded by nature and landscaping and will feel part of a healthy living environment.

The parks will range from small more formalised local parks including play equipment, shade structures and seating, to open parkland incorporating grasslands, existing trees and new locally occurring tree planting. A new small community playing field shall be located behind the existing café which will supplement the other community assets and activities occurring in that area, contributing to the development of the Community Hub and Neighbourhood Centre at the Warnervale Station. Larger parks will provide appropriate space to adequately cater for the future development of community gardens.

Local pocket parks are to be located to ensure all residents have a small usable park within 400m walk. Dedicated bicycle and pedestrian paths are to connect the open spaces to add to the accessibility and amenity they provide.

The flood plain and Endangered Ecological Community areas take up a significant portion of Warnervale South. Although much of this area may not be publicly accessible, it will be very visually prominent from much of the developable area with the street grid designed to terminate in views towards these spaces as well as a park edge road skirting the entire development to ensure maximum enjoyment is gained from these attractive open spaces by the community and their visitors. The prominence of these spaces will lead to the development of a new residential area with a unique focus on the natural environment.

The flood plain and the nearby Porters Creek Wetland are key components of the local and regional water management system. The flood plain will include a range of reconstructed wetlands and storm management catchment areas which will attract birds and wildlife to the area and further enhance the visual amenity of Warnervale South.

To the west of the flood plain is a large area of *SEPP Coastal Management* Wetlands. This is protected and will not be accessible to the public. It will however be bounded to the east by the bund wall which is part of the stormwater management strategy and it is intended that a pedestrian and cycling path along the bund wall will allow appreciation of the *SEPP Coast Management* Wetlands.

Appropriate acoustic buffers will be incorporated along busy roads such as Sparks Road and the Link Road in selected locations to ensure the amenity of the properties close to these roads.

## 2.2 Subdivision – General

### OBJECTIVES

- To encourage subdivision design of high quality, which controls and mitigates the potential environmental impacts arising from development
- To allow for an appropriate mix of lot sizes to provide for a mix of housing types and business opportunities
- To ensure that any subdivision design meets the appropriate standards of Council
- To ensure that the existing and proposed future character of the area is considered in subdivision works
- To ensure the economic and orderly development and servicing of land
- To ensure development is designed in accordance with *Planning for Bushfire Protection*

### REQUIREMENTS

- a Proposals for the subdivision of land shall be in accordance with DCP 2013 Section 4 –Subdivision and Council’s Civil Works – Design Guideline and Construction Specification Where there is any conflict between the requirements of this DCP 2013 Section 4 – Subdivision and Council’s Civil Works – Design Guideline and Construction Specification, the provisions of this Chapter apply.
- b Proposals for the subdivision of land shall consider Section 2.1 – Character Consideration - Subdivision and Provision of Open Space.
- c Council will consider subdivision/development proposals that involve independent site servicing such as Community Title developments. Any such proposal should be discussed with Council prior to lodgement with specific reference to:
  - i any impact on the servicing of surrounding land
  - ii ongoing maintenance
  - iii the range of services that will be maintained totally independent of Council

## 2.3 Open Space

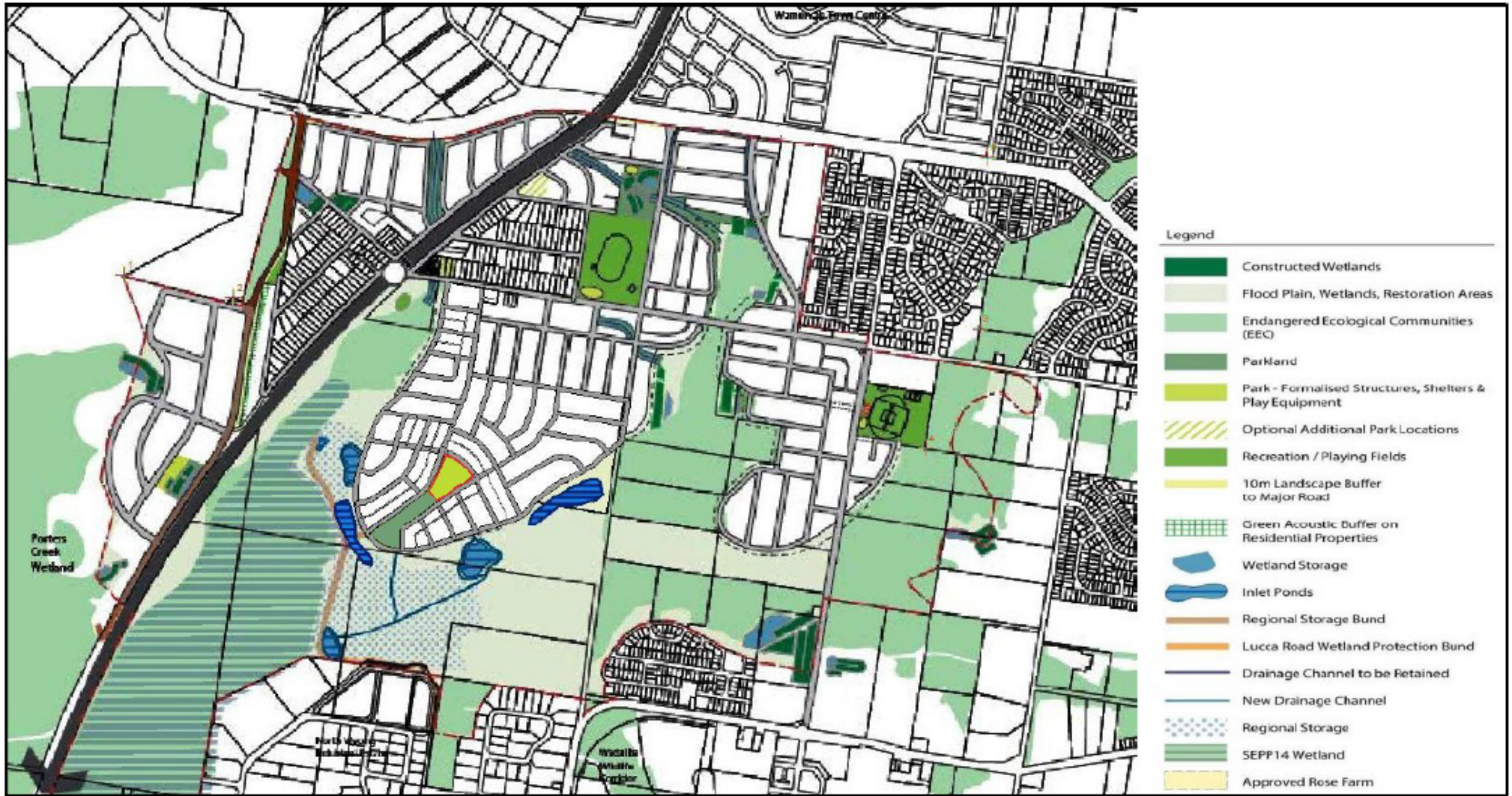
### OBJECTIVES

- To provide a range of public open spaces, sufficient for the active and passive recreation needs of residents.
- To provide linkages between open space, streets, significant places and drainage features to create a distinguishable public domain.
- To enhance the appearance, amenity and energy efficiency of urban development through integrated open space and landscape design.
- To enable multiple use of open space and open space corridors for recreation, conservation, access and drainage without diminishing the recreation or conservation values of that space.
- To provide safe and convenient pedestrian and cycleway networks with clear internal links and connections to external regional network and nodes of importance within the area such as the rail station, shops, schools and sports fields.

### REQUIREMENTS

- a Open Space shall be provided as indicated in Figure 3. Design plans are to be approved by Council as part of the appropriate subdivision application and will occur in accordance with the relevant Section 7.11 Contribution Plan.
- b Parks are to be located to retain existing vegetation where possible.
- c Residents shall have access to, at a minimum, a formalised small neighbourhood park within 400m of their homes.
- d Subdivision design should consider potential sites for the location of community gardens on land that would be easily accessible to residents and as guided by Council.





a Figure 3 Park and open space locations



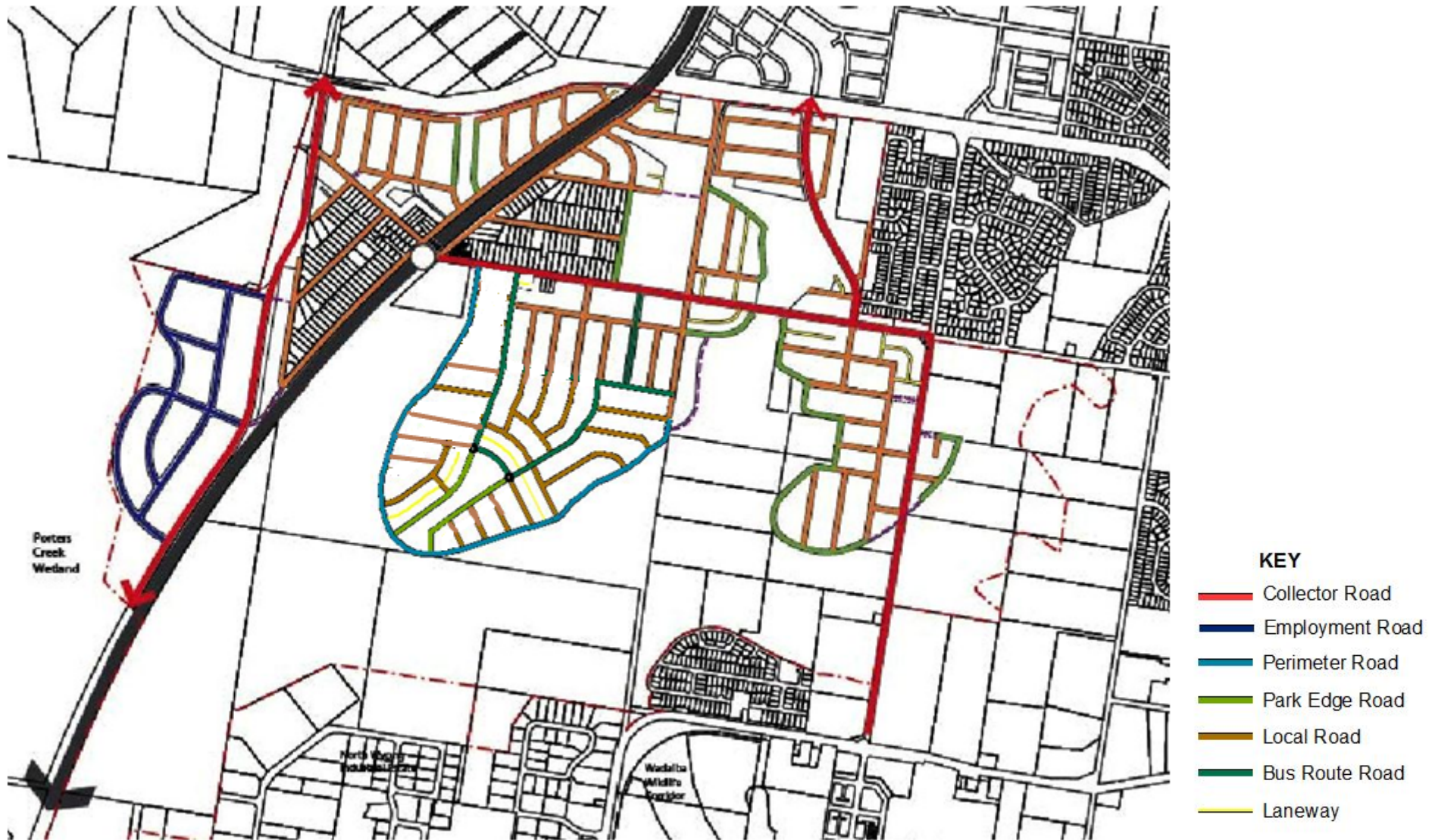
## 2.4 Road Layout and Hierarchy

### OBJECTIVES

- To establish a hierarchy of streets which maximises convenience, amenity and safety for vehicles, pedestrians and cyclists
- To provide a legible, connected and permeable grid of local streets that are sympathetic to the topography terminating with views to open space
- To protect conservation areas through the appropriate location of roads, paths and developable area

### REQUIREMENTS

- a The road and intersection layout and hierarchy is to be generally in accordance with Figure 4 below and the diagrams in Appendix A.
- b All streets are to have, street trees and foot or shared paths as required in accordance with the diagrams in Appendix A.
- c Roads and intersections are to be designed and constructed in accordance with Appendix A and with Council's Civil Works Specification.
- d Design plans are to be approved by Council as part of the appropriate subdivision application and staging will occur in accordance with the relevant Section 7.11 Contribution Plan.
- e Roads and intersection works shall be designed and constructed to Roads and Maritime Services (RMS) requirements where land fronts Sparks Road. Applicants with land seeking access from Sparks Road are to confirm with Council and the RMS design requirements for any Sparks Road intersection to ensure that sufficient land is allocated.
- f All roads and asset protection zone (APZ) bushfire buffer on park edge roads and to the edge of Porters Creek wetland adjacent to the employment precinct are to comply with *Planning for Bushfire Protection*.
- g All park edge streets are to have the cycleway/footpath located on the park side of the road.
- h New streets are to connect into the existing street network where possible while minimising four way intersections on busy roads.
- i Landscaped buffers are to be provided to create separation for visual and acoustic privacy between residential areas and major roads.
- j Provide a safer street environment by ensuring appropriate lighting and using crime prevention through environmental design principles.
- k Incorporate views to open space from terminating streets where possible.
- l Provide roads at the perimeter of all open spaces to maximise the public amenity and access to these areas. Ensuring lots do not back onto the open spaces increases amenity and safety within those spaces.
- m Any subdivision "entry treatments" are to be approved by Council. No expectation is to be given that Council will take ownership of entry treatments or be responsible for ongoing maintenance.



b **Figure 4 Indicative road layout and hierarchy**

Note 1: Status of "Link Road" subject to change when the extension to the south (Pacific Highway) is completed.

## **2.5 Pedestrian and Cycleway Routes**

### **OBJECTIVES**

- To provide public access along interfaces between the flood plain and the developable area in the form of an off road bike/pedestrian path
- To provide linkages between open space, streets and drainage features to create a clearly distinguishable public domain
- To provide safe and convenient pedestrian and cycleway networks with clear internal links and connections to external regional network to promote healthy lifestyle choices

### **REQUIREMENTS**

- a Pedestrian and cycle access is to be located in accordance with Figure 5 – indicative pedestrian and cycleway routes.
- b Shared paths/footpaths and cycleways are to be designed and constructed in accordance with Appendix A and Council's Civil Works – Design Guideline and Construction Specification.



<sup>c</sup> Figure 5 Indicative Pedestrian and cycleway routes



## 2.6 Public Transport

### OBJECTIVE

- To make provision for convenient local transport links and stops

### REQUIREMENTS

- a Bus stops are to be provided along approved bus routes, no greater than 400 metres apart.
- b Development proposals are to have regard to the relatively convenient access of the rail network and ensure connectivity to the rail network is considered.

## 2.7 Residential Subdivision

In accordance with the Final Structure Plan that informs this document:

- an 18 dwelling per hectare target has been established for the land zoned R1 (medium density residential).
- a 10 dwelling per hectare target has been established for the existing residential land in areas not immediately adjacent to the train station (i.e. – existing low density residential).
- the new release R2 zoned land has a 15 dwelling per hectare target (new low density residential).

### OBJECTIVES

- To provide a range of residential development densities to cater for various and changing demographics
- To provide for appropriate densities in proximity to a developing town centre and railway station
- To ensure that the residential density targets of the NSW State Government and Council are achieved
- To provide for a variety in lot sizes to assist in providing greater housing choice
- To ensure that lots are appropriately located to maximise amenity and energy efficiency

### REQUIREMENTS

- a Subdivision Applications are to be prepared in accordance with WLEP 2013 and DCP 2013 Part 4 - Subdivision.
- b In order to ensure that population targets listed above are achieved, applicants are required to demonstrate to Council that the density targets will be achieved.
- c Where variation to the density target is proposed, the applicant is to demonstrate that the density targets can be achieved on a per hectare basis as a minimum.
- d Smaller lot sizes will be encouraged in the R1 Zone. Any proposal that exclusively involves the creation of lots with an area of greater than 450m<sup>2</sup> on land zoned R1 will not be encouraged. Any application that proposes to create a majority of lots greater than 450m<sup>2</sup> on land zoned R1 must provide adequate justification as to why Council should support relatively large lots in this locality and provide evidence why small lot development would not be viable.

## 2.8 Lot Size and Dimensions – Employment Lands

### OBJECTIVES

- To ensure that sites are appropriate in size to accommodate the forms of development that are considered suitable in the business park including office, light industrial, manufacturing, processing and high technology activities
- To ensure the provision of lot size and dimensions that permit the objectives and requirements listed under Section 5 – Development Principles – Employment Lands to be met
- To ensure that the land uses encouraged are those that will make best use of the convenient freeway access for heavy vehicles

### REQUIREMENTS

- a Lots are to have a minimum land area of 4,000m<sup>2</sup>.
- b Lots are to have a minimum width at the building line of 45m.

## 2.9 Noise Assessment and Mitigation

### OBJECTIVES

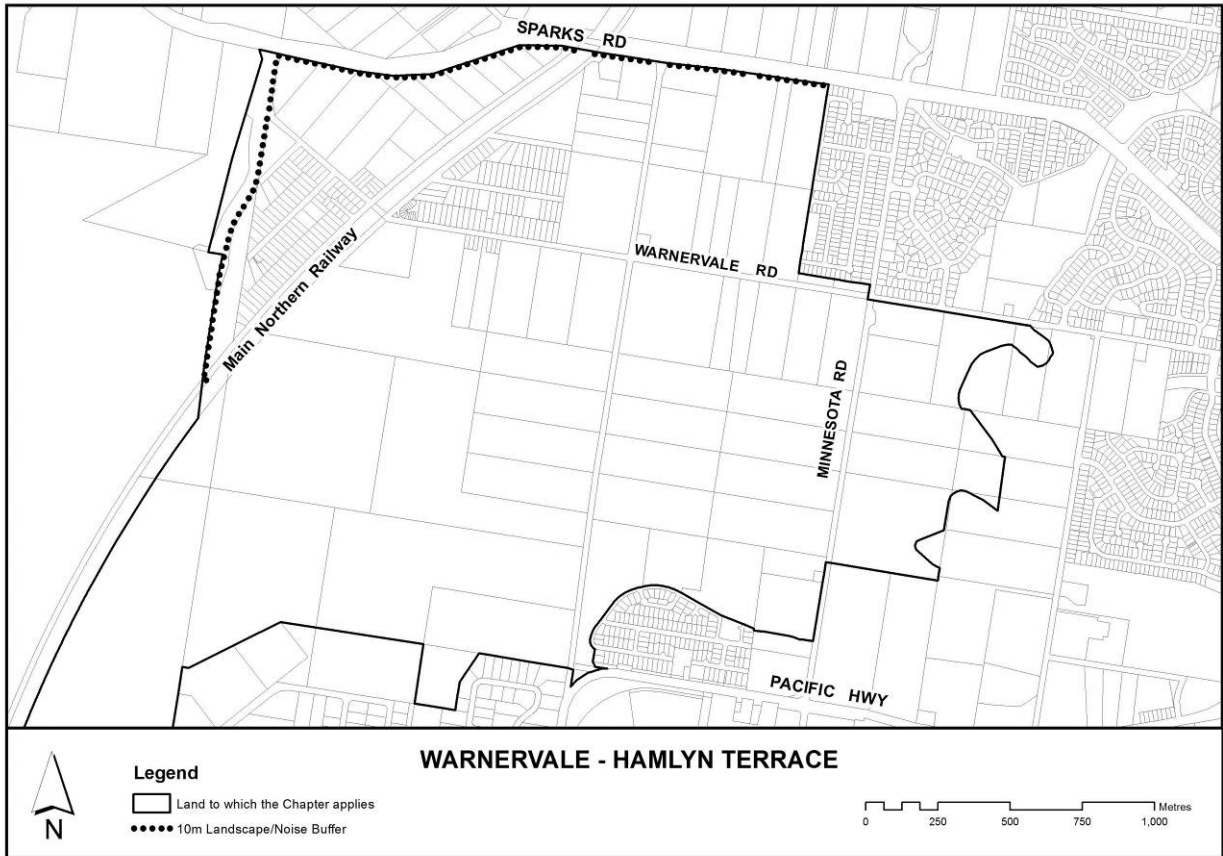
- To minimise noise impacts on residential and other noise sensitive land uses located in the vicinity of significant noise generating sources
- To establish consistent and appropriate built forms to mitigate noise and vibration impacts\

### REQUIREMENTS

- a A landscaped acoustic barrier shall be provided in locations shown in Figure 7. This shall generally take the form of a landscape mound within a 10 metre treatment zone. Other alternative treatments may be appropriate for some sites where the width of the buffer may be reduced or involve fenced treatments. However the applicant will need to demonstrate that visual, noise and/or vibration management issues are effectively managed.
- b A report by a suitably qualified acoustic consultant shall be submitted with any development application for subdivision or residential development adjacent to Sparks Road, Link Road and the Great Northern Railway Warnervale Road, Albert Warner Drive or Minnesota Road. The report is to address the following:
  - i Identify existing and potential future noise sources
  - ii Identify areas within the precinct where specific development should be restricted due to likely noise
  - iii Identify mitigation measures to reduce existing or potential noise effects to allow development to occur while meeting appropriate environmental and amenity requirements. This shall involve giving consideration to incorporating setback distances, noise barriers and at-property treatments in the form of architectural treatments, or combinations of these, for noise sensitive developments (e.g. residential developments) fronting major roads;
  - iv Development Near Rail Corridors and Busy Roads - Interim Guideline, inclusive of a vibration assessment where development is proposed in the vicinity of the railway;
  - v NSW Roads Noise Policy, 2011

- c Details of any physical treatments proposed along property boundaries are to be submitted to Council with the relevant development application to ensure that treatments are consistent with other noise mitigation measures required in the local area. This includes consideration of works required to the north of Sparks Road as required under the Warnervale Town Centre Development Control Plan.

Note: Appropriate acoustic treatment for the Employment Lands Development is covered within Section 5.



d Figure 6 Landscape / noise buffer locations

## 2.10 Water Cycle Management Requirements

This Integrated Water Cycle Management (IWCM) strategy for Warnervale South has been prepared based on the objectives of the broader Porters Creek IWCM scheme (EDAW 2008) in order to develop a more detailed concept for the precinct.

The IWCM strategy for Warnervale South is based on the principles of Water Sensitive Urban Design (WSUD) which aims to incorporate water management measures across the total water cycle in order to minimise the impact of urban development.

## OBJECTIVES

- To minimise the impacts of development on the Porters Creek Wetland and hydrologically sensitive ecosystems
- To provide water quality and quantity control measures that are cost effective and affordable, with consideration given to ongoing maintenance costs
- To be compatible with the broader Porters Creek IWCM scheme
- To safeguard the environment by improving the quality of stormwater run-off to achieve best practice standards
- To facilitate the inclusion of WSUD elements into development as an at source treatment of stormwater where possible whilst balancing with end of line water quality treatment devices in order to meet the required targets and satisfy the Regional Stormwater Harvesting Scheme
- To preserve the nature of overland flow into the adjacent habitat and Flood Plain
- To control the impacts of urban development on channel bed and bank erosion by controlling the magnitude and duration of sediment-transporting flows
- To limit changes in flow rate, flow duration and overland flow path areas within the floodplain as a result of development
- To limit erosion of watercourses, slopes and banks due to runoff from impervious areas within the development
- To maintain and improve water quality in receiving waters and groundwater systems
- To reduce flood risk in urban areas and downstream water bodies by adopting requirements for minor and major system flow in accordance with Australian Rainfall & Runoff
- To protect and restore aquatic and riparian ecosystems and habitats
- To protect the scenic, landscape and recreational values of streams and water bodies

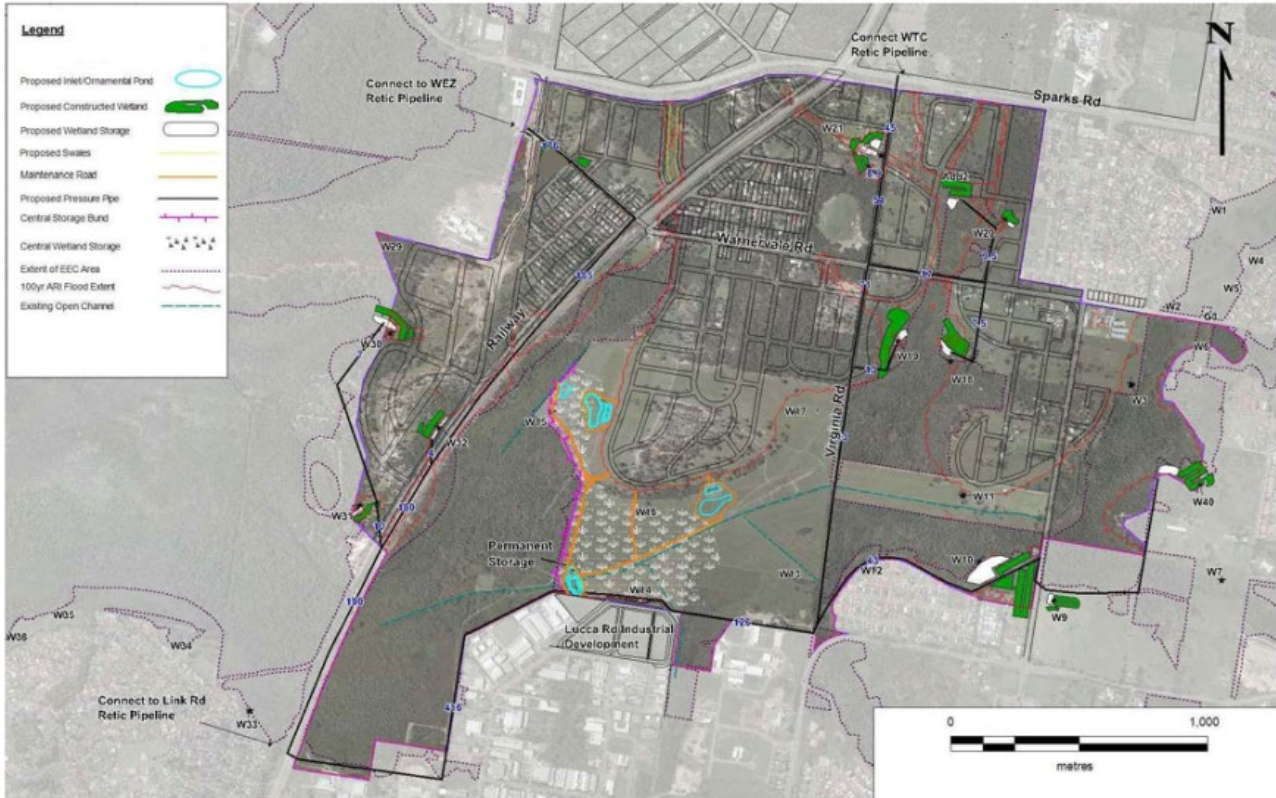
## REQUIREMENTS

- a Any development proposal for this site is to comply with the relevant requirements of Council's Civil Works Specification, guided by the provisions listed below
- b—The criteria for Urban Stormwater runoff quality for areas within the Woongarra Creek/Porter's Creek Catchments are:
  - i 85% reduction in the post development mean annual load of Total Suspended Solids (TSS);
  - ii 65% reduction in the post development mean annual load of Total Nitrogen (TN);
  - iii 45% reduction in the post development mean annual load of Total Phosphorus (TP);
  - iv retention of litter greater than 5mm for flows up to 50% of the one-year ARI peak flow;
  - v no visible oils for flows up to 50% of the one-year ARI peak flow.

*Note: Compliance with these standards to be determined through stormwater quality (MUSIC or approved equivalent) modelling.*



- c WSUD elements must be provided to control suspended solids and nutrients leaving the development area and the drainage system shall ensure that no runoff leaves the development area other than via water quality control structures.
- d A Soil and Stormwater Management Plan (SSMP) shall comply with the requirements outlined in "Precinct 7A IWCM Strategy March 2012" in addition to the requirements of DCP 2013 Part 4 - Subdivision.
- e Where the SSMP varies from the Recommendations of the Precinct 7A IWCM Strategy March 2012 supporting documentation, it shall provide justification for the variation and demonstrate to Council's satisfaction that the objectives and key performance criteria outlined above are met by the revised concept.
- f In the interim and prior to operation of the Regional Stormwater Harvesting Scheme, the centralised storage basins shall be designed so as to allow passage of stormwater, up to the one-year ARI flow, into the adjacent floodplain area. (The storage basins will then be modified at a later date for stormwater harvesting by installing pumps and reticulation). Stormwater overflows during the interim period shall be conveyed in a suitable manner so as to minimise erosion and impacts on floodplain hydrology, geomorphology and ecology.
- g Construction of the centralised Stormwater Storages as shown in Figure 8 shall take into account future development within the relevant sub-catchments and the corresponding requirements in accordance with the Regional Stormwater Harvesting Scheme. Future storage requirements shall be included in the storage basins which shall be constructed as part of the Warnervale & Wadalba Urban Release Area.



e **Figure 7 IWCM scheme**

*Note 1: Constructed Wetlands will not be funded through the relevant Section 7.11 Contribution Plan and will need to be funded and provided as part of the relevant Development Applications. Location of the Constructed Wetlands shall be consistent with the locations shown in the Precinct7A IWCM Final Report – Cardno (2012).*

*Note 2: The location of the wetland and water storage required to the south of the employment lands precinct and denoted as W32 may be varied and should be discussed with Council prior to design work being undertaken.*

## 2.11 Floodplain Management

Sections of the Warnervale South Precinct are located on a floodplain. A Flood Study conducted in conjunction with the IWCM Strategy recognises constraints due to flooding, identifies works to be undertaken to permit development and ensure that development does not have a detrimental impact on surrounding areas.

### OBJECTIVES

- To ensure the orderly staging of the development of the area with regard to flood mitigation measures
- To ensure an adequate interface between subdivision infrastructure and the Flood Plain occurs in order to minimise erosion and sediment transport and mitigate impacts on the hydrology, geomorphology and ecology
- To regulate development and redevelopment that may reduce the ability of the floodplain to carry water and so increase the flood hazard

### REQUIREMENTS

- a Development Applications are to be consistent with the requirements DCP 2013 Chapter 3.3 Floodplain Management and the Precinct 7A Flood Study by Cardno dated May 2013.
- b Provision of two culvert upgrades along Warnervale Road to convey the flow contained within the overland flowpaths. Works are to be undertaken at the appropriate stage of the development of the area in consultation with Council.
- c Identified channels are required with a 100 year ARI peak discharge capacity to manage flood risk to an acceptable level within the upper drainage lines. The overland flowpaths are configured with a low flow channel, channel overbanks/floodplain and riparian zone according to guidelines of the NSW Office of Water and Council. Works are to be undertaken at the appropriate stage of the development of the area in consultation with Council.
- d Raising and extension of the existing flood levee adjoining the North Wyong Industrial Estate to the south. Works are to be undertaken at the appropriate stage of the development of the area in consultation with Council.

## 2.12 Potential Site Contamination

All development proposals are required to consider the potential for any existing site contamination impacting on future land uses. A Preliminary Contaminated Lands Assessment provided as part of the rezoning process for the Warnervale South area has identified sites where historic land uses have increased the potential for site contamination to be present and are likely to require management prior to changes in land use. The identified sites will require further investigation with regard to potential on-site contamination due to historic land use.

### OBJECTIVE

- To provide proponents with information that can be used to supplement the requirement to consider potential site contamination in preparing a development proposal

### REQUIREMENT

Consideration of Schedule B – Potential Site Contamination – Areas of Concern in the assessment of development proposals.

*Note: This is supplementary information provided for applicants and landowners. All development proposals must consider all relevant Council and State Government Policy including SEPP 55- Remediation of Land*

## 2.13 Indigenous Heritage

Archaeological Investigation undertaken in association with this project revealed 18 new Indigenous Sites within the study area. A recommendation of this study is to list these sites on the Aboriginal Heritage Information Management System (AHIMS).

### OBJECTIVE

- To provide proponents with information that can be used to supplement the requirement to consider Indigenous Heritage in preparing a development application

### REQUIREMENT

- a Review of the AHIMS to locate any known Aboriginal Sites that may be impacted by the development proposal.
- b No development is to be undertaken or approved in the vicinity of identified sites before a Cultural Heritage Management Plan has been prepared by a suitably qualified person.

*Note: Consultation of the AHIMS does not assume other cultural or archaeological evidence does not occur within the Study area and does not relieve the applicant of the need to undertake appropriate additional investigations and studies where required.*

## 2.14 Ecological Issues

### OBJECTIVES

- To protect, restore and enhance the environmental values and functions of watercourses and floodplains
- To ensure that future development does not have an adverse effect on the ecology, water quality and hydrology of Porters Creek Wetland
- To protect wildlife corridors, threatened species and their habitats within areas identified for protection on conservation and recreation zoned land

### REQUIREMENTS

- a All development will be required to satisfy any requirements which are identified in any ecological management plan or offset strategy which applies to the development precinct.
- b A Vegetation Management Plan is to be submitted to Council wherever land is proposed to be transferred to Council for environmental or recreational management, which demonstrates consistency with the actions outlined in the Precinct 7A Conservation Management Plan.
- c All development shall be consistent with any requirements for Biodiversity Certification which may (or may not) apply to the site.
- d Council or private developers may develop environmental offset strategies external to Precinct 7A which could result in additional natural areas being set aside.

## 3.0 DEVELOPMENT PRINCIPLES – RESIDENTIAL

The location of Warnervale South in the vicinity of significant public transport services, has the potential to reduce car reliance in the area and offers an opportunity to provide a diverse range of housing types to appeal to different demographic groups including families, empty nesters, couples, singles, and older people. Housing within Warnervale South should:

- include adaptable and accessible housing types;
- incorporate detached low density housing on a range of lot sizes with setbacks appropriate to the lot type;
- incorporate low scale medium density housing options including dual occupancies, townhouses, villas or small lot development;
- Provide rear lane access lots such as terraces (where appropriate) to maximise small lot housing and street amenity.

### 3.1 Character Consideration – Residential Areas

Warnervale South is an expansive area that has a variety of landscape characters which will result in a diverse residential precinct. The existing Warnervale Village is built north-east and south-west of Warnervale Road and consists mainly of single storey dwellings on large lots with large setbacks. This area will gradually redevelop as the precinct expands.

New residential development extending the existing village on the northern side of Warnervale Road and to the west of the railway line will have a mixture of densities and will display a more urban and manicured landscape character.

The area south of Warnervale Road on the eastern side of the railway line is closely connected to the conservation areas and floodplain which will result in this area having a much more naturalistic character, intimately linked to the surrounding natural environment.

Development proposals are to consider the following guiding principles:

- a A typical dwelling in Warnervale South should be designed to take advantage of the best orientation and views to the street and open spaces beyond.
- b Dwelling houses are to be designed in proportion to the land area with enough room for a generous rear yard, a landscaped front garden and enough space between neighbours. Gardens should include quality landscaping with trees of native species in front and rear yards.
- c The style of a new dwelling in Warnervale South should be simple and contemporary without inappropriate reference to historic details. Its overall bulk should be broken down into smaller parts that are in proportion to one another and create a balanced and articulated whole.
- d The dwellings should be designed to consider all their sides. This is particularly important to consider for corner lots because of their highly visible location.
- e Where appropriate, dwellings shall be designed to face out onto the flood plain and conservation areas to provide residents with amenity but also to provide passive surveillance of the paths and edge roads.

### 3.2 Residential Development – Low Density Residential (Zone R2)

#### OBJECTIVES

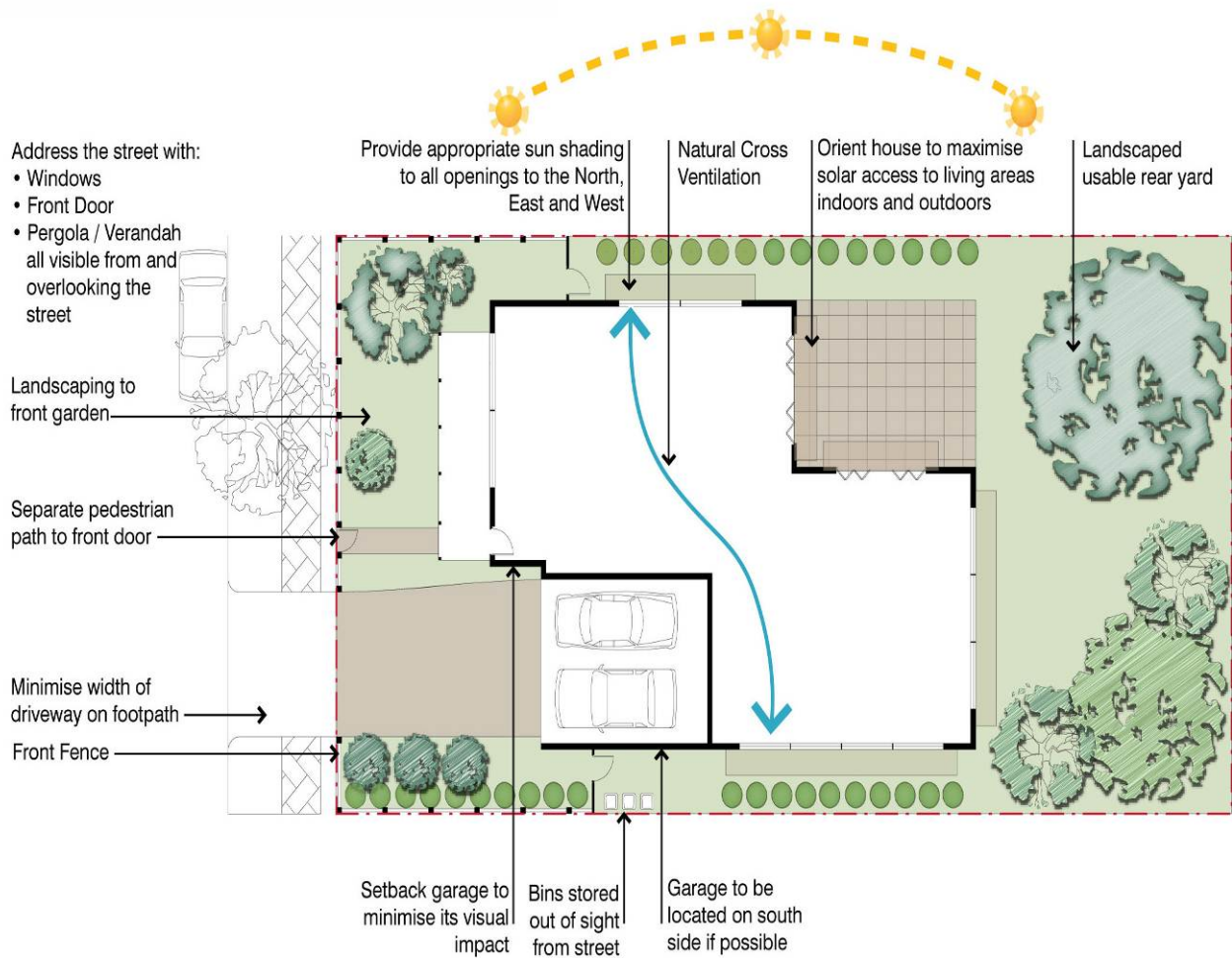
- To ensure that development applications for development in low density residential areas are consistent with the relevant plans and policies of Council
- To ensure that consideration of the current and future character of the area is adequately considered in the assessment of Development Applications

#### REQUIREMENTS

- a Development Applications for detached dwellings houses within Warnervale South shall adopt the provisions of DCP 2013 Chapter 2.1 –Dwelling Houses, Secondary Dwellings and Ancillary Development.
- b Development Applications for dual occupancy development within Warnervale South shall adopt the provisions of DCP 2013 Chapter 2.3 – Dual Occupancy Development.
- c Small Lot Development - Development Applications proposing to use the provisions for variation to minimum lot size requirements for the R2 Zone under WLEP 2013 for development other than dual

occupancy development are to adopt the provisions for Small Lot Housing Development as referred to under DCP 2013 Part 4 – Subdivision.

- d utilisation of setback areas for Asset Protection Zones (APZ's) is to be as per the requirements of 'Planning for Bushfire Protection' legislation published by the NSW Rural Fire Services.



f **Figure 08 Typical house**

*Note: Any proposed front fencing shall be generally open and lightweight and shall not impact on sight distances for pedestrians/motorists, not impact on services such as sewer/electricity and should consider the impact of any diversion of stormwater flow.*



### 3.3 Residential Development – General Residential (Zone R1)

WLEP 2013 does not specify a minimum lot size for subdivision on land zoned R1 – General Residential. As such the area should provide for a diverse range of housing. The location of the R1 zoned land nearby significant public transport links suggests that relatively higher densities of residential development are appropriate on this land.

#### OBJECTIVES

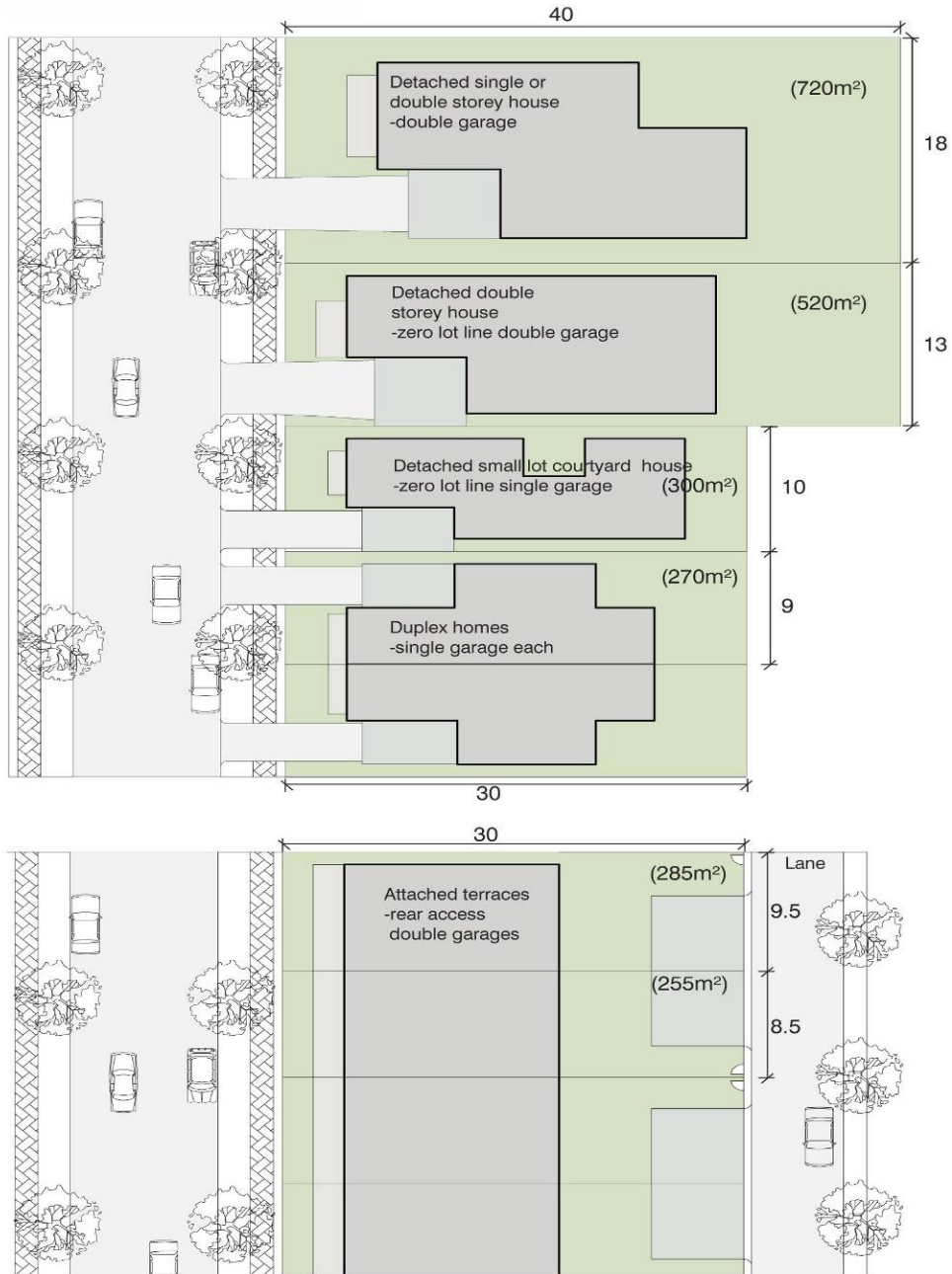
- To ensure that consideration of the current and future character of the area is adequately considered in the assessment of Development Applications
- To provide for a diverse range of housing types to appeal to a mixture of demographic groups
- To provide for medium density housing in area with maximum amenity and public transport access

#### REQUIREMENTS

- a Depending on the form of development proposed, applications will be required to consider the:
  - i provision for Small Lot Housing as defined under DCP 2013 Part 4 – Subdivision;
  - ii provisions of DCP 2013 Chapter 2.1 – Dwelling Houses, Secondary Dwellings and Ancillary Development;
  - iii provisions of DCP 2013 Chapter 2.3 – Dual Occupancy Development;
  - iv provisions for proposals for multi-dwelling housing as per DCP 2013 Chapter 2.4 – Multiple Dwelling Residential Development.
- b Any proposal that exclusively involves the creation of lots to cater for individual dwellings on lots with an area of greater than 450m<sup>2</sup> on land zoned R1 will not be encouraged. Any application that proposes to create lots greater than 450m<sup>2</sup> on land zoned R1 size must provide adequate justification as to why Council should support large lots in this locality and indicate why small lot development would not be viable.
- c Development Applications for residential development are to consider Section 3.1 Character – Residential Areas.

*Note: Small Lot Housing is the multi-lot subdivision of five (5) or more lots where overall site planning and development is undertaken to produce completed house and land packages. Multi-dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.*





g **Figure 09 Housing diversity**

## 4.0 DEVELOPMENT PRINCIPLES – WARNERVALE LOCAL CENTRE

### 4.1 Character Consideration – Neighbourhood Centre

The neighbourhood centre will become the focus and meeting place of the local community, offering convenience shopping and services in a lively and attractive setting. Essentially a single sided north facing strip of up to 10 local shops and services, the neighbourhood centre will be connected by a quality paved widened footpath overlooking a small park across the road. The footpath will have continuous awnings, street trees and robust street furniture. Tenancies will be encouraged to provide footpath seating if appropriate to the business to further activate the neighbourhood centre. Ideally the businesses will include those which operate in both the day and evening to improve its' safety and amenity for the community. The existing historic café gives a sense of place to the neighbourhood centre and sets the desired scale and character for the new buildings in the neighbourhood centre.



h **Figure 10 Neighbourhood centre (indicative layout)**

## 4.2 Development Provisions Neighbourhood Centre

### OBJECTIVES

- To provide an integrated collection of local convenience shops and services opening onto a pleasant and activated public realm
- To enhance the neighbourhood centre with quality landscaping, finishes and street furniture
- To ensure any new building in the neighbourhood centre does not diminish the historic integrity of the existing historic café
- To ensure that built form establishes a strong relationship with the public open spaces, primarily the footpath and the street
- To provide shelter and shade in the form of continuous awnings, and street trees
- To orientate neighbourhood centre to maximise solar access and winter sunlight
- To maximise views and connections towards open spaces including parks, green space and market area, as well as the conservation areas
- To provide a safe well-lit pedestrian connection with good passive surveillance between the carpark areas, the neighbourhood centre and the train station
- To encourage energy efficient building orientation and envelopes

### REQUIREMENTS

#### a **General**

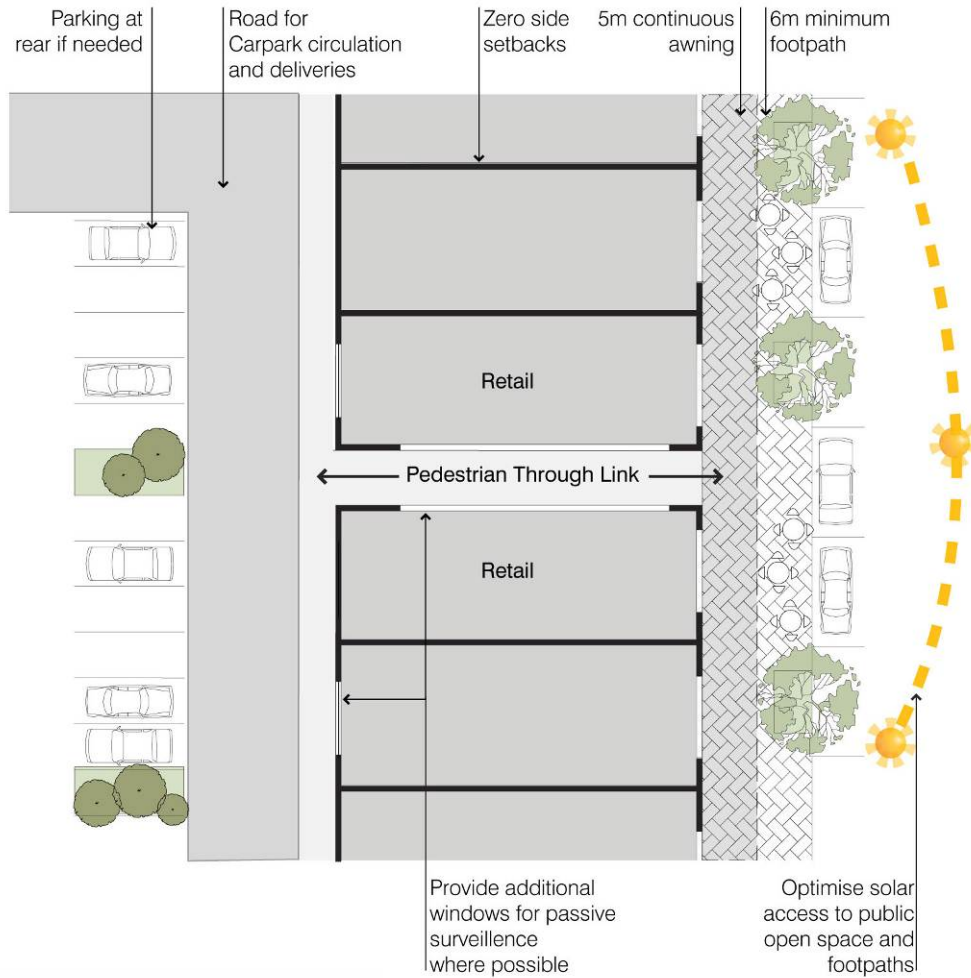
- i Provide an active neighbourhood centre with up to 10 local convenience shops.
- ii Design shops and businesses to face the street with access from a widened paved footpath which links them all together.
- iii Design the north facing footpath with a continuous awning as the public open space of the neighbourhood centre.
- iv Provide the continuous awnings and shade trees for weather and solar protection.
- v Maximise amenity by facing shops and footpaths to the north providing the opportunity for outdoor seating if appropriate.
- vi Provide quality street furniture including public seating as per the requirements of Council.
- vii Retain the existing historic café as a centre piece of the neighbourhood centre and build on this character with new buildings in a modern yet sympathetic manner.
- viii Consideration of DCP 2013 Chapter 5.2 – Retail Centres
- ix Consideration of the requirements of WLEP 2013 and DCP 2013 Chapter 3.7 – Heritage Conservation with regard to development in the vicinity of a heritage item.

- b **Building Use**
  - i Provide for mixed use development with the provision of offices and residential spaces above ground floor retail and service providers.
  - ii Provide for outdoor seating on footpath adjacent to and managed by the provider.
- c **Built Form**
  - i Development is to be a maximum of two stories in height.
  - ii Zero side setbacks are encouraged to create a continuous row of shops and services as well as a continuous street wall.
  - iii Built form on corner lots is to activate both frontages and the continuous awnings is to continue around that corner for the length of the building.
  - iv Provide a safe and direct pedestrian link to the main street for any rear carparking.
  - v Rear of building design shall ensure that the presentation of the development to any public area is satisfactory and adequately screen any waste or storage area.
  - vi New buildings in the neighbourhood centre to be contemporary in design. They may respond to the character of the existing development but not mimic its form or make inappropriate reference to historical details.
- d **Glazing and Awnings**
  - i At street level on the primary street frontage, a minimum of 80% of the width of the building is to be made up of glazing and/or openings.
  - ii A continuous solid 5m wide awning over the footpath on the primary street frontage, at the height of the first floor, is to be provided.
  - iii Awnings must be connected directly to those on buildings on either side.
- e **Footpaths**
  - i A paved footpath at least 6m wide to be provided in front of all buildings.
  - ii The footpath and public domain is to be designed with quality landscaping including generous numbers of street trees to provide shade in summer.
- f **Parking**
  - i Convenience parking is to be provided on-street in front.
  - ii Ensure adequate on-site convenient parking is provided immediately adjacent to encourage customers and in accordance with DCP 2013 Chapter 2.11 – Parking and Access.
- g **Landscaping**
  - i A landscape plan is to be prepared by a suitably qualified landscape professional is to be provided with development applications where landscaping works are proposed.

- ii Greater than 40% of all plants for public/private open space areas are to be locally native and greater than 90% are native to Australia.

**h Sustainable Design**

- i Buildings are to incorporate measures to optimise energy and water efficiency.
- ii Energy efficient lighting to be specified in communal areas for example street lighting and public spaces.
- iii Secure bicycle storage areas are to be provided.



**i Figure 11 Neighbourhood centre (indicative layout)**



## 5.0 DEVELOPMENT PRINCIPLES – EMPLOYMENT LANDS

### 5.1 Character Consideration – Employment Lands

The Warnervale Employment Area will be characterised by high quality built form within a landscape setting that integrates with the natural and conservation values of the Porters Creek Wetland and associated regional green corridor. Streetscapes will have a strong landscape character with street trees and generous frontage setbacks to augment verge landscaping.



j **Figure 12 Employment lands (indicative layout)**

*Note: Road layout is indicative and may require modification to accommodate larger vehicles.*

## 5.2 Development Provisions – Employment Lands

### OBJECTIVES

- To create a high quality, innovative and integrated employment area and 'business park', particularly in terms of built form and landscaping
- To accommodate a range of business, light industrial, manufacturing, processing and high technology activities suitable for small to medium scale employment area allotments
- To encourage high quality design and construction that is clearly superior to development found in traditional industrial areas
- To ensure that built form establishes a strong relationship with the surrounding open space and wetlands in order to maximize amenity while minimizing environmental impact on conservation areas and natural water systems in the area
- To ensure that development includes cohesive streetscapes and a safe and attractive pedestrian environment
- To promote energy efficient buildings through thoughtful building orientation and landscape design as well as through well considered materials and appliance selection
- To incorporate best practice environmental planning and design, particularly techniques for conserving the consumption of energy and water in all buildings and the control of noise and emissions

### REQUIREMENTS

#### a **Character**

- i All development proposals are to address the Character Considerations above.

#### b **Built Form**

- i Provide articulated and well detailed elevations including the use of projections and recesses, a variety of quality materials, glazing, sun shade structures, colours and other forms of architectural detailing. Blank building facades facing street frontages are not permitted.
- ii Locate activity including offices, entries and pedestrian areas fronting streets and ensure buildings address "all" streets to improve surveillance and visual interest.
- iii The office component of any development is to be incorporated into the overall design of the building and located generally along the primary internal street frontage and where possible be oriented away from frontages to the Link Road which might be the source of noise impacts due to traffic.
- iv All buildings to provide a well-lit pedestrian entry with a canopy, recess, awning and/or colonnade facing the primary street frontage to distinguish that entry.
- v Where an allotment has its primary street frontage towards the Link Road, the presentation of development is to be adequately addressed. A minimum of 60% of the primary building façade at ground level is to be activated by showrooms and the like located to face that road.
- vi Buildings located on corner lots need to address both street frontages.
- vii Developments shall provide quality outdoor amenity areas for employees to use for lunch and recreation.

- viii Building facades to be finished in high quality durable materials, products and colours that complement the natural landscape character of the locality.
  - ix The use of metal and tilt up cladding is discouraged on front elevations, unless it can be satisfactorily demonstrated that it forms part of an architectural design solution in association with masonry, glass and other high quality materials. Where a side or rear façade is visible from the public domain, the use of metal and tilt up cladding must only comprise a maximum 50% of that wall's cladding material.
  - x Development fronting the wetlands is to address relevant Asset Protection Zones and be designed to consider outlook towards Porters Creek Wetlands.
  - xi Rooftop structures (including plant rooms, air conditioning and ventilation systems) are to be incorporated into the design of the building to create an integrated appearance.
  - xii The steep topography within the employment area needs to be considered in the design of the building and their car parking and outdoor areas. Cut and fill is to be minimised by adapting the proposed development to the constraints of the site and not unduly modifying the site.
- c **Floor Space Ratio**
- i Maximum Floor Space Ratio of 0.8:1
- d **Site Coverage**
- i A maximum site coverage of 60% applies unless it can be demonstrated to the satisfaction of Council that greater site coverage will not adversely impact upon amenity of the streetscape or adjoining allotments
- e **Minimum Lot Size and Dimensions**
- i Lots are to have a minimum land area of 4,000sqm.
  - ii Lots are to have a minimum width at the building line of 45m.
- f **Front Setback**
- i Setback to be 25m from Link Road of which 12m in from the front boundary must be utilised for landscaping.
  - ii Setback to be 12m from the alignment of other roads of which 6m in from the front boundary must be utilised for landscaping.
  - iii In both cases, the remainder of the setback may be used for an access driveway or car parking.
  - iv For sites adjoining the perimeter road adjoining Porter's Creek Wetland, the first 10m of the front setback is to be treated as a bushfire asset protection zone.
  - v Building frontages on adjoining allotments are to be aligned, located on the setback line.
  - vi Storage of any kind is not permitted within the front setback area.
- g **Side Setbacks**
- i Setbacks on corner lots must allow for Austroads sight lines for vehicular traffic.



- ii Buildings may be constructed with nil setback to one side boundary, subject to approval by Council and where the applicant demonstrates that a superior urban design, building presentation, site maintenance and fire rating requirements will be achieved.

**h Setbacks and Open Space**

- i The utilisation of setback areas for Asset Protection Zones (APZ's) is to be as per the requirements of 'Planning for Bushfire Protection' legislation published by the NSW Rural Fire Services.
- ii A minimum setback of 5m from the boundary is required to all other public open spaces.

**i Parking**

- i Parking requirements are to be calculated in accordance with DCP 2013 Chapter 2.11 – Parking and Access.
- ii The main parking areas are to be located behind, beside and/or under the building to reduce visibility from the street.
- iii All car parking outside the building footprint to be integrated with landscaping to provide shade and visual amenity.
- iv Car parking areas in the front setback are to be designed to have minimal visual impact on the streetscape.
- v Provide secure bicycle parking areas.
- vi Loading docks, loading areas and external storage areas are not permitted facing the Link Road.
- vii There shall be no direct vehicular access to the Link Road.

**j Environmental Impacts**

- i Provide effective sunshading for windows and building entries (other than loading docks) by the use of design elements such as overhanging eaves and awnings, undercrofts, colonnades and external sunshading devices including screens.
- ii Design buildings to promote cross flow ventilation.
- iii Glazing is not to exceed 20% reflectivity.
- iv Limit light and noise pollution post construction i.e. ensuring lights are not directed beyond the site boundary or upwards (excluding illuminated place names).
- v Ensure built form, car parking areas and landscaping contribute to effective management of stormwater, biodiversity and energy efficiency.

**k Landscape Design**

- i A landscape plan prepared by a suitably qualified landscape professional is to be provided with all development proposals.
- ii Greater than 40% of all plants for public/private open space areas are to be locally native and greater than 90% are to be native to Australia or productive. Planting in the front setback is to be 100% landscaped with locally occurring species.

- iii Front setbacks are to be landscaped generally with ground cover and trees ensuring the views between development and the street are not totally obscured. Minimum landscaping requirements are for one tree per 25sqm of front setback area.
- iv Landscaping is required in the side and rear setbacks if visible from the public domain.
- v The perimeter of open storage areas is to be landscaped to provide screening from public view.
- vi Low water demand drought resistant vegetation to be used in landscaping areas, including native salt tolerant trees to high saline affected areas.
- vii Mulching cover to be incorporated in landscaped areas (excluding drainage corridors).
- viii All landscaped areas are to be separated from vehicular areas by means of a kerb, dwarf wall or other effective physical barrier.
- ix Planting of vegetation must consider passive surveillance. Excessively dense vegetation that creates a visual barrier is to be avoided.
- x Embankments are not to be steeper than 1:4.

**I Fences and Walls**

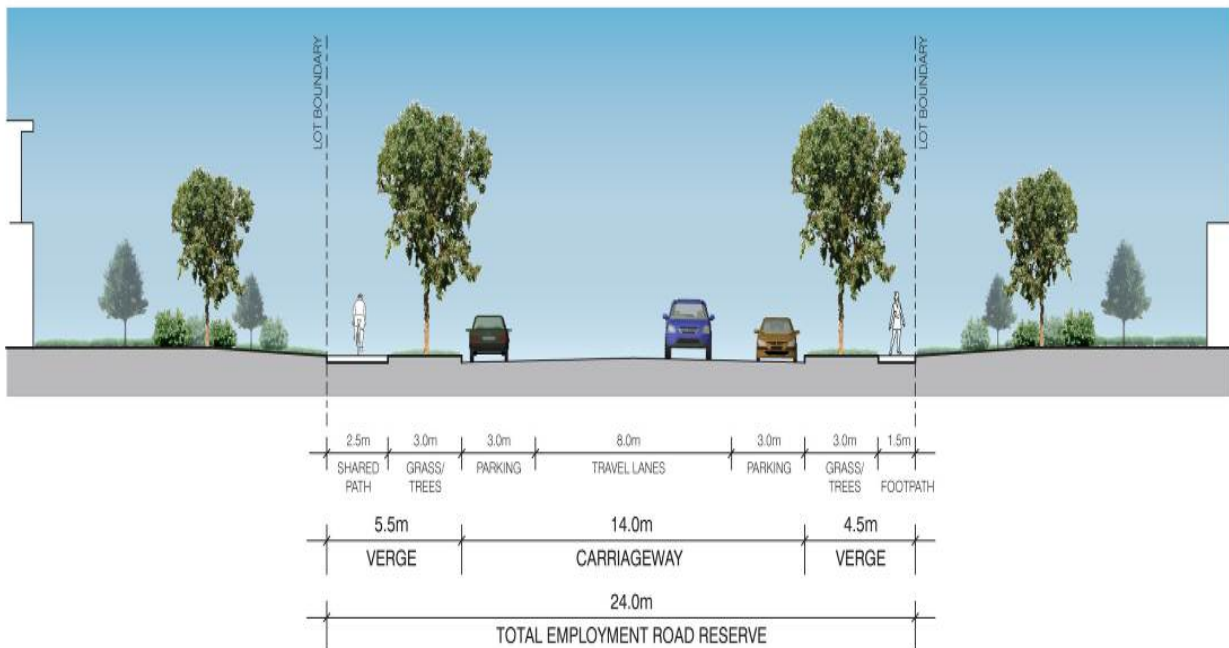
- i No fencing is permitted within the landscaped component of the front setback.
- ii In general no fencing other than a low feature wall may be erected on any site at the entry driveway. Low feature walls should be utilised for retaining walls, garden beds and the like.
- iii No pre-finished and pre-coloured corrugated metal (e.g. Colorbond) or lapped and capped fencing is permitted to any public area.
- iv The use, design and materials of fences and walls are to be compatible with well-designed fences and walls in the public domain.
- v Side and rear fences and walls can be built to a maximum height of 1.8m to screen the rear of the allotment from adjacent sites.
- vi Side fencing is not be located forward of the landscape zone of the front setback.
- vii Side and rear fencing is to allow cross ventilation by the use of open chain wire or metal picket fencing.
- viii Fencing is to utilise dark colours to reduce visibility.
- ix No fencing or other structures that restrict safe fauna movement are to be used in public spaces.
- x The steep topography within the employment area needs to be considered in the design of the building and their car parking and outdoor areas. Cut and fill is to be minimised by adapting the proposed development to the constraints of the site and not unduly modifying the site.
- xi Retaining walls where viewed from the street or public places shall be of a decorative masonry product complementing the landscape design and integrating with the development.

# APPENDIX A STREETS AND INTERSECTIONS

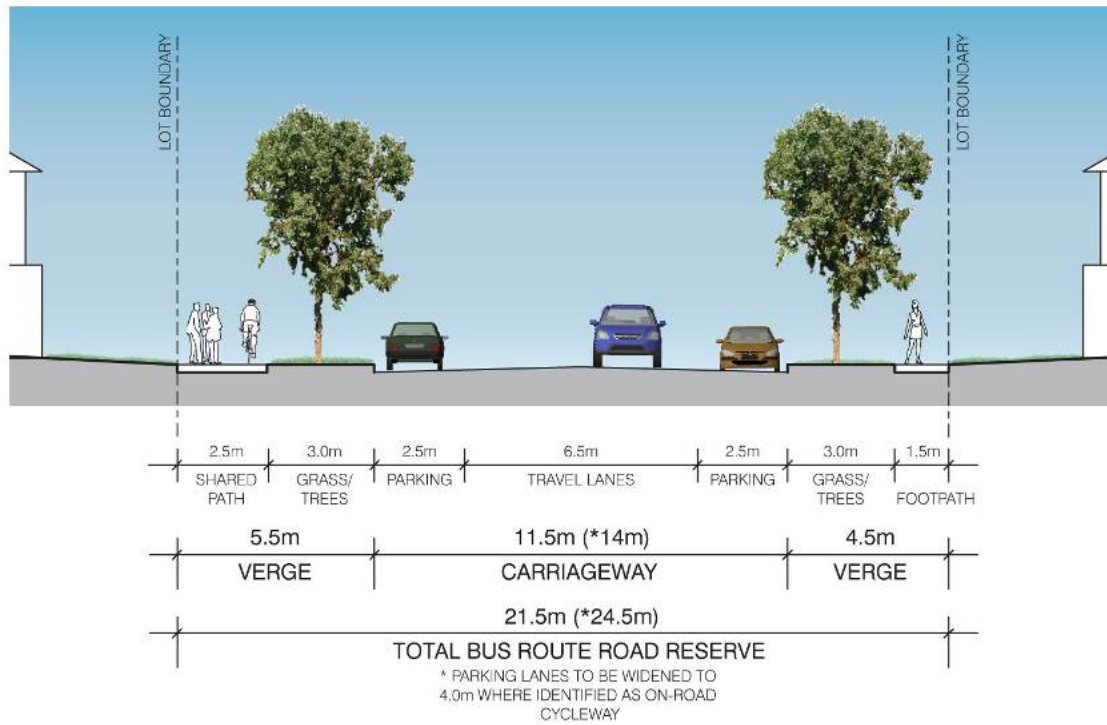
## Type 1 - Collector Road



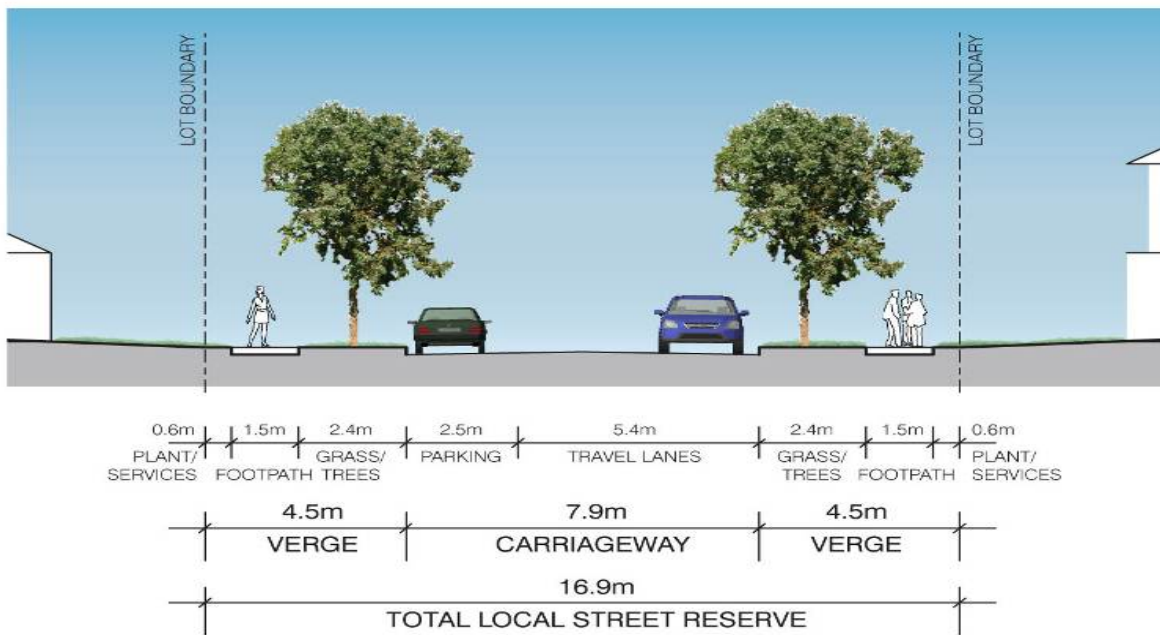
## Type 2 - Employment Road



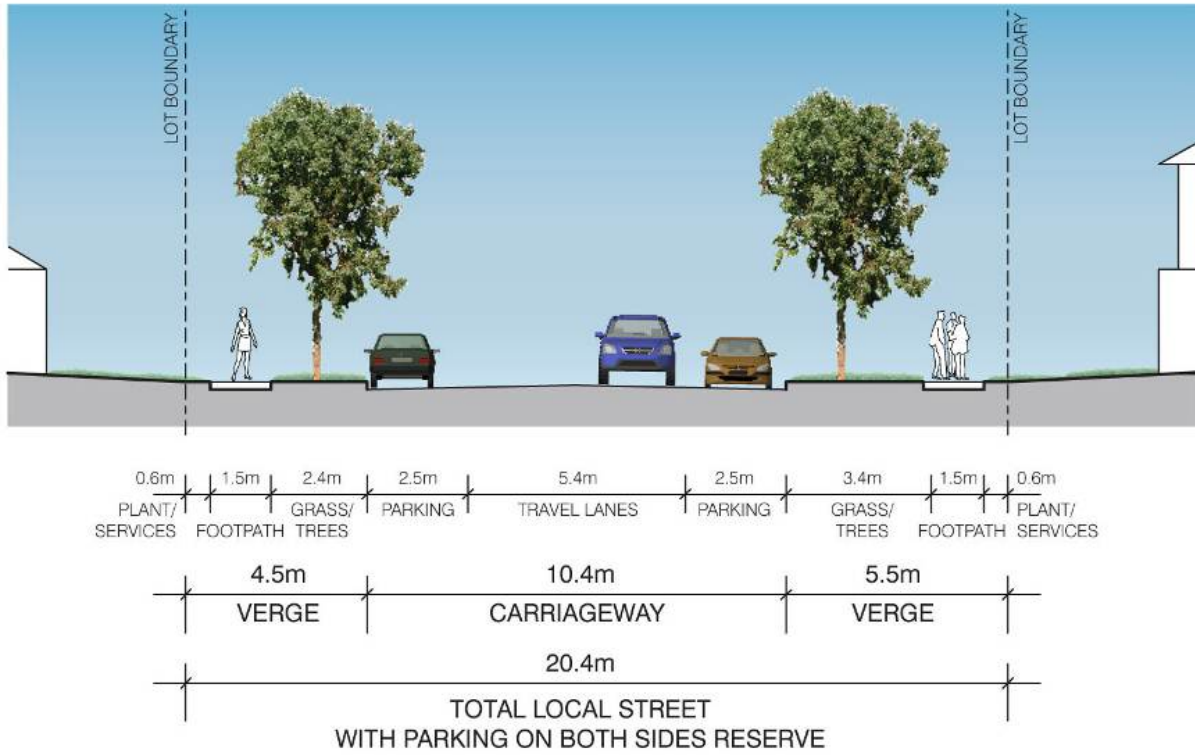
**Type 3 - Bus Route Road**



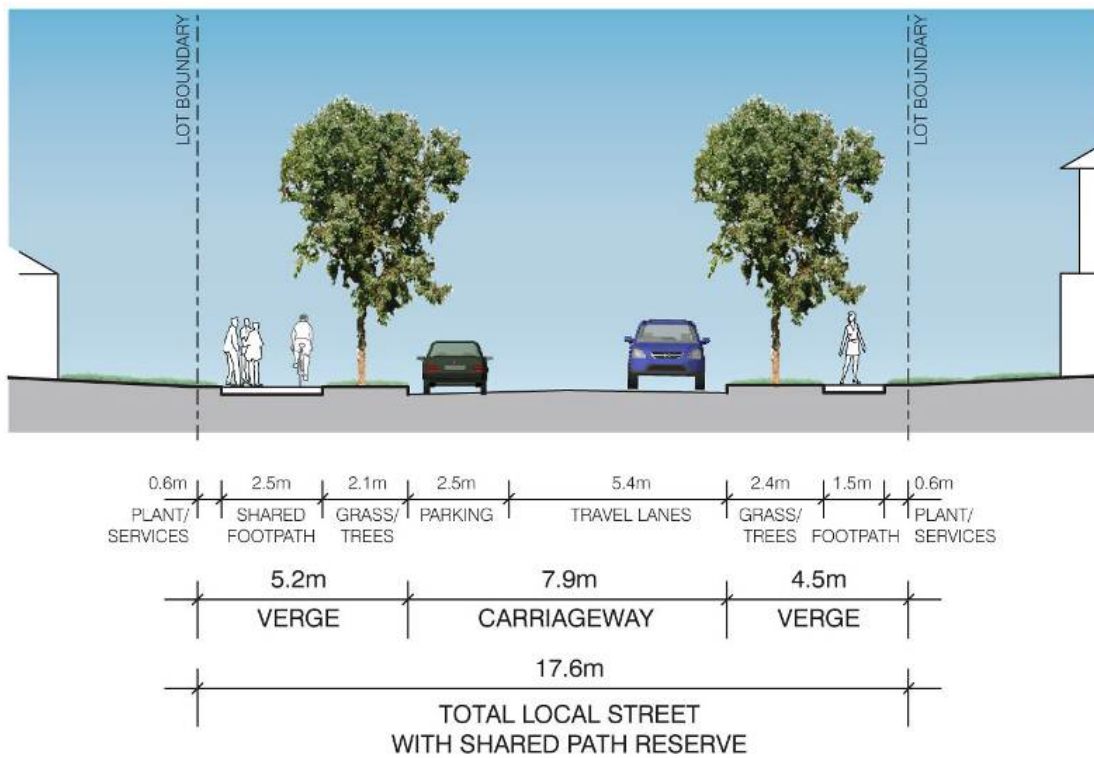
**Type 4 - Local Street**



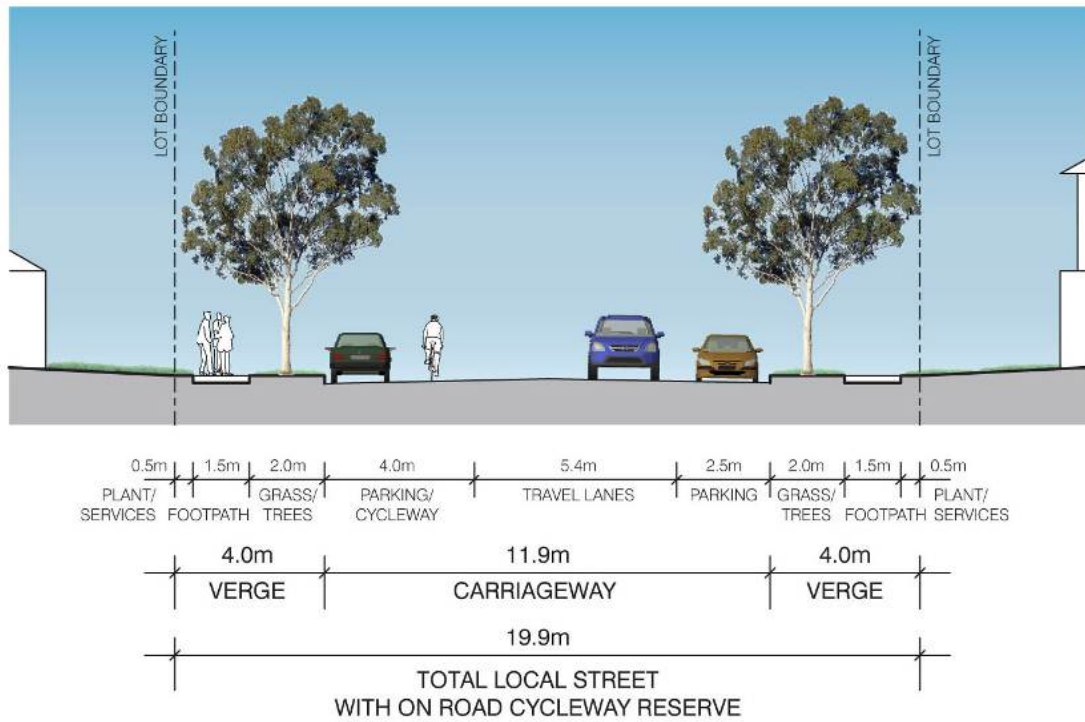
**Type 5 - Local Street with Parking on both sides**



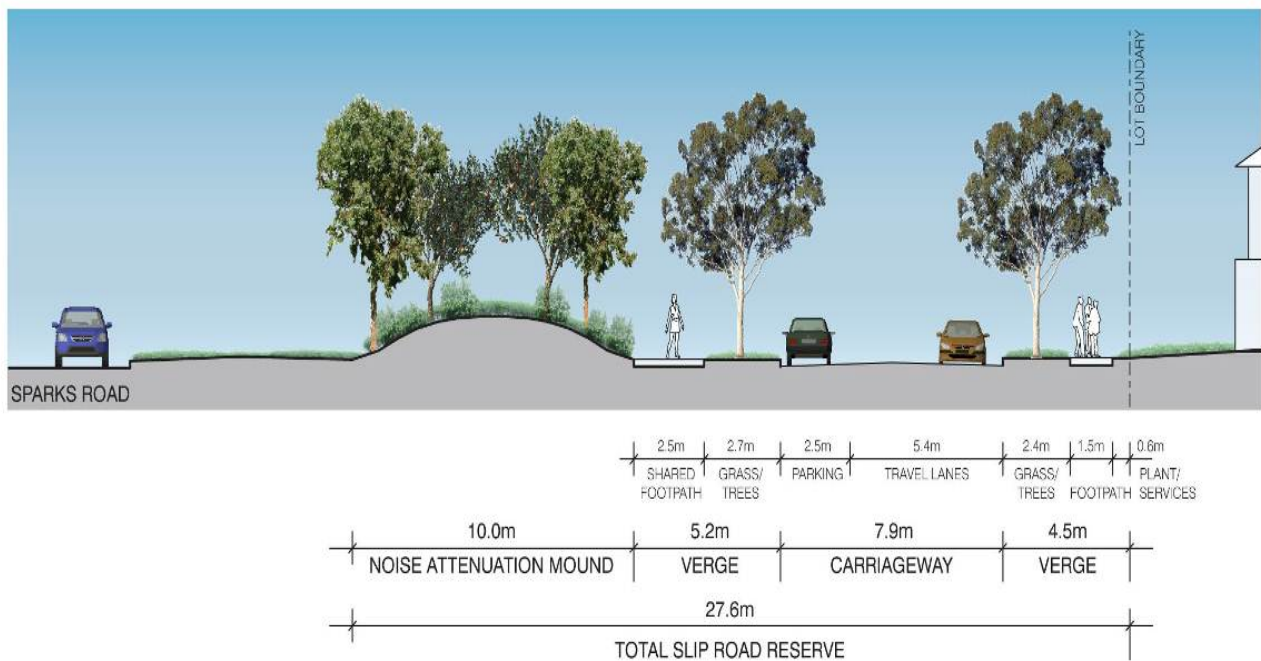
**Type 6 - Local Street with shared path**



**Type 7 - Local Street with on road cycleway**

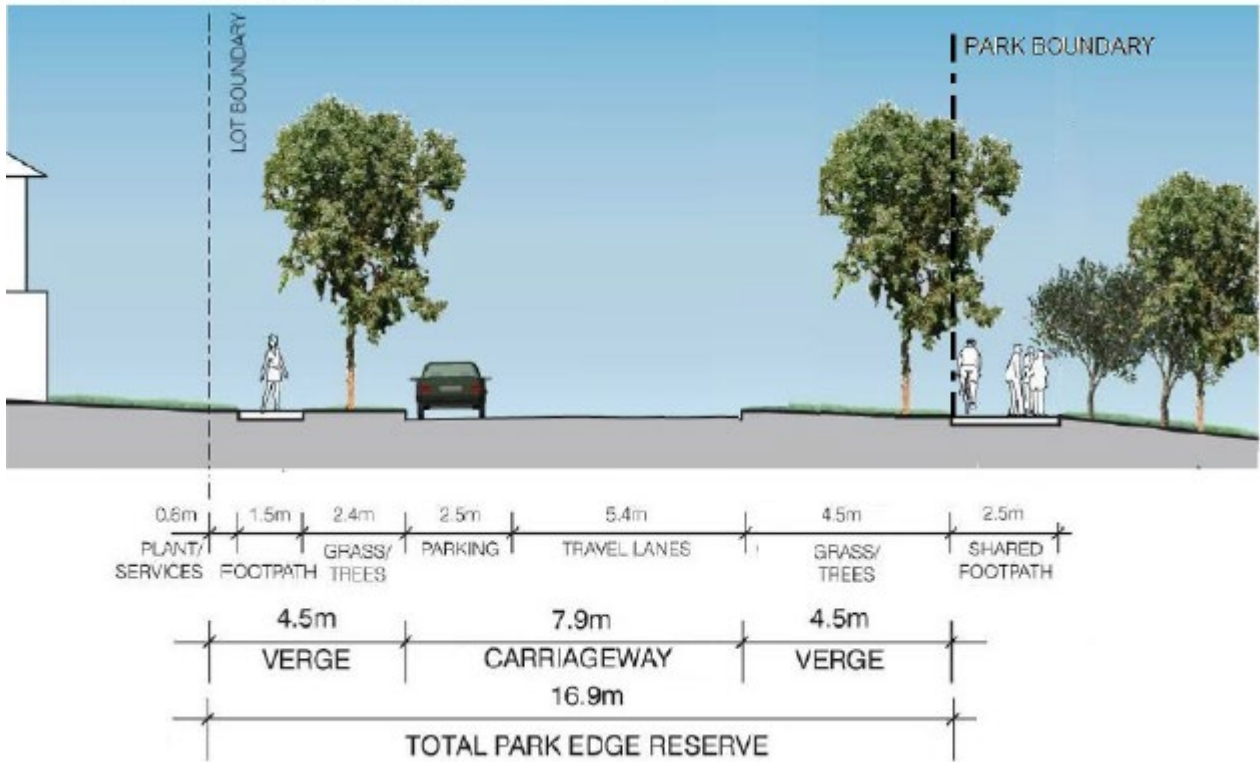


**Type 8 - Slip Road with noise attenuation mound**

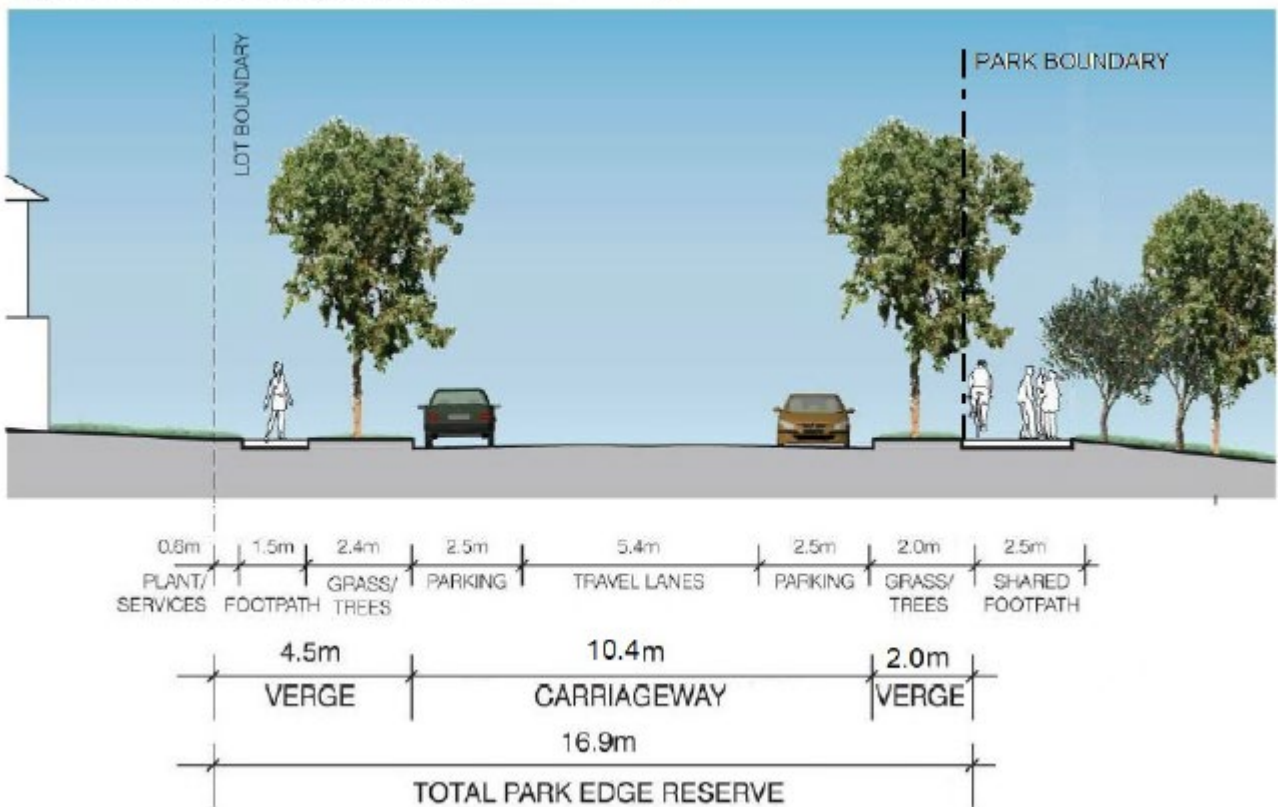




**Type 9A - Park Edge Road (Section A-A)**

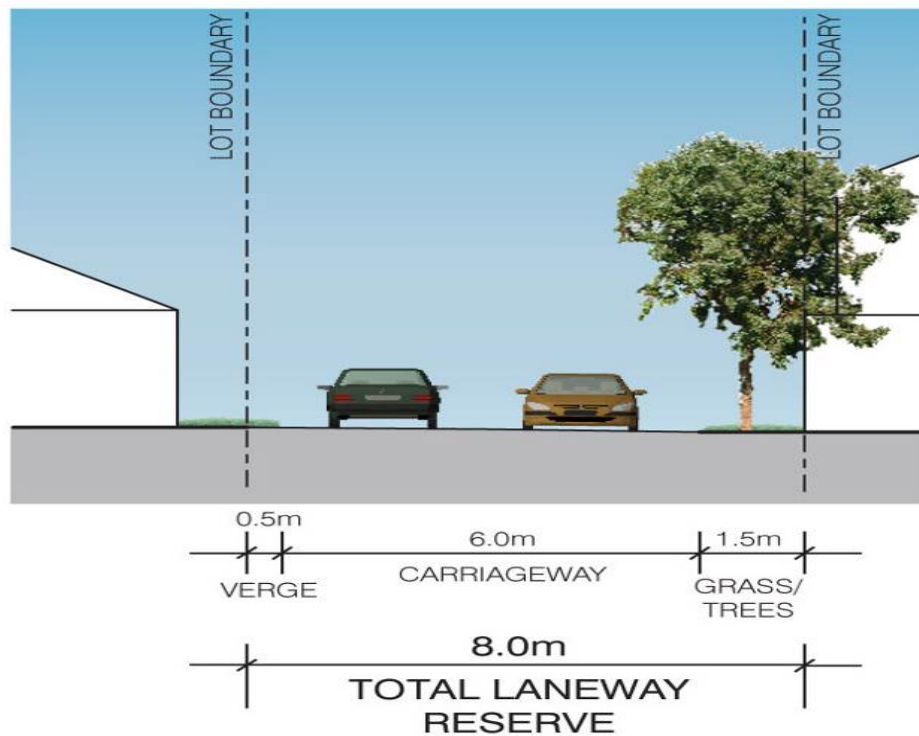


**Type 9B - Park Edge Road (Section B-B)**





### Type 10 - Laneway



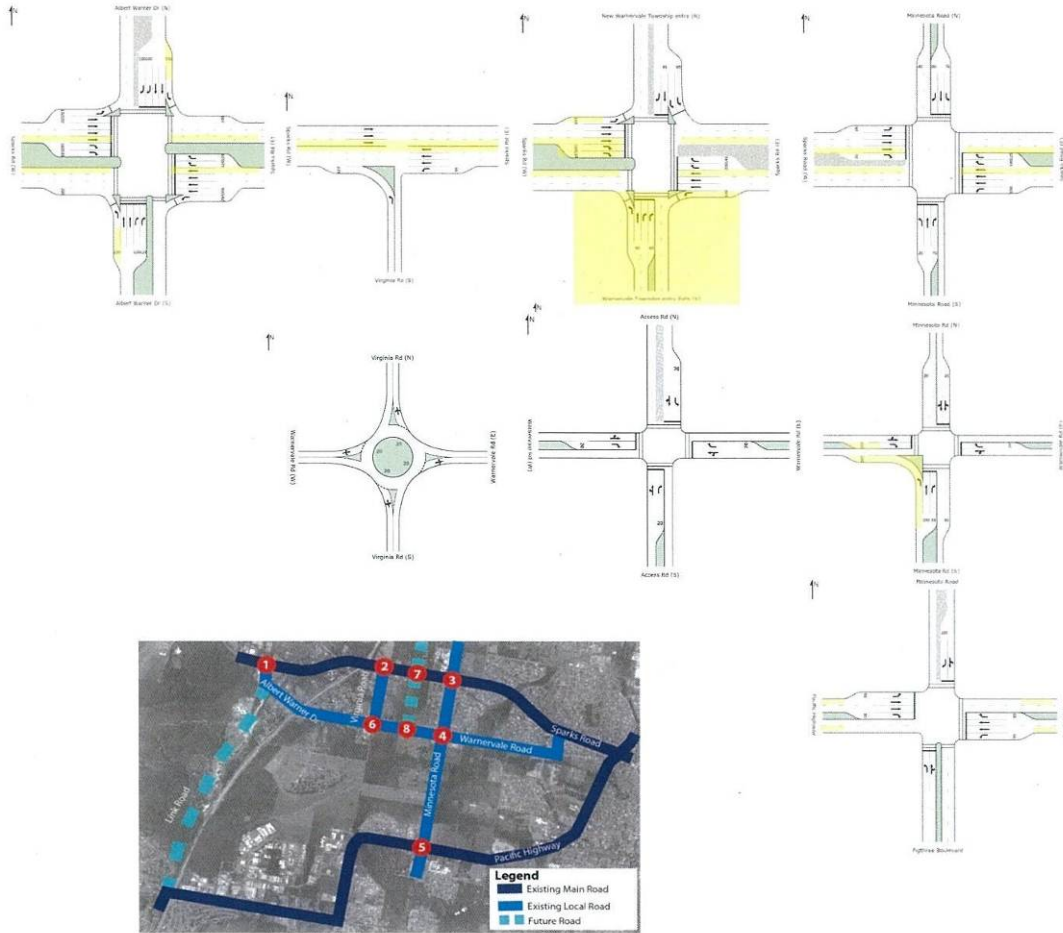
### Type 11 Perimeter Road – West of Virginia Road



#### PERIMETER ROAD

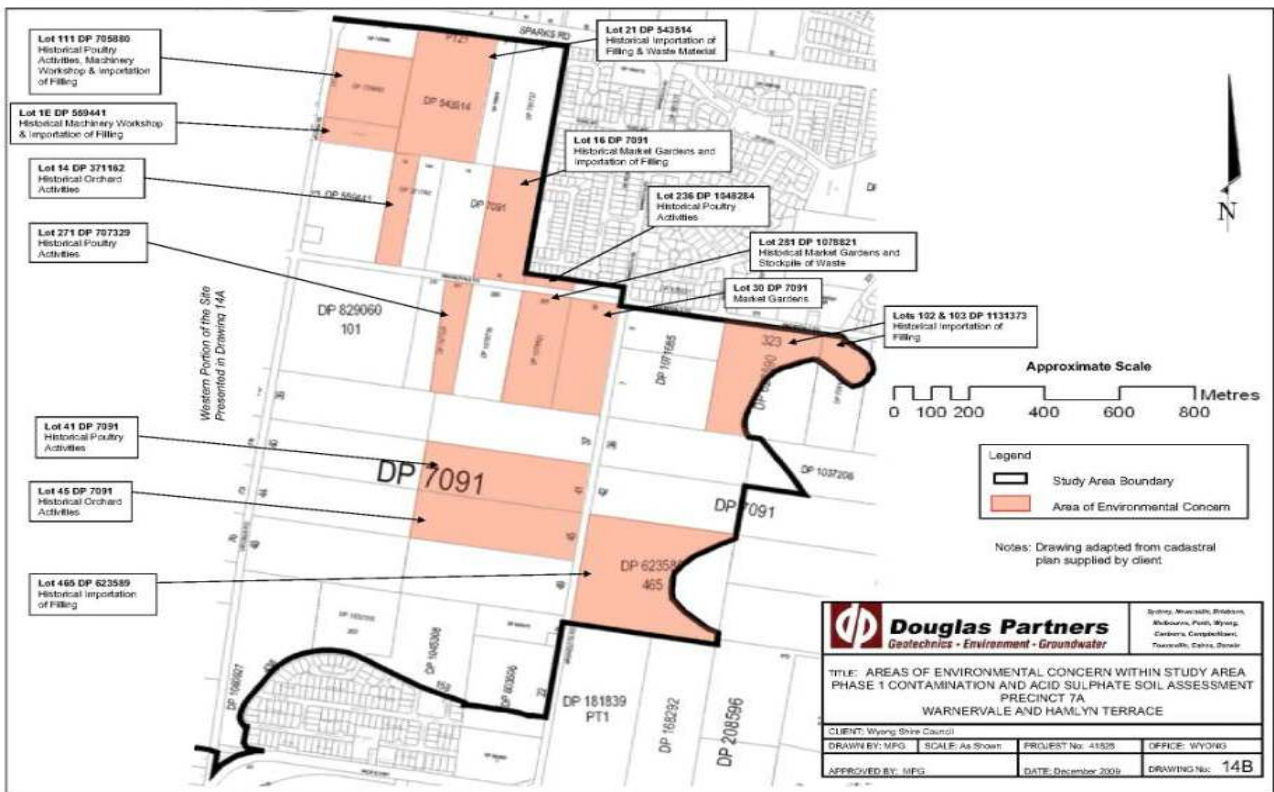
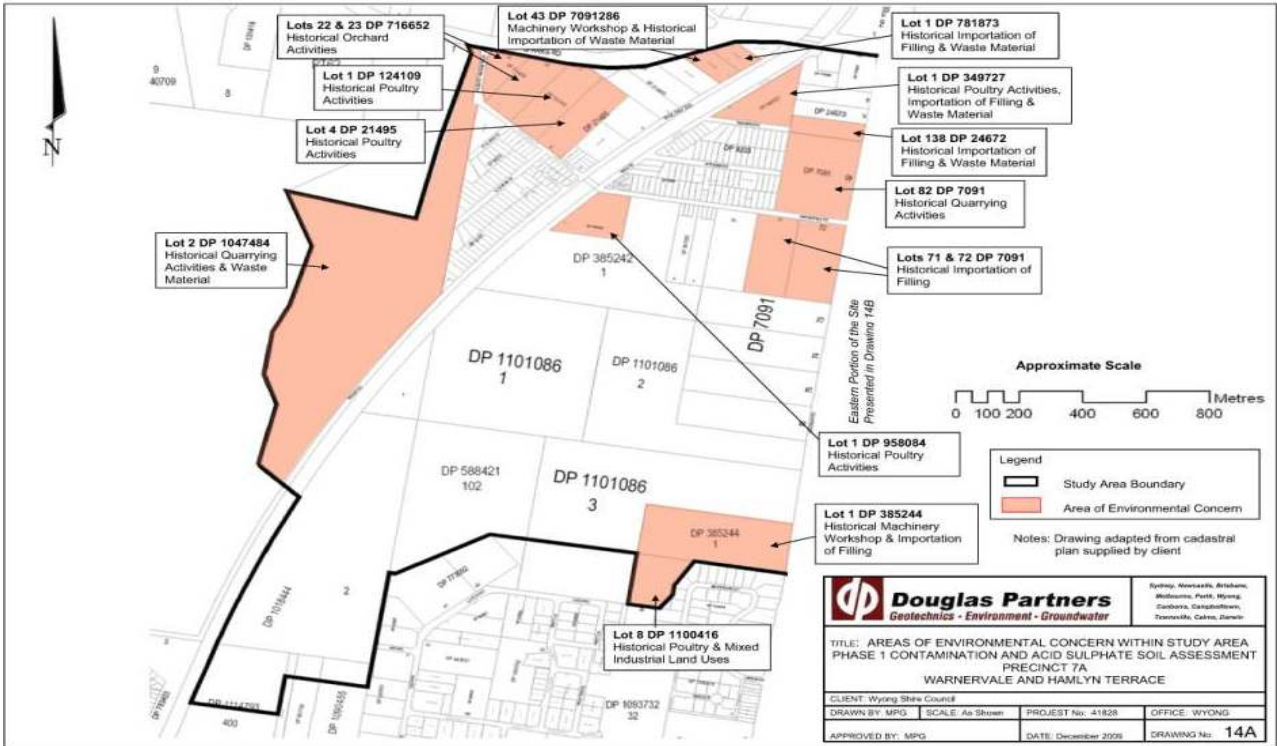
Note 1: Where the width for plant and services is noted as 0.5m in any of the diagrams above, this may need to be increased to 0.6m in some circumstances. Contact Council to discuss.

Note 2: Park Edge and Employment Roads may require a greater area of land than that shown to accommodate Asset Protection Zones where required.



Proposed Intersection Upgrade in 2031 – required upgrades highlighted in yellow

# APPENDIX B POTENTIAL SITE CONTAMINATION – AREAS OF CONCERN



## APPENDIX B RELEVANT STUDIES

AEC Group, *Economic Viability Assessment*, August 2012

Archaeological Surveys and Reports, *Archaeological Heritage Assessment - Precinct 7A Warnervale*, February 2010

Archaeological Surveys and Reports, *The Archaeological Investigation for site of Indigenous Cultural Significance in Precinct 7A, Warnervale*, September 2009

Architectus, *Structure Plan with Master Plan Principles Report*, September 2012

Douglas Partners, *Stage 1 Contamination Assessment and Preliminary Acid Sulphate Soil Assessment*, December 2009

Cardno, *Precinct7A IWCM Final Draft Report*, March 2012

Cardno, *Precinct 7A Flood Study*, May 2013

Hyder, *Precinct 7A Traffic and Transport Study*, September 2012

Peak Land Management, *Bushfire Management Plan Warnervale Precinct 7A*, March 2012

Renzo Tonin & Associates, *Noise and Vibration Impact Assessment Final*, March 2012

Umwelt, *Ecological Assessment – Precinct 7A*, September 2012

Umwelt, *Conservation Management Plan –Precinct 7A*, March 2012

Wyong Shire Council *Precinct 7A Social Analysis and Human Services Study*, March 2012

Wyong Shire Council, *Precinct 7A – Open Space and Recreation Strategy*, March 2012

Wyong Shire Council, *Addendum Precinct 7A Traffic and Transport Study*, April 2013

Table of Submissions – RZ/6/2016

Submission Number	Point Raised in Submission	Response
1	<ul style="list-style-type: none"> <li>filling of part of the land presently zoned E2 Environmental and this area is within the Porters Creek flood plain. This flood plain is critical to the detention of waters in major storm events and the filtering of nutrients and silt from water before it enters Wyong Creek and subsequently the lake system. Any reduction of this natural filter and storage system must be discouraged by Council to protect the long term health of the waterways.</li> </ul>	<p>The proposal does not propose to rezone or fill land that is zoned E2 Environmental Conservation.</p> <p>The development footprint was amended (post Gateway) to significantly reduced the encroachment of both the proposed residential land into the flood planning area and proposed filling into the floodplain. The amended footprint also ensured land zoned E2 Environmental Conservation was not rezoned as part of the Planning Proposal.</p>
	<ul style="list-style-type: none"> <li>reduction of the presently zoned Recreation area by 2.55 Ha or some 45%. To increase population in the area and then reduce the people's opportunity for recreation, both passive and active, is nothing short of folly. There is little enough recreation area available now, with sporting clubs in the area constantly calling for more ovals and residents seeking passive open space area for simple sunlight and exercise, all opportunities to increase or at least retain open space must be preserved.</li> </ul>	<p>The Planning Proposal is reducing the size of the land zoned RE1 Public Recreation from 5.72 hectares to 3.17 hectares. Although the size of the park land will be reduced it will still be embellished to a standard suitable to accommodate the residents of the additional dwellings proposed under this rezoning. The additional funds received through Councils s7.11 Contribution Plan will be used to acquire and embellish additional open space land in the Warnervale area to offset the shortfall (if required) in open space from this development.</p>
2	<p>AV Jennings site masterplan includes a mix of standard Torrens Title 450m2+ lots, plus smaller "rear loaded" lots down to sub 300m2. It is requested that the Planning Proposal be amended to facilitate the masterplan vision.</p>	<p>Noted – this issue will be further investigated and considered through the preparation of the</p>

		Central Coast Comprehensive Local Environmental Plan.
	<p>Under the current Draft Central Coast Local Environmental Plan, Clause 4.1F restricts dual occupancy development as follows:</p> <ul style="list-style-type: none"> <li>• Dual Occupancy (attached) 550 square metres</li> <li>• Dual Occupancy (detached) 700 square metres</li> </ul> <p>Can a site specific provision allowing dual occupancy development on sites of at least 400m2 be adopted for the site? The above control is contrary to the Low Rise Medium Density Housing Code which allows dual occupancy development on lots down to 400m2. This is also in line with Council's own Affordable and Alternative Housing Strategy.</p>	Noted – this issue will be further investigated and considered through the preparation of the Central Coast Comprehensive Local Environmental Plan.
	<p><u>Draft Development Control Plan</u> Include a provision within the Draft DCP to allow for development in accordance with the Low Rise Medium Density Housing Code with the following exclusions:</p> <ul style="list-style-type: none"> <li>• Allow manor homes (2 storey building, 2 dwellings in each storey) and multi dwelling development (3 dwellings) on corner lots or those with rear land access only.</li> </ul> <p>This will facilitate housing choice in accordance with the Low Rise Medium Density Housing Code which is in line with Council's own Affordable and Alternative Housing Strategy. The exclusion is requested to prevent third parties from building low quality manor or multi dwellings on lots which don't access a laneway or have a dual street frontage.</p>	Noted – this issue will be considered through the preparation of the Central Coast Comprehensive Local Environmental Plan and Central Coast Comprehensive Development Control Plan.
	<p><u>Multi-Generational Housing</u></p> <p>Multi-generational housing includes a three (3) storey building including one (1) dwelling on each level to cater for families including three (3) generations.</p>	Noted – this issue will be further investigated and considered through the preparation of the Central Coast Comprehensive Local Environmental Plan.

	<p>Include a provision within the Draft DCP to allow three (3) storey construction for multi-generational housing opposite the park to the north.</p> <p>AVJennings wish to explore this type of development opposite the future park within the "arc" to the north across R1 zoned land. Current and draft multi-dwelling housing controls restrict this type of development to two (2) storeys.</p>	
	<p><u>Corner Lots</u></p> <p>Include a provision within the Draft DCP to allow the creation of corner lots to 450m2.</p> <p>The Low Rise Medium Density Housing Code, allows for dual occupancy development on lots down to 400m2. Council's current lot size standards are out of line with current planning policy and therefore do not facilitate affordable housing or efficient use of residentially zoned land.</p>	<p>This is a broader issue and will require a review of controls within multiple DCP chapters. This will be considered as part of the Comprehensive LEP and DCP.</p>
	<p><u>New Road Type</u></p> <p>Add a new Road Type - Park Edge Road (A&amp;B) around the park which provides formal parking on the park side every 100m as well as placing the 2.5m wide shared pathway within the park as shown overleaf.</p> <p>To provide formal parking on the park side of the road for visitors of the park given that it will be a destination and not just used by residents of the subdivision. The shared pathway will also be within the parkland rather than the road reserve as this gives an opportunity to meander the pathway around the park for improved amenity.</p>	<p>Noted – The draft DCP will be updated to include the new road type.</p>
	<p><u>Setbacks</u></p> <p>Include provision to allow a reduced front setback to 3m for rear-loaded lots off a laneway. To provide better street appeal given that a large setback is not needed to accommodate garage/driveways, as these will be located off the laneway.</p>	<p>This is a broader issue and will require a review of controls within multiple DCP chapters. This will be considered as part of the Comprehensive LEP and DCP.</p>



	Allow zero setback for garages and secondary dwellings atop garages facing laneways. Current controls under the Dwelling DCPs don't include setbacks for secondary dwellings to laneways, and garages can only have 50% of frontage with a zero setback.	
	<p><u>Figure 3 Park and Open Space locations</u> Figure 3 shows a small formalised park in NW corner and the colour used for the remaining area looks like "recreation/playfields" as shown within the corresponding legend.</p> <p>Increase the formalized park to add area shown in red below and amend colour for remaining area to be consistent with the key colour for "parkland". This will provide flexibility in the location of the formalized park and to ensure the remaining area is developed as parkland only.</p>	The draft DCP will be updated to increase the flexibility in the location of the formalised park.
	<p><u>Figure 4 Indicative road layout and hierarchy</u></p> <p>Figure 4 is based on an old layout. The current masterplan which has been conceptually approved by Council's Development Assessment staff (July 2020) removes various laneways and roads which are no longer proposed. Amend Figure 4 to remove the roads "crossed out" in black.</p>	Noted – draft DCP will be updated to include new layout.
	<p><u>Figure 5 Indicative Pedestrian and cycleway routes</u> Figure 5 requires on road cycleways (shown in purple), amend to off road shared pathway. Reason: Council's Engineers prefer off road cycleways.</p>	Noted – draft DCP will be updated to include new layout.
	<p><u>43m Asset Protection Zone (APZ) and 10m building setback</u></p> <p>Request the following provision be deleted:</p> <ul style="list-style-type: none"> <li>• 2.4f A 43m wide asset protection zone (APZ) bushfire buffer is provided on park edge roads and to the edge of the Porters Creek wetland adjacent to the</li> </ul>	Noted – the draft DCP has been updated to meet current Bushfire Legislation.

	<p>employment precinct. A 10 metre building setback requirement will form part of this APZ. And,</p> <ul style="list-style-type: none"> <li>• 3.2 e A 10 metre building setback requirement forming part of the Bushfire Asset Protection Zone is to apply on property adjoining park edge roads.</li> </ul> <p>Based on Planning for Bushfire Protection 2019 and the latest bushfire studies undertaken for the site, the maximum APZ required for future development where the perimeter road applies is now only 10m, not 43m (see Figure below).</p> <p>The 43m APZ came from a basic vegetation assessment using the maximum fuel load vegetation when Precinct 7A was rezoned. The existing and future vegetation (noting the E3 Zone is to be rehabilitated to a wetland state) requires significantly reduced APZs. Further, the bushfire assessment methodology adopted for the AVJ development uses a "Method 2" system, whereby a refined slope assessment is undertaken to get a more realistic hazard assessment.</p> <p>Further to the above, no APZ is required opposite the park due to separation from other vegetation.</p> <p>Taking the above into consideration, these controls are no longer applicable and if enforced would have the effect of unnecessarily losing developable land.</p>	
	<p><u>Draft DCP Chapter 5.25</u> Request: Draft DCP Chapter 5.25 does not include the Type 11 – Perimeter Road which is included within Draft DCP 6.5.</p>	<p>Noted – Draft DCP Chapter 5.25 has been updated.</p>



**Item No:** 3.1  
**Title:** Planning Proposal 84/2015 for land on the corner of Collingwood Drive and Matcham Road, Matcham  
**Department:** Innovation and Futures

---

12 October 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13786150  
Author: Bruce Ronan, Town Planner  
Scott Duncan, Section Manager, Land Use and Policy  
Manager: Shari Driver, Unit Manager, Strategic Planning  
Executive: Ricardo Martello, Executive Manager Innovation and Futures

### **Report Purpose**

The purpose of this report is for Council to consider a Planning Proposal which seeks to rezone Lots 11, 12 and 13 DP 576336 and Lot 2 DP 561283 on the corner of Collingwood Drive and Matcham Road, Matcham from 7(a) Conservation and Scenic Protection (Conservation) under *Interim Development Order No 122 – Gosford* to E4 Environmental Living under the *Central Coast Local Environmental Plan* when it comes into effect. The Minimum Lot Size Map in the *Central Coast Local Environmental Plan* is to be amended to show the land having a minimum lot size of 1 Hectare.

This report provides an overview of the outcomes of State agency and community consultation in respect of the planning proposal.

The report recommends that Council finalise the planning proposal through an amendment to the future Central Coast Local Environmental Plan when it comes into effect.

### **Recommendation**

- 1 That Council support the Planning Proposal as exhibited.**
- 2 That Council request the Chief Executive Officer to exercise delegation issued by the Department of Planning, Industry and Environment (8 August 2017) for PP/84/2015 and proceed with the steps for drafting and making of the amendment to the Central Coast Local Environmental Plan when it comes into effect.**
- 3 That Council request the Chief Executive Officer to undertake all necessary action to finalise the Planning Agreements relating to the four lots.**
- 4 That Council advise all those who made a public submission of the decision.**

### 3.1 Planning Proposal 84/2015 for land on the corner of Collingwood Drive and Matcham Road, Matcham (contd)

---

#### Background

On 26 April 2017, the Council (Administrator) resolved that Council prepare a planning proposal to amend Interim Development Order No 122 (IDO 122), to rezone the land from 7(a) Conservation and Scenic Protection (Conservation) to 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings).

This proposal sought to utilise the provisions of Clause 18(4) of IDO 122 (the “bonus lot” provision), to enable subdivision to a minimum of 1 Ha, supported by a contribution to Council towards the purchase or embellishment of land identified in Council’s Coastal Open Space System (COSS) at the Development Application stage.

The Planning Proposal was not able to be publicly exhibited prior to the exhibition of the draft Central Coast Local Environmental Plan (CCLEP) which began on 9 December 2018. As the draft CCLEP proposed to phase out the “bonus lot” provisions of IDO 122 relied on by this proposal, there was no strategic basis to amend a planning instrument that that was proposed to be repealed. Due to the work already undertaken by the applicant, a solution to progress the planning proposal was required whilst achieving the outcome intended under the original resolution.

Therefore, a report was submitted to Council proposing to amend the Planning Proposal to zone the land E4 Environmental Living under the CCLEP and enter a Planning Agreement with the owners to pay a contribution equivalent to that which would have been required under IDO 122.

At the Ordinary meeting held on 11 March 2019, Council resolved:

162/19 *That Council support an amended Planning Proposal to rezone:*

- a) *Lot 11 DP 576336 No 24 Collingwood Drive, Matcham;*
- b) *Lot 12 DP 576336 No 14 Collingwood Drive, Matcham;*
- c) *Lot 2 DP 561283 No 2 Collingwood Drive, Matcham; and*
- d) *Lot 13 DP 576336 No 107 Matcham Road, Matcham*

*from 7(a) Conservation and Scenic Protection (Conservation) under Interim Development Order No 122 to E4 Environmental Living Zone as defined in the draft Central Coast Local Environmental Plan with appropriate provisions to permit subdivision to a minimum lot size of no more than 1 Ha.*

163/19 *That Council submit a revised Planning Proposal to the Minister for Planning in accordance with Section 3.35(2) of the Environmental Planning and Assessment Act 1979, requesting an amended Gateway Determination, pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.*

### **3.1 Planning Proposal 84/2015 for land on the corner of Collingwood Drive and Matcham Road, Matcham (contd)**

---

- 164/19 *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.*
- 165/19 *That Council enter into a Voluntary Planning Agreement with the landowners to pay a contribution to purchase conservation lands which is equivalent to that required under Interim Development Order No 122- Gosford.*
- 166/19 *That Council undertakes community and public authority consultation in accordance with the Gateway Determination requirement.*
- 167/19 *That Council considers a further report on the results of the public authority and community consultation.*

A Gateway Determination Alteration was issued by the Department of Planning, Industry and Environment (DPIE) on 12 April 2019. On 18 December 2019, this Gateway Determination was subsequently extended to 4 November 2020.

#### **The Site**

The subject site (Figure 1) comprises four lots on the corner of Matcham Road and Collingwood Drive, Matcham. The site comprises:

- Lot 2 DP 561283, 2 Collingwood Drive
- Lot 12 DP 576336, 14 Collingwood Drive
- Lot 11 DP 576336, 24 Collingwood Drive
- Lot 13 DP 576336, 107 Matcham Road

**3.1 Planning Proposal 84/2015 for land on the corner of Collingwood Drive and Matcham Road, Matcham (contd)**



**Figure 1:** Subject Site Aerial Locality/Context Plan

Each lot within the subject site is approximately 2 Ha in area with the subject site comprising a total area of 8.092 Ha.

The subject site contains a mix of cleared and vegetated areas. The site occupies a ridge and side slopes (some parts having slopes over 20%) that runs in an east-west direction. All four land parcels contain one dwelling-house and associated structures.

The subject site is zoned 7(a) Conservation and Scenic Protection (Conservation) under *Interim Development Order No 122* (IDO 122). The minimum lot size applicable to the subject lots is 40 Ha.

Land adjoining the site on the southern side of Collingwood Drive and on the eastern side of Matcham Road is similarly zoned 7(a) Conservation and Scenic Protection (Conservation) zone. Land north and west of the site is zoned 7(c2) Conservation and Scenic Protection (Rural Small Holdings) (Figure 2).

Of the 31 lots in the immediate vicinity of the subject land (i.e. within 200m), 16 lots are 1.0 – 1.49 Ha in area and 7 lots are less than 1.0 Ha in area.

### 3.1 Planning Proposal 84/2015 for land on the corner of Collingwood Drive and Matcham Road, Matcham (contd)



**Figure 2:** Existing Zoning

#### The Proposal

The objective of this proposal is to establish an appropriate zoning of the land considering its characteristics to enable each of the 2 Ha lots to be subdivided into 2 x 1 Ha lots.

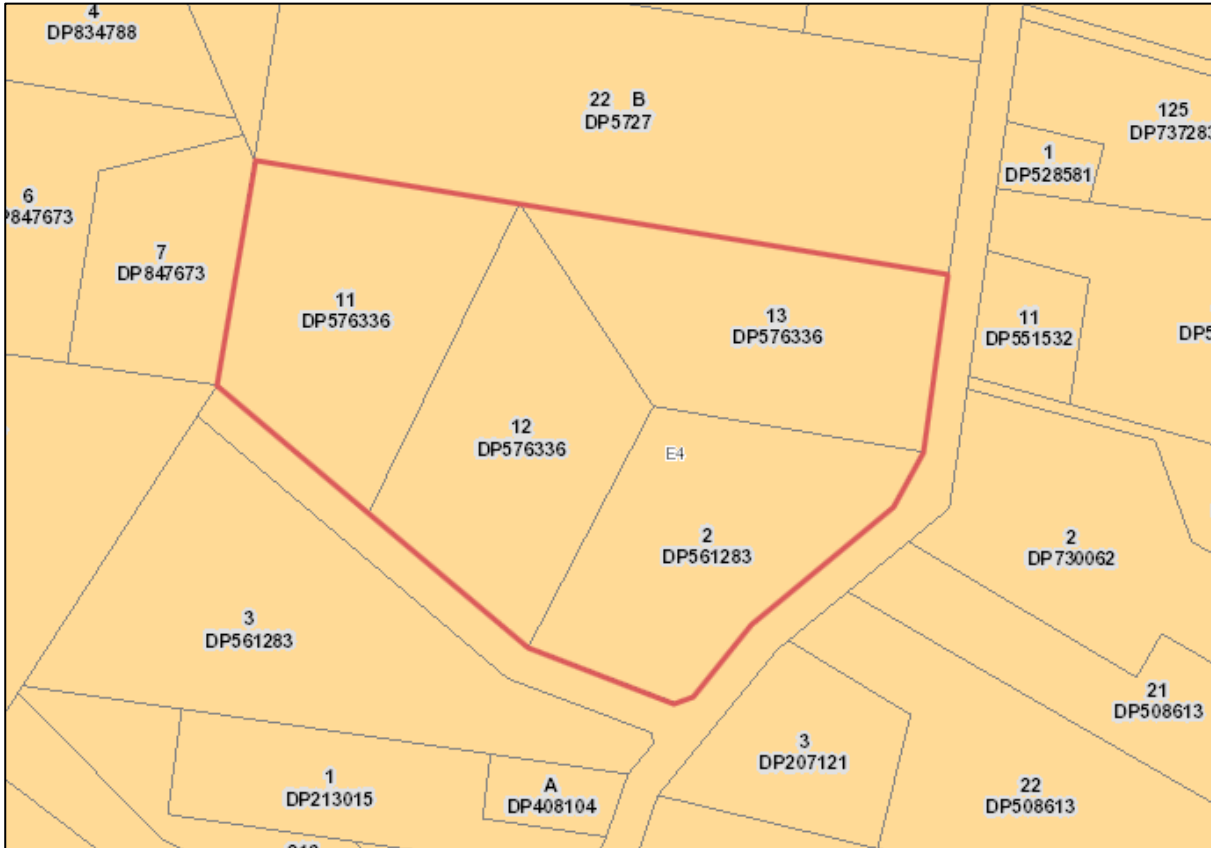
The minimum lot size under the 7(a) Conservation and Scenic Protection (Conservation) zone is 40 Ha so any further subdivision is prohibited. The original planning proposal considered by Council in 2017 sought to zone the land to 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) which would enable each lot to be subdivided into 1 Ha allotments, via a development application, under the “bonus lot” provisions within clause 18(4)(b) of IDO 122.

The standard Instrument LEP and hence the draft Central Coast Local Environmental Plan (CCLEP) does not provide for “bonus lot” provisions. Given that the draft CCLEP has finished public exhibition, it was considered likely that the provisions of IDO 122 originally relied on by this proposal would not be in effect when this planning proposal was finalised. Furthermore, the DPIE is no longer amending old planning instruments such as IDOs. Consequently, any rezoning of land would have to be to a zone specified in the Standard Instrument LEP.



### 3.1 Planning Proposal 84/2015 for land on the corner of Collingwood Drive and Matcham Road, Matcham (contd)

Under the draft CCLEP, as exhibited, the subject land is proposed to be zoned E4 Environmental Living (Figure 3). Hence the Planning Proposal seeks to rezone the land to E4 Environmental Living which is consistent with what was publicly exhibited with the draft CCLEP.



**Figure 3:** Proposed zoning under CCLEP

It should be noted that the land cannot be zoned E4 Environmental Living under *Gosford Local Environmental Plan 2014* (GLEP 2014) as this zone permits such uses as pubs, restaurants and tourist and visitor accommodation which are incompatible with the character of this locality. The zoning of the land to E3 Environmental Management under the GLEP 2014 was also considered but was considered inconsistent with the zoning framework proposed in the draft CCLEP. Therefore, the finalisation of the proposed zoning under this Planning Proposal would have to await the implementation of the draft CCLEP.

The proposed minimum lot size for the E4 Environmental Living zone under the draft CCLEP is 2 Ha which will not permit further subdivision. Therefore, in order to permit a 1 Ha lot size, the subject land is proposed to be mapped accordingly on the Minimum Lot Size Map.

In order to achieve the smaller minimum lot size of 1 Ha intended by the proposal, and to ensure that Council does not lose an opportunity to acquire or embellish COSS land, the owners have agreed to enter a Planning Agreement to pay an amount to Council equivalent to the amount that would have been required under IDO 122. The draft Planning Agreement

### **3.1 Planning Proposal 84/2015 for land on the corner of Collingwood Drive and Matcham Road, Matcham (contd)**

---

requires the payment of this sum prior to the issue of a subdivision certificate for the subdivision of the land.

The contribution for the subdivision of each of the four lots into two lots under the bonus lot provisions would be \$92,688.75, or \$370,755 for the entire development. These funds would be used for land purchase and/or embellishment of land in the Coastal Open Space System (COSS).

#### **Consultation**

The Planning Proposal and draft Planning Agreements were publicly exhibited from 5 February 2020 to 3 March 2020. Exhibition of the proposal was undertaken in accordance with the DPIE's *A Guide to Preparing Local Environmental Plans* (August 2016) and the gateway determination.

#### **Community Consultation**

One submission was received during the exhibition period. The matters raised by the submission are summarised and responded to below.

- 1 The Council report dealing with the exhibited Planning Proposal acknowledges that the proposed 1 ha lot size is consistent with the character of the area. Yet the CCLEP proposes a 2 ha minimum lot size for the remaining E4 land within the locality.**

#### *Comment*

The owners of the subject four lots lodged a Planning Proposal in 2015 prior to the amalgamation of the former Gosford City Council (fGCC) and former Wyong Shire Council (fWSC). Lodgement of the Planning Proposal occurred prior to the Council resolution to commence work on the draft CCLEP.

This rezoning is supported by site specific studies which confirms that the site is capable and suitable to be rezoned into one-hectare allotments. As this was a landowner-initiated Planning Proposal it was possible to examine site suitability considerations at a finer level than the draft CCLEP. Additionally, this proposal was an older rezoning proposal and involves significant community benefit outcomes which provides a funding contribution to purchase COSS lands.

The draft CCLEP is only the first step in the production of one LEP for the Central Coast, which requires the completion of a program of strategic planning strategies which will be implemented in phased LEP amendments. This is likely to mean that land use zones in 'deferred lands' will need to be reviewed following the finalisation of the draft CCLEP. Council staff will also commence work on developing a new conservation incentive clause policy in the future, as it is an action recommended in Council's draft Biodiversity Strategy. These

### **3.1 Planning Proposal 84/2015 for land on the corner of Collingwood Drive and Matcham Road, Matcham (contd)**

---

actions may lead to policy changes in the future which could create similar opportunities for other landowners. However, this needs to be looked at as part of a broader package of strategic work which is proposed to occur after the draft CCLEP is finalised.

- 2 There are a total of eight lots in the Matcham valley currently zoned 7(a) under IDO 122 to E4 under CCLEP. Four of these lots form the subject Planning Proposal. There appears no parity for the owners impacted by these strategic planning decisions.**

#### *Comment*

In the suburb of Matcham there are 31 lots that are wholly zoned 7(a) Conservation under IDO 122 which are proposed to be zoned E4 Environmental Living under the draft CCLEP. Four of these lots are the subject of this Planning Proposal. There are unique circumstances on this site, as the subject Planning Proposal was lodged with Council prior to the Council amalgamation and the preparation of the CCLEP. Other owners' who have expressed an interest in achieving similar development proposals do not have a Planning Proposal with Council and even if such an application was made, it would be assessed under the current strategic planning considerations and would need to consider the status of the draft CCLEP.

- 3 One must wonder why a 1 ha minimum lot size was not just recommended for adoption in the E4 zone as part of the CCLEP, rather than defer the lot size issue to the Comprehensive LEP. Particularly in light of the inconsistency created by the current Planning Proposal.**

#### *Comment*

The draft CCLEP is generally a consolidation of the Gosford and Wyong LEPs, so a variation to the minimum lot size in the E4 zone, as suggested, would not constitute a consolidation issue. It is a strategic planning matter that will require additional investigation to justify what land has any further subdivision potential and to determine the suitable planning mechanism required for this to operate.

The introduction of a similar conservation incentive clause (to replace the existing bonus lot provision clause) across the Central Coast will be further considered as part of a separate project following the finalisation of the draft CCLEP. This might provide opportunities for similar proposals; however, it needs to be undertaken as part of a broader strategic package of work to examine how it might be applied and to what land.

- 4 Other landowners should have been given the opportunity to enter a Planning Agreement as part of the considerations of the draft CCLEP and a 1 ha minimum lot size applied to the locality. The owner of 200 Matcham Road seeks consideration of this issue as part of the current Planning Proposal.**

### **3.1 Planning Proposal 84/2015 for land on the corner of Collingwood Drive and Matcham Road, Matcham (contd)**

---

#### *Comment*

The subject Planning Proposal relates to four lots on the corner of Collingwood Drive and Matcham Road. Additional land cannot be included in this Planning Proposal as the necessary studies have not been carried out and such an amendment would require the Planning Proposal process to begin again.

#### **Government Agency Consultation**

##### *Rural Fire Service*

The gateway determination outlined requirements for government agency consultation, specifically with the NSW Rural Fire Service (RFS). The RFS advised:

*Based on an assessment of the information provided, NSW RFS raises no objections to the proposal subject to a requirement that the future subdivision of the land complies with Planning for Bushfire Protection, 2006 (or any subsequent version).*

#### **Internal Consultation**

Internal consultation for the current Planning Proposal has been undertaken as summarised below.

##### *Environmental Health*

There is sufficient land available on all 4 lots to accommodate wastewater disposal from both the existing dwellings and any new dwellings. The Environmental Health Team therefore has no objections to the proposal, subject to Wastewater Management Plans being submitted for each property at subdivision stage.

The Preliminary Environmental Investigation concludes the site is suitable for the proposed use, from a contamination perspective. There is no objection to the planning proposal on this issue.

##### *Environmental Strategies*

The Planning Proposal has sufficiently avoided impacts to biodiversity values of the site and is not likely to have a significant impact on any threatened species, population or ecological communities or their habitats.

#### **Outcomes of Consultation**

Having regard for the public and state government submissions the proposal has satisfied relevant statutory requirements relating to agency and community consultation.

### **3.1 Planning Proposal 84/2015 for land on the corner of Collingwood Drive and Matcham Road, Matcham (contd)**

---

#### **Councillor Site Inspection**

A site inspection was undertaken on 3 August 2020 which was attended by Council staff and Councillors. The summary of the issues raised is outlined in Attachment 2.

#### **Assessment**

The rezoning of the subject land to E4 Environmental Living under the draft CCLEP has strategic merit on the basis that:

- The existing lots do not satisfy the objectives of the current 7(a) Conservation and Scenic Protection (Conservation) land zoning;
- The existing lots achieve the zone objectives of the E4 Environmental Living under the draft consolidated CCLEP as the lots reflect the rural residential character that supports the overall aesthetic and scenic value of the Matcham area;
- Adjoining land was nominated to be zoned E4 Environmental Living in the draft CCLEP, however these lands are proposed (subject to Council endorsement) to be subject to a LGA-wide environmental lands review;
- The DCP provisions would require building envelopes to be located in cleared areas, thus not significantly impacting on the existing vegetation on each of the lots.

The draft CCLEP is based on the Standard Instrument LEP template. The Standard Instrument LEP does not include or enable bonus lot provisions such as those which exist under IDO 122.

Under the draft CCLEP the subject land is proposed to be rezoned from 7(a) to E4 Environmental Living. The E4 zone was exhibited for this site as part of the draft CCLEP from 6 December 2018 – 28 February 2019. A report on the outcomes of the public exhibition process for the draft CCLEP was considered by Council on 9 March 2020 but finalisation of the CCLEP was deferred for revision and reconsideration. In response to public submissions, one of the recommendations within the 9 March 2020 report is to further refine the criteria being applied to the zoning of Deferred Matters lands currently subject to IDO 122 and reconsider these lands as part of an LGA wide Environmental Lands Review.

Despite the current status of the draft CCLEP/DCP project, this site has been considered, independently of the draft CCLEP, as a separate planning proposal, and the proposed zoning is considered to be best defined by the E4 Environmental Living zoning. This will mean that even if Council resolves to proceed with the subject Planning Proposal, the remaining statutory process is unable to be completed until the draft CCLEP has been adopted by Council and notified.

### **3.1 Planning Proposal 84/2015 for land on the corner of Collingwood Drive and Matcham Road, Matcham (contd)**

---

The introduction of a similar conservation incentive clause (to replace the existing bonus lot provision clause) across the Central Coast will be further considered as part of a separate project following the finalisation of the draft CCLEP. The proposal will also make a contribution towards the COSS through a Planning Agreement mechanism. Such an outcome is consistent with Council's policies relating to the acquisition of COSS land in the former Gosford City Council and therefore will result in a public benefit. Consequently, the Planning Proposal, is suitable for support.

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

The planning proposal has been assessed having regard for all State Environmental Planning Policies, Ministerial Directions and the relevant guidelines set out within the Central Coast Regional Plan 2036 (CCRP). The proposal is considered to be consistent with the CRRP and is suitable for forwarding to the Department of Planning, Industry and Environment for finalisation. The CCRP 2036 and the Interim LSPS identifies key actions for rural land and environmental land that will inform the future considerations of planning proposals on rural land.

#### **Social Impacts**

The planning proposal will result in the development of additional housing and the improvement of housing choice which is consistent with the strategic directions of the CCRP.

#### **Environmental Considerations**

There are no environmental impacts as discussed previously in this report.

#### **Interim Local Strategic Planning Statement**

The proposal has been assessed having regard for the Growth Strategies defined by the Interim Local Strategic Planning Statement (LSPS). The proposal is not inconsistent with the growth strategies relating to "refining the urban edge" and key planning priorities relating to the Environment, and Agricultural and Rural Land.

A Rural Lands Study and Strategy are under preparation together with a suite of planning consolidation plans including the Central Coast LEP, DCP and Development Contributions Plans. These will guide future outcomes to be consistent with the Interim LSPS.

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

Theme 3: Green

Goal F: Cherished and protected natural beauty

### **3.1 Planning Proposal 84/2015 for land on the corner of Collingwood Drive and Matcham Road, Matcham (contd)**

---

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).

#### **Risk Management**

There have been no risks identified to the natural and built environment if this planning proposal is supported by Council as previously discussed in this report.

#### **Delegation**

Council has been issued with the delegations of the Minister to make amending Local Environmental Plans (LEPs).

The altered gateway determination issued on 8 August 2017 provides the Council's Chief Executive Officer, the appropriate delegations under Section 59 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) to make this plan. Council has been issued with the delegation of the Minister to make the amending Local Environmental Plan. Council has advised the DPIE that Council's delegate for this function is the CEO, Gary Murphy.

#### **Conclusion**

The proposed amendment to the Planning Proposal to zone the land E4 Environmental Living under the draft CCLEP when it comes into effect, is considered to have strategic merit.

It is recommended that the Council support the progress of the Planning Proposal and undertake the necessary steps to finalise the local environmental plan in accordance with the statutory process.

#### **Attachments**

- |          |                                    |           |
|----------|------------------------------------|-----------|
| <b>1</b> | Proposal Summary                   | D13413281 |
| <b>2</b> | Councillor Site Inspection Summary | D14155829 |



# Proposal Summary

<b>Applicant</b>	SJH Planning and Design		
<b>Owner</b>	J & V Ryan, N & N Ursino, N Graham, S Glasson		
<b>Application Number</b>	PP 84/2015		
<b>Description of Land subject of planning proposal</b>	<p><i>Property Description:</i> 2 Collingwood Drive, Matcham  <i>Legal Description:</i> Lot 2 DP 561283</p> <p><i>Property Description:</i> 14 Collingwood Drive, Matcham  <i>Legal Description:</i> Lot 12 DP 576336</p> <p><i>Property Description:</i> 24 Collingwood Drive, Matcham  <i>Legal Description:</i> Lot 11 DP 576336</p> <p><i>Property Description:</i> 107 Matcham Road, Matcham  <i>Legal Description:</i> Lot 13 DP 576336</p>		
<b>Site Area</b>	8.092 Ha		
<b>Existing Use</b>	A dwelling-house on each lot		
<b>Proposed Amendments – Central Coast Local Environmental Plan</b>			
<b>Provisions</b>	<b>Existing Provision</b>	<b>Proposed Amendment</b>	<b>Outcome (Supported/Not Supported)</b>
<b>Zoning</b>	7(a) Conservation under IDO 122	E4 Environmental Living	Supported
<b>Minimum Lot Size</b>	40 Ha	2 Ha	Supported
<b>Schedule 1- Additional permitted use</b>	N/A	Minimum Lot Size of 1 Ha	Supported
<b>Height of Building</b>	8m	N/A	Supported

## Attachment 2

# Site Inspection Summary

A site inspection was undertaken on 3 August 2020. The site inspection was attended by the following Council staff

- Ricardo Martello – Executive Manager Innovation and Futures
- Shari Driver – Unit Manager Strategic Planning
- Scott Duncan – Section Manager Local Planning and Policy

and the following Councillors:

- Deputy Mayor Smith
- Councillor Holstein
- Councillor Greenaway
- Councillor Sundstrom

The following questions were raised by Councillors and responses provided by staff during the site inspection:

## Councillor Question

- 1 In a conceptual subdivision plan where is the building placement and driveway access points and what is the estimated tree loss? How do we guarantee there will be no loss of trees?

### Staff Comment

Staff outlined that a conceptual subdivision design had been negotiated to accommodate additional dwellings sites for each lot which could minimise any loss of existing trees. Councillors were advised that there was not guarantee that could be made that no future tree loss would occur, as these were matters which would be dealt with at the DA stage and that Council has appropriate subdivision and vegetation management DCP provisions in place to ensure that these issues are properly considered after the rezoning process has been completed.

It was agreed that further information on the conceptual subdivision would be included in the meeting notes. Figure 1 shows a conceptual subdivision of the four lots. Each of the new lots is able to accommodate a dwelling house within the cleared areas of the lot. This was addressed at the time of the original report to Council in 2017 where the Building Code and Bushfire Solutions consultant surveyed the lands and concluded that: *“the current condition of the existing vegetation stratifies the requirements for an Asset Protection Zone in relation to the existing dwellings. There is also ample opportunity for each allotment to provide a subdivision*

design with building envelopes that would not require the removal of trees to satisfy the requirements of an Asset Protection Zone."

The Environmental Strategies Section considered this outcome to be satisfactory. The driveway location is a matter that would be considered with any future Development Application.



**Figure 1** – Conceptual Subdivision

### Councillor Question

- 2 Will the 10/50 rule apply and how does Council guarantee tree protection?

#### Staff Comment

The 10/50 rule applies to the subject land. It allows the clearing of trees within 10m of a house without a need to seek approval and to clear understorey vegetation (not trees) within 50m of a house without seeking approval.

On the proposed lots the existing cleared areas are of sufficient area to accommodate a house and a cleared area of 10m so that no additional clearing would be necessary. Any additional clearing of trees within 50m from a future house would require Council approval.

**Councillor Question**

- 3 Does the subject site have sewer?

Staff Comment

The subject lots have on-site sewage management (OSSM) systems. Any new lots will also require OSSM. The Environmental Health Team considers that there is sufficient land available on all 4 lots to accommodate wastewater disposal from both the existing dwellings and any new dwellings. Therefore, there are no objections to the proposal, subject to Wastewater Management Plans being submitted for each property at subdivision stage.

**Councillor Question**

- 4 How does Council get guarantees that buildings will be placed in appropriate locations and driveway locations are appropriate and that no tree loss will occur?

Staff Comment

All future subdivision and developments are assessed under the current development controls applying to the zone and/or land use.

**Councillor Question**

- 5 Can Council place restrictions to enforce tree protection and fix buildings?

Staff Comment

Such restrictions cannot be included in a Planning Proposal. Existing DCP provisions relating to rural subdivision, traffic, onsite waste disposal and vegetation management are considered to be appropriate to manage any issues associated with future development on these sites.

**Councillor Question**

- 6 Concern is raised about this Planning Proposal setting a precedent for similar proposals.

Staff Comment

The Planning Proposal will not set a strategic planning precedent as it was submitted prior to the preparation of the draft Central Coast Local Environmental Plan (CCLEP). Consequently, it has been assessed on its merits. Any proposals relating to environmental lands that are submitted after the exhibition of the draft CCLEP would need to be considered in light of the recent strategic planning direction established by the draft CCLEP or Interim Local Strategic Planning Statement. The subject land also has environmental qualities and characteristics more in keeping with the draft CCLEP's E4 Environmental Living Zone, given the existing rural-residential land uses which are conducted. Native vegetation has also been highly modified, with scattered native tree cover and modified lawns/gardens, which would not best

typify land defined by a 7(a) Conservation Zone or equivalent Standard Instrument Zone such as the E2 Environmental Conservation Zone.

**Councillor Question**

7 Does the site contain wildlife corridors?

Staff Comment

No, the site has some tree cover. Land to the west of the site has been identified as having potential Wildlife Corridor functions.

**Councillor Question**

8 Questions about bonus lot clause and COSS payment.

Staff Comment

For this development benefit of an additional lot, the owners have each agreed to enter into Planning Agreements for the payment of money towards the acquisition and embellishment of the Coastal Open Space System (COSS). The amount is the same as that which would have been required had the land been zoned 7(c2) under IDO 122.

**Councillor Question**

9 Does the Planning Proposal have to amend the consolidated Central Coast LEP?

Staff Comment

The Planning Proposal was not able to be exhibited before the exhibition of the draft CCLEP. To then exhibit an amendment to IDO 122 after exhibition of the CCLEP, which proposed to repeal IDO 122, did not have strategic merit.

Therefore, in March 2019, Council considered a report to amend the Planning Proposal so that the same outcome could be achieved. The amended Planning Proposal seeks to zone the land to E4 Environmental Living when the CCLEP comes into effect.

The Planning Proposal could not have amended the Gosford LEP 2014 because under this LEP the E4 zone permits such uses as tourist and visitor accommodation, restaurants and pubs which are unsuitable in this locality. To zone the land to another zone under Gosford LEP 2014, such as E3 Environmental Management, was inconsistent with the CCLEP as exhibited, hence the current proposal must proceed as an amendment to the draft CCLEP.

**Councillor Question**

10 Is it possible to include a conservation incentive clause in the future Central Coast LEP?

Staff Comment

The introduction of a similar conservation incentive clause (to replace the existing bonus lot provision clause in IDO 122) across the Central Coast will be further considered as part of a separate Environmental Lands Strategy following the finalisation of the draft CCLEP. It has been identified as an action in the draft Biodiversity Strategy.

**Councillor Question**

- 11 What is the nature of issues raised in the public submission?

Staff Comment

The issues raised in the public submission are detailed in the body of the report. However, the main point is that if the 1 Ha minimum lot size is consistent with the character of the area why is the rest of the E4 zoned area under the draft CCLEP proposed to have a minimum lot size of 2 Ha? The proposed minimum lot size of 1 Ha should apply to all of the proposed E4 zone.

**Councillor Question**

- 12 Request further details on type of development/fragmentation around the site.

Staff Comment

Figure 2 shows that of the 31 lots in the immediate vicinity of the subject land (i.e. within 200m), 16 lots are 1.0 – 1.49 Ha in area and 7 lots are less than 1.0 Ha in area.

It should be noted that the large lot to the west with an area of 8.6 Ha has recently got subdivision consent for 4 lots. Three of these lots are under 2 Ha in area.

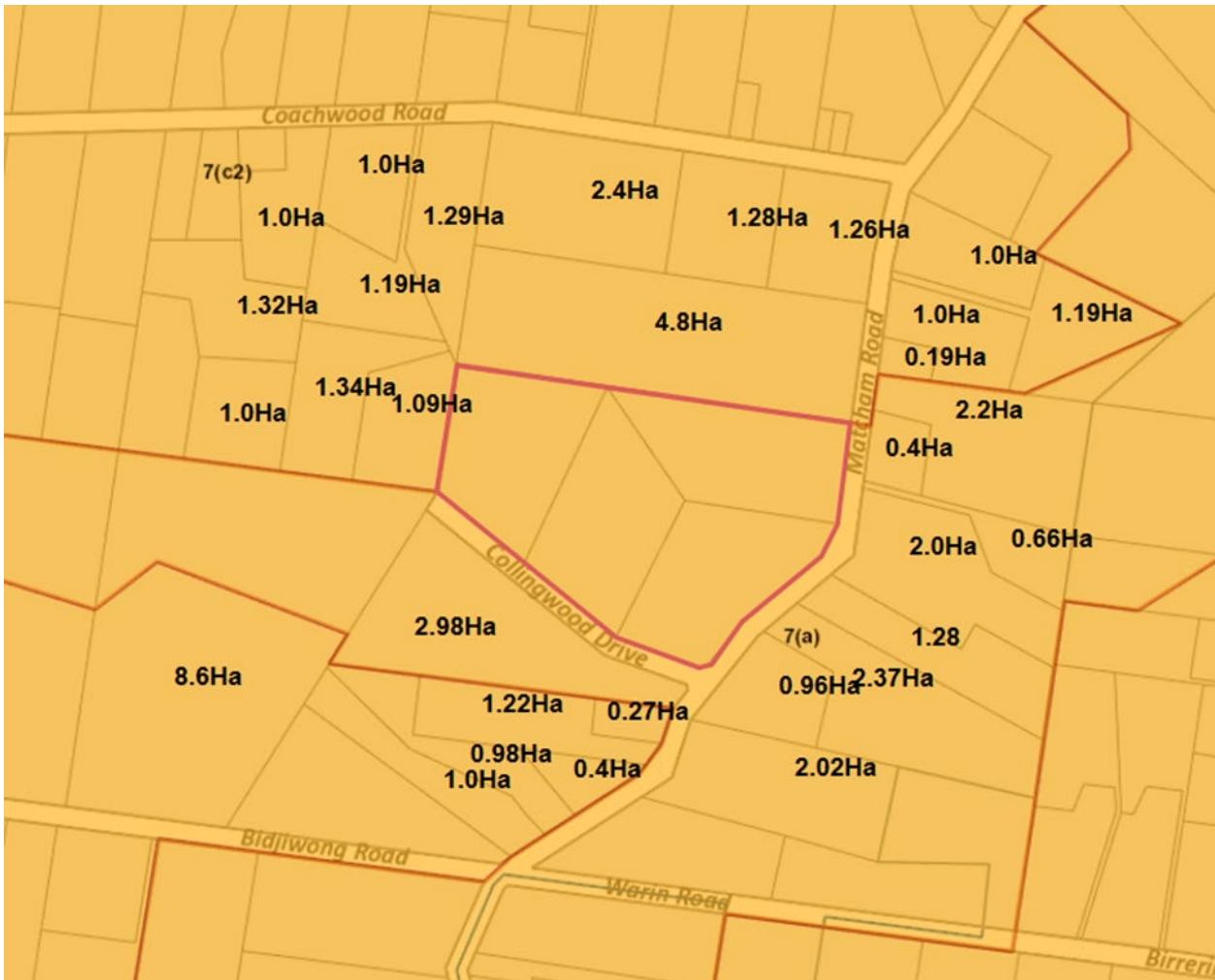


Figure 2 – Lot fragmentation around the subject land





**Item No:** 3.2  
**Title:** Proposed Council Meeting Dates  
**Department:** Governance

---

12 October 2020 Ordinary Council Meeting

Trim Reference: F2020/00039 - D14122431

Author: Sarah Georgiou, Section Manager, Councillor Support

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

Executive: Gary Murphy, Chief Executive Officer

### **Report Purpose**

To determine the Ordinary Council Meeting dates for 2021.

### **Recommendation**

- 1 That Council adopt the proposed Ordinary Council Meeting dates for 2021.**
- 2 That Council, in accordance with clause 232 of the NSW Local Government (General) Regulation 2005, publish the 2021 Ordinary Council Meeting dates in the local newspaper.**

### **Background**

Council's Code of Meeting Practice states at Clause 3.1 in part

*Ordinary Meetings of Council will be held on the second and fourth Mondays of the months of February to November inclusive and on the second Monday of the month of December...*

Section 365 of the *Local Government Act 1993* states that Council is required to meet at least 10 times each year, each time in a different month.

The proposed schedule meets the requirements of the Act.

### **Meeting Location**

At its Ordinary Meeting of 28 September 2020, Council resolved in part:

*542/20 That Council in accordance with s.363 of the NSW Local Government Act 1993 adopt the amended Code of Meeting Practice that is Attachment 1 to this report having given consideration to all submissions and feedback received concerning the amended Code of Meeting Practice as required by*

### 3.2 Proposed Council Meeting Dates (contd)

---

*s.362 of the NSW Local Government Act 1993 and making the following change in response to the submission received:*

- *Provide for the conduct of Council Meetings in the Gosford area at a suitable venue within two months of the lifting of restrictions under any relevant Public Health Order and Regulation; and*
- *Provide for the conduct of Council Meetings at that venue for every second Council meeting from that time onward....*

As a result of this resolution, meeting locations are to alternate between Gosford and Wyong.

The proposed schedule provide below does not provide for meeting location. This is due to uncertainty about meeting locations under the current Public health Order.

#### **Variations to Schedule**

*Monday 14 June 2021*

The gazetted public holiday for the Queen's Birthday is Monday 14 June 2021.

In accordance with the Code of Meeting Practice is proposed that this meeting be held on Tuesday 15 June 2021.

*Local Government Election*

It is noted that the meetings immediately following the conduct of the 2021 Local Government election may be subject to change depending upon when the declaration of polls occurs.

#### **Proposed Schedule**

The schedule of proposed Ordinary Council Meetings for Central Coast Council for 2021 is as follows:

<b>Date</b>	<b>Time</b>
8 February 2021	6.30pm
22 February 2021	6.30pm
8 March 2021	6.30pm
22 March 2021	6.30pm
12 April 2021	6.30pm
26 April 2021	6.30pm
10 May 2021	6.30pm

## 3.2 Proposed Council Meeting Dates (contd)

Date	Time
24 May 2021	6.30pm
15 June 2021 (Tuesday) - (to allow for Queen's Birthday)	6.30pm
28 June 2021	6.30pm
12 July 2021	6.30pm
26 July 2021	6.30pm
9 August 2021 - Caretaker period	6.30pm
23 August 2021 - Caretaker period	6.30pm
13 September 2021* - (Mayoral Election)	6.30pm
27 September 2021 *	6.30pm
11 October 2021	6.30pm
25 October 2021	6.30pm
8 November 2021	6.30pm
22 November 2021	6.30pm
13 December 2021	6.30pm

\*Meeting dates to be confirmed following the conduct of the 2021 Local Government election.

### Caretaker Period 2021

Local Councils are required to assume a caretaker role during the election period to ensure that major decisions are not made which would limit the actions of an incoming Council. Clause 393B of the [Local Government \(General\) Regulation 2005](#) states that the caretaker period commences four weeks preceding the date of the Local Government Election, which, for the 2021 Election is **Saturday 4 September 2021**.

In addition to ensuring Council does not make major decisions that would limit the actions of an incoming Council, Clause 393B requires that the Council, the Chief Executive Officer or any other delegate of the Council (other than a Joint Regional Planning Panel) must not exercise the following specific functions during the four weeks preceding an ordinary election (known as the "Caretaker period"):

- Entering into any contract or undertaking involving an expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates (for the 2018/19 period this was \$362,704,000 with 1% = \$3,627,040) in the preceding financial year (whichever is the larger).

### **3.2 Proposed Council Meeting Dates (contd)**

---

- Determining a controversial development application, except where a failure to make such a determination would give rise to a deemed refusal, or such a deemed refusal arose before the commencement of the caretaker period. The term "controversial development application" is defined as one for which at least 25 persons have made submissions by way of objection.
- Appointing or renewing the appointment of the Chief Executive Officer or terminating their employment. (This does not include the appointment of an acting or temporary Chief Executive Officer).

In particular cases these functions may be exercised with the approval of the Minister for Local Government pursuant to Clause 393B(2) of the [Local Government \(General\) Regulation 2005](#).

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

Theme 4: Responsible

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

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

#### **Attachments**

Nil



**Item No:** 3.3  
**Title:** Establishment of Alcohol Free Zones  
**Department:** Roads Transport Drainage and Waste

---

12 October 2020 Ordinary Council Meeting

Reference: F2017/01054 - D14194796  
Author: Madalaine Waters, Project and Technical Officer  
Manager: Jeanette Williams, Unit Manager, Roads Business Development and Technical Services  
Executive: Boris Bolgoff, Director Roads Transport Drainage and Waste

### **Summary**

The purpose of this report is for Council to consider the establishment of Alcohol Free Zones (AFZ's) in previously identified locations across the Central Coast Council local government area. In accordance with the Ministerial Guidelines, the establishment of these Alcohol Free Zones in effect re-establishes the previous existing zones. No expansion or new locations are proposed.

### **Recommendation**

- 1 That Council establish Alcohol Free Zones for a period of four years as listed in the attached schedule.**
- 2 That Council implement the Alcohol Free Zones in accordance with the State Government Ministerial Guidelines on Alcohol Free Zones.**

### **Context**

Under the *Local Government Act 1993*, AFZs relate to roads, footpaths and public carparks and aim to reduce alcohol related crime, violence and anti-social behaviour in identified locations in order to help create a safer environment for the whole community. The establishment of an AFZ must be supported by evidence that the public's use of these roads, footpaths and public carparks has been compromised by street drinkers. For example, there could be instances of malicious damage to property, littering, offensive behaviour or other crimes. The object of Alcohol Free Zones is an early intervention measure to prevent the escalation of irresponsible street drinking to incidents involving serious crime. The drinking of alcohol is prohibited in an Alcohol Free Zone which are enforced by the Police. Any person observed to be drinking in an Alcohol Free Zone may have the alcohol in their possession immediately seized and tipped out or otherwise disposed of.

Outdoor dining areas operating under a leased arrangement on Council's footpath areas are exempt from the Alcohol Free Zone during the operating hours of the business. The business owner is responsible for the compliance with any Liquor Licence and the Responsible Service of Alcohol.

### **3.3 Establishment of Alcohol Free Zones (cont.)**

---

Central Coast Council has previously established a number of locations to address anti-social behaviour and associated concerns such as damage to property and littering.

#### **Current Status**

In accordance with the Ministerial Guidelines on Alcohol Free Zones, this report has been prepared to, by resolution, adopt a proposal to establish Alcohol Free Zones in specified locations where antisocial behaviour, littering or damage to property has been reported and is of a regular occurrence.

Alcohol Free Zones have been proposed in identified locations within the following suburbs: Avoca Beach; Bateau Bay; Berkeley Vale; Budgewoi; Chain Valley Bay; Copacabana; Empire Bay; Ettalong Beach; Gosford; Gwandalan; Killarney Vale; Kincumber; Kulnura; Lake Haven; Lake Munmorah; Long Jetty; Mannering Park; Narara; Niagara Park; Norah Head; Ourimbah; Patonga; Pearl Beach; San Remo; Saratoga; Shelly Beach; Summerland Point; Terrigal; The Entrance; The Entrance North; Toowoan Bay; Toukley; Umina Beach; Wadalba; Wamberal; Woy Woy and Wyong.

A complete list with description and mapping is provided as attachment 1 and 2 to this report.

Upon adoption of the proposed Alcohol Free Zones by Council resolution, a notice must be published for the attention of members of the public in the vicinity of the zones. The alcohol-free zones will come into effect seven (7) days after publication of the notice and following adequate signposting. There is currently adequate signposting in place and arrangements have been made to update the current signage to show the new commencement date of 12 October 2020. Once in force, the zones will remain in place for a period of 4 years before requiring a further assessment and re-establishing, if warranted.

#### **Consultation**

In accordance with the Ministerial Guidelines on Alcohol Free Zones, Central Coast Council consulted with:

- NSW Police (Brisbane Water Local Area Command and Tuggerah Lakes Local Area Command)
- Brisbane Water Liquor Accord and Tuggerah Lakes Liquor Accord
- NSW Anti-Discrimination Board
- Central Coast Community

The consultation included opportunities for feedback to be provided through Council's Your Voice Our Coast webpage. Nine submissions were received from community members, primarily supporting the establishment of the proposed Alcohol Free Zones. One submission raised concerns regarding restrictions on foreshore activities however the Alcohol Free Zones relate to footpath, the road itself and public carparks only. Any restrictions on the foreshore are signposted accordingly.

### **3.3 Establishment of Alcohol Free Zones (cont.)**

---

The NSW Police force supports the provision of Alcohol Free Zones which assist them with managing alcohol related crime across the Central Coast.

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

Theme 1: Belonging

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

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

#### **Attachments**

- |          |                                        |           |
|----------|----------------------------------------|-----------|
| <b>1</b> | Alcohol Free Zone Maps - Proposal 2020 | D14195101 |
| <b>2</b> | Suburb list - Alcohol Free Zones       | D14195109 |



Attachment 1 Alcohol Free Zone Maps - Proposal 2020

[Link to Attachment](#)

*To ensure quality of images this attachment is provided under separate cover. Please use link above to view.*

<b>ALCOHOL FREE ZONES</b>	
<b>Suburb</b>	<b>Affected Areas</b>
Avoca Beach	<ul style="list-style-type: none"> <li>• Avoca Drive from the bridge to Cape Three Points Road.</li> <li>• Cape Three Points Road from Yodalla Place to Avoca Drive.</li> <li>• Avoca Drive within CBD area.</li> <li>• Ficus Avenue and adjacent Car Park areas.</li> <li>• Vale Avenue and Vine Street including car park areas adjacent Surf Club.</li> <li>• Avoca Drive from foreshore to Burns Street.</li> </ul>
Bateau Bay	<ul style="list-style-type: none"> <li>• The zone is bound by Bateau Bay Road, Reserve Drive, Hilltop Street, the Entrance Road and Yakalla Street. All streets within this boundary are included within the AFZ.</li> <li>• Debra Anne Drive between Rotheram Street and Melissa Close (including Melissa Close).</li> <li>• The zone is bound by Sherwood Close and Anglers Drive in the north; Fishermans Bend Avenue and Northview Drive in the east; Sir Joseph Banks Drive in the south and; Lady Penrhyn Close and Rotherham Street in the west. All streets within this boundary are included within the AFZ.</li> </ul>
Berkeley Vale	<ul style="list-style-type: none"> <li>• Entire length of Lakedge Avenue including part of Bluebell Avenue, to Grevilla Close and part of Emerald Place to Kerry Crescent.</li> </ul>
Budgewoi	<ul style="list-style-type: none"> <li>• East end of zone bound by Weemala Street to the north; Ouringo Street, Erudgeree Street and Boomerang Street to the east; Coloma Street and Budgewoi Road to the south and; Lake Street to the west. All streets within this boundary are included within the AFZ. This is linked to the west end of the zone by Scenic Drive and this end of the zone is bound by Scenic Drive in the south, Natuna Avenue in the north, Kalani Street in the west and Alawai Avenue and Marina Street in the east. All streets within this boundary are included within the AFZ.</li> </ul>
Chain Valley Bay	<ul style="list-style-type: none"> <li>• Tall Timbers Road, Scaysbrook Avenue, Ivy Avenue, Leumeah Avenue, Dale Avenue, Bridges Avenue, Elabana Avenue, Elsinore Avenue and Lloyd Avenue.</li> <li>• Teregalin Drive, Tarwhine Avenue and Trevally Avenue.</li> </ul>
Copacabana	<ul style="list-style-type: none"> <li>• Del Monte Place from west of Shopping Centre to east of Del Rio Drive.</li> <li>• Car Park area at corner of Del Monte Place and Pampas Avenue.</li> </ul>
Empire Bay	<ul style="list-style-type: none"> <li>• Sorrento Road from Boongala Avenue to foreshore.</li> <li>• Kendall Road (foreshore end) to junction of Shelly Beach Road and Rickard Road (including War Memorial area).</li> </ul>
Ettalong Beach	<ul style="list-style-type: none"> <li>• Pacific Avenue.</li> </ul>

	<ul style="list-style-type: none"> <li>• Ocean View Road from Whiting Road to Broken Bay Road.</li> <li>• Picnic Parade from Bream Road to The Esplanade.</li> <li>• Memorial Avenue from just past Ocean View Road to The Esplanade.</li> <li>• The Esplanade from Picnic Parade to Bangalow Street.</li> <li>• Broken Bay Road from Ridge Street to Karingi Street.</li> <li>• Karingi Street to Lurline Street.</li> <li>• Uligandi Street and Beach Street from Broken Bay Road to Lorinya Avenue.</li> <li>• Lorinya Avenue.</li> </ul>
Gwandalan	<ul style="list-style-type: none"> <li>• Gamban Road from Winbin Crescent to Bowers Lane (including Bowers Lane).</li> </ul>
Gosford	<ul style="list-style-type: none"> <li>• Mann Street from Gertrude Place to (Pacific Highway) Lindsey Street.</li> <li>• Masons Parade (Central Coast Highway).</li> <li>• Vaughan Avenue.</li> <li>• Dane Drive including Dane Drive (Central Coast Highway).</li> <li>• Alfred Higgs Place and car park area under Brian McGowan Bridge.</li> <li>• Georgiana Terrace (including laneway into Telstra) from Dane Drive to Henry Parry Drive.</li> <li>• Donnison Street from Dane Drive to Henry Parry Drive.</li> <li>• Baker Street (including street level car park).</li> <li>• Burns Crescent.</li> <li>• William Street/William Street Plaza to Henry Parry Drive.</li> <li>• Eliza Street.</li> <li>• Mortimer Lane.</li> <li>• Paul Lane.</li> <li>• Erina Street from Mann Street to Henry Parry Drive.</li> <li>• Watt Street from Erina Street to Faunce Street.</li> <li>• Showground Road from Donnison Street to Glennie Street West.</li> <li>• Riou Street from Cape Street to Donnison Street.</li> </ul>
Killarney Vale	<ul style="list-style-type: none"> <li>• Wyong Road from South Street to Brooke Avenue.</li> </ul>
Kincumber	<ul style="list-style-type: none"> <li>• Avoca Drive from Algona Avenue to Davies Street.</li> <li>• Davies Street from Avoca Drive to Reserve.</li> <li>• Carrak Road.</li> <li>• Willesee Crescent.</li> <li>• Gladys Manly Avenue.</li> <li>• Bungoona Road from Avoca Drive to Kookaburra Street.</li> <li>• Kincumber Street from Tuross Close to multi-purpose Community Centre including car park area.</li> </ul>
Kulnura	<ul style="list-style-type: none"> <li>• George Downes Drive and Greta Road in the vicinity of Kulnura Hall and Tennis Courts.</li> </ul>
Lake Haven	<ul style="list-style-type: none"> <li>• Goobarabah Avenue, Lake Haven Drive and Lake Haven Recreation Centre car park.</li> </ul>
Lake Munmorah	

	<ul style="list-style-type: none"> <li>The zone is bound by Anita Avenue to the south, Acacia Avenue to the north, Boronia Road to the west and Diane Avenue to the east. All streets within this boundary are included within the AFZ.</li> </ul>
Long Jetty	<ul style="list-style-type: none"> <li>The portion of Long Jetty between Tuggerah Parade and Watkins Street intersection by Toowoan Bay Road, Thompson Street, Pacific Street, Elsiemer Street, Stella Street and the relevant section of The Entrance Road.</li> </ul>
Mannering Park	<ul style="list-style-type: none"> <li>The portion of Vales Road between Spencer Road and Greenway Avenue.</li> </ul>
Narara	<ul style="list-style-type: none"> <li>Deane Street from Narara Valley Drive to Hanlan Street.</li> </ul>
Niagara Park	<ul style="list-style-type: none"> <li>Washington Street from Delaware Road to Alan Street.</li> <li>Car Park adjacent to Central Coast Youth Club.</li> </ul>
Norah Head	<ul style="list-style-type: none"> <li>Bungary Road from its intersection with Cliff Street, Henderson Street, Park Street, Cliff Street, Hargraves Street, Roslyn Place; Budgeowi Road from the intersection of with Bungary Road and Elizabeth Drive, Ada Avenue and Elizabeth Drive.</li> </ul>
Ourimbah	<ul style="list-style-type: none"> <li>Brush Road, Kauri Court and Red Cedar Close and the lengths of Shirley Street and Coachwood Drive, Pacific Highway and; King, Station, Jaques and Ourimbah Streets.</li> </ul>
Patonga	<ul style="list-style-type: none"> <li>Patonga Drive from bottom of hill to Bay Street.</li> </ul>
Pearl Beach	<ul style="list-style-type: none"> <li>Diamond Road.</li> <li>Pearl Parade.</li> <li>Coral Crescent.</li> <li>Agate Avenue.</li> <li>Beryl Boulevard from Coral Crescent to Diamond Road.</li> <li>Pearl Beach Drive from Coral Crescent to Diamond Road.</li> <li>Emerald, Amethyst and Tourmaline Avenues from Pearl Parade to Diamond Road.</li> </ul>
San Remo	<ul style="list-style-type: none"> <li>Whole of Scribbly Gum Close and Brava Avenue and part of Goorama Avenue, Costa Avenue and Pacific Highway.</li> </ul>
Saratoga	<ul style="list-style-type: none"> <li>Village Road from Martin Crescent to Mimosa Avenue.</li> <li>Martin Crescent from Village Road to Cooba Lane.</li> <li>Cooba Lane.</li> </ul>
Shelly Beach	

	<ul style="list-style-type: none"> <li>• Car park and road area in the vicinity of the Surf Life Saving Club and Shelly Beach Cabins.</li> </ul>
Summerland Point	<ul style="list-style-type: none"> <li>• Cam Boulevard from Illawong Road and Gurrai Place; Illawong Road from Cams Boulevard to Muraban Road; Muraban Road from Illawong Road and Gurrai Place.</li> </ul>
Terrigal	<ul style="list-style-type: none"> <li>• Terrigal Drive from Willoughby Road to Campbell Crescent.</li> <li>• Terrigal Esplanade from Campbell Crescent to The Haven access road.</li> <li>• Car Park area Terrigal Esplanade (between Ash Street and The Haven).</li> <li>• Junction Road.</li> <li>• Havenview Road from Junction Road to Terrigal Drive.</li> <li>• Campbell Crescent from Terrigal Esplanade to Talgai Close.</li> <li>• Footpath/walkway area on high side of Terrigal Esplanade between Painters Lane and Barnhill Road.</li> <li>• Barnhill Road from end of footpath/walkway to Terrigal Drive.</li> <li>• Painters Lane from Terrigal Drive to Hunter Crescent.</li> <li>• Church Street including Car Park and laneways.</li> <li>• Hudson Lane.</li> <li>• Kurrawyba Avenue from Terrigal Esplanade to Cadell Street.</li> <li>• Cadell Street.</li> <li>• Wilson Road to Grosvenor Road.</li> <li>• Car Parks off Wilson Road.</li> <li>• Pine Tree Lane.</li> <li>• Ash Street from Maroomba Road to Terrigal Esplanade.</li> <li>• Car Park at beachfront adjacent Surf Club.</li> </ul>
The Entrance	<ul style="list-style-type: none"> <li>• The Entrance Road (Ashton Avenue to The Entrance Bridge), Marine Parade, Beach Street, Victoria Avenue, Denning Street, Theatre Lane (the car park bounded by Theatre Lane), Bayview Avenue, Short Street and Ambler Parade, Copnor Avenue, Fairview Avenue (The Entrance Road to Torrens Avenue), Newing Lance, Coral Street (The Entrance road to Torrens Avenue), Duffys Lane, Tuggerah Parade (The Entrance road to Manning Road).</li> </ul>
The Entrance North	<ul style="list-style-type: none"> <li>• Hutton Road, The Entrance North and all roads leading to it from Wilfred Barrett Drive (Central Coast Highway), Hargraves Street, Roberts Street, Stewart Street, Florida Street, Manly Parade, Bondi Road, Coogee Avenue and Simpson Street.</li> </ul>
Toowoona Bay	<ul style="list-style-type: none"> <li>• Bay Road (Koongara Street to Toowoona Bay Road), Eloora Road (Toowoona Bay Road to Koongara Street) and Koongara Street.</li> </ul>
Toukley	<ul style="list-style-type: none"> <li>• Main Road from Norah Head roundabout to Toukley Bridge, entirety of Canton Beach Road and Beach Parade, Peel Street, Lakeview Street, Holmes Avenue, Victoria Avenue, Canton Beach Road, Yaralla Street, Elden Street, Summerside Street and Sonters Lane.</li> <li>•</li> </ul>
Umina Beach	<ul style="list-style-type: none"> <li>• Ocean Beach Road from Lone Pine Avenue to Poziers Avenue.</li> </ul>

	<ul style="list-style-type: none"> <li>• Poziers Avenue from Ocean Beach Road to laneway and including laneway.</li> <li>• Lone Pine Avenue from Ocean Beach Road to Dardanelles Avenue.</li> <li>• West Street from Ocean Beach Road to Springwood Street.</li> <li>• Ocean Beach Road from The Esplanade to Wellington Street.</li> <li>• Berith Street.</li> <li>• Fyfe Lane.</li> <li>• South Street.</li> <li>• Trafalgar Avenue including Car Park adjacent Surf Club.</li> <li>• Norman Street.</li> <li>• Rickard Street.</li> <li>• Augusta Street.</li> <li>• The Esplanade from Sydney Avenue to Augusta Street.</li> <li>• Oscar Street.</li> <li>• Alfred Street and Car Park areas.</li> <li>• Bullion Street.</li> <li>• Leslie Street.</li> <li>• Morris Street.</li> <li>• Hector Street.</li> <li>• Springwood Street from West Street to Clifford Street.</li> <li>• Clifford Street and laneways within this area.</li> <li>• Car park off Ocean Beach Road/The Esplanade adjacent Surf Club.</li> <li>• Car park off Melbourne Avenue adjacent Col Gooley Oval.</li> </ul>
Wadalba	<ul style="list-style-type: none"> <li>• Part of Figtree Boulevard and Van Stappen Road.</li> </ul>
Wamberal	<ul style="list-style-type: none"> <li>• Car park adjacent Surf Club – access off Wiles Avenue and Dover Road.</li> </ul>
Woy Woy	<ul style="list-style-type: none"> <li>• Ocean Beach Road from McMasters Road to Kathleen Street.</li> <li>• McMasters Road from Ocean Beach Road to Fairview Street.</li> <li>• Fairview Street including car park area adjacent James Browne Oval.</li> <li>• Ross Street.</li> <li>• Rowan Road.</li> <li>• Mascot Street.</li> <li>• Kathleen Street.</li> <li>• John Hoare Circuit (Community Centre).</li> <li>• Railway Street from George Street to The Boulevarde.</li> <li>• The Boulevarde.</li> <li>• Brick Wharf Road.</li> <li>• Chambers Place.</li> <li>• Oval Avenue.</li> <li>• Blackwall Road from Railway Street to Charlton Street/Victoria Road (including entry to Austin Butler Reserve).</li> <li>• Victoria Road from Blackwall Road to George Street.</li> </ul>
Wyong	<ul style="list-style-type: none"> <li>• Cutler Drive between Harvey Street and Casey Drive and the entire length of Owen Avenue.</li> <li>• Pacific Highway from Wyong River Bridge to Anzac Avenue, Alison Road to Margaret Street, Rankens Court, Peters Lance, Bakers Lane, Plaza Lane, Robleys Lane and Hely Street from Alison road to North</li> </ul>

	Road, Anzac Avenue from Hely Street to the Pacific Highway and Hardware Lane in its entirety. River Road (Pacific Highway to Margaret Street), Margaret Street (River road to Alison Road and Church Street.
--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------





**Item No:** 3.4  
**Title:** Hawkesbury-Nepean River Coastal Management Program Stage 1 Scoping Study  
**Department:** Environment and Planning

---

12 October 2020 Ordinary Council Meeting

Reference: F2020/01492 - D13983636  
Author: Ben Fullagar, Section Manager, Coastal Protection  
Manager: Luke Sulkowski, Unit Manager, Environmental Management  
Executive: Scott Cox, Director Environment and Planning

## Summary

The purpose of this report is for Council to consider the recently completed Stage 1 Scoping Study for the Hawkesbury-Nepean River (HNR) Coastal Management Program (CMP). A summary of the key findings and an outline of the plan for progressing development of the CMP is provided.

## Recommendation

- 1 That Council notes the completion of the Stage 1 - Scoping Study for the Hawkesbury-Nepean River Coastal Management Program.**
- 2 That Council endorse the findings and proposed approach for transitioning to Stage 2 of the process identified in the Stage 1 - Scoping Study for the Hawkesbury-Nepean River Coastal Management Program.**
- 3 That Council note the proposed funding contribution of \$100,000 towards the development of Stage 2 of the Hawkesbury-Nepean River Coastal Management Program, as described in this report, is included in Council's adopted 2020/21 Operational Plan**
- 4 That Council note that staff, in collaboration with partner Councils, will be applying for funding via the NSW Coastal and Estuary Grants program for development of Stage 2 of the CMP.**

## Context

The Hawkesbury-Nepean River (HNR) encompasses the estuaries of Broken Bay, the Hawkesbury-Nepean River, Brisbane Water and Pittwater including terrestrial drainage catchments. The study area extends from the oceanic boundary of the HNR at Broken Bay to the tidal limit at the confluence of the Grose River at Yarramundi, some 145km inland.

### **3.4 Hawkesbury-Nepean River Coastal Management Program Stage 1 Scoping Study (contd)**

---

This approach acknowledges that geomorphological, hydrodynamic and ecological processes occur across the HNR irrespective of jurisdictional boundaries requiring a consistent approach to planning and management. In recognition of this, the six councils over which the study area occurs have partnered in this project, these being: Hornsby Shire Council; Central Coast Council; Northern Beaches Council; Ku-ring-gai Council; The Hills Shire Council; and, Hawkesbury City Council. Funding assistance and oversight was provided by the NSW Government. Together, we aim to improve the management of the river through collaboration in order to maintain and enhance the social, environmental and economic values of this iconic system.

There is no requirement to undertake public engagement during Stage 1 of the planning process. Notwithstanding, Councils Catchments to Coast Committee as well as the Lower Hawkesbury Estuary Management Committee, facilitated by Hornsby Shire Council, have been provided brief updates throughout the development of the Scoping Study.

#### **The NSW Coastal Management Framework**

The NSW Government has established an integrated coastal management framework (the framework) with the aim of better equipping coastal communities to respond to existing and future coastal management challenges and opportunities. The framework comprises:

- Coastal Management Act 2016 (CM Act);
- State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP);
- Marine Estate Management Act 2014 (MEM Act);
- Coastal Management Programs;
- NSW Coastal Management Manual;
- NSW Coastal Council; and
- Coastal and Estuary Grants Program.

The Stage 1 Scoping Study has been prepared in accordance with the framework and sets the foundation for the development of a CMP that guides the long-term, integrated and sustainable management of the HNR with a focus on achieving the objects of the CM Act.

CMP's identify coastal management issues and the actions required to address these issues in a strategic, coordinated and integrated way. A CMP can be prepared to cover the entirety of the coastal zone in a given Local Government Area (LGA) or a Council can decide to prepare individual CMP's for different parts of the coastal zone – for example a Council may prepare a CMP covering an estuary and another CMP covering open coast beaches. The State Government is encouraging close collaboration between neighboring Councils to facilitate consistent management of shared coastal sediment compartments and estuaries.

Commencement of the CM Act and CM SEPP resulted in the repeal of the *Coastal Protection Act, 1979*, SEPP 14 – Coastal Wetlands, SEPP 26 – Littoral Rainforests and SEPP 71 – Coastal Protection.

### 3.4 Hawkesbury-Nepean River Coastal Management Program Stage 1 Scoping Study (contd)

---

There are eight existing plans prepared under repealed coastal legislation covering the coastal zone on the Central Coast. Central Coast Council is primarily responsible for implementation of:

- Tuggerah Lakes Estuary Management Plan (EMP) (Certified 2006);
- Wyong Coastal Zone Management Plan (CZMP) (2011);
- Gosford Lagoons CZMP (2015);
- Gosford Beaches CZMP (2017) (Certified 2017);
- Brisbane Water CZMP (2012);
- Pearl Beach Lagoon CZMP (2014) (Certified 2018).

Central Coast Council staff also support the implementation of actions in the following plans:

- Lake Macquarie CZMP (2015);
- Lower Hawkesbury EMP (2009).

Under the savings and transitional arrangements of the Coastal Management Act 2016, the existing certified CZMP's and EMP's will cease to have effect from 31 December 2021. Council is therefore working towards developing new Coastal Management Programs to replace these outgoing plans. The required steps to develop new Programs is outlined in the Coastal Management Manual and is likely to take two to three years to work with the community and have the programs certified by the Minister.

If a Council fails to develop a CMP, or chooses not to, the Minister administering the CM Act may direct the council to do so in accordance with Part 3 of the act. Alternatively, the Minister may prepare a CMP for the local council and then seek to recovery any costs incurred by doing so.

Similarly, if a local council fails to comply with or implement a certified CMP, the Minister may request the NSW Coastal Council to undertake a performance audit to determine the reasons for non-compliance and to recommend appropriate remedial actions to be taken. The Minister may report any failures to the Minister administering the *Local Government Act, 1993* who may consider acting in accordance with relevant provisions of that act including, but not limited to, action under Part 6 (Performance Management) or Part 7 (Temporary suspension of council) of Chapter 13.

The Coastal Management Manual (the manual) is provided on the NSW Government website and sets out the mandatory requirements (Part A) and provides guidance for the preparation, adoption, implementation and review of CMP's (Part B). Part B of the manual establishes a 5-stage process for preparing and implementing CMP's:

- Stage 1 – identify the scope of the CMP
- Stage 2 – determine risks, vulnerabilities and opportunities
- Stage 3 – identify and evaluate options
- Stage 4 – prepare, exhibit, finalise, certify and adopt the CMP

### **3.4 Hawkesbury-Nepean River Coastal Management Program Stage 1 Scoping Study (contd)**

---

- Stage 5 – implement, monitor, evaluate and report.

CCC is currently embarking on stage 1 of the process; scoping studies will be undertaken for the following areas:

- Tuggerah Lakes;
- Open Coast and Coastal Lagoons; and,
- HNR encompassing the estuaries of the Hawkesbury-Nepean River, Broken Bay, Brisbane Water and Pittwater.

#### **Background to Developing a Hawkesbury-Nepean River CMP**

In August 2018, a Memorandum of Understanding (MoU) was entered between the six Council's with responsibility for the management of land within the catchments of the estuaries of the Hawkesbury-Nepean River system (HNR): Hawkesbury City Council, The Hills Shire Council, Ku-ring-gai Council, Northern Beaches Council, Central Coast Council and Hornsby Shire Council.

The MoU signaled an intent to work together to develop a "whole-of-system" CMP for the HNR encompassing the estuaries of Broken Bay, Pittwater, Brisbane Water and the Hawkesbury-Nepean River. More specifically, the study focuses on the tidal reaches of the river system extending from the tidal limit at the confluence of the Grose River at Yarramundi to the oceanic boundary at Broken Bay including the waterways and contributing catchments.

The partner Council's agreed to work collaboratively in developing a Stage 1 Scoping Study in accordance with the guidelines outlined in the manual including an assessment of the feasibility of working at a 'whole-of-system' scale. The Stage 1 Scoping Study is now complete having been thoroughly reviewed by the partner Councils, key state agencies and associated stakeholders (e.g. wider catchment councils) that play a role in the management of the HNR system.

The Scoping Study recommends pursuing a whole-of-system approach in the development of the CMP noting the benefits of doing so from financial and strategic perspectives.

Specifically, the Stage 1 Scoping Study report provides:

- an outline of the legislative framework governing the management of the coastal zone;
- a synopsis of the current management arrangements and responsibilities for the HNR;
- a review of the success (or otherwise) of implementation of existing plans and strategies;
- a shared understanding of current and future emerging issues;
- a gap analysis of the information needed to make good management decisions in the future;

### **3.4 Hawkesbury-Nepean River Coastal Management Program Stage 1 Scoping Study (contd)**

---

- identification of the focus of the new CMP, including effective future management and governance approaches; and,
- a forward plan outlining the intended process to complete the next four stages of the CMP and associated budget estimates.

#### **Key Findings of the Stage 1 Scoping Study**

The Scoping Study highlights that the HNR system possesses significant environmental values and is a major contributor to the social and cultural wellbeing of the community of the Greater Sydney and Central Coast regions. The Scoping Study highlights that these values are also a major economic driver in many important ways, including:

- The economic value of the ecosystem services provided by the river system is approximately \$1bn p.a. (high level estimate only). These services relate to blue carbon aquatic ecosystems, mainly mangroves, saltmarsh and seagrasses and the estuary itself. In addition, the HNR system supports a significant number of endangered ecological communities and over 130 vulnerable and threatened species;
- The estimated replacement value of fixed foreshore assets in the estuary is around \$270 million;
- The economic value of tourism and domestic day trips across the estuary is estimated at \$45m p.a. a large proportion of this is related to recreational boating activities;
- The direct economic value of industries across the estuary such as commercial fishing and aquaculture (oyster farming) is currently around \$5m p.a.; and,
- The value of associated industries that utilise the river system such as agriculture is around \$500m p.a. (across just the partner council LGAs).

The first-pass risk assessment undertaken as part of this study identified several threats that could negatively affect the values of the HNR system highlighting that many of these threats will increase over the coming decades due to population growth and the impacts of climate change. These range from small localised issues, to larger scale, system-wide threats that will require a coordinated and collaborative management approach. As discussed in the report some of the key issues that will require a holistic strategic approach include:

- Coastal and estuarine hazards (sea level rise and flooding/inundation);
- Significant urban development and population increases across the HNR resulting in increased catchment runoff. The increased urban stormwater discharge will impact on water quality, estuarine health and place pressure on recreational amenity and commercial activity (e.g. harmful algal blooms);
- Disturbance of riparian and aquatic habitat, the presence of invasive species and diseases;
- Waterway use and resource conflict; and,

### **3.4 Hawkesbury-Nepean River Coastal Management Program Stage 1 Scoping Study (contd)**

---

- Planning and governance (lack of coordination across the HNR and its catchment and protection of endangered, vulnerable and threatened species and communities).

#### **Approaches to Governance to support CMP development**

The governance of the estuary is multi-layered, with the waterways and foreshores owned and managed by a wide variety of stakeholders across multiple levels of government. Consequently, a governance structure has been proposed to be applied during the remaining stages of the CMP to coordinate projects, consultation, obtaining technical advice and facilitating communication and engagement. The suggested governance structure has been supported by the key stakeholders and includes a part-time project coordinator that will be co-funded through the project contributions during Stage 2.

The Scoping Study demonstrated that partnering with neighboring Councils will result in the most optimal way forward. The collaborative approach will better enable a strategic, long-term approach to estuary and catchment management across local and state government agencies. In addition, the stakeholder (local and state government agency) engagement activities undertaken as part of this study demonstrated significant support for the development of the CMP.

#### **Benefits and opportunities in collaboration**

Collaboration will bring several benefits to partner Councils, government agencies, all stakeholders and ultimately the health and vitality of the river system. Some benefits include:

- enabling a consistent, sustainable and strategic approach to management of the HNR (i.e. ensure everyone's priority objectives are considered);
- the opportunity to address catchment scale issues independently of jurisdictional boundaries;
- efficiency savings (economies of scale in projects with common goals across councils, reducing duplication of studies, monitoring and community engagement);
- the ability to develop a framework for interagency co-ordination (local and state government agencies);
- development of a platform to access funding assistance to address catchment-related issues impacting on the social, economic and environmental values of the HNR; and,
- improved capacity and provide support between stakeholders when resources are limited.

The CMP will provide the necessary guidance to enable the system to be managed in a holistic, strategic and coordinated fashion, in particular:

### 3.4 Hawkesbury-Nepean River Coastal Management Program Stage 1 Scoping Study (contd)

- The CMP will provide a robust and defensible platform to secure funding from the NSW Government's Coastal and Estuary Grants Program and any other potential investors;
- The structure and mandatory requirements of a CMP process are specifically designed to address the objectives of the CM Act by directly addressing issues across the four coastal management areas defined in the Act;
- The CMP process provides significant pathways for community and stakeholder engagement, and can establish strong working relationships with community networks and stakeholders which are built on mutual trust and respect;
- The risk-management process outlined in a CMP promotes the identification of current and future risks across a range of planning horizons – allowing Partner Councils to adequately prepare for emerging threats;
- The preparation of a CMP will enable the funding and implementation of a number of projects that will provide benefits to the local community by improving and maintaining safe and sustainable access to the estuary system, and protecting public assets in areas subjected to current and future coastal hazards; and,
- There are significant opportunities for a project of this magnitude to leverage its large scope in order to gain funding, media attention and community buy-in.

#### The process of transition to Stage 2 through to 5

Stage 1 is complete with the project team ready to commence stage 2. Stage 2 of the CMP involves undertaking detailed studies that help to identify, analyse and evaluate risks, vulnerabilities and opportunities across the estuary system. This next stage will involve the completion of a suite of technical studies listed in Table 1 below. The purpose of these studies will be to fill current knowledge gaps that, when coupled with considerable work undertaken by all stakeholders in previous years, provides information to support improved evidence-based decision making in later stages of the planning and implementation process.

Table 1 – Proposed Stage 2 studies including estimated costs and timeframes

Component	Upper limit cost est..	Indicative Timing	CCC Contribution ^	State* (DPIE)
The Hawkesbury River System Physical Processes - Abridgment Report	\$80k	4-6 mo.	\$4480	\$53,120
The Hawkesbury River System Ecological Processes - Abridgment Report	\$50k	4-6 mo.	\$2800	\$33,200
Brisbane Water CM SEPP Mapping Update^^	\$50k	2-4 mo.	\$16,800	\$33,200
Bathymetric Survey of Brisbane Water Estuary^^	\$50k	1 mo.	\$16,800	\$33,200
Bathymetric Survey of Pittwater Estuary	\$40k	1 mo.	-	\$26,560
Brisbane Water and Hawksbury River Estuary Tidal Inundation Study and Risk Assessment	\$150k	4-6 mo.	\$8400	\$99,600

### 3.4 Hawkesbury-Nepean River Coastal Management Program Stage 1 Scoping Study (contd)

Component	Upper limit cost est..	Indicative Timing	CCC Contribution ^	State* (DPIE)
Broken Bay Coastal Hazard Study Update^^	\$70k	3-6 mo.	\$23,520	\$46,480
Hawkesbury River Bank Erosion Update	\$80k	3-6 mo.	\$6720	\$53,120
Pittwater Coastal Hazard Assessment	\$60k	3-6 mo.	-	\$39,840
Pittwater Cliff/Slope Instability Assessment	\$40k	2-4 mo.	-	\$26,560
Hawkesbury River System Socioeconomic Study	\$110k	3-4 mo.	\$6160	\$73,040
Stage 2 Values, Threats and Opportunities Report and CVA Mapping	\$130k	4-6 mo.	\$7280	\$86,320
Community and Stakeholder Engagement activities associated with Stage 2 (as outlined in Appendix A)	\$70k	#	\$3920	\$46,480
Cost of Project Coordinator. Estimated at 0.4 EFT for duration of Stage 2.	\$80k	#	\$4480	\$53,120
Approx. Stage 2 Subtotal – upper limit	\$1.06 mil	15-24 months	\$101,360	\$1.06 mil

(^ ) CCC contribution based on an equal funding arrangement plus (^ ^) Central Coast specific projects (\*) The CMP Stage 2 studies are eligible for DPIE coast and estuary grant funding support, which provides 2:1 funding to the partner councils. # These activities would be ongoing throughout Stage 2.

The Scoping Study also outlines the work plan and cost structure for progression of the following Stages 3 and 4 of the CMP as shown in Table 2.

Table 2 - Proposed cost and timings for Stage 3 and 4 of the CMP

Component	Prelim. Cost Estimate	Indicative Timing
Stage 3 involves the identification and evaluation of management options. This options assessment should include the following, as per the CM Manual: <ul style="list-style-type: none"> <li>Confirmation of the strategic direction</li> <li>Identification of potential management options</li> <li>Evaluation of potential actions</li> <li>Documenting the rationale for management actions</li> </ul>	\$310k	9-15 months
Community and Stakeholder Engagement activities associated with Stage 3 (as outlined in Appendix A)	\$60k	Throughout the above
<b>Approx. Stage 3 Subtotal</b>	<b>\$370k</b>	<b>9-15 months</b>
Stage 4 involves the development of the draft CMP document, via the following process: <ul style="list-style-type: none"> <li>Preparation of the Draft CMP</li> <li>Exhibition of the draft CMP</li> </ul>	\$150k	9-12 months



### 3.4 Hawkesbury-Nepean River Coastal Management Program Stage 1 Scoping Study (contd)

Component	Prelim. Cost Estimate	Indicative Timing
<ul style="list-style-type: none"> <li>▪ Reviewing and adopting the draft CMP</li> <li>▪ Submitting the draft CMP to the Minister for certification</li> </ul>		
Community and Stakeholder Engagement activities associated with Stage 4 (as outlined in Appendix A)	\$20k	<i>Throughout the above</i>
<b>Approx. Stage 4 Subtotal</b>	<b>\$170k</b>	<b>9-12 months</b>

Stages 2 - 4 of the CMP is projected to be completed between mid-2020 and mid-2022 should partner Councils all contribute to the progression of the project. Stage 5, implementation stage, will start once the CMP has been adopted by council and certified by the Minister for Local Government.

It is expected that stage 2 will commence in mid to late 2020 allowing for grant applications, tendering and engagement of consultants.

#### Consultation

Successful development and implementation of the CMP will hinge on the success of engagement and collaboration with internal and external stakeholders. It is imperative that the CMP is recognised within the CCC organisation as a key strategic document guiding the management of the HNR system and catchment. Acknowledging the importance of our coastal and estuary environments to the community, the intention is that the CMP will facilitate significant, meaningful and ongoing collaboration across Council business units enabling the organisation to meet the objectives of the CMP and in turn the objects of the CM Act and MEM Act. Engagement and collaboration with external stakeholders including the general community is equally important, ultimately the CMP will “belong” to all stakeholders.

Broad community engagement is not required during Stage 1 of the CMP process, rather the aim is to establish contact with key government stakeholders with management responsibilities relating to the coastal zone including councils within the upper Hawkesbury-Nepean catchment. On this basis, two workshops were undertaken with key stakeholders during stage 1 to assist with:

- establishing the strategic context of the CMP;
- the development of the vision, purpose and the objectives of the CMP;
- identification of roles and responsibilities of each stakeholder; and,
- development of the CMP community and stakeholder engagement strategy to guide consultation and collaboration efforts through stages 2-4 of the CMP process (Appendix A of the Scoping Study Report).

### **3.4 Hawkesbury-Nepean River Coastal Management Program Stage 1 Scoping Study (contd)**

---

Central Coast Council's Communication and Engagement team were represented at one of these workshops to ensure that the strategy was consistent with the *Central Coast Council Community Engagement Strategy*.

In addition, eighteen upper catchment Councils were invited to attend the workshops and review the report. Of these, four actively engaged in the process for stage 1 and the intention is to utilise the CMP as a vehicle to better engage with these and other catchment councils acknowledging the importance of upper catchment processes in maintaining the health and vitality of the estuarine reach of the river system.

Community and stakeholder engagement will add value to the coastal planning process by raising awareness of the significance and complexity of the issues and ensuring that relevant perspectives are incorporated throughout CMP development.

#### **Financial Impact**

The overall cost of developing the HNR CMP is estimated to be between \$1.0-1.3 million which will be shared across partner Councils and the NSW Government. The business case undertaken as part of the Scoping Study highlights that the cost of CMP development is less than 1% of the annual economic value of the estuary system - in terms of the value of economic activity in the area that is dependent on the estuary, and the economic and ecosystem service value of a healthy estuary system.

Councils are eligible for funding via the NSW Coastal and Estuary Grants Program to prepare the CMP. The NSW Government recently altered the funding ratio, Councils are only required to contribute a third of the overall total cost. The estimated cost of developing a CMP at a LGA scale is significantly more than continuing into a partnership with neighbouring councils - a review of potential costs associated with the option of preparing a stand-alone Brisbane Water CMP indicates that the council contribution would be approximately 50% higher than that required for the HNR CMP. Further, the grant program will provide up to 30% of the total project cost to project management where 5 or more Councils are partnering.

Details of cost sharing arrangements among the partner Councils are yet to be finalised however several options have been canvassed within the Scoping Study report (Table 3). Note that the funding contribution for Central Coast and Northern Beaches Councils (as set out in Table 2) includes the funding for studies that are specific to these respective LGA's for which the other partner would not make a contribution.

Partner Councils will decide on the most appropriate funding strategy to ensure completion of the CMP within the timeframe suggested in Stage 1.

### 3.4 Hawkesbury-Nepean River Coastal Management Program Stage 1 Scoping Study (contd)

Table 3 – example of cost sharing arrangements to fund Stages 2-4 of the CMP

Potential Option	Central Coast*	Northern Beaches*	Ku-ring-Gai	Hornsby Shire	Hills Shire	Hawkes-bury City	State* (DPIE)
Equal Funding	9.6% (\$100k)	7.98%	3.54%	4.17%	4.17%	4.17%	66.4%
LGA Population	12.6% (\$134k)	10%	2.62%	3.18%	3.54%	1.42%	66.7%
Contributing Catchment Size	10.3% (\$110k)	5.2%	0.14%	2.41%	1.77%	13.5%	66.7%
Coastal Environment Area Size	19.5% (\$206k)	6.5%	0.07%	4.32%	0.78%	2.26%	66.7%

\*Funding contribution for Central Coast and Northern Beaches includes the funding for studies that are specific to these respective LGA's for which the other partner would not make a contribution. Additionally, Ku-ring-gai Councils equal funding percentage is lower as they are not required to contribute to the Hawkesbury River Bank Erosion update.

#### Central Coast Council contribution

Partner Councils each invested 10% (\$10k) of the total cost for the development of the Stage 1 Scoping Study, with the remaining 50% funded by the NSW Government via the Coastal and Estuary Grants Program. The proportionate cost associated with various funding models is shown in Table 3, noting that recent changes to the NSW Coast and Estuary Grant Program has resulted in a reduction in the relative contribution by partner Councils. Additionally, the grant program will now provide additional support for project administration.

The CCC contribution for Stage 2-4, depending on the funding model, will range from approx. \$100,000 (9.6%) to \$206,000 (19.5%) of the total estimated project cost, if CCC was to proceed alone for Brisbane Water, a contribution of at least 33% would be expected which would equate to approximately \$200k. In addition, given the strong influence of catchment processes and the prevalence of catchment-based issues across the HNR, it may be possible to attract additional CMP funding from the eighteen (18) catchment Councils and agencies that have management responsibilities within the upper Hawkesbury-Nepean catchment.

In summary, the development of the CMP is a sound investment in the coastal economy of the HNR. The system-wide approach will provide a vehicle for the collaborative, coordinated and strategic management of the river system and create a program that will be more effective and efficient in managing the HNR leading to improved health and amenity of the contributing rivers and estuaries. The immediate investment by CCC involves a contribution of approximately \$100,000 for the proposed Stage 2 studies identified in Table 1 including implementation of the Community and Stakeholder engagement strategy and the cost-sharing of the part-time project coordinator. There are 3 studies which specifically relate to the Central Coast LGA for which it is anticipated that CCC would contribute 33% of the cost

### **3.4 Hawkesbury-Nepean River Coastal Management Program Stage 1 Scoping Study (contd)**

---

with the remaining 67% likely to be sourced from the NSW State Government via the Coastal and Estuary grants program.

The \$100,000 contribution required from Central Coast Council for Stage 2 is included in the adopted 2020/21 Operational Plan.

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

Theme 3: Green

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

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

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

A joint funding application with partners Council is planned to be lodged in late October 2020 to enable the Stage 2 studies to progress as per the program outlined.

#### **Attachments**

*Nil.*



**Item No:** 3.5  
**Title:** Management of Coastal Land Parcels at The Entrance North and Wamberal  
**Department:** Environment and Planning

---

12 October 2020 Ordinary Council Meeting

Reference: F2020/00037 - D14124672  
Author: Luke Sulkowski, Unit Manager, Environmental Management  
Executive: Scott Cox, Director Environment and Planning

## Summary

The purpose of this report is to provide the Council with information in respect of land ownership at The Entrance North and Wamberal beach, and to seek direction from Council for the future management of that land.

This report recommends that the Council take steps to try to secure the outcome that ownership of the land at each beach passes to or remains with the State of NSW in the interests of facilitating future management of these beaches for the public benefit. The exception to this is the public road located on Wamberal Beach known as Ocean Parade, which staff recommend deferring any change to ownership status until such time that a preferred permanent solution for permanent coastal protection works at Wamberal has been investigated, considered and identified.

## Recommendation

- 1** *That with respect to Lot 7314 DP 1147369 at The Entrance North, Council staff formally request the Department of Planning, Industry and Environment (Crown Lands) to accept that the State of New South Wales is and should remain the registered proprietor in the interests of facilitating coastal management for the public benefit; or take other appropriate action to have the State of NSW secure title to this part of The Entrance North beach*
  
- 2** *That Council staff formally approach the task force in the first instance recommending that the Department of Planning, Industry and Environment (Crown Lands) identify the person(s) presently entitled to the land between the mean high water mark and the seaward boundaries of the beachfront lots south of 'The Ruins' and seek to acquire that land from such person(s), by agreement or compulsory process; or take other appropriate action to have the State of NSW secure title to this part of Wamberal beach.*
  
- 3** *That Council staff request the Wamberal Task force provide a formal response to Council regarding their recommended approach to the management of the land between the mean high water mark and the seaward boundaries of the beachfront lots south of 'The Ruins'*

### **3.5 Management of Coastal Land Parcels at The Entrance North and Wamberal (contd)**

---

- 4 That with respect to the unformed road reserve extending from between 25 and 27 Ocean View Drive, Wamberal, northwards to 13 Wiles Avenue, Wamberal (approximately 1.1 kilometres), being the land shown on DP 1976 as Ocean Parade, that Council maintain its current status as a public road until such time that a permanent coastal protection solution for Wamberal Beach is adopted.**

Investigations have been undertaken by staff into land ownership issues within beach areas at The Entrance North and Wamberal. These are:

- 1 Lot 7314 DP 1147369 – also known as 25CR Hargraves Street, The Entrance North
- 2 Residual land – between the mean high water mark and the seaward boundaries of the beachfront lots south of 'The Ruins' (25, 25A and 25B Ocean View Drive, Wamberal extending south to 1 Pacific Street, Wamberal)
- 3 Unformed road reserve extending from between 25 and 27 Ocean View Drive, Wamberal, northwards to 13 Wiles Avenue, Wamberal (approximately 1.1 kilometres) being the land shown on DP 1976 as Ocean Parade – also known as the unformed section of Remembrance Drive, Wamberal

Due to the current status and/or ownership of these areas of beach, they present challenges to both Council, and private landowners, in the management of these coastal environments. These challenges are presented both in the direct management of the public areas of beach, and for land under private ownership.

These issues have become further apparent during the recent coastal erosion events that have affected these locations.

The ownership complications at each location present challenges in proceeding with activities such as coastal protection works. By resolving these issues, overall management of these coastal zones can be simplified, and development applications can be prepared with less complication.

Staff have sought legal advice in order to consider how to appropriately address issues associated with the identified land areas at each of these locations.

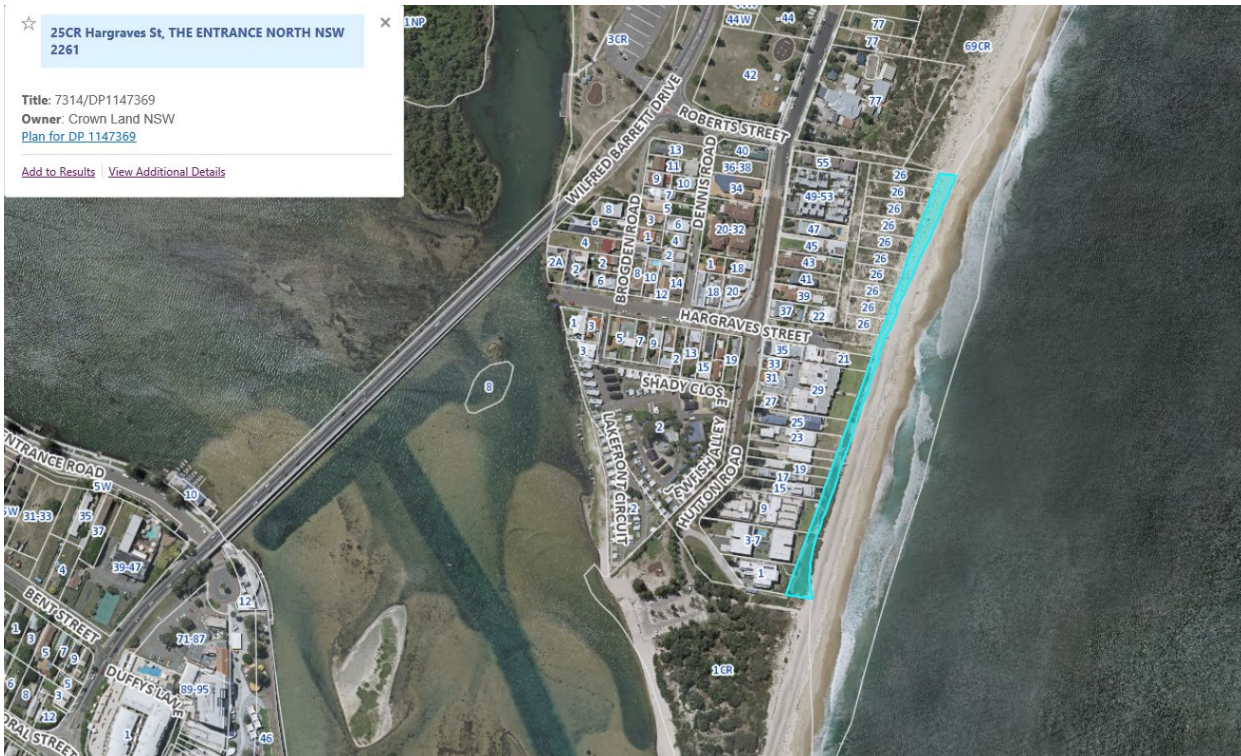
#### **Current Status**

##### **Lot 7314 DP 1147369 – also known as 25CR Hargraves Street, The Entrance North**

This parcel of land is shown in Figure 1.



### 3.5 Management of Coastal Land Parcels at The Entrance North and Wamberal (contd)



**Figure 1:** Lot 7314 DP 1147369 – also known as 25CR Hargraves Street, The Entrance North

The parcel is approximately 3,800 m<sup>2</sup> in area, and extends approximately 405 metres along the eastern boundary of a number of properties from Roberts Street in the north, to 1 Hutton Road in the south. The width of the parcel varies but is generally around 7 metres in width. It adjoins properties that contain occupied dwellings between Hargraves Street, south to 1 Hutton Road, a distance of approximately 260 metres. These properties were severely impacted by coastal erosion during the series of ocean storm events experienced throughout the winter of 2020. The NSW Department of Planning Industry and Environment (DPIE) identifies The Entrance North locations as a significant open coastal hazard.

Council's property management system identifies this parcel of land as Crown Land.

In February 2020, advice provided to Council staff from Department of Planning, Industry and Environment – Crown Lands (Crown Lands) indicated that departmental officers were of the opinion that title to Lot 7314 DP 1147369 had incorrectly been issued in the name of the State of New South Wales and should be in the name of Edith Hargraves (or her heirs or successors). Staff research indicates that Edith Hargraves (also known as Edith Denniss) passed away in 1950. No comprehensive search for her heirs or successors has been undertaken.

It is worth noting, that recent emergency coastal protection works have been undertaken by Council, on this land, pursuant to directions issued by the Local Emergency Operations Controller (the LEOCON) under section 61 of the State Emergency Rescue Management Act 1989 (SERM Act).

### **3.5 Management of Coastal Land Parcels at The Entrance North and Wamberal (contd)**

---

A title search obtained in July 2020 shows that the State of New South Wales is the registered proprietor of Lot 7314 DP 1147369. Council has received legal advice that unless and until a certificate of title is issued showing a different registered proprietor the Council can, and must, deal with the State of New South Wales as the owner of Lot 7314 DP 1147369. Council has also received legal advice, following further investigations into the land tenure, that the issue of a title for this lot in the name of the State of New South Wales appears to be correct, in part because the original crown grant at this locale had an eastern boundary defined by lengths and bearings and was not the mean high water mark.

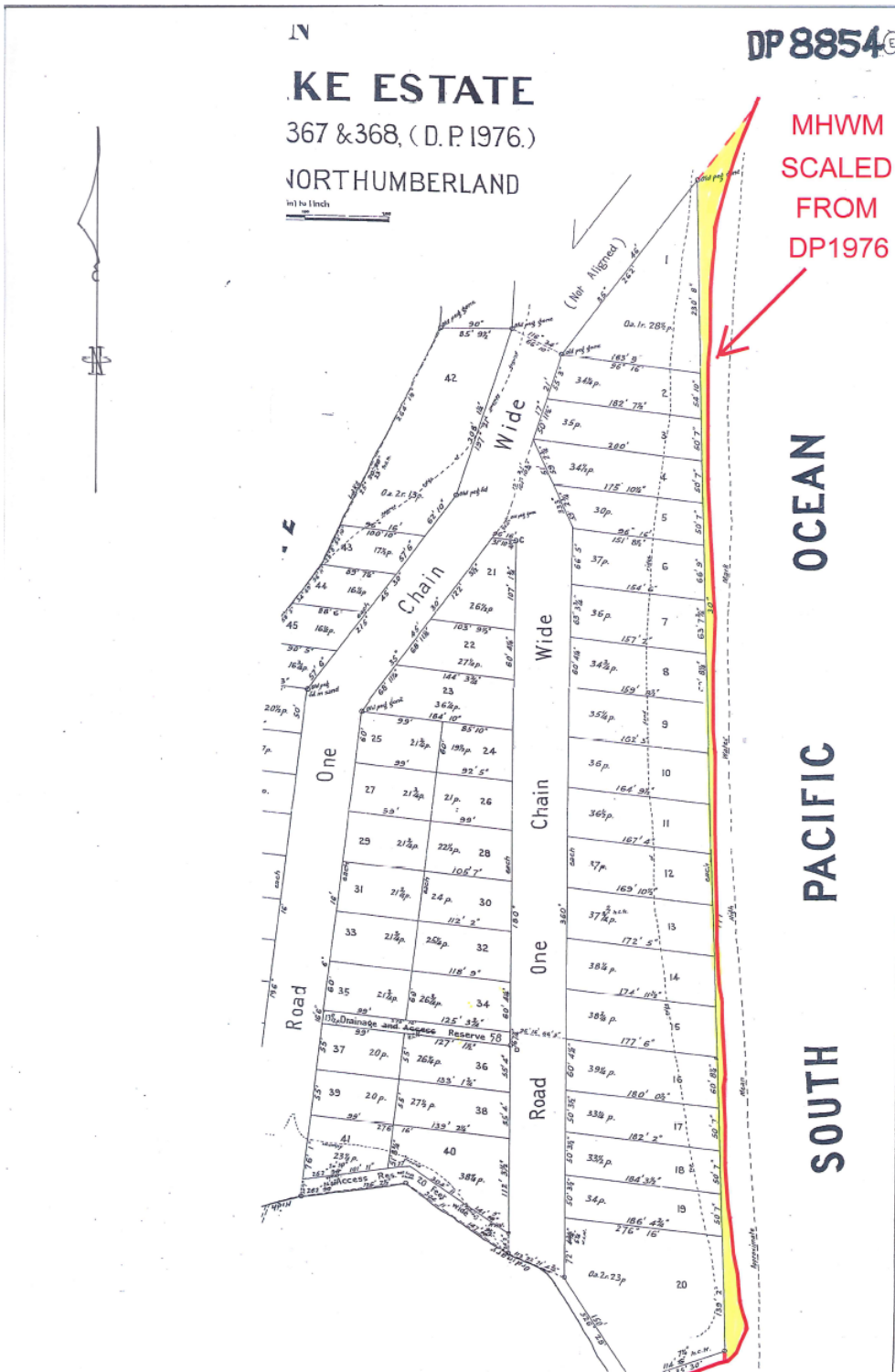
As a result, the beach at The Entrance North is currently under uniform management and ownership by the state, which provides for a consistent approach to management, and landowners consent for any activities which may be proposed at this location.

It is possible that the department may seek to take action to have Lot 7314 DP 1147639 put in the name of Edith Hargraves or her heirs and successors, given the view of some of its officers that title to LOT 7314 DP 1147369 has been issued incorrectly in the name of the State of NSW. This would complicate management of this beach area, and opportunities for adjoining owners to undertake private coastal protection works should they wish to do so. Staff recommend that approaches be made to the department to request that the parcel remains under the ownership of the State of New South Wales as this appears to be correct; and if it is not correct that the state take appropriate action to acquire the title from any successor to Edith Hargraves.

#### **Residual land south of 'The Ruins' (25, 25A and 25B Ocean View Drive, Wamberal) extending south to 1 Pacific Street, Wamberal**

This area of land is indicated below in Figure 2.





**Figure 2:** Residual land south of 'The Ruins' (25, 25A and 25B Ocean View Drive, Wamberal) extending south to 1 Pacific Street, Wamberal

The land at the beachfront at Wamberal was part of a grant of 2000 acres to Willoughby Bean in 1833 and, in accordance with the grant, is bounded on the east by the "sea coast".

### **3.5 Management of Coastal Land Parcels at The Entrance North and Wamberal (contd)**

---

A surveyors report received by Council dated 14 October 2019 indicates that the eastern boundary of the land granted in 1833 was the mean high water mark of the South Pacific Ocean. This is the appropriate way to interpret a boundary described as the "sea coast".

In about 1887 Deposited Plan 1976 was registered, being a subdivision of part of the land in Certificate of Title Vol 802 Fol 45 and including the part of the land adjacent to the ocean at Wamberal. The lots created by DP 1976 closest to the ocean had eastern boundaries fixed by survey and DP 1976 showed the area between those fixed eastern boundaries and the mean high water mark as a residual area.

In 1889 Certificate of Title Vol 802 Fol 45 was cancelled and Certificate of Title Vol 924 Fol 24 was issued for the remaining land in it, being the unsold lots in DP 1976 and the residue of land in the title which was not included in lots created by DP 1976, including the area between the surveyed eastern boundaries of lots 367 and 368 and the mean high water mark. Thomas James Thompson was the registered proprietor. Lots 367 and 368 DP 1976 were further subdivided by the registration of DP 8854 in 1917.

The proprietor of the land between the mean high water mark, and the seaward boundaries of lots 1- 20 DP 8854 is Harold Clarke Thompson, but as executor of Thomas James Thompson, and the persons presently entitled to that land are the heirs and successors (if any) of Thomas James Thompson.

Staff research indicates that Mr Harold Clarke Thompson passed away in 1939. Mr Thomas James Thompson appears to have passed away some years previously. No comprehensive search for Mr Thomas James Thompson's heirs or successors has been undertaken.

In order to identify any such person(s), the following steps at least may be required:

- Searches and enquiries at the Supreme Court for probates and copies of wills of Thomas James Thompson and any beneficiaries.
- Searches and enquiries at State Archives for similar records.
- Conduct other on-line genealogical investigations as required.
- Potentially engage forensic property investigators.

There is no legislative requirement for the council to identify the person(s) presently entitled unless the council wishes to levy rates against the title which still includes this strip.

The private ownership of this part of Wamberal beach presents a number of challenges for the management of this part of the beach, in terms of the carrying out of either emergency or long term coastal protection works in that part of the beach. Again, there is benefit in having uniform ownership of the beach with the State of NSW, which aligns with the ownership pattern for most beaches. It facilitates planning and decision making and carrying out of works on the beach.

### **3.5 Management of Coastal Land Parcels at The Entrance North and Wamberal (contd)**

---

If there are no surviving heirs or successors to Thomas James Thompson, then the state is the owner of the land in any event, in bona vacantia, or pursuant to s.36 of the Succession Act 2006. Because the state either is already, or is the appropriate owner, it should undertake the research to establish the position.

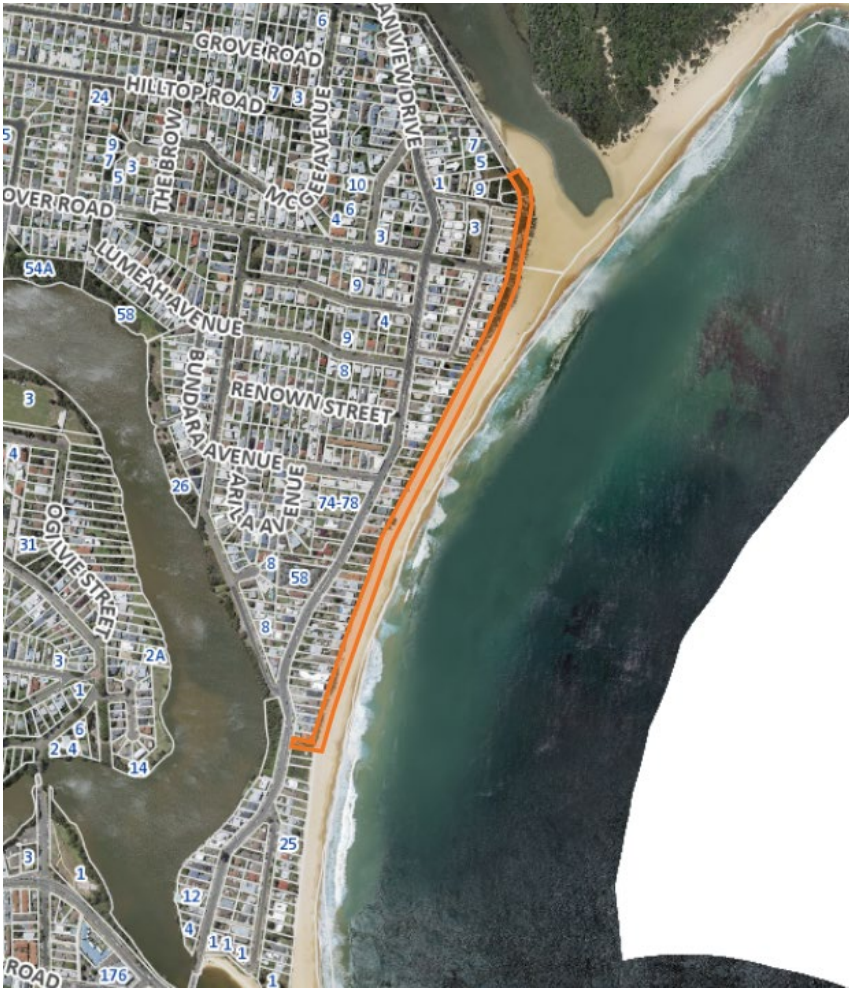
In the public interest, it is recommended that the state be requested to identify the person(s) (if any) presently entitled to the land in the estate of Mr Thomas James Thompson and seek to acquire that land from such person(s), by agreement or compulsory process; or in the absence of any such person to have the state recorded as the owner under s.136 of the Succession Act.

Staff also however acknowledge the current work of the Wamberal Task Force in trying to resolve strategic future management of Wamberal Beach and the coastal erosion issues that are associated with it. In recognition of the active capacity of the taskforce, staff recommend that Council firstly request the task force give consideration to this matter and the information provided in this report and seek their endorsement of Council's approach in relation to this matter.

**Road Reserve extending from between 25 and 27 Ocean View Drive, Wamberal, northwards to 13 Wiles Avenue, Wamberal (approximately 1.1 kilometres) – also known as the unformed section of Ocean Parade, Wamberal**

This parcel of land is shown in Figure 3.

### 3.5 Management of Coastal Land Parcels at The Entrance North and Wamberal (contd)



**Figure 3:** Road Reserve extending from between 25 and 27 Ocean View Drive, Wamberal, northwards to 13 Wiles Avenue, Wamberal (approximately 1.1 kilometres) – also known as the unformed section of Ocean Parade, Wamberal

There is a strip between the eastern or seaward boundaries of lots in this part of the beach which is vested in the council as public road. This occurred in 1983 when the former Gosford City Council published a notice under the Local Government Act 1919 in the Government Gazette vesting all roads in DP 1976 in itself. DP 1976 as registered in 1887 shows this strip as "Ocean Parade".

The area of land comprising this "road" is subject to some uncertainty. The seaward boundary of the area is not a surveyed line in DP 1976. It appears to be a representation of the high water mark, as being the eastern boundary of the original crown grant. This may constitute an ambulatory boundary, which moves with long term and gradual changes to the mean high water mark (not changes which are short term due to particular storm events).

Unless and until the current mean high water mark is determined by survey, the location of the eastern boundary of this road is not known. However, it is appropriate to proceed on the basis that a strip of some metres width, adjacent to the eastern boundaries of the privately

### **3.5 Management of Coastal Land Parcels at The Entrance North and Wamberal (contd)**

---

owned lots in this part of Wamberal beach is vested in the council as public road and subject to the Roads Act 1993.

This is an anomaly, as this strip is for all practical purposes the rear section of Wamberal beach not a public road.

The status of this strip of the beach as a Council owned public road does not facilitate a cohesive approach to management of Wamberal beach, while the rest of the beach (except for that small part to the south of The Ruins in the estate of Thomas James Thompson) is owned by the Crown in right of New South Wales – like most beaches up and down the coast of NSW. It also presents significant challenges to the management of this part of Wamberal beach. For example:

- third party works or structures in a public road (such as a revetment wall, or other coastal protection work) require consent of the roads authority, which, if granted, can be revoked at will (s138 and s140 *Roads Act 1993*)
- Council's capacity to grant tenures to adjoining owners for permanent structures is limited, and
- The type of works that can be carried out by a roads authority on a public road are generally limited to works that are for the purpose of facilitating the use of the road as a road (or for the carriage of utility services across the road).

The *Roads Act* is not appropriate legislation to apply to any strip of beach, even less so a strip of beach as sensitive as this, which is potentially required to be used for emergency or longer term coastal protection works.

It is noted that in May 2020, Council staff engaged Manly Hydraulics Laboratory (MHL) to develop concept plans for a potential revetment wall (or similar) for Wamberal to provide protection to properties in this location from coastal hazards. This body of work is currently underway and will also incorporate consultation with the broader community. Any potential solution that is developed will generally aim to position such a structure as far landward as possible, but will also be designed in accordance with coastal engineering principles to achieve an appropriate outcome. This may mean that existing property boundaries are not necessarily precisely followed in the development of an appropriate solution.

Determination of a preferred coastal protection outcome will ultimately guide the most suitable preferred tenure of the land. Unlike the land at The Entrance, and the Thomas James Thompson land, given the current Council owned public road status at this location, there is several varying approaches that may be suitable and available pending the preferred option for coastal protection.

For example, if a revetment wall design is produced and supported that offers improved public amenity (such as a public promenade), the structure (or portions of it) may be considered appropriate to be held in Council ownership, in which case Council may seek to retain land ownership over the relevant sections by closing the road via compulsory

### **3.5 Management of Coastal Land Parcels at The Entrance North and Wamberal (contd)**

---

acquisition. Other outcomes may yield different preferred ownership models which would need to be further explored following the determination of the preferred solution.

For this reason, it is recommended that Council do not seek any change in the status of the public road until such time that the preferred path forward for permanent coastal protection works is identified.

#### **Consultation**

Council staff have sought legal advice in preparation of this report.

#### **Financial Impact**

Successful implementation of the recommendations noted in this report will have no financial implications for Council in respect of the land at The Entrance North, and the land south of 'The Ruins' at Wamberal. Compulsory acquisition of the road at the northern end of Wamberal Beach by the Crown may result in a nominal income for Council as a result of the land transfer.

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

Theme 4: Responsible

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

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

#### **Attachments**

*Nil.*



**Item No:** 3.6  
**Title:** Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons and Terrigal Water Quality Sub-Committee meetings held 25 August 2020  
**Department:** Environment and Planning

---

12 October 2020 Ordinary Council Meeting

Reference: F2018/00097 - D14190147  
Manager: Luke Sulkowski, Unit Manager, Environmental Management  
Executive: Scott Cox, Director Environment and Planning

### Summary

To note the Meeting Records of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons and the Terrigal Water Quality Sub-Committee meetings held on 25 August 2020, and consider the recommendations to Council, including staff comments on those recommendations.

### Recommendation

- 1 That Council note the report on Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons and Terrigal Water Quality Sub-Committee meetings held 25 August 2020.**
- 2 That Council request staff write to the State Emergency Operations Controller seeking clarity in regards to who is responsible agency in response to a Coastal Erosion event and report the response back to the Catchments and Coast Committee Brisbane Water.**
- 3 That Council adopt the revised Terms of Reference of the Catchments and Coast Committee – Tuggerah Lakes, as set out in Attachment 3 to this report.**

### Context

The Catchments and Coast Committee Brisbane Water and Gosford Lagoons held a meeting on 25 August 2020. The Meeting Record of that meeting is Attachment 1 to this report.

### Committee Recommendation:

*That Council note the need for further clarity on roles and responsibilities regarding coastal management, specifically with regard to emergency events such as coastal erosion and consider developing a Memorandum of Understanding (MOU) with relevant stakeholders to address this.*

### 3.6 Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons and Terrigal Water Quality Sub-Committee meetings held 25 August 2020 (contd)

---

#### Staff Comment:

As per the meeting minutes, the State Emergency Management Act 1989 (SERM Act) provides for some clarity regarding certain emergency roles and responsibilities, notably in regard to the role of the Local Emergency Operations Controller (LEOCON). In accordance with the SERM Act, the LEOCON must be a police officer stationed within the region in which the local government area is located, or, if that is not reasonably practicable, within a region that is, in the opinion of the Regional Emergency Operations Controller, nearby. The LEOCON however only leads the response to an emergency event following the opening of the Emergency Operations Centre (EOC) upon the request of the responsible agency.

The NSW State Emergency Management Plan (EMPLAN) does not specifically list Coastal Erosion as a type of emergency. The closest descriptor for this type of emergency within the EMPLAN is 'Storm and Tempest' where the responsible agency is listed as the NSW State Emergency Service (SES).

Notably, the EMPLAN also does not list local government as the responsible agency for any type of emergency event.

The Coastal Erosion Emergency Action Subplan for Wamberal-Terrigal Beach which forms part of the Gosford Beaches Coastal Zone Management Plan (CZMP) also acknowledges that Council's role in an event such as this is to support the SES. This CZMP was certified by the NSW Government under the former Coastal Protection Act 1979, and remains certified until the end of 2021 via provisions in the new legislation (Coastal Management Act 2016).

Section 9 of the Coastal Erosion Emergency Action Subplan for Wamberal-Terrigal Beach identifies the roles and responsibilities in coastal emergency management across a number of organisations. The following roles and responsibilities are identified for Council:

- Under the *Coastal Protection Act 1979*, Council is the designated coastal authority with responsibility for care of public land within its care, control and management. The carrying out (or authorising and coordinating) of coastal emergency protective works to protect public assets from coastal erosion and inundation is Council's role, if it chooses to undertake such measures.
- Council could choose to undertake physical erosion protection measures to protect public assets from coastal erosion and inundation if considered to be appropriate (assuming adequate environmental assessment had been carried out and the NSW Coastal Panel had been notified where appropriate).
- However, private landholders are responsible for private land. Council does not have a positive obligation to take particular action to protect private property



### 3.6 Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons and Terrigal Water Quality Sub-Committee meetings held 25 August 2020 (contd)

---

from erosion events. There is, however, a statutory obligation upon Council to consider any valid development application for erosion protection works which may be lodged by property owners.

- If a “Severe Weather Warning for Damaging Surf” or “Severe Weather Warning for Storm Tides” had been released or SES was mobilised in some other manner, Council would assist SES as required and where resources permit.
- If SES was not mobilised (e.g. if neither of the above warnings had been released by the Bureau of Meteorology), Council may undertake some of the activities that would otherwise be conducted by SES (where resources allow, although not obligated to), but note that Council cannot order evacuation. If required, Council could request SES taking on a Combat Agency role if an actual emergency was occurring.

It is recommended that staff seek clarity from the State Emergency Operations Controller as to who is recognised under the EMPLAN as the responsible agency for coastal erosion events.

#### **Committee Recommendation:**

That Council amend the adopted Terms of Reference to include a vision statement as follows:

*The vision of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons is:*

- *Clean, healthy, safe and environmentally sustainable beaches and waterways.*
- *Stakeholders near creeks, waterways, the coastline and coastal cliffs have minimal risks from flooding, storm events, instability and climate change.*

#### **Staff Comment:**

The Terms of Reference are at Attachment 3, with the suggested addition proposed by the Committee in bold and *italics*.

Staff support the Committee Recommendation.

The Terrigal Water Quality Sub-Committee also held a meeting on 25 August 2020. The Meeting Record of that meeting is Attachment 2 to this report.

There are no actions recommended to Council from the Terrigal Water Quality Sub-Committee. The Meeting Record is being reported for information only in accordance with the Terms of Reference.

### **3.6 Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons and Terrigal Water Quality Sub-Committee meetings held 25 August 2020 (contd)**

---

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

Theme 4: Responsible

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

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

#### **Attachments**

- |          |                                                                                                                       |           |
|----------|-----------------------------------------------------------------------------------------------------------------------|-----------|
| <b>1</b> | Catchments and Coast Committee Brisbane Water and Gosford Lagoons Meeting Record - 25 August 2020                     | D14189769 |
| <b>2</b> | Terrigal Water Quality Sub-Committee Meeting Record - 25 August 2020                                                  | D14182547 |
| <b>3</b> | Proposed Amended Terms of Reference - Catchments and Coast Committee Brisbane Water and Gosford Lagoons - August 2020 | D14190135 |

## Catchments and Coast Committee Brisbane Water and Gosford Lagoons Meeting Record 25 August 2020



Location:	Zoom Meeting	
Date:	25 August 2020	
Time	Started at: 2.03pm	Closed at: 4.07pm
Chair	Councillor Jane Smith	
File Ref	F2018/00097	

### Present

Councillor Jane Smith, Ian Carruthers, Andrew Jones, Michael Kilp, Jenny McCulla (joined 3.02pm), Adrian Williams, Samantha Willis, Michael Alsop (non-voting, joined 2.40pm)

### External Representatives present:

Neil Kelleher – Department of Planning, Industry and Environment, Emma Maratea – Rhelm (joined 2.20pm, left 3.38pm), Richard Murphy – Department of Planning, Industry and Environment, Peter Scanes – Department of Planning, Industry and Environment,

### Council Staff present:

Luke Sulkowski – Unit Manager Environmental Management, Ben Fullagar – Section Manager Catchments to Coast, James Lawson – Section Manager Environmental Infrastructure, Peter Sheath – Section Manager Flood Strategy and Planning, Parissa Ghanem – Team Leader Floodplain Management, Vanessa McCann – Team Leader Estuary Management, Warren Brown – Senior Estuary Management Officer, Kellie Langford – Senior Coastal Management Officer, Melanie James – Estuary Management Officer, Kristy McQueen – Estuary Management Officer, Zoie Magann – Advisory Group Support Officer

### Item 1 Welcome, Acknowledgement of Country and Apologies

---

Apologies received: Councillor Richard Merhtens

Councillor Jane Smith declared the meeting open and completed an Acknowledgement of Country and Connection to Land statement.

### Item 2 Disclosure of Interest

---

Jenny McCulla declared a less than significant non-pecuniary interest for Item 5 as a resident of Davistown, with regard to the floodplain management programs discussed.

### Item 3 Confirmation of Previous Meeting Record

---

The Advisory Group confirmed the Meeting Record from 20 May 2020



The Advisory Group reviewed the Action Log, noting all actions were listed for this meeting or the next.

#### **Item 4 Update on Coastal Management**

Ben Fullagar (Section Manager Catchments to Coast) provided a presentation on coastal management, noting recent events and project updates.

The below key points were noted:

- Update on scoping studies:
  - Open Coast and Coastal Lagoons: work underway by Royal Haskoning. Project Plan has been submitted – completion planned for September/October 2020.
  - Lower Hawkesbury w/ Brisbane Water Estuary: scoping study recently completed by consultant. Application for Coast and Estuary Grant to be made for next stage of Coastal Management Program (CMP).
  - Tuggerah Lakes Estuary: scoping study being completed in-house but supplemented with external specialists as required. Assisted by NSW Government Expert Panel.
- Lake Macquarie CMP: project being led by Lake Macquarie City Council, but incorporates southern parts of Lake Macquarie that are within Central Coast Council area. Staff participated in initial stakeholder forum and will be involved in ongoing development of CMP.
- Coastal erosion emergency and recovery at Wamberal and North Entrance:
  - Staff have been responding to coastal erosion emergencies at Wamberal Beach and North Entrance Beach (in northern part of LGA, but still discussed due to emergency status). The following updates were provided for both sites.
  - North Entrance Beach:
    - Emergency toe protection works have been completed at North Entrance, with placement of approximately 3,000 tonnes of large andesite rock at base of eroded dune.
    - It is anticipated that sand recovery will continue and largely cover the existing toe protection works. Some of the sand from upcoming dredging program will be used to nourish site.
    - Karagi Reserve carpark will remain closed as it is being used as a works compound.
    - Staff will carefully monitor site in coming months.
    - Council is assisting residents by writing to outline planning pathways, options and survey results. Property boundaries are being surveyed and staff continue to meet with relevant agencies to review approval processes. Development of CMP will also help achieve longer term results.
  - Wamberal Beach:
    - Part way through emergency toe protection works, which will continue in line with engineering advice and as weather and tide conditions allow safe access.
    - Rock bags were used initially, but remaining works can be completed using placement of large rocks as per coastal engineer advice. Approximately 4,000 tonne of rock expected to be used.
    - Beachfront remains closed near affected houses, as does Wamberal Surf Club carpark which is being used as a holding area for the works. Ocean View Drive is now open to through traffic as cranes are no longer required for rock placement.
    - Approximately 18 houses were evacuated – staff uncertain as to whether all residents have returned home yet or not.



- Noted there were limited options for access and ability to place protection materials at the site. Concerns raised about possibility of materials breaking down and entering ocean (e.g. plastics).
- The previous Coastal Zone Management Plan (CZMP) is being reviewed by Manly Hydraulics Laboratory with a view to explore options for coastal management moving forward. Expected that review will be complete by end of 2020.
- Community engagement is a priority – not just for residents but for wider community.
- Need to ensure CMP and any other related documents work together and relevant agencies have a consistent approach. There seems to be misunderstanding of position/ responsibility of various stakeholders involved in coastal management. Neil Kelleher (DPIE) noted the [State Emergency and Rescue Management Act 1989 \(SERM\)](#) provides provisions for clear roles and responsibilities.
- Staff noted that Council is not a designated emergency response agent, but supports and facilitates responsible agencies.
- A member raised concerns about when the CMP would be ready for review/consultation. Staff advised scoping study is currently being developed by consultant so not yet available.
- Other helpful links regarding coastal management:
  - <https://www.legislation.nsw.gov.au/#/view/act/2016/20>
  - <https://www.planning.nsw.gov.au/Policy-and-Legislation/Coastal-management>

**Action:** Staff to confirm if residents who were evacuated from homes in Wamberal Beach have all returned.

**Action:** Staff to check timeline of CMP progress and table key milestones at the next meeting, with a view to consider stages the Advisory Group could be involved in.

**Recommendation:** That Council note the need for further clarity on roles and responsibilities regarding coastal management, specifically with regard to emergency events such as coastal erosion, and consider developing a Memorandum of Understanding (MOU) with relevant stakeholders to address this.

## Item 5 Update on Flood and Stormwater Management

Peter Sheath (Section Manager Flood Strategy and Planning) introduced Emma Maratea from Rhelm. Emma provided a presentation on the draft Davistown and Empire Bay Floodplain Risk Management Study and Plan (FRMSP), which has been prepared for Council by Rhelm.

The below key points were noted:

- FRMSP recently completed and planned for public exhibition in October 2020. Study area includes Davistown, Empire Bay and Bensville.
- Various documents feed into draft FRMSP: Brisbane Water Flood Study 2010, Davistown Empire Bay Flood Studies 2010, Brisbane Water FRMS and FRMP 2015, Davistown and Empire Bay Climate Change Adaptation Study 2020.
- Flood risks are identified from assessment of existing flood data and community consultation.
- Key objective of associated Climate Change Adaptation Study is to maintain liveability of suburbs, improve drainage issues and protect against existing flood risks by raising ground levels to achieve minimum protection level of 1.5m AHD
- Noted that roadside swales become inundated as sea levels rise – works proposed in draft FRMSP consider landforms of each suburb and how flood waters discharge with regard to drainage easements.
- Recommended ground works include:



- Road and pathway improvements (Davistown)
- Implementation of foreshore barriers (Davistown and Empire Bay)
- Placement of drainage easements (Empire Bay)
- Recommended flood planning actions include:
  - Flood Planning Area = 1% AEP Extent including 30% increase in rainfall (catchment flooding only)
  - Flood Planning Level = 1% AEP + 0.5m Freeboard
  - Floor levels for sensitive, vulnerable or critical uses should be set at the higher of the PMF and FPL
  - Prepare seawall construction and maintenance guidelines
- Recommended emergency response actions:
  - Review of evacuation centres to consider flooded access roads
  - Improve flood education programs
  - Improve flood warning systems
- Noted that provisions of [Coastal Management SEPP](#) may apply to some proposed flood works.
- Concerns were raised about impact on Davistown wetlands and bird species. Staff noted there is no proposal to undertake works on the wetlands. There was a study undertaken to see if the wetlands could be moved, but options are limited in this area.
- Regarding seawall design, Peter Scanes (DPIE) noted Lake Macquarie City Council have commissioned work in this area so would be beneficial to review that rather than starting new investigations.
- Concern raised about previously proposed Davistown seawall not going ahead – noted there were limitations with regard to site access and impact on vegetation. Also questioned if seawall increases risk for properties adjacent but not behind barrier – noted this is not the case.
- Member suggested that interim drainage systems may be needed as any works recommended in FRMSP progress to reduce impact on nearby properties.
- Regarding development controls in place to protect growing flood risks, this matter was considered in the Brisbane Water Flood Study 2020 (which also considered future sea level rise) and in the Climate Change Adaptation Plan.

Staff noted they have received queries about voluntary house raising, and are consequently considering a scoping study to assess feasibility. Concerns were raised by members about responsibility of cost and lack of clarity. At this stage staff are only proposing to collect data from property owners to assess interest and the study itself is clear that there is no commitment of funds towards any potential voluntary house raising scheme. Given the initial concerns of the members, staff will defer progression of the proposed exercise to further consider and address these concerns.

**Action:** Staff to follow up on matter raised at previous meeting as it is ongoing: *Concerns were raised about excavation works happening in stormwater outlet in Hardys Bay. Staff were unable to provide info on the works but will follow up with relevant Council area.*

---

#### **Item 6                    Encroachment on Riparian Areas (Action 30)**

*Item deferred to next meeting due to insufficient time.*

---

#### **Item 7                    Progress Report on Dredging of Brisbane Water (Action 31)**

Ben Fullagar (Section Manager Catchments to Coast) provided an update on dredging at Ettalong.





The below key points were noted:

- There is \$1.45M funding in 2020/21 budget for completion of follow up dredging at Ettalong Channel in accordance with 'Rescuing our Waterways' funding agreement with NSW Government.
- Survey of channel depth currently being undertaken by contract surveyor – expected to be complete September 2020.
- Planning, environmental assessments, approvals and monitoring activities are also included in the funding agreement and are to be undertaken prior to any dredging.
- Concerns were raised about responsibility for dredging with regard to Ettalong Channel being identified as a 'Key Investment Location' in the NSW Coastal Dredging Strategy. Council has received legal advice that the Channel is Crown Land and is the responsibility of State Government.
- Noted that the Lower Hawkesbury/Brisbane Water Scoping Study will have impact on Ettalong Channel, as will the Erosion Management Study being conducted.

**Action:** Invitation to be sent to relevant State agency for a representative to attend next meeting with a view to clarify responsibility for dredging in Brisbane Water. Staff will have preliminary discussions with attendee before meeting to brief.

#### **Item 8 Vision for the Committee (Action 32)**

---

The Advisory Group discussed adoption of a vision as previously proposed:

- Clean, healthy, safe and environmentally sustainable beaches and waterways.
- Stakeholders near creeks, waterways, the coastline and coastal cliffs have minimal risks from flooding, storm events, instability and climate change.

The Advisory Group agreed this wording encompasses their vision and requested the Terms of Reference be updated to include a related statement.

**Recommendation:** That Council amend the adopted Terms of Reference to include a vision statement as follows:

*The vision of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons is:*

- *Clean, healthy, safe and environmentally sustainable beaches and waterways.*
- *Stakeholders near creeks, waterways, the coastline and coastal cliffs have minimal risks from flooding, storm events, instability and climate change.*

#### **Item 9 General Business and Close**

---

It was noted several policies were referred to Council for revocation at the 24 August 2020 Council Meeting as part of the Policy Project. Councillor Jane Smith requested the following two policies come to the Advisory Group for consideration:

- a. Section 149 Certificate - Natural and Other Hazards Encoding Policy
- b. Setbacks Policy for Creeks, Rivers & Lagoons

**Action:** Advisory Group Support Officer to circulate meeting papers about policies being considered for revocation to Advisory Group members for review, and add item to agenda for next meeting.

Catchments and Coast Committee Brisbane Water and Gosford Lagoons Meeting Record  
25 August 2020



The meeting closed at 4.07pm

**Next Meeting:           Tuesday 24 November 2020**  
**2pm – 4pm**  
**Location TBC**



# Terrigal Water Quality Sub-Committee Meeting Record 25 August 2020



Location:	Zoom Meeting	
Date:	25 August 2020	
Time	Started at: 4.11pm	Closed at: 5.15pm
Chair	Councillor Jane Smith	
File Ref	F2018/00097	

**Present:**

Councillor Jane Smith, Troy Gaston – University of Newcastle, Petra Horwood – Terrigal Haven Supporters Group, Colin Johnson – Department of Planning, Industry and Environment, Neil Kelleher – Department of Planning, Industry and Environment (left 5.03pm), Laurie Lewington – Terrigal Sea Urchins, David Mylan – Terrigal Haven Supporters Group, Jaimie Potts – Department of Planning, Industry and Environment, Peter Scanes – Department of Planning, Industry and Environment, Samantha Willis – Central Coast Waterwatch

**Catchments and Coast Committee Members present:**

Andrew Johns

**Council Staff present:**

Luke Sulkowski – Unit Manager Environmental Management, Ben Fullagar – Section Manager Catchments to Coast, Vanessa McCann – Team Leader Estuary Management, Warren Brown – Senior Estuary Management Officer, Kellie Langford – Senior Coastal Management Officer, Melanie James – Waterways Officer, Arun Looman – Environmental Monitoring Officer, Kristy McQueen – Estuary Management Officer, Zoie Magann – Advisory Group Support Officer

**Item 1 Welcome, Acknowledgment of Country and Apologies**

---

Apologies received: Councillor Jeff Sundstrom

Councillor Jane Smith declared the meeting open and completed an Acknowledgement of Country and Connection to Land statement.

**Item 2 Disclosures of Interest**

---

No disclosures were made.

Terrigal Water Quality Sub-Committee Meeting Record  
25 August 2020



---

**Item 3 Confirmation of Previous Meeting Record**

---

The Sub-Committee reviewed the Meeting Record from 20 May 2020.

The Sub-Committee reviewed the Action Log, noting there are no outstanding actions.

---

**Item 4 Update from State Government**

---

Colin Johnson (Department of Planning, Industry and Environment - DPIE) provided an update on the State Government's involvement in the Terrigal Water Quality Audit.

The following key points were noted:

- Audit is still in Phase 2: Major investigations and cost benefit analysis.
- Multiple reports have been completed in partnership between DPIE, Council and UTS – release dates are yet to be confirmed. The only report released to date is [Microbial source-tracking in NSW coastal habitats \(UTS technical report\)](#).
- The major findings of above report address key questions generated by Audit:
  - Source of enterococci levels are largely human, with limited markers of dog and bird.
  - Water quality is typically good in swimming waters in dry weather.
  - Flowing stormwater from the 7 drains are major entry point for sewage contamination, as well as lagoon when opened following/during rain (note: this report pre-dates remedial work for sewer infrastructure that has since been completed in catchment)
  - In wet weather the sewage signature in stormwater outlets increased and was detectable in adjacent swimming waters and in Terrigal lagoon outflow.
  - Enterococci levels decrease within 3 days following rain.
- Circulation model developed shows that low wave energy and low current speed in the Haven allows fine particles to accumulate on the seabed until removed by big seas.
- Water clarity/turbidity is also being examined. There are two identified causes of turbidity – microalgae and sediments.
- Sediment survey completed to check if pollution is accumulating in sediments – no evidence of harmful contaminants found.
- A summary report is being prepared for community information which will provide brief history of water quality issues, explain when and where water quality is poor, and identify causes of microbial pollution and any other pollution.

---

**Item 5 Update on Terrigal Water Quality Audit Program**

---

Melanie James (Waterways Officer) provided a recap and update on the Terrigal Water Quality Audit Program and Council's involvement to date.

The following key points were noted:

- There has been significant progress made on sewer network remediation works. Details will be included in the next Audit report in November 2020, but is currently confidential. Noted that stormwater investigations are complex and take time to complete.
- The Audit program is fully funded, and infrastructure issues will be fixed by Council. Additional budget is managed by the NSW Government as part of the partnership investigations.

Terrigal Water Quality Sub-Committee Meeting Record  
25 August 2020



- Staff reviewed the suggestions made by Terrigal Haven Supporters with regard to opportunities for engagement with the community – responses were provided back to David and Petra with thanks for their ideas.
- The [social pinpoint map](#) continues to be updated, as does the engagement page for the Audit: [www.yourvoiceourcoast.com/tcla](http://www.yourvoiceourcoast.com/tcla)
- There has been a change in project management for the Audit. An Environmental Monitoring Officer (Arun Looman) has been engaged to address the water quality and reporting aspects, and will work with Water and Sewer who are doing the Project Management component.

The Sub-Committee thanked Council staff and the DPIE representatives for their ongoing efforts with the Audit. Councillor Jane Smith also thanked the community members for their interest in improving water quality in Terrigal and working with stakeholders.

#### **Item 6                    General Business and Close**

a) The Sub-Committee noted the below resolutions from the Council Meeting held 27 July 2020:

- |               |                                                                                                                                                                                                                                                                                                                            |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>702/20</i> | <i>That Council extend the tenure of the Terrigal Water Quality Sub-Committee to the end of July 2021, with the next meeting to be scheduled for August 2020.</i>                                                                                                                                                          |
| <i>703/20</i> | <i>That the frequency of future meetings be further discussed at the August 2020 meeting of the Terrigal Water Quality Sub-Committee, and that discussions consider that the frequency of the meeting be changed to twice yearly to align with the twice-yearly report on the audit that is prepared by Council staff.</i> |

The Sub-Committee confirmed they are happy to move to twice-yearly meetings to align with the audit reports as proposed by Resolution 703/20, noting the next meeting would be November 2020 and then May 2021.

b) Petra Horwood noted she is involved in a project to reduce plastic in waterways, with regard to the use of single use coffee cups by businesses in Terrigal (reusable cups no longer in use due to COVID-19). Petra will discuss this matter offline with Councillor Jane Smith as it is not related to work of the Sub-Committee.

The meeting closed at 5.15pm

**Next Meetings:**        **24 November 2020**  
                                   **4pm – 5pm**  
                                   **Location TBC**

**May 2021 (TBC)**  
                                   **4pm – 5pm**  
                                   **Location TBC**

## Terms of Reference - Catchments and Coast Committee – Brisbane Water and Gosford Lagoons

### 1. Role

Central Coast Council has an adopted Community Strategic Plan and Delivery Plan that will shape all activities and projects over the next four years. Council's Advisory Groups are an important mechanism for consultation, advice and feedback to Council staff on implementation and review of the Community Strategic Plan.

The role of the Catchments and Coast Committee – Brisbane Water and Gosford Lagoons, (the Advisory Group) is to advise Council and staff on all matters relating to Council's responsibilities in relation to sustainable management of its coastal, estuarine, waterways, catchment and flood liable areas.

### 2. Vision

***The vision of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons is:***

- ***Clean, healthy, safe and environmentally sustainable beaches and waterways***
- ***Stakeholders near creeks, waterways, the coastline and coastal cliffs have minimal risks from flooding, storm events, instability and climate change.***

### 3. Responsibilities

The Advisory Group is responsible for providing advice and feedback to Council and staff on:

- Ensuring that current community values are considered in the development of local floodplain risk, estuary and coastal zone management planning
- Identify the flood, coastal and estuary health problem areas to be assessed and provide input into known hazard behaviour
- In undertaking the Advisory Group's duties, include sustainable climate change adaptation actions based upon widely accepted competent scientific opinion. In the implementation of this duty ensure consistency with Council's Climate Change Policy
- Support and promote public education and other community focused programs essential to the long-term viability of the flood, estuary and coastal zone risk management plans
- Monitoring and assessing the effectiveness of local management plans during and after their implementation
- Promoting linkages and co-operation between the community, Council, State and Federal Governments, and other key stakeholders in the development and implementation of coastal, estuarine, catchment and floodplain management studies and plans
- Advising on associated funding, capital works, maintenance and operations, environmental protection, social and economic opportunities, financial sustainability, planning instruments, land management, community education, or associated policies, strategies or legislation
- Support, promote and liaise with relevant authorities in the development of emergency management and catchment management strategies

Page 1 of 5

\*Updated to reflect 23 September 2019 Mayoral Election (page 2)

\*\*Updated to reflect Council resolution 1115/19 from 11 November 2019 meeting (page 4)

## Terms of Reference - Catchments and Coast Committee – Brisbane Water and Gosford Lagoons

### 4. Membership, Chairperson and Voting

#### Membership

Councillors:	Councillor Mehrtens	Voting Member
	Councillor Smith (Chair)*	Voting Member

Community Members:	Mr Ian Carruthers	Voting Member
	Mr Andrew Jones	Voting Member
	Mr Michael Kilp	Voting Member
	Ms Jenny McCulla	Voting Member
	Mr Adrian Williams	Voting Member
	Ms Samantha Willis	Voting Member

#### Additional Representation (non-voting):

- Representatives from the NSW Office of Environment and Heritage (x2)

#### Participation by invitation:

- NSW State Emergency Service
- NSW Department of Primary Industries (Fishing and Aquaculture)
- NSW Hunter/Central Rivers CMA
- NSW Land and Property Information
- NSW Roads and Maritime Services
- Local Aboriginal Community Representative
- Commercial Fishing Representative

Community representatives shall be appointed by resolution of Council following advertisement for nominations. Nominations are to be in writing and will be circulated in full to Councillors for evaluation and consideration. The Advisory Group is not involved in the evaluation or selection process, this is a matter for Council.

The staff holding the following Central Coast Council positions may attend Advisory Group meetings:

- Director, Environment and Planning
- Unit Manager, Waterways and Coastal Protection
- Sectional Manager, Coastal Protection
- Section Manager, Waterways

\*Updated to reflect 23 September 2019 Mayoral Election (page 2)

\*\*Updated to reflect Council resolution 1115/19 from 11 November 2019 meeting (page 4)

## Terms of Reference - Catchments and Coast Committee – Brisbane Water and Gosford Lagoons

Council officers will provide professional advice and administrative support. Employees of the Council are not subject to the direction of the Advisory Group or any members of it. Staff attendance is at the discretion of the Chief Executive Officer.

Non-staff members are appointed to the Advisory Group for the remainder of the current Council term, although membership can be altered at any time by a resolution of Council.

Membership can be withdrawn by resolution of Council.

If a member misses three consecutive meetings without apology, their membership may be withdrawn, and their position deemed vacant.

### *Casual Vacancy*

A casual vacancy is caused by the resignation or death of a member or the withdrawal of membership. To fill a casual vacancy:

- The Advisory Group staff contact will report the vacancy to the Advisory Group and then at the next available Council meeting.
- If the member was nominated as a representative of an organisation, it will be recommended that the organisation be invited to nominate a replacement member.
- If the member was nominated as an individual, the original Expressions of Interest will be reviewed to identify an appropriate replacement member.
- Where there are no appropriate alternate nominations, Expressions of Interest will be called for to replace the member.
- Where the vacancy occurs within nine (9) months of the end of the term of the Advisory Group, the vacancy will not be filled.

### *Chairperson*

The Chairperson is a Councillor.

The Chairperson is to have precedence at the meeting and shall determine the order of proceedings, generally as set out in the Agenda.

It is not necessary that the Chairperson be a member of the Advisory Group.

Where the Mayor is appointed to be a delegate to an Advisory Group, it is not necessary that the Mayor be the Chairperson.

### *Convenor*

A Central Coast Council staff position shall be nominated as convenor by the Chief Executive Officer. They will be a staff member responsible for coordinating the preparation of agendas, invitations and minutes.

\*Updated to reflect 23 September 2019 Mayoral Election (page 2)

\*\*Updated to reflect Council resolution 1115/19 from 11 November 2019 meeting (page 4)



## Terms of Reference - Catchments and Coast Committee – Brisbane Water and Gosford Lagoons

The Unit Manager, Waterways and Coastal Protection shall be the convenor of the Catchments and Coast Committee – Brisbane Water and Gosford Lagoons.

### *Voting*

No formal voting rules apply.

As the Advisory Group has an advisory role, its recommendations are to be made by consensus. Where consensus cannot be reached, a vote may be taken at the request of the Chair. The vote will be carried by a majority of voting members. The minutes will reflect this process.

Council is the decision making body and the Advisory Group provides recommendations for consideration.

The Advisory Group may agree to allow participation in meetings through conference calls and other technology.

As no formal voting rules apply, there is no proxy voting. The Quorum for a meeting is half the voting non-Councillor representatives and at least one Councillor. However the Chairperson shall use their discretion to determine if a meeting should be postponed due to insufficient members being able to attend.

### 5. Meetings

- Meetings are held quarterly
- The Chairperson has the authority to call additional meetings
- The Agenda and meeting papers will be distributed to members at least three days prior to the meeting
- Meetings will be recorded by the taking of minutes. The minutes are a record of agreed outcomes and do not record discussion.

### 6. Communications and reporting

The agendas and minutes of the Advisory Group will be stored as a permanent record of Council. All agendas and minutes will be published on Council's website.

Where the Advisory Group recommends an action that is outside the delegation of staff to determine a report will be provided to Council.

Staff will prepare the report that recommends that the Council note the minutes of the Advisory Group. Reporting of Advisory Group recommendations to Council will be reported as Committee Recommendations without change. Staff will also provide professional commentary on the Advisory Group's recommendation where appropriate, and provide a staff recommendation which may or may not align to that of the Group. The Council may,

\*Updated to reflect 23 September 2019 Mayoral Election (page 2)

\*\*Updated to reflect Council resolution 1115/19 from 11 November 2019 meeting (page 4)

## Terms of Reference - Catchments and Coast Committee – Brisbane Water and Gosford Lagoons

at its discretion, resolve to adopt some or all of the Advisory Group's recommendations and advice.

Where the Advisory Group has not recommended an action, the minutes will be reported to Council as an Information Report only.

### 7. Conduct

Members of the Advisory Group will be provided with Council's adopted Code of Conduct. Conduct of members is expected to be consistent with the principles outlined in the Code of Conduct.

Members of the Advisory Group are not permitted to speak to the media or make representations on social media on behalf of the Advisory Group or Council unless approved by Council.

\*Updated to reflect 23 September 2019 Mayoral Election (page 2)

\*\*Updated to reflect Council resolution 1115/19 from 11 November 2019 meeting (page 4)





**Item No:** 4.1  
**Title:** Meeting Record for the Catchments and Coast Committee Tuggerah Lakes meeting held on 26 August 2020  
**Department:** Environment and Planning

---

12 October 2020 Ordinary Council Meeting

Reference: F2018/00098 - D14189716  
Manager: Luke Sulkowski, Unit Manager, Environmental Management  
Executive: Scott Cox, Director Environment and Planning

### **Summary**

The purpose of this report is for Council to note the Meeting Record of the Catchments and Coast Committee Tuggerah Lakes meeting held on 26 August 2020.

### **Recommendation**

***That Council receive the report on Meeting Record for the Catchments and Coast Committee Tuggerah Lakes meeting held on 26 August 2020.***

### **Background**

The Catchments and Coast Committee Tuggerah Lakes held a meeting on 26 August 2020. The Meeting Record of that meeting is Attachment 1 to this report.

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

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

Theme 4: Responsible

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

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

### **Attachments**

- 1 Catchments and Coast Committee Tuggerah Lakes Meeting Record - 26 August 2020 D14189686

# Catchments and Coast Committee Tuggerah Lakes Meeting Record 26 August 2020



Location:	Zoom Meeting	
Date:	26 August 2020	
Time	Started at: 2.02pm	Closed at: 4.04pm
Chair	Councillor Doug Vincent	
File Ref	F2018/00098	

**Present:**

Councillor Louise Greenaway, Councillor Jane Smith, Councillor Doug Vincent, Doug Darlington, Graham Hankin, Robert Davies, Samantha Willis

**External Representatives present:**

Sarah Conacher – Department of Primary Industries Fisheries (left 2.16pm), Neil Kelleher – Department of Planning, Industry and Environment (left 2.31pm), Richard Murphy – Department of Planning, Industry and Environment

**Council Staff present:**

Luke Sulkowski – Unit Manager Environmental Management, Ben Fullagar – Section Manager Catchments to Coast (left 2.33pm, joined 3pm), James Lawson – Section Manager Environmental Infrastructure, Peter Sheath – Section Manager Flood Strategy and Planning, Parissa Ghanem – Team Leader Floodplain Management, Vanessa McCann – Team Leader Estuary Management (left 3.15pm, joined 3.30pm), Paul Donaldson – Senior Estuary Management Officer, Zoie Magann – Advisory Group Support Officer

**Item 1 Welcome, Acknowledgement of Country and Apologies**

Apologies received: Councillor Jilly Pilon, Marlene Pennings

Councillor Doug Vincent welcomed the Advisory Group and completed an Acknowledgement of Country.

**Item 2 Disclosures of Interest**

No disclosures were noted.

**Item 3 Confirmation of Previous Meeting Record**

*Item deferred to follow discussion of wrack (General Business) and Item 8, as Sarah Conacher (DPI Fisheries) and Neil Kelleher (DPIE) had to leave the meeting early for other commitments.*

Catchments and Coast Committee – Tuggerah Lakes Meeting Record  
26 August 2020



The Advisory Group confirmed the Meeting Record from 24 June 2020. Councillor Louise Greenaway noted she was absent without apology for the last meeting and apologised for this.

Graham Hankin requested the flood projects being considered for grants (as noted in Item 5 of the previous Meeting Record), be noted as part of this Meeting Record.

Councillor Doug Vincent asked for an update on flood markers as requested at the previous meeting. Staff advised they have met with SES and BOM staff to discuss the matter and are still considering options. An update and concept plans will come to the next meeting, noting Graham Hankin will provide an example for consideration.

**Action:** Graham Hankin to email flood marker proposal to Advisory Group Support Officer for passing on to staff for consideration, with view to bring concept designs to next meeting.

#### **Item 4 Feedback from Previous Meeting**

---

No feedback was provided.

#### **Item 5 Update on Flood and Stormwater Management**

---

Peter Sheath (Section Manager) provided a presentation on current flood and stormwater management items in the northern LGA, noting updates for Floodplain Risk Management Study and Plans (FRMSP).

The below key points were noted:

- Flood project update:
  - Wallarah Creek and Killarney Vale/Long Jetty FRMSP: public exhibition complete. 7 submissions received for both drafts – staff will review submissions and prepare report for Council consideration.
  - Lake Macquarie Overland Flood Study: almost complete – consultant is reviewing data and considering comments by Council and other organisations (SES and DPIE).
  - Northern Lakes FRMSP: summary of consultant shortlisted options provided. Document to be placed on public exhibition in October 2020, following opportunity for Advisory Group members to provide comment via email (by Friday 4 September 2020). Noted it's important for name to correctly reflect scope – suggest adding sub-heading "Plan in response to overland flooding".
  - Staff noted challenges with progressing FRMSP due to length of time taken for adoption and requirement to meet milestones for grant funding. Opportunities are being considered by staff about how to fast track process.
- Grant applications pending with DPIE for following projects:
  - Review and update of Tuggerah Lakes Flood Study
  - Development of Tuggerah Lakes Flood Safe Strategy
  - Adaptation planning for Chittaway Point and Chittaway Bay
- Porters Creek Wetland: consultant engaged and data review underway. Monitoring program to be designed and implemented with regard to protection works.
- Gross Pollutant Traps (GPTs) update: Gorokan GPT now complete. 20/21 projects include install at Gwandalan, upgrades in Blue haven and Buff Point, SQID designs at Blue Haven and San Remo. Noted above ground devices are much easier to clean and maintain than below ground.



- Kangy Angy flood modelling: report is being prepared for Council regarding rail facility – noted similar study was recently completed by Transport NSW.
- Noted there is often information/presentations repeated across the two Catchment and Coast Committees (North and South) – suggested it may be worthwhile to hold combined meetings to cover shared interests. Also noted possibility of a designated Floodplain Management Committee.
- Importance of meeting grant milestones was raised with regard to adoption of FRMSPs. If milestones are not met in time and Council adoption is delayed, DPIE may not provide funding approval.

**Action:** Advisory Group members to review Draft Northern Lakes FRMSP as previously provided by email, and provide any comments by Friday 4 September 2020.

**Action:** Staff to provide presentation on Kangy Angy Transport NSW Flood Study at next meeting.

**Action:** Convenor and Chairs for Catchments and Coast Committee to meet offline to discuss options for combined meetings of the Advisory Groups.

#### **Item 6 Update on Coastal Management**

*Item deferred due to insufficient time. Vanessa McCann (Team Leader Estuary Management) provided a quick update on key items as below.*

- Tuggerah Lakes Estuary Management Plan has been released: <https://www.centralcoast.nsw.gov.au/council/news/media-releases/summary-report-on-outcomes-tuggerah-lakes-estuary-management-plan-emp> (further info to be provided at next meeting).
- Water Report Card won NSW Local Government's RH Dougherty Award for category "reporting to your community" (for LGAs over 70,000 people).
- The Advisory Group acknowledged work undertaken with regard to education about Tuggerah Lakes and estuary management.

**Action:** Staff presentations to be circulated to Advisory Group members for their information (consider providing audio commentary for presentations missed).

#### **Item 7 Update on Dredging**

*Item brought forward to follow Item 5. Followed by Item 6 (deferred).*

Luke Sulkowski (Unit Manager Environmental Management) provided a brief verbal update on dredging at The Entrance.

The below key points were noted:

- Grant provided under "Rescuing our Waterways" program.
- EPA previously issued prevention notice in November 2018 noting sand couldn't be removed from The Entrance Channel to Karagi Sandspit. Main concern was total suspended solids and turbidity being transferred to ocean waters (chemical or physical change being caused to receiving waters can be considered pollution).
- EPA advised prevention notice lifted as of 7 August 2020 along with terms of revised licence provided.
- Royal Haskoning and coastal engineers engaged to develop dredging program – expected to physically commence in September 2020 pending approvals.



- Staff exploring option of establishing dewatering area within channel to allow dredged sand to be used for beach nourishment at North Entrance Beach following recent erosion emergency.
- Noted consideration must be given to Little Tern habitat in region, as species is endangered.
- Staff noted with the significant environmental constraints, the program is likely to look different to previous programs and that staff are finalising plans in order to maximise delivery within these constraints.

#### **Item 8 Coastal Erosion Update – The Entrance North**

*Item brought forward to follow wrack update (General Business). Followed by Item 3. It was proposed this item would be returned to for an update on coastal erosion, but there was insufficient time.*

Neil Kelleher (DPIE) provided an overview of protective work options and coastal stabilisation techniques as requested at the previous meeting.

The below key points were noted:

- In extreme cases storm waves can strip sand from beach and expose toe structure, resulting in reduction of beach amenity.
- Protective work options include:
  - Seawalls: structure built parallel to beach along shoreline to limit coastal erosion and impact on properties. Different materials and format can be used depending on requirement.
  - Sandbags (geotextile containers): often suggested as cost effective and easier to construct than other options, but not effective on open coast due to coastal waves.
  - Groynes: structure built perpendicular to beach to trap sand carried by longshore drift.
  - Offshore breakwaters: structure built parallel to beach but some distance offshore – may be above water or submerged. Purpose is to limit waves hitting shore, but may cause downdrift erosion.
  - Beach nourishment: mechanical placement of sand on receding coastline. May be undertaken in conjunction with other methods. Requires identification of sources that will allow regular maintenance of beach sand volumes. Vegetation can be incorporated (doesn't provide barrier for waves, but helps keep windblown sand on beach).
  - Noted that modelling can be undertaken to examine options
- Link for some videos about coastal management:  
<https://www.newcastle.nsw.gov.au/living/environment/environmental-education/natural-connection>

**Action:** "Coastal Erosion Update – The Entrance North" to be added to agenda for next meeting, or staff to circulate memo/presentation for Advisory Group information.

#### **Item 9 General Business and Close**

a) *This Item was brought forward to follow Item 2. Followed by Item 8.*

Wrack update: Sarah Conacher (DPI Fisheries) advised Fisheries are investigating options to issue community groups with permit to allow removal of wrack in Tuggerah Lakes. Noted there will be conditions that apply and many things to consider (i.e. limits on wrack to be removed, applicable sites, by-catch, training to ensure correct procedures). Expected that permit will be provided for initial term of 12 months, subject to review by Fisheries. Council's role in matter is to be determined, but suggested Council may be able to assist with wrack collection and disposal.



Catchments and Coast Committee – Tuggerah Lakes Meeting Record  
26 August 2020



**Action:** Sarah Conacher (Fisheries) to provide draft permit to Advisory Group for review, prior to further discussion at the next applicable Advisory Group meeting.

- b) Suggested that a link to Floods Near Me NSW App be shared on Council's website given it's a valuable resource that reproduces live data from BOM.

**Action:** Staff to explore option for including Floods Near Me NSW App on Council's website.

- c) Concerns noted that the cliff near Norah Head Lighthouse is being undercut with regard to rock fall and tourists visiting area. Matter already raised with Crown Lands – Staff support meeting with Norah Head Lighthouse Reserve Management Board and Crown Lands to discuss matter offline if required.

- d) Several policies were referred to Council for revocation at the 24 August 2020 Council Meeting as part of the Policy Project. Councillor Jane Smith requested the following two policies come to the Advisory Group for consideration:

- Section 149 Certificate - Natural and Other Hazards Encoding Policy
- Setbacks Policy for Creeks, Rivers & Lagoons

**Action:** Advisory Group Support Officer to circulate meeting papers about policies being considered for revocation to Advisory Group members for review, and add item to agenda for next meeting.

- e) Complaints have been received from a community member regarding access to FRMSP on public exhibition at libraries. Staff advised they have tried to contact the community member multiple times and will continue to follow up to ensure access to plans is provided. Staff also advised they already planned to personally visit this community member and support them in understanding the FRMSP.

**Action:** Staff to follow up with community member regarding access to FRMSP to ensure feedback is captured as part of public exhibition process.

- f) Good news story: water clarity in Budgewoi Lake has improved drastically.

- g) The Chair requested meeting frequency be reconsidered, given time often runs out in meetings. It was noted the Advisory Group already meets every second month, and increased meetings would have a significant impact on staff resources. Matter to be further discussed between Convenor and Chair as part of meeting action from Item 5.

The meeting closed at 4.04pm

**Next Meeting:**           **Wednesday 21 October 2020**  
                                  **4pm – 6pm**  
                                  **Location TBC**



**Item No:** 4.2  
**Title:** Meeting Record of the Gosford CBD and Waterfront Advisory Committee meeting held 13 August 2020  
**Department:** Innovation and Futures

---

12 October 2020 Ordinary Council Meeting

Reference: F2018/00101 - D14179993

Executive: Ricardo Martello, Executive Manager Innovation and Futures

### **Summary**

The purpose of this report is to note the Meeting Record of the Gosford CBD and Waterfront Advisory Committee meeting held on 13 August 2020.

### **Recommendation**

***That Council receive the report on Meeting Record of the Gosford CBD and Waterfront Advisory Committee meeting held 13 August 2020.***

### **Background**

The Gosford CBD and Waterfront Advisory Committee held a meeting on 13 August 2020. The Meeting Record of that meeting is Attachment 1 to this report.

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

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

Theme 4: Responsible

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

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

### **Attachments**

- |          |                                                                               |           |
|----------|-------------------------------------------------------------------------------|-----------|
| <b>1</b> | Gosford CBD and Waterfront Advisory Committee Meeting Record - 13 August 2020 | D14179848 |
|----------|-------------------------------------------------------------------------------|-----------|

# Gosford CBD and Waterfront Advisory Committee Meeting Record 13 August 2020



Location:	Zoom Meeting	
Date:	13 August 2020	
Time	Started at: 4.34pm	Closed at: 6.18pm
Chair	Councillor Jane Smith	
File Ref	F2018/00101	

**Present:**

Councillor Louise Greenaway, Councillor Chris Holstein, Councillor Jane Smith, Michael Conroy, Joy Cooper, Dianne Haydon, Chris Krogh, Edwina Nikora (left 6.05pm)

**External Representatives:**

Dr Brok Glenn – University of Newcastle (left 4.56pm), Nicola Robinson – Central Coast Regional Development Corporation (left 5.10pm)

**Council Staff present:**

Jamie Barclay – Unit Manager Economic Development and Project Delivery, Glenn Cannard – Unit Manager Community Partnerships, Jared Phillips – Section Manager City Planning and Design, Zoie Magann – Advisory Group Support Officer

**Item 1 Apologies and Acknowledgement of Country**

Apologies received: Councillor Rebecca Gale, Councillor Kyle MacGregor, Councillor Richard Mehrtens, Rod Dever, Caine King – Urban Development Institute of Australia Central Coast Branch, Michael Papadopoulos – Roads and Maritime Services

Councillor Jane Smith welcomed the Advisory Group and completed an Acknowledgement of Country and Connection to Land statement.

**Item 2 Disclosures of Interest**

No disclosures were received.

**Item 3 Confirmation of Previous Meeting Record**

*This item was deferred to follow Item 4.*

The Advisory Group confirmed the Meeting Record from 14 May 2020.

The Advisory Group discussed the Action Log.



Gosford CBD and Waterfront Advisory Committee Meeting Record  
13 August 2020



Regarding the Gosford waterfront, Advisory Group members sought clarification about what is included in the Government Architect Plan in contrast to the State Environmental Planning Policy (SEPP). It was also questioned whether the waterfront is still considered a State Significant Site.

**Action:** Staff to provide memo to clarify status of Gosford waterfront with regard to what is/isn't allowed in accordance with the SEPP. Memo also to clarify if waterfront is still a State Significant Site, and if not when did the classification cease.

#### **Item 4 Regional Campuses of University of Newcastle (Action 52)**

---

*This item was moved forward to follow Item 2.*

Dr Brok Glenn (Dean of Regional Campuses, University of Newcastle) provided a presentation on regional campuses of the University of Newcastle (UoN), with regard to the Central Coast Clinical School and Research Institute and Gosford Campus proposal.

The following key points were noted:

- Central Coast Clinical School and Research Institute has been built adjacent to Gosford Hospital as a partnership between UoN and Central Coast Local Health District – hoping to commence in 2021.
- Approximately 600 nursing students will be moved from the Ourimbah Campus to the Clinical School to complete their medical degrees.
- Focus area of Research Institute is integrated care, which is quite different to other institutes and presents great opportunity for economic value, but also professional and academic value for the Central Coast.
- UoN is also looking to develop a new regional campus in Gosford (Gosford Campus Proposal), which will contribute to the revitalisation of the region by providing a valuable community asset for the Central Coast. The campus is intended to have 2,500 student capacity built over five years.
- Gosford Campus Proposal to be funded by State and Federal Government, in partnership with UoN.
- There is a lack of affordable accommodation on the Coast – Gosford Campus Proposal includes capacity for student accommodation on campus (250 students to be accommodated).
- In excess of 40,000 people leave the Central Coast for work, meaning it is important to provide facilities to retain people in the region. A campus at the centre of urban site provides great opportunity for driving economic impact.
- Staff and student profile for regional campuses will likely be mix of local, domestic and international.
- Ourimbah Campus will be reimagined following development of further regional campuses. Enabling and vocational pathways will be strengthened, as UoN works closely with Tafe NSW to assist and attract students from all background to consider tertiary education.
- Impact of COVID-19 on timeframe: risk management is being considered with regard to construction and UoN are working closely with project stakeholders. Confident that builders have effective processes in place to address health and safety.

#### **Item 5 Update on Draft Parking Strategy (Action 50)**

---

Jamie Barclay (Unit Manager Economic Development and Project Delivery) provided an update on the draft Parking Strategy.



The following key points were noted:

- The Car Parking Study and Implementation Plan was recently on public exhibition and can be found on the [yourvoiceourcoast](http://yourvoiceourcoast) page. In the meeting it was noted exhibition closes end of August 2020, however the website states 16 August 2020.
- The study identified there are a range of issues to address in Gosford with regard to parking, namely the demand for spots and use by commuters.
- There was \$30 million Federal funding recently announced for development of Gosford parking. Staff are communicating with the Federal Government and need to confirm a preferred site for a parking lot. Project is expected to provide additional 500 car spots in Gosford.
- Some parking initiatives have already been implemented as follows:
  - Total of 360 spots provided as part of short-term goals for parking (finished just before COVID so usage hasn't been high)
  - 200 new spots near tennis court on Racecourse Road
  - Smart cameras installed in Gosford CBD to report vacant spots via Park'n Pay app (NSW Government). Noted that Council has no intention to charge for parking – app is used as State Government standard.
  - Line marking at Adcock Park
  - Bus service in Gosford CBD that loops city centre
- COVID and increase in people working from home has resulted in reduced need for parking. Baker St carpark reported they are no longer reaching capacity. There has been a distinct drop in train usage resulting in lower commuter demand. Many businesses are doing reduced hours and there are less people around so local demand for parking has also significantly decreased.
- Noted that work climate will likely be different post COVID. Concerns were raised that large parking investments may result in unnecessary infrastructure / spending. Staff confirmed they are mindful of these issues, likewise that staging of projects will need to be considered.
- It was suggested it may be beneficial to construct parking that can easily be converted to something else if not required, such as affordable housing.
- A member had concerns that Adcock Park and the tennis courts on Racecourse Road are Crown Land identified for public recreation and that parking developments are not allowed. It was noted that parking is ancillary to the sites and does not impact recreation. Works at tennis courts also included pathways and a bus stop, meaning the site has been improved for recreational use.

**Action:** Staff to confirm if Crown Land can be developed for parking, whether the use is ancillary or not.

**Action:** Update on recommendations for Gosford as result of Car Parking Study and Implementation Plan to come back to Advisory Group when available.

#### **Item 6 Update on Place Plan for Kibble Park (Action 44)**

Glenn Cannard (Unit Manager Community Partnerships) provided a presentation on the Place Plan for Kibble Park. It was noted the presentation was an abridged version provided by the consultant, which members may have already seen through previous engagement.

The following key points were noted:

- There has been good response to first round of engagement, especially considering COVID. Feedback was collected through 91 surveys, 54 comments, 738 votes, 10 interviews, and 500+ social media/online responses.
- Engagement identified there are 5 key themes for what the community would like to see from project:

Gosford CBD and Waterfront Advisory Committee Meeting Record  
13 August 2020



- Safe, inclusive and welcoming place
- Green living room for play and relaxation
- Civic heart with good flow and active edges
- Place for stories and making memories
- Dynamic and flexible space for community gathering
- Things that are currently working for Kibble Park:
  - Central location
  - Simple places for respite
  - Multi-function capabilities
- Things that are currently not working for Kibble Park:
  - Poor sense of safety
  - Lack of relationship to business, and wider Gosford centre
  - Visual appeal and amenities
  - Activation of the park
- Place Plan presents a number of innovative ideas to activate Kibble Park including:
  - Creative lighting structures
  - Various shade and shelter solutions
  - Adaptable and inclusive furniture
  - Low impact recreation space for young people
  - Outdoor study zones and WiFi hub
  - Use of natural materials and native landscaping
  - Enable and encourage outdoor dining
  - Pedestrian pathways that connect CBD
  - Small natural amphitheatre and encouraging performing arts
  - Celebration of stories and creating moments
  - Continue hosting food trucks and markets
  - Provision of dedicated event space
  - Enable community outreach
- Staff confirmed they are communicating with relevant parties to develop connection between Kibble Park and development of the regional library.
- Reconstruction will be funded by Council's current capital works budget (works such as service upgrades), contributions held by Council for the park, and grant funding.
- Timeframes have been extended due to COVID, with the project currently being about 4-5 weeks behind. Aim is to go back to the community to finalise brief before construction commences.

#### **Item 7      Current and Proposed Developments in Gosford CBD (Standing Item)**

The Advisory Group reviewed a list of applications currently with the Department of Planning, Industry and Environment (DPIE) for consideration. Under the SEPP most larger applications are made directly to DPIE and can be viewed at the online portal: <https://www.planningportal.nsw.gov.au/major-projects>.

It was noted that meeting transcripts for submissions to the Independent Planning Commission (IPC) are available on the IPC website, and may be of interest to members wanting to know more about the process. Transcripts are located on individual project pages, which can be searched for here: <https://www.ipcn.nsw.gov.au/projects>

Gosford CBD and Waterfront Advisory Committee Meeting Record  
13 August 2020



Regarding the proposal for Gosford Central Coast Quarter (SSD-10114), it was noted that IPC seem to share the same concerns as Council with regard to how the Baker Street extension would be built and road parameters (e.g. will the road be one way or two, and access to Baker St carpark).

**Action:** Advisory Group Support Officer to circulate link to IPC transcripts to Advisory Group members for their information.

**Action:** Staff to consider providing a monthly list of current developments to the Advisory Group for their information, given the space between meetings.

#### **Item 8                    Updates from Advisory Group Members (Standing Item)**

---

The Advisory Group requested information on The Archibald site (former Union Hotel) as the existing development looks somewhat different to what was originally proposed.

**Action:** Staff to provide memo on The Archibald site for Advisory Group information, with regard to the current proposal and any changes from the original submission.

#### **Item 9                    General Business and Close**

---

No general business was discussed.

The meeting closed at 6.18pm.

**Next Meeting:            Tuesday 17 November 2020**  
**4pm - 6pm**  
**Location TBC**



**Item No:** 4.3  
**Title:** Meeting Record of the Social Inclusion Advisory Committee meeting held 11 August 2020  
**Department:** Connected Communities

---

12 October 2020 Ordinary Council Meeting

Reference: F2019/00090 - D14151435  
Manager: Glenn Cannard, Unit Manager, Community Partnerships  
Executive: Julie Vaughan, Director Connected Communities

### **Summary**

The purpose of this report is to note the Meeting Record of the Social Inclusion Advisory Committee meeting held on 11 August 2020.

### **Recommendation**

***That Council receive the report on Meeting Record of the Social Inclusion Advisory Committee meeting held 11 August 2020.***

### **Background**

The Social Inclusion Advisory Committee held a meeting on 11 August 2020. The Meeting Record of that meeting is Attachment 1 to this report.

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

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

Theme 4: Responsible

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

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

### **Attachments**

1 Social Inclusion Advisory Committee Meeting Record - 11 August 2020 D14151315

# Social Inclusion Advisory Committee Meeting Record 11 August 2020



Location:	Zoom Meeting	
Date:	11 August 2020	
Time	Started at: 4.02pm	Closed at: 6.15pm
Chair	Councillor Kyle MacGregor	
File Ref	F2019/00090	

**Present:**

Councillor Jillian Hogan, Councillor Chris Holstein (left 6.10pm), Councillor Kyle MacGregor, Jackie Klarkowski, Joshua Maxwell (left 5.44pm), Glitta Supernova (left 6.02pm), Deb Tipper

**Council Staff present:**

Julie Vaughan – Director Connected Communities (left 6.01pm), Glenn Cannard – Unit Manager Community Partnerships, Megan Rowe – Unit Manager People Planning and Operations, Kerrie Forrest – Section Manager Community Planning and Services, Belinda McRobie – Team Leader Community and Cultural Programs, Larissa Llowarch – Affordable Housing Officer, Zoie Magann – Advisory Group Support Officer

**Item 1 Welcome, Acknowledgement of Country and Apologies**

---

Apologies received: Colette Baron, Celia Pennycook – Social Planner Community Planning and Funding,

Councillor Kyle MacGregor welcomed the Advisory Group and completed an Acknowledgement of Country.

**Item 2 Disclosure of Interest**

---

No disclosures were received.

**Item 3 Confirmation of Previous Meeting Record**

---

The Advisory Group confirmed the Meeting Record from 10 June 2020.

The Advisory Group reviewed the Action Log.

It was noted the delay with the Social Inclusion Policy was recently flagged on the Facebook media account 'Central Coast Council Watch', as part of the Council Report for the 10 August 2020 Ordinary Council Meeting to note the Social Inclusion Advisory Committee Meeting Record from 10 June 2020.



Social Inclusion Advisory Committee Meeting Record  
11 August 2020



#### **Item 4                    Membership Updates**

---

The Advisory Group noted the resignation of community representative Bert Cotte. Bert resigned via email on 3 July 2020 due to a change in work circumstances which meant he could no longer commit to the Advisory Group.

Staff revisited the membership applications originally submitted for the Advisory Group, however there didn't appear to be any applicants who have equivalent knowledge and experience as Bert. Advisory Group members were invited to identify any demographics or interest areas to focus on for recruitment. It was noted that cultural diversity and people of colour need to be better represented on the Advisory Group. Disability was also mentioned as a focus area.

**Action:** Staff to liaise with Advisory Group Chairperson to find a suitable representative to fill the membership vacancy for next meeting, with consideration of the suggestions made by the Advisory Group.

#### **Item 5                    HR Policies and Procedures – Promoting Inclusivity (Action 19)**

---

Megan Rowe (Unit Manager People Planning and Operations) provided a presentation on diversity, equity and inclusion with regard to the Central Coast Council (CCC) workforce and HR policies and procedures.

The following key points were noted:

- There are 6 focus areas targeted to promote diversity, equity and inclusion in CCC:
  - Early Career Program
  - Recruitment
  - Succession and Talent Management
  - Workforce Planning
  - Learning and Development
  - HR Policies
- A disability work experience program has been implemented, which included 16 participants in the 9 months to March 2020.
- CCC currently has the highest number of trainees and apprenticeships since amalgamation, with 42 in the business. There has also been an increase in Undergraduate participation, with 20 students placed in 2020.
- Recruitment process has been revised to meet equity and diversity requirements, with an Equal Opportunity Statement being included on all recruitment ads.
- Diversity requirements have been identified in all development opportunities for leaders – aspiring to have equal gender representation in leadership roles.
- Current representation of women employed by CCC:
  - 36% in Team Leader roles
  - 39% in Section Manager roles
  - 43% in Unit Manager roles
  - 37% across total leadership
  - 43.3% across total CCC
- There are currently 237 employees under the age of 25, with the average age of permanent staff being 47 years old.
- Disability Awareness Training and Diversity and Inclusion included in all new staff inductions. Disability Awareness Training also being rolled out for existing customer facing team members.



Social Inclusion Advisory Committee Meeting Record  
11 August 2020



- A number of HR policies have been updated/implemented including:
  - Equity, Diversity, and Respect Policy
  - Workplace Leave and Flexibility Policy
  - Phased Retirement Guidelines
- Existing policies are also being updated to an accessible format.
- Currently trialling flexible working arrangements for CCC staff to investigate how better to improve work/life balance, which still meeting needs of community.
- Noted that only stats for Council employees are recorded as consultants and contractors aren't included in the HR system. There are however policies surrounding procurement and engagement.
- Top business priorities regarding diversity, equity and inclusion include:
  - Addressing the ageing workforce and promoting positive ageing.
  - Youth employment and employability within the Central Coast community.
  - Increasing representation of females in leadership roles.
  - Increasing employment opportunities for people with disability.

**Action:** Megan Rowe to liaise with Procurement staff to confirm clauses written into tender documents regarding youth employment and apprenticeships, and provide info back to Advisory Group.

#### **Item 6                    Update on Senior Services and Programs (Action 6)**

Kerrie Forrest (Section Manager Community Planning and Services) provided a presentation on senior services and programs on the Central Coast.

The following key points were noted:

- Central Coast is considered attractive place for people to retire – older population continues to grow. Currently 27% of residents are 60+ years old (90,000 people). Predicted that by 2036 there will be an additional 35,000 people aged 60+.
- Key stats for residents 65+ years old:
  - 28% live alone and 49% live in couple only households.
  - 8.8% are still working, and 233 are attending an education institution.
  - 27.5% are low income households (earn under \$650/week).
  - 23.4% were born overseas and 5.2% are Aboriginal or Torres Strait Islander.
  - 26% have no internet connection.
  - Top 5 suburbs with largest number of people aged 65+:
    - Umina – Pearl Beach – Patonga (4,065)
    - Woy Woy – Blackwall (3,466)
    - North Gosford – Wyoming (2,973)
    - Bateau Bay (2,964)
    - Lake Munmorah – Chain Valley Bay (2,700)
- Positive Ageing Strategy is currently being developed. Builds on achievements of 2014 Central Coast Positive Ageing Strategy, which was joint project between former Gosford and Wyong Councils.
- There are 4 areas Council proposes to focus on improving for seniors as part of the Positive Ageing Strategy:
  - Social connections and participation
  - Better informed and tech savvy
  - Staying healthy and active
  - Age friendly places and spaces

Social Inclusion Advisory Committee Meeting Record  
11 August 2020



- Review of Senior Services was recently completed, which primarily focused on 50+ Leisure and Learning Centres managed by Council.
- Size of 50+ Centres range from 80 to 200 people – only about 7% of local population are members. Noted that people may not attend as they don't live nearby or aren't aware of events happening, but may also not be interested in accessing these services.
- 27% of older residents don't participate in social activities, highlighting potential risk of social isolation.
- Concerns noted by Advisory Group members about housing with regard to older women, who may become homeless due to occurrences of domestic violence.

**Action:** Advisory Group Support Officer to circulate public exhibition details for Positive Ageing Strategy to Advisory Group members once available.

### **Item 7 Affordable Housing Strategy and Homelessness (Action 16)**

Larissa Llowarch (Affordable Housing Officer) provided a presentation on Council's Affordable and Alternative Housing Strategy, which was adopted by Council at 29 April 2019 meeting.

The following key points were noted:

- Strategy addresses the continuum of affordable housing and contains 27 strategic actions which will be implemented in stages over 10 years.
- Current situation is 2/3 of renters and 1/3 of home owners on Central Coast are in housing stress (housing costs exceed 30% of gross household income).
- Median purchase amount for houses on Central Coast is \$590,000, and median rent is \$380/week.
- Anticipated 41,500 more dwellings will be needed by 2036, as population increases by 75,500 people.
- Greater diversity in housing is required – 77% of dwellings have 3+ bedrooms but 55% of population are singles or couples and need smaller houses.
- Important to understand difference between affordable housing and social housing. Social housing is high cost response targeted to those most in need. Affordable housing covers entire housing continuum – from homelessness to home ownership.
- Housing situation is under greater stress with current pandemic. As at end of July 2020, of the 583 rentals available only 22 were affordable to those in the very low income bracket.
- There are currently between 85 to 100 people per night in temporary accommodation on the Central Coast.
- Affordable housing considers the dwelling and tenure type. Dwellings include town houses, micro apartments and other smaller lot dwellings that are less expensive to rent and purchase. A mixed tenure model is preferred (private, social, affordable) as it can improve social inclusion, reduce stigma, and allows developers to cross subsidise.
- Noted that a service provider in Victoria (Haven; Home, Safe) is looking to branch into NSW, which presents a good opportunity for the Central Coast. The organisation offers holistic support for people in housing and financial stress.
- Concerns raised by members that Federal government has missed opportunity by not focussing on social and affordable housing construction as part of its economic development response to COVID.

**Action:** Further updates on the Affordable Housing Strategy to come back to Advisory Group as available, with regard to progress on actions.

Social Inclusion Advisory Committee Meeting Record  
11 August 2020



---

**Item 8                    Focus and Plan for Advisory Group (Standing Item)**

---

*This item was deferred due to insufficient time.*

---

**Item 9                    General Business and Close**

---

*There was insufficient time to discuss General Business, however members identified some items for future meetings. It was requested that fewer items be listed on future agendas to allow adequate time for discussion – this will require input from Advisory Group members as to what they wish to prioritise.*

**Action:** Advisory Group Support Officer to circulate report on Youth Strategy Progress which went to Council on 10 August 2020, as part of update on Y4Y Program to be provided to Advisory Group members.

**Action:** Topic of Social Inclusion Policy to be added to agenda for discussion at next meeting.

**Action:** Advisory Group Support Officer to email Advisory Group members to confirm priorities for next meeting agenda to ensure adequate time (some suggestions: Social Inclusion Policy, Focus and Plan for Advisory Group, Update on Task Force, Rainbow Community and Inclusivity).

The meeting closed at 6.15pm

**Next Meeting:            Wednesday 14 October 2020**  
**4pm – 6pm**  
**Location TBC**



**Item No:** 4.4  
**Title:** Activities of the Social Impact Taskforce  
**Department:** Connected Communities

---

12 October 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14004994  
Author: Belinda McRobie, Section Manager Community and Cultural Development  
Manager: Glenn Cannard, Unit Manager, Community Partnerships  
Executive: Julie Vaughan, Director Connected Communities

## Summary

This report provides an update on the activities of the Social Impact Taskforce.

## Recommendation

***That Council receive the report on Activities of the Social Impact Taskforce.***

## Background

At the Ordinary Meeting of Council held on 27 April 2020, Council resolved part thereof:

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

This report is provided as an update on the activities of the taskforce.

As a response to the COVID-19 pandemic, and with a view to understand and reduce the impact on the Central Coast Community, at its meeting on 27 April 2020, Council resolved to convene a Social Impact Taskforce for an initial period of 6 months.

The purpose of the taskforce is to:

- Provide a platform for regional leaders to provide updates and advice on current circumstances surrounding COVID-19 and how these circumstances impact the Central Coast.
- Where appropriate, advocate and provide advice to Council on current and future projects in regard to their impact on community resilience and connectedness.
- Build the capacity of organisations and groups that represent the community to develop connections and networks during COVID-19.

#### **4.4 Activities of the Social Impact Taskforce (contd)**

---

- Encourage and support the community to conduct and participate in organised/relevant COVID-19 resilience events, activities, laws and recommendations.
- Increase communication and working relationships between community organisations, agencies and government.
- Identify and monitor key measures of wellbeing for the Central Coast through the initial recovery period from COVID-19.

#### **Activities of the Social Impact Taskforce:**

The following activities have been undertaken during the first 6 months of the taskforce operations:

- Councillors, staff and external stakeholders appointed to the taskforce. External Stakeholders include:
  - Kieran Booth, Central Coast Community Council
  - Belinda Norton, Department of Communities and Justice
  - Anthony Critchley, Mental Health Central Coast Local Health District
  - Vicki Daley, UnitingCare
  - Kathy Sokk, Gosford Regional Community Services
  - Michelle Walls, Department of Education
  - Nicole Kajons, Health Promotion Unit
  - Chad Hookey , Ability Options.
- Terms of Reference developed and endorsed by the taskforce group.
- Social Taskforce Meetings held on May 18, May 25, June 9, June 23, July 21 and August 19.
- Service updates and advice provided by attendees on current circumstances surrounding COVID -19 and how these circumstances impact Central Coast services and residents.
- Guest speakers attended to advise the group and address nominated key issues:
  - Rachel Willis, Coast Shelter – Homelessness
  - Anthony Critchley – Mental Health
- Key Challenges identified including:
  - Communication and access to information for the wider community regarding where they can obtain assistance;

#### 4.4 Activities of the Social Impact Taskforce (contd)

---

- Mental Health;
  - Increasing social issues e.g. Domestic violence, homelessness and unemployment;
  - Increased need and demand on services when government support reduces/ ends.
- Development of two projects relating to the key challenge of Communication and Access to Information:

##### *Mapping project*

The aim of this project is to develop an online map outlining where community members can go for help. It is a google maps version of a service directory where community members can search by location and by service type (e.g. Food hampers in Toukley). Council staff have been working with Central Coast Community Council, and taskforce members to transfer relevant information into the google maps platform.

##### *Communications/ Marketing messaging*

The aim of this project is to develop communications/marketing material for the wider community about types of assistance available to them and direct them to where they can get help. Central Coast Health Promotion Unit are taking the lead on this project, working with Council staff and taskforce members to develop the material.

Given the ongoing nature of community issues related to COVID-19, the Social Impact Taskforce will continue to meet on a monthly basis, or as required, for the remainder of 2020.

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

Theme 1: Belonging

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

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

#### **Attachments**

*Nil.*



**Item No:** 4.5  
**Title:** The Entrance Channel - Studies and Reports  
**Department:** Environment and Planning

---

12 October 2020 Ordinary Council Meeting

Reference: F2013/01559 - D14076045  
Author: Peter Sheath, Section Manager, Waterways  
Manager: Luke Sulkowski, Unit Manager, Environmental Management  
Executive: Scott Cox, Director Environment and Planning

### **Summary**

The purpose of this report is to list and summarise reports or surveys that have been undertaken in regard to The Entrance Channel/Tuggerah Lakes Flooding.

### **Recommendation**

***That Council receive the report on The Entrance Channel - Studies and Reports.***

### **Background**

At its Ordinary Meeting on 10 February 2020, in response to the Notice of Motion: *Breakwall – Dredging – Now – Flood Risk Rising*, Council made 11 resolutions (67/20 to 77/20). These are listed below including a comment about the status of each.

- 67/20 *That Council acknowledge the ongoing resident dissatisfaction of the deteriorating condition of Tuggerah Lakes system and The Entrance Channel, and the public outcry for a permanent solution.*
- 68/20 *That Council acknowledge this issue has been long running, over many decades, and the as a new Super Council, we now have the size and capacity to lobby the State Government for change.*

#### *Status of 67/20 & 68/20 Council resolutions*

These issues were acknowledged by Council.

- 69/20 *That Council now consider allocation of sufficient funds in the 2020 budget to commence preliminary designs, with a view to submitting a proposal to the Minister.*

#### *Status of 69/20 Council resolution*



Council staff have already engaged Manly Hydraulics Laboratory to develop a berm management strategy for The Entrance Channel. It is recommended that any such design brief for an alternative permanent sea opening should firstly consider the recommendations arising following completion of the Tuggerah Lakes Coastal Management Program, which is currently in the scoping phase and due for completion at the end of 2021.

Regarding preliminary designs, no budget allocation has yet been made. Staff understand that the preliminary designs referred to are for a permanent break wall at The Entrance Channel. As is discussed in this report, from the numerous studies conducted to date, no net benefit has been demonstrated from the proposed construction of break walls at this location. In accordance with resolution 69/20, for Council's consideration, the estimated cost of development of preliminary designs for such a structure is \$400,000 (based on the current development of similar designs for a terminal protection structure at Wamberal Beach). With the berm management strategy currently being developed by Manly Hydraulics Laboratory, the Tuggerah Lakes Expert Panel currently undertaking independent assessment of various issues within Tuggerah Lakes (including The Entrance Channel), and staff resources and priorities currently focussed on the development of Coastal Management Programs for our coastal areas (including Tuggerah Lakes), it is not recommended that Council bring additional funds into the budget in order to progress such a design.

*70/20 Further Council also consider allocation suitable funding to commence a major 2020 Channel dredging program, and apply for relevant NSW State Government funding assistance.*

#### *Status of 70/20 Council resolution*

The 2020 dredging program is funded and is underway. A concept dredge plan has been prepared by consultants Royal Haskoning DHV, with dredging to be carried out by contractors to commence in late September 2020. Karagi carpark is being used as a contractor's compound. Sand is presently proposed to be pumped out of The Entrance Channel and into a dewatering area inside the channel near Karagi reserve. The waterway would be protected from environmental impacts by a series of silt curtains. Dredged sand, once dewatered, will also be moved using earthmoving equipment to be used for nourishment of eroded areas of North Entrance Beach.

Council staff are currently working with the consultant to address potential concerns arising from the works and their impact on the neighbouring Little Tern (*Sterna albifrons*) habitat prior to physical commencement of this stage of dredging. With the delivery aspects of the program changing significantly from the past in order to address environmental risk, productivity of the program may be reduced from that experienced in previous years.

71/20 *That Council recognises with the Entrance Channel now severely silted up, our Lakes System is very vulnerable to a repeat of the devastating multi-million-dollar floods of June 2007, that destroy many homes.*

*Status of 71/20 Council resolution*

Since the February 2020 flood the channel has remained wide open at a width of up to 300m. A post-flood hydrographic survey calculated that an estimated 140,000m<sup>3</sup> of sand was eroded from the channel area by the flood, which is approximately three times the amount of sand removed from a typical dredging program. The wide-open entrance has been associated with much higher than usual tidal energy that has swiftly moved sand shoals back into the estuary, which now extends west of The Entrance Bridge.

72/20 *That any design brief for a permanent sea opening take into consideration enhancement of the existing surf break, and consideration of a permanent sand by pass system, to create a Super bank surf break, similar to Greenmount / Kirra Queensland.*

73/20 *That Council allow the expert panel established by the State Government the opportunity to also review those reports and recommendations.*

*Status of 72/20 & 73/20 Council resolutions*

Any such design brief for a permanent sea opening would firstly consider the recommendations of the Tuggerah Lakes Coastal Management Program, which is currently in the scoping phase, with assistance being provided by the NSW Government appointed expert panel.

In relation to consideration of enhancement of the existing surf break. Note that this relates also to a more recent Council Resolution at the Ordinary Meeting of 10 August 2020. In response to the Notice of Motion: Wamberal – North Entrance – Artificial Reefs to the Rescue, Council made 3 resolutions (761/20 to 763/20). Resolution 761/20 called for a report on the economic and social benefits on artificial reefs, including for beach protection and increased surfing, fishing, kayaking and diving. Staff are still preparing a detailed response, but here is a preliminary partial response that is relevant to this discussion: artificial reefs constructed in Australia have mainly been for the sake of surfing alone, such as Cable Station Perth (WA), Middleton Beach Albany (WA), Gregs Reef Bagarra (near Bundaberg) (QLD), and Narrownneck (Surfers Paradise), Queensland. Of these the Narrownneck is the only structure intended for some coastal protection: to protect the thin strip of foreshore between a meander of the Nerang River and the beach, although anecdotal evidence suggests that it does little to support this outcome. These structures are typically located within an open stretch of beach, provide minimal benefits to beach protection, and are unlikely to provide further recreational benefits other than for surfing.

Artificial reefs are not likely to be effective in assisting to manage a permanent opening for Tuggerah Lakes. Based on information obtained by staff to date, evidence suggests that typically only emergent structures (that rise above the ocean surface level) support coastal protection.

*74/20 That Council not favour to prosecute Mr Ben Weber and those involved in the recent community excavation of The Entrance Beach to relieve flooding noting a warning would be more appropriate.*

*75/20 That further Council formally seek similar undertakings from State Agencies, Fisheries, EPA and Crown Lands.*

*Status of 74/20 & 75/20 Council resolutions*

Letters were sent to relevant State Agencies requesting no prosecution. No prosecutions were made.

*76/20 That Council as a matter of urgency bring forward those reports that are previously been raised in regards to The Entrance Channel/Tuggerah Lakes Flooding.*

*Status of 76/20 Council resolution*

Staff appreciate that Council likely preferred a timelier response in relation to this matter. The delay in providing this information is due to the number of documents that needed review and diversion of resources to address flooding and coastal erosion issues over recent months.

A list has been compiled of previous reports about The Entrance Channel and Tuggerah Lakes flooding. These are listed below in historical order. A summary of the purpose and recommendations of each report is provided. These reports have also been provided to the Tuggerah Lakes Expert Panel.

*77/20 That Council, given the unprecedented recent flood events, reconsider future trigger levels for dredging, height levels, flowrates and dimensions when opening the Channels.*

*Status of 77/20 Council resolution*

Council has engaged expert Coastal Engineers – Manly Hydraulics Laboratory - to develop an Entrance Management Procedure and Decision Support Tool. This project is also in response to one of the management actions in the Tuggerah Lakes Floodplain Risk Management Plan.

This tool will be a predictive model that is able to continuously forecast likely future conditions in the lake and at the entrance in the following 24-48 hours based on real-time telemetry (lake levels, rainfall, ocean levels) and recommend appropriate management actions. This work is expected to be completed by March 2021.

#### **List of Reports in Historical Order**

Links to each these reports below can be found on Tuggerah Lakes Estuary Page of the Central Coast Council website.

*Jet Pump Systems for Maintaining Tidal Entrances, NSW Public Works Department, 1987*

The report requested by Wyong Shire Council to look at the feasibility of installing jet pumps in the entrance channel as a means of maintaining a permanent entrance.

The report concluded that jet pumps may be subject to operational difficulties because of their susceptibility to blockage by kelp and other debris. Jet pumps would not be effective for an untrained channel as the channel would move rendering the pumps ineffective. Jet pumps would need to be located adjacent to a fixed wall which would be necessary to prevent the channel from migrating away from the pumps. For this reason, temporary sheet piling was recommended should this method of dredging be pursued, as shown in Figure 1 below.

Note that several years later, once a mobile suction-cutter dredge came into Council ownership, the opportunity was provided for Council to periodically dredge using the dredge from 1993 to 2018 to help maintain an open entrance. This dredge reached the end of its useful life and the asset has recently been disposed.

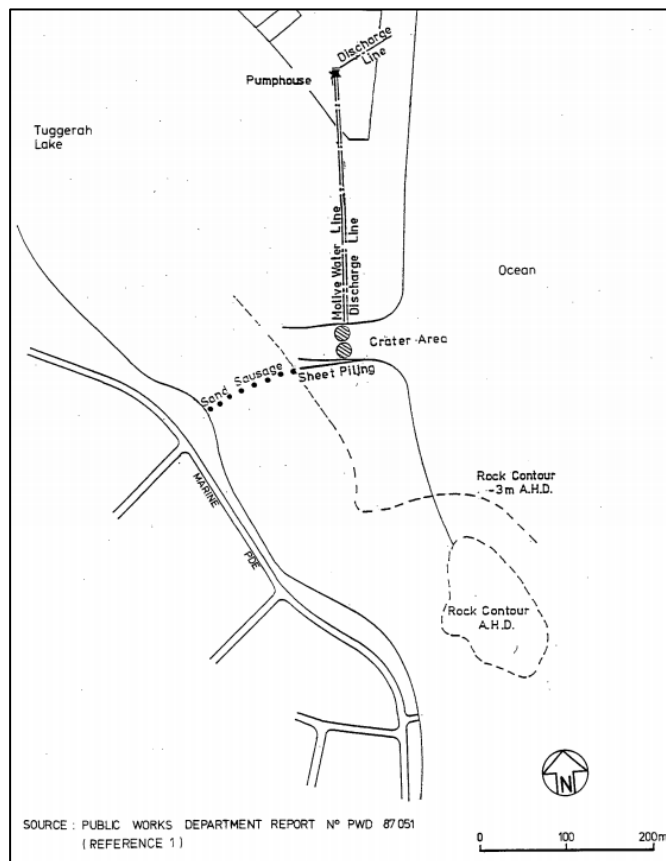


Figure 1. Fixed jet-pump option (1987)

*Tuggerah Lake Entrance Improvements Entrance Restraining Wall: Concept Design Report, Patterson Britton & Partners on behalf of the NSW Public Works Department, 1988*

The report was requested by Wyong Shire Council to devise a preliminary concept design for a sand-filled geotextile tube wall to be built on the southern foreshore at The Entrance, as shown in Figure 2 below.

The wall by itself would not be an appropriate entrance management strategy. However, it would restrain the entrance channel from migrating southwards where it becomes perched on a rock shelf causing tidal flows to weaken and thus contributing to blockage of the entrance by beach sands.

The wall would have a service life of 10-15 years at a cost of \$580,000 (\$1.35m in 2020).

The work was terminated due to the relatively high cost of the structure and concern about the adequacy of the scour protection system.

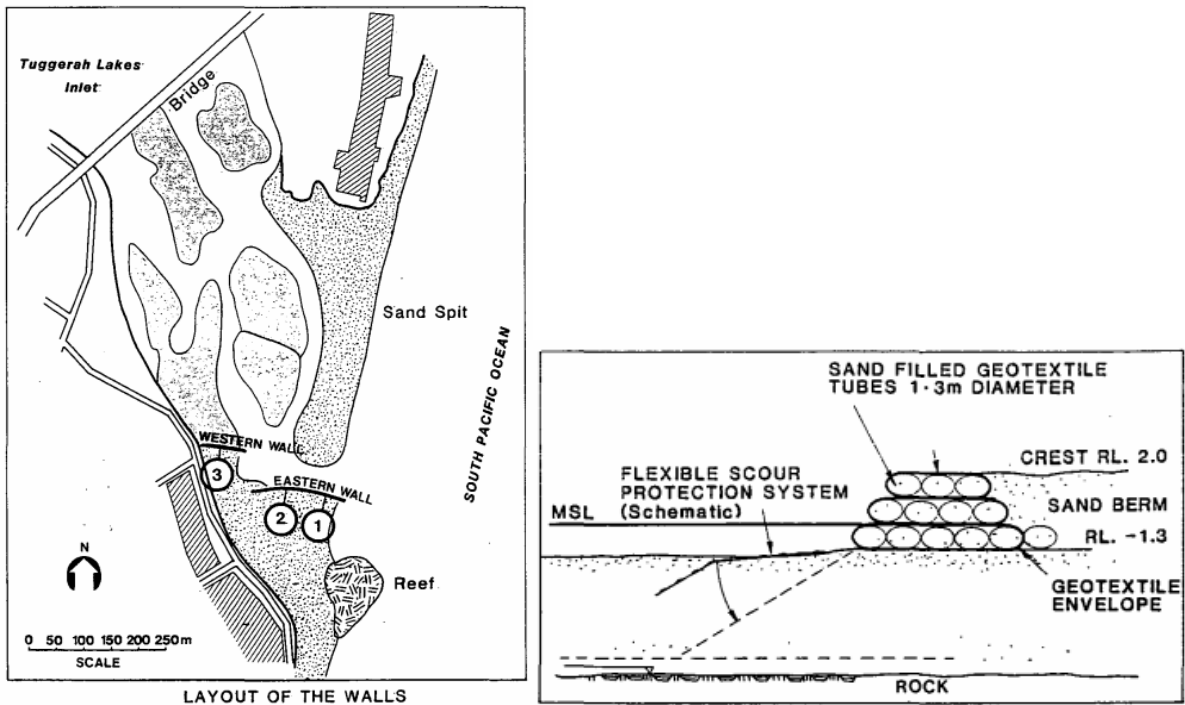


Figure 2: Sand filled geotextile wall proposal (1988)

*Sensitivity Analysis - The Entrance Channel Tuggerah Lake, Webb McKeown and Associates, 1992*

Assessment of the impact upon flood levels of various states of the ocean entrance channel, considering different tidal conditions, entrance width conditions, storm durations, and flood frequencies. The outcomes were used to inform the brief for a flood study (refer Lawson & Treloar 1994).

*Tuggerah Lakes Flood Study: compendium of data, NSW Public Works Department - Coast & Rivers Branch, 1992*

Report contains a compendium of data from 37 reports related to Tuggerah Lakes from the 1960s to early 1990s. This data was subsequently used in the Tuggerah Lakes Flood Study (Lawson & Treloar 1994).

*Tuggerah Lakes, Entrance Training Walls: Technical Discussion, Patterson Britton and Partners, 1994*

This report was commissioned by Wyong Shire Council to prepare a technical discussion of the feasibility of establishing training walls at The Entrance.

Comments to note about Single Training walls:

- No significant benefits, minor impacts (p.11)

## 4.5 The Entrance Channel - Studies and Reports (contd)

---

- Would not provide safe navigation (p.14)
- Loss of amenity and aesthetics (p.12)

Comments to note about Twin training walls:

- Navigation: not enough tidal power to create a deep bar depth in the surf zone suitable for large vessels (pp.15, 17). Potentially this could be overcome by major dredging within a narrower channel of the order of 60-80m wide (p.20)
- Flooding: would not be able to discharge major floods without significant increase in lake flood levels (pp.17, 20)
- Amenity: loss of amenity for wading/swimming and increase in hazard, but increase in fishing from rock walls and increased recreational boating; amenity of whole lake foreshore compromised (pp.17, 21)
- Aesthetics: natural beauty lost at The Entrance Channel and receding lake foreshores (p.18)
- Impact on North Entrance Beach: Potential increased erosion (pp.23-24)
- Impacts on The Entrance Foreshores: increased erosion from penetration of ocean swell (pp.23-24).
- Lake foreshore habitat: Profound adverse impacts (pp.23-24). Drop in lake levels would expose lake margins exacerbating the problems of noxious odours, die back of seagrass beds, increase in algal growth in shallow lake margins (p.18).
- Marine organisms: Enhance recruitment of prawns and fish; access for sharks increased along with public concern about shark attack (p.18).
- Impacts on roads: transportation of rock by heavy trucks over 18 months. Suitable hard rock not available in LGA. (p.18).

*Tuggerah Lakes Flood Study, Lawson and Treloar, 1994*

This report was commissioned by Wyong Shire Council. This Flood study modelling is the basis of current adopted flood levels within the lake.

The report discusses the joint probability of combinations of different storm scenarios: rainfall, wind, tide, waves. The adopted design conditions for the calculation of a 1% AEP flood level was rainfall induced flood coinciding with spring tide and ocean swell of 4.5m (significant wave height), including an initial 20m wide channel with long overflow weir (sand spit), which breaches and erodes to a wider channel.

Comment: The recent February 2020 flood was a significant rainfall event with an initial channel width of 40m coinciding with a large spring tide and much larger ocean swell of 6.5m. A grant funding application has been lodged in March 2020 with Department of Planning and Environment to update this 1994 Tuggerah Lakes Flood Study.



## 4.5 The Entrance Channel - Studies and Reports (contd)

---

*Recalibration of Tuggerah Lakes model and Evaluation of The Entrance Dredging Impacts, Lawson and Treloar, 1999*

This report commissioned by Wyong Shire Council to investigate the impacts of widening and deepening the entrance channel on normal lake levels.

Three options of 45m wide channels were investigated assuming different permanent dredging depths. Maintaining a channel to these dimensions would increase the mean tidal range and lower the mean lake level to between 0.15m AHD and 0.12m AHD, depending on the depth of dredging.

*Tuggerah Lakes Estuary Management Plan, Bio-Analysis, 2006*

This report was prepared for Wyong Shire Council and NSW Department of Natural Resources. The plan identified 27 programmes to address the most pressing estuary management issues as analysed in the Estuary Management Study, which was completed in 2005. One of the relevant actions was item PP18: maintain current flows through the entrance. The focus of this involved four actions (p.127):

- Provide funding and resources for the continuation of the dredging program
- Assess ocean entrance dredging effect on key estuarine/physical processes
- Develop flood, safety and ecological trigger that aid in determining dredging requirements/targets
- Review the dredging program considering any new information

*Entrance Channel Dredging – Ecological Impact Study, Cardno, 2009*

This report was commissioned by Wyong Shire Council to consider the ecological effect of the dredging program at the time.

The report found that benthos (worms, crabs, prawns) exhibit considerable resilience to dredging disturbance. The report supported ongoing dredging as required.

*Technical Advice on Dredging Related Matters, Worley Parsons, 2008*

This documents the existing dredging strategy, which was current at that time: the enhancement of the ebb dominant northern channel by creating a 50m-wide channel to a level of -2m AHD by commencing the dredging at the upstream end near the road bridge and using a mobile dredging system.

*The Entrance Dredging Project, Review of Environmental Factors, Worley Parsons, 2009*

This is the Review of Environmental Factors (REF) that has guided dredging of the entrance channel over the last decade, including compliance with Environmental Protection Licence EPL3200. The REF allows for the sustainable local supply of sand suitable for nourishment of the depleted beaches including North Entrance Beach and Karagi Park foreshore. Nourishment of these areas minimises the potential for erosion to the adjacent dunes.

## 4.5 The Entrance Channel - Studies and Reports (contd)

---

*Water Levels at Tuggerah Lakes, NSW Manly Hydraulics Laboratory, 2010*

Analyses of the a 15-year water level within Tuggerah Lake recorded between 1985 and 2010. An average water level rise ranging from 3.9 to 6.4mm/year over the period of data collection was calculated within the lake.

*Tuggerah Lakes Estuary Modelling, NSW Department of Environment, Climate Change and Water, 2011*

The Report was prepared by Prepared by K. Brennan, A. Ferguson, B. Sanderson, T. Weber and P. Scanes from NSW Department of Environment, Climate Change and Water. The report describes the results of a hydrodynamic model undertaken to study the water quality parameters within the lake system, including nutrient concentration, suspended sediment, phytoplankton, etc. Some details about the habitats and ecosystems were provided.

*Long Shore Sand Transport and Tidal Inlet Stability Study for The Entrance and The Entrance North, SMEC Australia, 2011*

The Report is a Coastal engineering assessment of tidal inlet stability. The report advises against training walls for the following reasons:

- Creation of a stronger ebb tide would build up a new entrance sand bar further offshore (p.31)
- Possible erosion of the entrance spit (p.31)
- Potential for significant impacts on the lakes, such as impact on the lake levels and tidal range, increased flooding, storm surge and wave climate in the entrance and shrinkage of the upstream entrance shoals (p.6, 32).

*Entrance Dynamics and Beach Conditions at The Entrance and North Entrance Beaches, Umwelt, 2011*

The aim of the study was to clarify sediment transport linkages between the entrance channel and North Entrance Beach. The report is included as Appendix 7 of document Umwelt 2011 Wyong CZMP (see next report below).

Conclusions and Recommendations from the report:

- Council should continue its existing dredging program.
- North Entrance Beach is receding. Placement of dredged sands on the beach will slow the recession.
- Council should not construct training walls at The Entrance as they would not benefit either the lake or North Entrance Beach.
- High volume dredging or removing the sand berm to a permanently wide condition are also not supported as it will cause enhanced wave penetration.

### *Wyong Coastal Zone Management Plan, Umwelt, 2011*

The plan recommends actions to manage coastal risks. Those actions that relate to the entrance channel include:

- A67: Establish a detailed monitoring program to clarify how sand placed on North Entrance beach is redistributed and to facilitate a review to provide more effective sand retention.
- A9: Continue to dredge sand from the active tidal delta in The Entrance channel and place the sand on North Entrance beach. Some sand may also be placed on The Entrance Beach.

### *Safety of Navigation should Training Walls be Established at the Bar Way Entry to The Entrance in New South Wales, Weston, 2013*

Report on the Safety of Navigation should Training Walls be Established at the Bar Way Entry to The Entrance in New South Wales, prepared by Captain Charles Weston for Cardno. This report was prepared to make recommendations about the safety of boaters navigating the entrance channel, with and without training walls. The report is included as Appendix H of the 2013 Cardno Entrance Morphodynamic Modelling Report (see next report below).

Recommendations from report:

- The existing bar-way is dangerous. Navigation should not be attempted. Navigation is typically only attempted by vessels such as jet-skis and kayaks.
- Should training walls be constructed then safe navigation would still not be possible if the existing rock shelf remains.
- Should the rock shelf be removed and the depth of the entry between training walls be increased by dredging then this would facilitate its use by larger vessels at all state of the tide with appropriate safety signage, navigation marks and assistance of Volunteer Marine Rescue to manage navigation.

### *Tuggerah Lakes, The Entrance Morphodynamic Modelling, Cardno, 2013*

The Report was prepared for the NSW Government through the NSW Office of Environment and Heritage to assess the potential effectiveness of entrance training walls in addressing water quality issues. A 3D numerical model was developed, which covers the 3 lakes as well as the adjacent ocean and beaches. The model can simulate the effects of tides, waves, wind, freshwater inflows, evaporation and both water and sand movement.

The model was used to independently assess the potential effectiveness of several scenarios as listed below and as illustrated in Figure 3:

- Existing case (no training wall)
- A single training wall located 150m north of the entrance training walls
- Dual training walls at 100m, 150m and 200m apart.



Figure 3. Cardno modelled training wall scenarios (2013)

It was found that the dual training wall option made flooding worse, resulting in flood levels 8cm higher in a 1% AEP (1 in 100y) flood. So dual training walls less than 150m wide makes flooding worse.

The report concluded that following a flood the channel will begin to shoal in all scenarios. Sand will not continue to self-scour, regardless of the width of training walls.

*Tuggerah Lakes, The Entrance Morphodynamic Modelling: Entrance Beach Management Investigations, Cardno, 2013*

This report was prepared for the NSW Government through the NSW Office of Environment and Heritage. The report was an assessment of several beach nourishment options. This resulted in the NSW Government – as an election commitment - building short groyne to hold sand on The Entrance Beach.

*Tuggerah Lakes Floodplain Risk Management Study and Plan, WMA Water Pty Ltd, 2014*

This report recommended several options to manage flooding in Tuggerah Lakes, which led to a short-list of 14 actions, one of which was to formalise an entrance management strategy to manage flooding, which is currently being prepared by Manly Hydraulics Laboratory.

The Floodplain Risk Management Plan also investigated many other options and opportunities related to flooding in Tuggerah Lakes, which were not recommended for implementation. One of these options that was not recommended was Enlarging the Entrance Channel.

The consultant referred to some simulations carried out in the late 1990s that found that a fully open channel, 250m wide, dredged to -1mAHD between the bridge and the ocean, including removal of the rock platform, would lower peak flood levels in large flood events by up to a reduction of 0.31m for the 1% AEP flood event (from 2.23m to 1.92m). To put this in context: these works would have likely lowered the February 2020 flood from 1.67m to about 1.55m.

However, this report did not recommend a 250m wide channel for the following reasons:

- Maintaining a fully open channel of these dimensions is not physically or economically feasible,
- Negative impacts on Tuggerah Lakes ecology
- Negative impacts of ocean wave impacts propagating into the entrance channel
- Concerns about the need to better consider scenarios that consider the impacts of large ocean swell events, which may produce higher levels in the lakes.

The report also acknowledged the subsequent work carried out by Cardno in 2013, which found that training walls less than 150m wide would make flooding worse.

### *Additional Morphodynamic Modelling – The Entrance, Cardno, 2015*

After the finalisation of the Cardno Morphodynamic Modelling report (2013), representatives from Cardno were invited by Council to attend and present on the report at the previous Wyong Shire Council B Ward Forum at The Entrance on 8 May 2014. Some members of the community pointed out that the study had not considered the various training wall options together with deepening of the channel. This was reported to Council through the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee. Council subsequently resolved to engage Cardno to conduct further Morphodynamic Modelling, which led to this further report.

The report assessed different dredging depths (with and without training walls). Outcomes were as follows:

- All dredging channels will immediately start filling in (they would need continuous dredging)
- Training walls alone have no benefit for water quality
- Assuming a dredged channel can be maintained (by continuous dredging) then:
  - The lake would become more saline
  - The average lake level would drop up to 200mm
  - There would be a tidal range in the lake, which may bring in mangroves
  - Greater tidal exchange may scour bridge piers or shorelines
  - There would be exposure of muddy shores
  - There would be reduced recreational value and potentially fish catch

## 4.5 The Entrance Channel - Studies and Reports (contd)

---

- There would be reduced estuary navigation and access to jetties and boat ramps
- It would destabilise foundations of the Entrance Bridge
- It would lead to permanent changes to the shorelines around Terilbah.

*Review of Environmental Factors - The Entrance Rock Groyne, NSW Department of Industries – Crown Lands, 2016*

This NSW Government report contains the Short Groyne design and an assessment of its environmental impacts.

*Breakwaters and training walls – The good the bad and the ugly, Advisian, 2017*

This presentation was published by Lex Neilson – Principal Consultant from Advisian. It examines the impacts, both positive and negative, of the construction of training walls at various locations on the NSW coast. The paper observes that breakwaters can change local wave transformation patterns, inducing large-scale changes to beach alignments.

Negative impacts from other estuaries that have been trained with breakwalls include:

- Loss of seagrass and saltmarsh (Lake Illawarra)
- Changes to commercial fish populations (Lake Illawarra)
- Loss of endangered Little Tern habitat (Lake Illawarra)
- Migration of the flood tide delta sands much further into the estuary (Lake Macquarie)
- Exposure and oxidisation of acid sulphate soils (Tweed & Shoalhaven Rivers)
- Mangrove ingress to the intertidal zone (Lake Illawarra)
- Erosion of seawalls and foreshore infrastructure (Swansea Channel)
- Bridge pier instability (Windang Bridge, Lake Illawarra)

The paper warns that training walls at The Entrance would be likely to cause coastal realignment, such that the coastal erosion hot-spot at Curtis Parade, North Entrance, would likely suffer increased coastal erosion, as shown in Figure 4.



Figure 4 - Training walls at The Entrance would likely cause coastal realignment leading to erosion at Curtis Parade (slide 10 from Neilson presentation)

A link to the Neilson presentation is found at: <https://www.advisian.com/en-us/global-perspectives/breakwaters-and-training-walls---the-good-the-bad-the-ugly#>

*Review of Wyong Coastal Hazard Study, BMT, 2018*

The review is an assessment of shoreline change and sediment movement for Entrance South and Entrance North. It also discusses The Entrance dynamics.

*The Entrance Channel Dredging Operations Feasibility Review, GHD, 2019*

The report was commissioned by Central Coast Council and is a review of:

- Historical reasons for dredging and current dredging requirements
- Benefits of ongoing dredging operations as concluded by previous studies
- Challenges associated with current dredging operations
- Review of effectiveness of dredging operation and potential impacts of the 'do nothing' option

It proposes alternative dredging work methods and procurement strategies. It recommends Council undertake "an entrance adjustment trial in conjunction with emergency entrance berm clearing operations using land-based equipment."

*Survey of rock shelf at The Entrance, Central Coast Council, 2020*

Council staff carried out a ground survey of levels of The Entrance Channel rock shelf as at January 2020. The levels of the existing rock shelf vary from approximately 0.5m to 1.0m above sea level (AHD). The minimum channel width, as measured at the time at low tide, was 30m wide. Figure 5 shows the extent of the survey; Figure 6 is an enlargement of the rock shelf area for the sake of clarity.



4.5 The Entrance Channel - Studies and Reports (contd)

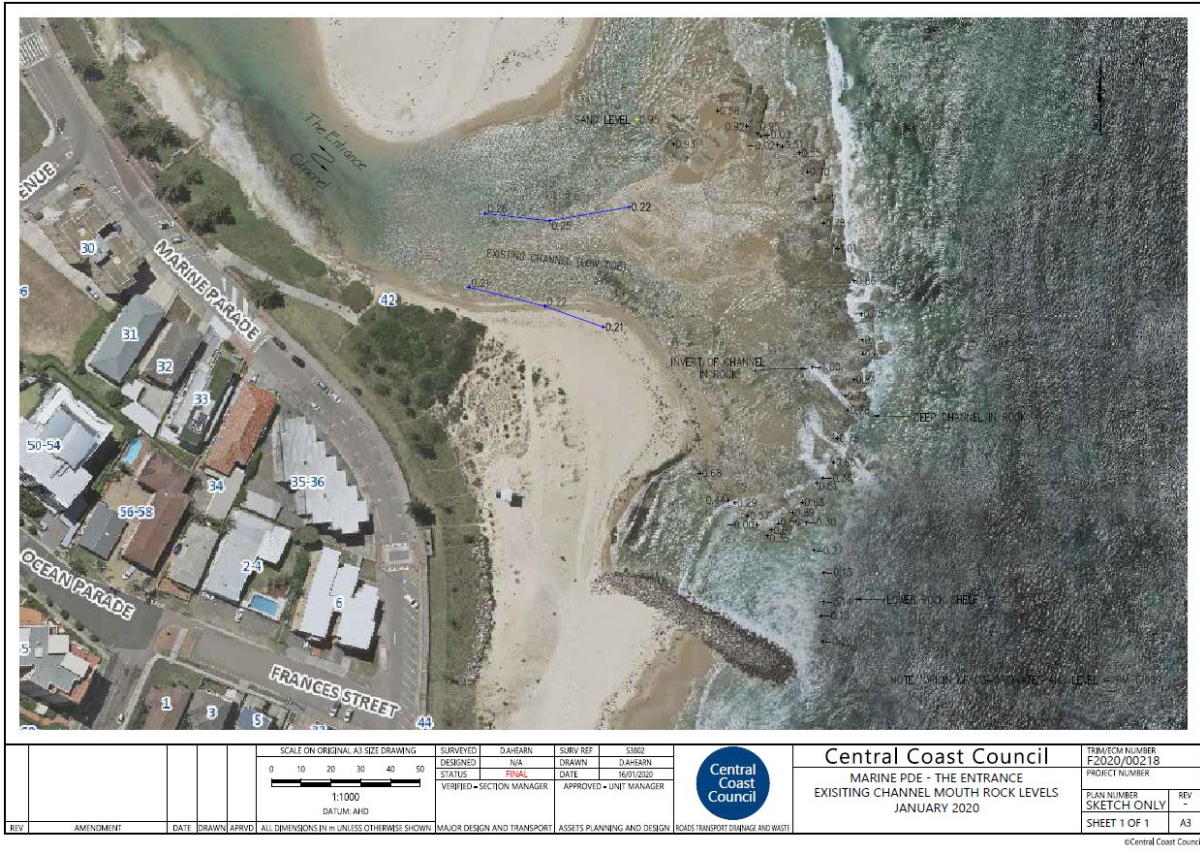


Figure 5. Survey is shown with an enlarged area of the rock shelf for clarity.





Figure 6. Survey is shown with an enlarged area of the rock shelf for clarity.

*Tuggerah Lakes Catchment February 2020 flood summary and historical comparison, NSW Manly Hydraulics Laboratory, 2020*

This report was commissioned by Central Coast Council. February 2020 recorded high rainfall intensities exceeding those of the June 2007 event, and equalling 1% AEP intensities at Yarramalong. The maximum water levels of the February 2020 flood event were 1.67mAHD at Long Jetty (30mm higher than June 2007) and 1.66mAHD at Toukley (10mm lower than February 2007).

### **Key conclusions from a review of previous reports**

#### *Options with no merit*

- A jet pumping installation is not recommended for an untrained entrance as the channel opening location is variable (PWD 1987)
- Twin training walls are not recommended. Negative impacts include; loss of amenity and aesthetics in the entrance area, coastal realignment and increased erosion of North Entrance Beach near Curtis Parade, drop in average lake levels creating large mud flats and affecting foreshore habitat as well as reducing estuary navigation and access to jetties and boat ramps, increased flooding (unless at least 150m apart), potential ingress of sharks, need to remove rock shelf, sand bar in the surf zone would still make navigation hazardous for larger vessels, potentially destabilise foundations of the Entrance Bridge (PBP 1994, SMEC 2011, UMWELT 2011, Weston 2013, Cardno 2013 & 2015). Furthermore, it would not be economically or physically possible to maintain a deep dredged channel between twin training walls as the channel would be constantly be prone to shoaling (Cardno 2013, WMA 2015, Advisian 2017)
- Removal of the sand berm to a permanently wide condition is not recommended as it will cause enhanced wave penetration (UMWELT 2011)

#### *Options that may have merit*

- A small single training wall on the south side may have merit to restrain the entrance channel from migrating southwards where it can become perched on the rock shelf (PBP 1988). However, a single training wall would still not provide for safe navigation and would be associated with some loss of amenity and aesthetics (PBP 1994).
- Council should continue to place sand on North Entrance Beach to slow the rate of beach recession (UMWELT 2011)
- Council should formalise an entrance management strategy to manage flooding (WMA 2014) [this work is underway as discussed above in relation to resolution 77/20]
- Council may consider an entrance adjustment trial (no dredging) in conjunction with emergency entrance berm clearing operations using land-based equipment (GHD 2019).

Finally, any permanent solution should firstly consider the recommendations of the Tuggerah Lakes Coastal Management Program, which is currently in the scoping phase, with assistance being provided by the NSW Government appointed expert panel (as discussed above in relation to the status of resolutions 72/20 & 73/20).

**Link to Community Strategic Plan**

Theme 3: Green

**Goal F: Cherished and protected natural beauty**

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

**Attachments**

*Nil.*



**Item No:** 4.6  
**Title:** The Entrance Beach North - Coastal Erosion Update  
**Department:** Environment and Planning

---

12 October 2020 Ordinary Council Meeting

Reference: F2020/00037 - D14182699  
Author: Ben Fullagar, Section Manager, Coastal Protection  
Manager: Luke Sulkowski, Unit Manager, Environmental Management  
Executive: Scott Cox, Director Environment and Planning

## Summary

The purpose of this report is to provide an update on the coastal erosion at The Entrance North since the resolution of Council at its ordinary meeting of 9 June 2020 and how staff have assisted these residents.

## Recommendation

***That Council note the information contained within this information report.***

## Context

At its ordinary meeting on 9 June 2020 Council resolved:

- 460/20 *That Council notes with concern the temporary emergency works recently carried out on The Entrance North beach by staff.*
- 461/20 *That Council in partnership with relevant agencies seek to urgently assist local beachside residents with suitable approvals to carry out emergency beach stabilisation works in the affected The Entrance North area.*
- 462/20 *That Council note that any such works will be carried out at the expense of affected residents.*
- 463/20 *That Council request the Chief Executive Officer to provide a report on the progress of this initiative as a matter of urgency.*

## Background

The Entrance North Beach has historically experienced coastal erosion as documented in the Wyong Beaches Coastal Zone Management Plan (CZMP) 2011. The CZMP identifies a number of private residences positioned on the ocean side of the immediate coastal hazard line. The Entrance North Beach has also been identified as a 'significant open coast hazard'

location by the NSW Government in the guidelines for the Coast and Estuary Grant funding program.

Increased erosion occurred at The Entrance North Beach from February 2020 and continuing throughout the winter period.

#### **Council assistance following the 9 June Council meeting**

Following the 9 June Council meeting staff undertook a number of actions to assist residents. Council staff periodically continued to complete beach scraping (which had already commenced in May 2020) to assist with the recovery of the beach and to also reduce the safety risk to users of the beach from the steep erosion scarp.

Council engaged a consulting surveyor to complete a property boundary survey from 1 Hutton Rd to 25 Hargraves Street. This survey was undertaken to provide information on the location of the erosion scarp in relation to the built structures and the property boundaries. This survey has also been provided to the residents for their information and to assist them should they wish to seek development approval for coastal protection works in the future.

In accordance with resolution 461/20, on 26 June 2020 Council officers met with representatives from NSW Department of Planning, Industry and Environment to discuss the approval pathways and licences required for both public and private coastal protection works. This information was obtained to assist residents with any proposed applications for coastal protection works.

Council staff have written to each of the property owners outlining the above information and also outlining that Council is undertaking a new Coastal Management Program, with the Stage 1 scoping study currently underway. During Stage 2 onwards Council will be working with the community on the development of the new Coastal Management Program and there will be opportunities for the residents and wider community to be involved in this process.

#### **Emergency Temporary Toe Protection Works – Following July coastal erosion event**

Following the July 2020 coastal erosion event, the Local Emergency Operations Controller (LEOCON) under the local emergency plan assumed control of the response. The LEOCON subsequently issued a direction under section 61 of the State Emergency and Rescue Management Act 1989 requiring Council to protect property (including the environment) threatened by the imminent emergency posed by the forecast weather event.

Central Coast Council has worked closely with State Government agencies and the LEOCON in response to significant areas of coastal erosion at Wamberal Beach and The Entrance North. Coastal remediation work in accordance with the direction was carried out under with advice from coastal engineers. At The Entrance North, emergency toe protection work has been completed which involved the placement of approximately 3,000 tonnes of rock on the beach between Karagi Reserve beach access and Hargraves Street beach access. Council staff

have sought confirmation from Public Works Advisory that the works satisfy the direction and will thereafter seek sign off from the LEOCON. Once that sign off has been received, Council will submit its claim for reimbursement of the costs incurred to the LEOCON. It is expected the LEOCON will then submit Council's claim for reimbursement to the relevant state government agencies for a response.

Crews will continue to inspect the work over coming weeks and the above accesses to the beach have been closed until they are considered safe and accessible.

The Karagi Reserve carpark will remain closed as Council will use it as a staging area for upcoming dredging works in The Entrance Channel. Some of the sand used from dredging will be used to further nourish the North Entrance beach.

Following the completion of the emergency works a letter was emailed to the residents to provide them with information on the works and their options with regard to coastal protection works. Council staff have also sent copies of the boundary survey to residents for their information in order to help assist them with any proposed private coastal protection works by providing additional relevant information to support any proposed development application.

### **Financial Impact**

The estimated total cost of the emergency works at The Entrance North is approximately \$780,000. These costs are being included in a funding application that is seeking one hundred percent reimbursement from the NSW Government under the Coastal and Estuary Grant Program.

### **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.

### **Attachments**

*Nil.*

**Item No:** 5.1  
**Title:** Questions with Notice  
**Department:** Governance

---



12 October 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14204886

There were no Questions with Notice received for the Ordinary Meeting 12 October 2020.

---

### **Attachments**

Nil





**Item No:** 6.1  
**Title:** Deferred Item - Notice of Motion - Leveraging Jobs Hub off \$250M State Government Rail Investment at Kangy Angy  
**Department:** Councillor

---

12 October 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14217185  
Author: Greg Best, Councillor  
Rebecca Gale, Councillor  
Bruce McLachlan, Councillor  
Troy Marquart, Councillor

At its meeting held 28 September 2020, the Council resolved as follows:

*565/20 That Council defer consideration of item 6.3 - Notice of Motion - Leveraging Jobs Hub off \$250M State Government Rail Investment at Kangy Angy to the 12 October 2020 Ordinary Meeting.*

- 1 That Council congratulates the key contractors, their some 300 employees and the State Government for their \$250 million intensity rail hub investment at Kangy Angy that will employ more than 300 FTEs.**
- 2 That further Council recognises the outstanding contribution by the former Wyong Council and its staff in being able to competitively secure such an extraordinary jobs boost for our region.**
- 3 That despite this Council's strident opposition and repeated representations against this massive investment and jobs initiative, council now look to leverage from this project through the establishment of a Local Rail Hub Business Network not unlike the vision Wyong Council staff had for the job-generating proposed Airport Hub at Warnervale.**
- 4 That Council in partnership with the State, the Regional Development Australia (RDA) and the broader business community with a view to bring together a taskforce to investigate this unique opportunity and potential jobs bonanza.**
- 5 That Council request the Chief Executive Officer to report on such an initiative providing preliminary advice and possible direction that council may wish to consider.**

## 6.1 Deferred Item - Notice of Motion - Leveraging Jobs Hub off \$250M State Government Rail Investment at Kangy Angy (contd)

---

### Councillors Note

Despite the Central Coast having extraordinarily high unemployment, this Council chose to object at every opportunity through its strident opposition to this massive investment that would underpin and employ hundreds of local Central Coast residents. It is not surprising that we were not invited to the recent opening of this facility, however, if we can now put behind ourselves this unfortunate chapter and genuinely reach out to our State counterparts and the Business Community with a view to developing a Specialist Rail Repair and Service Hub not unlike the vision that staff held in Wyong Council around the Airport Hub.

Now that we are in the COVID environment, every job is even more precious. It is with this understanding that I encourage this Council to move forward and seek to work cooperatively with the Government and key stakeholder groups.



**6.1 Deferred Item - Notice of Motion - Leveraging Jobs Hub off \$250M State Government Rail Investment at Kangy Ancy (contd)**

---



**Chief Executive Officer Response**

The Chief Executive Officer has further considered this notice of motion for legal, strategic, financial or policy implications which should be taken into consideration by the meeting. As a

**6.1 Deferred Item - Notice of Motion - Leveraging Jobs Hub off \$250M  
State Government Rail Investment at Kangy Angy (contd)**

---

result, the Chief Executive Officer has determined a report in relation to the notice of motion will not be required.

**Attachments**

Nil



**Item No:** 6.2  
**Title:** Notice of Motion - Collapse of Confidence in Council's Internal Controls and Financial Management  
**Department:** Councillor

---

12 October 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14223786  
Author: Greg Best, Councillor  
Jilly Pilon, Councillor  
Bruce McLachlan, Councillor  
Troy Marquart, Councillor

Councillors Best, Pilon, McLachlan and Marquart have given notice that at the Ordinary Council Meeting to be held on Monday 12 October they will move the following motion:

- 1 That Council notes with great concern the recent Audit Report by the NSW Audit Office around Council's "internal controls" over local infrastructure contributions (LICs) where serious concerns were raised around risks associated with Administration of LICs highlighting that up until June 2019 this Council unlawfully accessed \$13.2 million for unapproved administration activities.**
- 2 Further Council's confidence is significantly eroded in the knowledge that now four CFOs, Chief Financial Officers, have resigned or been replaced in the past three years and that this Council is currently again recruiting.**
- 3 As Elected Representatives and trusted custodians of the Ratepayer purse, this year budget alone reflecting \$573 million 2020 FY, with \$335.5 million of this being Rates and Charges, this Council having regard to the issues outlined below a-k, now formally seeks independent advice and assistance from the OLG and the Office of the Auditor General to better understand this Council's compliance with our financial control standards, internal controls, transparency and probity.**
  - a That this Council in FY19/20 budgeted for an \$18 million loss with a now Q3 result of \$41 million loss with preliminary adjustments forecast resulting in full year loss eclipsing \$50 million. Compounding this, Council notes it's exhibited Budget FY20/21 also reflects a multi-million dollar loss.**
  - b That Council's internal controls in the FY18/19 were unable to deliver the Accounts for some nine months past their due date requiring several Departmental extensions understandably exacerbating the crafting of the FY19/20 budget.**
  - c The scathing commentary attached to the recently released Audit Office's Independent Report.**



**6.2 Notice of Motion - Collapse of Confidence in Council's Internal Controls and Financial Management (contd)**

---

- d Council also notes the extraordinary waste of millions of dollars through actively terminating binding Contracts and willingly paying extensive damages.***
  - e That Council's lack of internal controls and transparency have resulted in this Council abandoning its \$171 million Civic Project known as the Gosford Art Centre and Library costing millions.***
  - f The escalating NSW Court List associated with this Council, again costing millions.***
  - g Council's confidence is further highly eroded due to the recognition that the current recruitment process on foot for a new CFO will be our fifth CFO in this term of Council alone.***
  - h Further to the Auditor General's Report, Council notes the exponential worsening of its now more than \$200 million infrastructure spending backlog.***
  - i Council's processes leading up to the extinguishment and refund of a \$5 million State Government Grant for a Community Walkway that had already commenced.***
  - j Staffing levels now up by some 500 FTEs since the Amalgamation with total Council employment being approximately 2,500 Staff plus \$9 million in Contractors, some being remunerated at \$1,300 a day.***
  - k Council's recent \$50 million borrowing with \$25 million being new money that forms part of Council's current \$232 million borrowing. Note this ratio is not excessive, however the interest rate is 6.25% in the current market.***
  - l That Council also notes the importance of sound internal controls as a result of its decisions around looming issues such as the Coastal Erosion and Property Losses and the extraordinary risks Council now faces with regard to its stance on the Airport.***
- 4 That having regard to the wide range of issues identified above and the sobering commentary from the Office of the Auditor General, this Council now seeks to take a proactive, responsible and self-reporting position through requesting the OLG, the Audit Office and the Minister to step in and assist Council in embedding an appropriate Review Team in to the back end of Council's systems to identify issues and appoint a temporary independent CFO as Review Oversight, such are our concerns as the Elected Body.**

**Chief Executive Officer Response**

The Chief Executive Officer considers that this notice of motion has legal, strategic, financial or policy implications which should be taken into consideration by the meeting. As a result, the Chief Executive Officer will provide a report in relation to the notice of motion. This report will be provided as a late item and will be made available by close of business on the Friday prior to the council meeting.

**6.2 Notice of Motion - Collapse of Confidence in Council's Internal Controls and Financial Management (contd)**

---

**Attachments**

*Nil.*





**Item No:** 6.3  
**Title:** Notice of Motion - Tradie led COVID recovery for the Central Coast  
**Department:** Councillor

---

12 October 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14224619  
Author: Bruce McLachlan, Councillor  
Greg Best, Councillor

Councillor McLachlan has given notice that at the Ordinary Council Meeting to be held on 12 October 2020 he will move the following motion:

- 1 That Central Coast Council recognises the local economy is one of its core pillar responsibilities, and that COVID 19 economic impacts now require Council to urgently provide Economic leadership, and stimulus to the Central Coast Region.**
- 2 That Council acknowledges the key role of its Planning Department, and its ability via fast tracking of the DA process, an immediate boost to construction, our second largest workforce on the Central Coast.**
- 3 That Council Finances, even with maximum Rate Rise percentages allowed, is projecting at \$50M budget loss for 2020, resulting in a cut backs to Capital Works programmes across the Coast.**
- 4 That any increased efficiency of the Planning Dept, can play a vital role in increasing Council revenues, through collection of Development Contributions, Fees and Charges.**
- 5 That Council via the Chief Executive Officer now investigate and report back to Council, measures to assist in the fast tracking of DA approvals, including allocating additional resources to the Planning Department, in order to reduce DA approval turnaround times.**

#### **Councillor Note**

WHEN THE HAMMERS SWING - THE COAST SINGS

Our tradies are the backbone of our local economy, and construction is are second largest workforce on the Coast.

**6.3 Notice of Motion - Tradie led COVID recovery for the Central Coast  
(contd)**

---

Each new residential build employs approximately 50 individual trades, and any delay in the DA approval process, has a serious detrimental effect on the industry, and a drag on the Central Coast economy.

One of the immediate, tangible, and measurable economic stimulus avenues available to Council, is the ability to fast track the DA approvals, at the same time collecting additional Council revenue.

Re allocation of resources to improve output of the Planning Dept should be considered, as it is a revenue raising Dept. with the ability to improve Councils finances, which will in turn help reduce pressure to increase residents Rates.

**Attachments**

*Nil.*