

Central Coast Council Business Paper Ordinary Council Meeting 28 September 2020



#### 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

### COMMUNITY STRATEGIC PLAN 2018-2028

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.



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

#### BAN MARAARA COMMUNITY STRATEGIC PLAN 2018-2028 FRAMEWORK BELONGING COMMUNITY VISION A THAT OF LEN Theme RESPONSIBLE R.C. (0) ...... 122 All council reports contained within Focus Area SMART the Business Paper 62 (0) :=== are now aligned to 6.8 13 the Community 61.4 Strategic Plan. Objective a. Each report will C1 ..... LIVEABLE contain a cross reference to a C. Burntonis GREEN 10 Theme, Focus Area and Objective within the framework of the Plan.

#### There are 5 themes, 12 focus areas and 48 objectives

### **Meeting Notice**

### The Ordinary Council Meeting of Central Coast Council will be held in the Council Chamber, will be held remotely - online Monday 28 September 2020 at 6.30 pm,

for the transaction of the business listed below:

#### 1 Procedural Items

	1.1	Disclosures of Interest		
	1.2 1.3	Confirmation of Minutes of Previous Meeting Notice of Intention to Deal with Matters in Confidential Session		
2		ning Reports		
	2.1	Outcome of exhibition of Planning Proposal related to Precinct 2A and 2B North Wyong Shire Structure Plan	20	
	2.2	Planning Proposal RZ /6/2016 Warnervale and Virginia Rd, Warnervale		
	2.3	Request to prepare Planning Proposal No 239 Debenham Road North, Somersby		
	2.4	Review of the Warnervale Section 7:11 Plan Request for Public Exhibition		
3	Gene	eral Reports		
	3.1	Draft Economic Development Strategy 2020-2040 and Economic Recovery and Resilience Framework		
	3.2	Proposed Development of Warnervale Education and Business Precinct		
	3.3	State of Environment Report 2020		
	3.4	Amended Code of Meeting Practice and Consideration of Submissions	226	
	3.5	Investment Report for July and August 2020	282	
	3.6	Adoption of amendments to 2020-21 Fees and Charges	295	
	3.7	Community Support Grant Program - July 2020	305	
	3.8	Draft Skatepark Action Plan	312	
	3.9	Biodiversity Strategy	331	
	3.10	Meeting Record of the Companion Animals Advisory Committee held 28		
		July 2020	334	
4	Information Reports			
	4.1	Meeting Record of the Coastal Open Space System (COSS) Committee Extraordinary Meeting held on 18 August 2020	340	
	4.2	Meeting Record of the Playspaces Advisory Committee Meeting held on		
		5 August 2020		
	4.3	Working Together Staying Strong COVID Grants - August 2020	347	

#### 5 Questions With Notice

- Adherence to Council's budgeted operational plan in the previous 12 months
  - San Remo BMX park

#### 6 Notices Of Motion

6.1	Notice of Motion - Additional Motion to LGNSW Annual Conference -	
	Legislative Reform	353
6.2	Notice of Motion - Extreme Risks and Lease Liabilities	
6.3	Notice of Motion - Leveraging Jobs Hub off \$250M State Government	
	Rail Investment at Kangy Angy	357
6.4	Notice of Motion - Wamberal Taskforce	360
Confidential Items		

7.1 Metro Cinema at Lake Haven - Rent Waiver

Gary Murphy
Chief Executive Officer

7

Item No:1.1Title:Disclosures of InterestDepartment:Governance

28 September 2020 Ordinary Council Meeting

Trim Reference: F2020/00039 - D14169576

Central Coast Council

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

Section 451 of the LG Act states:

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

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

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

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

#### Recommendation

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

Item No:1.2Title:Confirmation of Minutes of Previous MeetingDepartment:Governance28 September 2020 Ordinary Council MeetingTrim Reference:F2020/00039 - D14169582



#### Summary

Confirmation of minutes of the Ordinary Meeting of Council held on 14 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 - 14 September 2020 D14182269



#### Present

Mayor Lisa Matthews and Councillors Jillian Hogan, Kyle MacGregor, Doug Vincent, Troy Marquart, Chris Burke, Chris Holstein, Bruce McLachlan, Rebecca Gale, Louise Greenaway, Jeff Sundstrom, Richard Mehrtens and Jane Smith.

#### In Attendance

Gary Murphy (Chief Executive Officer), Boris Bolgoff (Director Roads, Transport, Drainage and Waste), Phil Cantillon (Acting 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 6.31pm.

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

The 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: 6.36pm

Councillor Vincent joined the meeting at 7.18pm and did not vote on this item.

Moved:Councillor SmithSeconded:Councillor Holstein

Attachr	ment 1	Minutes - Ordinary Meeting - 14 September 2020	
446/20	That Council accept the ap tonight's meeting.	nat Council accept the apologies submitted by Councillor Best and Pilon for night's meeting.	
447/20	That Council note that Cou	incillor Vincent advised that he will be delayed in	

For: Unanimous

#### 1.1 Disclosures of Interest

Time commenced: 6.37pm

Councillor Vincent joined the meeting at 7.18pm and did not vote on this item.

#### 2.7 Public Exhibition of draft Waste Resource Management Strategy

joining the meeting due to work commitments.

Councillor Smith declared a less than significant non pecuniary interest in the matter as she knows the speaker Ms Wiley through her workplace as an educator. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

#### 2.8 Community Support Grant Program - June 2020

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

This item was resolved by the exception method.

#### 3.5 Working Together Staying Strong COVID Grants - July 2020

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she either works with or has partnerships with those organisations.

This item was resolved by the exception method.

#### 5.3 Notice of Motion - Saving the Mariners/Convening a crisis meeting

Councillor Holstein declared a significant non pecuniary interest in the matter as his daughter works for the Central Coast Mariners. Councillor Holstein left the meeting at 8.40pm, returned at 9.00pm and did not participate in discussion on this matter.

Moved:	Councillor Hogan
Seconded:	<b>Councillor Burke</b>

#### Resolved

## 448/20 That Council receive the report on Disclosure of Interest and <u>note</u> advice of disclosures.

#### For: Unanimous

#### 1.2 Confirmation of Minutes of Previous Meeting

Time commenced: 6.38pm

Councillor Vincent joined the meeting at 7.18pm and did not vote on this item.

Moved:	Councillor Gale
Seconded:	<b>Councillor Sundstrom</b>

#### Resolved

449/20 That Council confirm the minutes of the Ordinary Meeting of Council held on the 24 August 2020.

For: Unanimous

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

Time commenced: 6.39pm

Councillor Vincent joined the meeting at 7.18pm and did not vote on this item.

Moved:Councillor McLachlanSeconded:Councillor MacGregor

#### Resolved

450/20 That Council receive the report and note that no matters have been tabled to deal with in a closed session.

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For:
Unanimous
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#### **Procedural Motion – Exception**

Time commenced: 6.40pm

Councillor Vincent joined the meeting at 7.18pm and did not vote on this item.

## Moved:Councillor HolsteinSeconded:Councillor Hogan

# 451/20 That Council adopt the following items as a group and in accordance with the report recommendations:

ltem #	Item Title
2.1	Reclassification of Land
2.2	Amendments to the Councillor Expenses and Facilities Policy
2.5	Revised Community Participation Plan
2.6	Drinking Water Quality Policy and Recycled Water Quality Policy August 2020
2.8	Community Support Grant Program - June 2020
3.1	Meeting Record of the Protection of the Environment Trust Management Committee held on 18 August 2020
3.2	Warnervale Working Group Update
3.3	Council Tree Planting Initiatives
3.4	Bushfire Roles and Responsibilities
3.5	Working Together Staying Strong COVID Grants - July 2020
5.7	Notice of Motion - Budgewoi Masterplan - Review and Update

452/20 That Council discuss the following items individually:

Item #	Item Title	
2.3	Amendments to Code of Conduct and the Procedures for the Administration of the Code of Conduct	
2.4	Open Pile Burning Policy - Hawkesbury River Communities	
2.7	Public Exhibition of draft Waste Resource Management Strategy	
5.1	Deferred Item - Notice of Motion - Committee Costs Update	
5.2	Deferred Item - Notice of Motion - Forgotten North Gateway Disgrace	
5.3	Notice of Motion - Saving the Mariners/Convening a crisis meeting	
5.4	Notice of Motion - Warnervale Train Station	
5.5	Notice of Motion - The Future of Kincumber Waste Transfer Station	
5.6	Notice of Motion - A Tourism gift or wasted opportunity?	

For: Unanimous

#### 2.1 Reclassification of Land

This item was resolved by the exception method.

Moved:	<b>Councillor Holstein</b>
Seconded:	Councillor Hogan

453/20	That Council reclassify the following land from operational to community
	land:

- 1 Lot 51 DP 609432 and Lot 3 DP 262772 at 2-18 Newbridge Road, Berkeley Vale
- 2 Lot 79 DP 241571 at 38W Wombat Street, Berkeley Vale
- 3 Lot 313 DP 31935 at 19W Marlborough Place, Berkeley Vale
- 4 Lot 25 DP 869735 at 151W Wyong Road, Berkeley Vale
- 5 Lot 26 DP 869735 at 153W Wyong Road, Berkeley Vale
- 6 Lot 190 DP 25586 at 75W Panorama Avenue, Charmhaven
- 7 Lot 105 DP 805181 at 2W Bundeena Road, Glenning Valley
- 8 Lots 43 and 44 DP 263868 at 13W Palm Springs Avenue, Glenning Valley
- 9 Lot 8 DP 825848 at 30W Sandra Street, Jilliby
- 10 Lot 6 DP 246727 at 32W Sandra Street, Jilliby
- 11 Lot 16 DP 228750 at 231 Hue Hue Road, Jilliby
- 12 Lot 73 DP 789413 at 1W Merro Close, Lake Haven
- 13 Lot 7 DP 255531 at 105W Woodbury Park Drive, Mardi
- 14 Lot 40 DP 787730 at 60W Burns Road, Ourimbah
- 15 Lot 58 DP 830706 at 40W Coachwood Drive, Ourimbah
- 16 Lot 104 DP 876413 at 1 Teralba Street, Ourimbah
- 17 Lot 22 DP1188257 at 1W Pacific Highway, Ourimbah
- 18 Lots 210, 211 and 266 DP 830759 at 102W Yeramba Road, Summerland Point
- 19 Lot 21 DP 806713 at 11W Molsten Avenue, Tumbi Umbi
- 20 Lot 3 DP 793403 at 1W Brittania Drive Watanobbi.
- 454/20 That the following properties remain classified as operational land:
  - Lot 2 DP 600350 at 50 Wilfred Barrett Drive, Norah Head
  - Lot 2 DP 810238 at 7 Wyong Road, Tuggerah
  - 8 Titania Avenue, Tuggerah.
  - For: Unanimous

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Attachment 1
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#### 2.2 Amendments to the Councillor Expenses and Facilities Policy

This item was resolved by the exception method.

Moved: Councillor Holstein Seconded: Councillor Hogan

#### Resolved

- **455/20** That Council resolve, for the purposes of section 253(1) and 252(1) of the Local Government Act 1993, to give public notice of, and to publicly exhibit for not fewer than 28 days, the proposed amendments to the adopted "Councillor Expenses and Facilities Policy" set out in Attachment 1 to this report with a further report to be provided at the conclusion of the exhibition period.
- 456/20 That the Council note that the recommended amendments to the "Councillor Expenses and Facilities Policy" as Attached to this report comply with the 'Guidelines for the payment of expenses and the provisions of facilities for Mayors and Councillors in NSW' issued by the Chief Executive of the Office of Local Government pursuant to section 23A of the Local Government Act 1993.

For: Unanimous

#### 2.3 Amendments to Code of Conduct and the Procedures for the Administration of the Code of Conduct

Time commenced: 6.42pm

Councillor Vincent joined the meeting at 7.18pm and did not vote on this item.

- Moved:Councillor SundstromSeconded:Councillor Smith
- Resolved
- 457/20 That Council adopt the Code of Conduct that is Attachment 1 to this report in accordance with section 440(3) of the Local Government Act 1993.
- 458/20 That Council adopt the Procedures for the Administration of the Code of Conduct that is Attachment 2 to this report in accordance with section 440AA of the Local Government Act 1993.
- 459/20 With a view to aligning to the Code of Conduct that a further report be provided to Council regarding a potential Lobbying Policy that sets out (amongst other requirements) the need for staff to appropriately document interactions with developers and lobby groups and considers the

# *Independent Commission Against Corruption reports into Lobbying and any relevant advice from the Office of Local Government.*

For: Unanimous

#### 2.4 Open Pile Burning Policy - Hawkesbury River Communities

Time commenced: 6.56pm

Councillor Vincent joined the meeting at 7.18pm and did not vote on this item.

Moved:	Councillor Holstein
Seconded:	Mayor Matthews

#### Resolved

460/20 That Council adopt the revised Central Coast Open Pile Burning Policy, as amended. Specific amendments include provisions for the riverine communities of the Hawkesbury River and are based on site restrictions:

- a Policy Item D1 now includes parcels of land less than 4,000m<sup>2</sup> in areas and located within the Hawkesbury River communities of Little Wobby, Wondabyne, Cogra Bay, Bar Point, Marlow Creek and Patonga Creek and zoned either as an E2 Environmental Conservation Zone under the Gosford Environmental Plan 2014 or 7(a) Conservation under the Gosford Interim Development Order 122 as part of a self approval process.
- *b* Policy Item D3 only allows for a 1m pile diameter for these riverine communities.
- c Policy Item D6 allows an open pile burn fire to be reduced to at least 3 metres from any dwelling structure, building or unmanaged vegetation (native or non-native for these riverine communities).
- *d* All other provisions of the Open Pile Burning Policy remain unaltered.
- 461/20 That;
  - a the amendments be included as a Schedule I to the Policy and include a map specifically identifying those properties to which those provisions apply.
  - Add to the Policy "C8 Schedule I provides special provisions for land parcels located in Cogra Bay, Wondabyne, Little Wobby, Bar Point, Marlow Creek and Patonga Creek due to boat only access to properties."

- 462/20 That Council require the Chief Executive Officer to write to the Minister for Energy and Environment and the Parliamentary Secretary for the Environment and request an extension to their 12 month Government Gazette approval dated 27 September 2019 for Council's Open Pile **Burning Policy**.
- 463/20 That Council write to all residents within the Hawkesbury River communities of Little Wobby, Wondabyne, Cogra Bay, Bar Point, Marlow Creek and Patonga Creek and advise them of Council's decision.
- 464/20 That Council continue to review the Central Coast Open Pile Burning *Policy every three years.*

For:

Against: Mayor Matthews, Councillors Burke, Gale, **Councillors Greenaway and Smith** Hogan, Holstein, MacGregor, Marquart, McLachlan, Mehrtens and Sundstrom

#### 2.5 **Revised Community Participation Plan**

This item was resolved by the exception method.

Moved:	Councillor Holstein
Seconded:	Councillor Hogan

- 465/20 That Council endorse the amendments to the current Community Participation Plan for the purposes of community consultation, being:
  - Detail the role and responsibilities of Councillors in the advocacy and а consideration of community views, and their role in relation to the various decision-making bodies, which are responsible for objective decision making within the NSW planning system;
  - Identify which matters are determined by the Council, Accredited b Certifiers, the Local Planning Panel, the Joint Regional Planning Panel, the Planning Assessment Commission, and the relevant Minister;
  - Clarify which calendar days are included within the various С exhibition timeframes; and
  - d Updated in line with recent legislation changes in regard to advertising and notification requirements.
- 466/20 That Council place the (revised) draft Central Coast Community Participation Plan on public exhibition for a period of 28 days.

## 467/20 That Council consider a further report on results of the community consultation.

468/20 That Council improve website information, connectivity, and search capabilities, to improve public access to the CPP.

#### For:

Unanimous

## 2.6 Drinking Water Quality Policy and Recycled Water Quality Policy August 2020

This item was resolved by the exception method.

Moved:	<b>Councillor Holstein</b>
Seconded:	Councillor Hogan

#### Resolved

- **469/20** That Council note and consider submissions received during the exhibition period.
- 470/20 That Council adopt the amended Recycled Water Quality Policy and Drinking Water Quality Policy as set out in Attachments 1 and 2 to this report.

### For:

Unanimous

#### 2.7 Public Exhibition of draft Waste Resource Management Strategy

Time commenced: 7.06pm

Councillor Vincent joined the meeting at 7.18pm during consideration of this item.

Moved:	Councillor Smith
Seconded:	Councillor Greenaway

- 471/20 That Council endorse the focus of the strategy on developing a local circular economy.
- 472/20 That Council notes that 59% of our kerbside waste stream is organic including food and other organic material.

- 473/20 That Council adopts the Waste Resource Management Strategy with the following amendments:
  - 2.1 Investigate and plan for a large-scale waste processing solution for Food Organics and Garden Organics (FOGO).
    - 2.1.1 Council will investigate waste technology options, and the associated collection requirements, that can deliver safe, secure and cost effective processing of FOGO into beneficial use.
    - 2.1.2 Council will investigate the suitability of Council-owned facilities for potential development of a FOGO waste processing facility, noting that other sites both inside and outside the LGA may also offer value.
- 474/20 That Council notes that:
  - a The investigation, planning and introduction of FOGO collection and processing is a priority for the next 1-3 years and will be the subject of further reports to Council.
  - *b* That the red bin service will not be reduced as part of the consideration of FOGO.
  - c That any further detailed consideration of Mixed Waste Processing EfW (thermal treatment) and Mechanical Biological Treatment (MBT) be discontinued until after the intended establishment and evaluation of FOGO due to concerns regarding:
    - *i by-products from these processes, in terms of quality and pollution*
    - ii inefficiencies, costs, markets and source streams
    - iii the high level of community and regulator sensitivity, particularly around air emissions
    - *iv inconsistency with an overarching objectives of waste reduction and a circular economy*
- 475/20 That Council commends and thanks our staff for their work in preparing the waste strategy and the innovation that is being demonstrated in a range of Central Coast Council waste initiatives.
- 476/20 That Council notifies those persons who made submissions of its decision and thanks them for their input.

For:	Against:
Mayor Matthews, Councillors Gale,	Councillors Burke and Marquart
Greenaway, Hogan, Holstein, MacGregor,	
McLachlan, Mehrtens, Smith, Sundstrom	
and Vincent	

### 2.8 Community Support Grant Program - June 2020

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

This item was resolved by the exception method.

Moved:	<b>Councillor Holstein</b>
Seconded:	Councillor Hogan

#### Resolved

- 477/20 That Council support the recommendations in principle to allocate \$31,188.61 from the 2020/21 grants budget to the Community Support Grant program, as outlined in the following report and Attachment 1.
- 478/20 That Council decline applications for the reasons indicated in Attachment 2, the applicants be advised and where relevant, directed to alternate funding.
- 479/20 That Council request the CEO 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

#### 3.1 Meeting Record of the Protection of the Environment Trust Management Committee held on 18 August 2020

This item was resolved by the exception method.

Moved: Councillor Holstein Seconded: Councillor Hogan

#### Resolved

480/20 That Council receive the report on Meeting Record of the Protection of the Environment Trust Management Committee held on 18 August 2020.

For: Unanimous

#### 3.2 Warnervale Working Group Update

This item was resolved by the exception method.

Moved:	<b>Councillor Holstein</b>
Seconded:	Councillor Hogan

#### Resolved

481/20 That Council receive the report on Warnervale Working Group Update .

For: Unanimous

#### 3.3 Council Tree Planting Initiatives

This item was resolved by the exception method.

Moved:Councillor HolsteinSeconded:Councillor Hogan

Resolved

482/20 That Council receive the report on Council Tree Planting Initiatives.

For: Unanimous

#### 3.4 Bushfire Roles and Responsibilities

This item was resolved by the exception method.

Moved:	Councillor Holstein
Seconded:	Councillor Hogan

Resolved

483/20 That Council receive the report on Bushfire Roles and Responsibilities.

For: Unanimous

#### 3.5 Working Together Staying Strong COVID Grants - July 2020

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she either works with or has partnerships with those organisations.

This item was resolved by the exception method.

Moved: Councillor Holstein Seconded: Councillor Hogan

#### Resolved

484/20 That Council receive the report on the Working Together Staying Strong Grant Program July 2020 applications as outlined in the following report and Attachments 1 and 2.

For: Unanimous

#### 5.1 Deferred Item - Notice of Motion - Committee Costs Update

Time commenced: 7.26pm

Moved: Councillor Gale Seconded: Councillor Marquart

- 1 That the Chief Executive Officer report on all the costs accumulated from the advisory groups since the commencement of this elected Council board by end of September 2020.
- 2 The in-kind component dedicated from community members and stakeholder contributors attending advisory groups is acknowledged and appreciated by Council.
- 3 That the Chief Executive Officer report on the estimated costs for all current advisory groups to continue operation for the final year of this elected Council.
- 4 That Councillors and community members be given the opportunity to review their advisory group membership.

Amendment Moved:	Councillor Smith
Amendment Seconded:	Councillor Sundstrom

- 1 That the Chief Executive Officer redistribute previous information to Councillors regarding the matters below;
  - all costs accumulated from the advisory groups since the commencement of this elected Council board by end of September 2020.

Attachment 1	
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- The in-kind component dedicated from community members and stakeholder contributors attending advisory groups is acknowledged and appreciated by Council.
- the estimated costs for all current advisory groups to continue operation for the final year of this elected Council.
- 2 That Councillors and community members be given the opportunity to review their advisory group membership.

For:	Against:
Mayor Matthews, Councillors Greenaway,	Councillors Burke, Gale, Hogan, Holstein,
MacGregor, Mehrtens, Smith and Sundstrom	McLachlan, Marquart and Vincent

The amendment was put to the vote and declared LOST.

Moved:	Councillor Gale
Seconded:	Councillor Marquart

- 1 That the Chief Executive Officer report on all the costs accumulated from the advisory groups since the commencement of this elected Council board by end of September 2020.
- 2 The in-kind component dedicated from community members and stakeholder contributors attending advisory groups is acknowledged and appreciated by Council.
- 3 That the Chief Executive Officer report on the estimated costs for all current advisory groups to continue operation for the final year of this elected Council.
- 4 That Councillors and community members be given the opportunity to review their advisory group membership.

For:	Against:
Councillors Burke, Gale, Holstein, McLachlan	Mayor Matthews, Councillors Greenaway,
and Marquart	Hogan, MacGregor, Mehrtens, Smith,
	Sundstrom and Vincent

The motion was put to the vote and declared LOST.

#### 5.2 Deferred Item - Notice of Motion - Forgotten North Gateway Disgrace

Time commenced: 7.50pm

- Moved:Councillor McLachlanSeconded:Councillor Marquart
- 1 That Council notes with great concern the continuing deterioration in the visual amenity and overall public safety in and around the Toukley Bridge Gateway precinct due to:

- a The RMS graffiti laden worksite known locally as the 'RMS Shanty Town'.
- b The concrete shell known as the 'Toukley Taj Mahal' and its dilapidated abandoned wharf.
- c The remnant collapsing and highly dangerous foundations of the old Toukley Bridge (now local Heritage listed).
- *d* The abandoned asbestos ladened and dilapidated Gorokan Fish Coop building (including stylish fencing) controlled by Department of Lands.
- e The abandoned and again dangerous Coop Wharf.
- f The Rotting seaweed removal platform and gaol like fencing.
- 2 That further Council notes the disappointment/complaints and local outrage at such a disgraceful display in the gateway to our Scenic North.
- 3 That Council write to the RMS and Department of Lands on behalf of our Local Community demanding that their areas of responsibilities be immediately addressed.
- 4 That Council request the Chief Executive Officer provide a thorough report for Council and indeed the Community's consideration as to the best way forward to beautify and take more seriously this important gateway.
- 5 Further in contrast Council congratulates Staff on the recent installation of the state-ofthe-art Community Exercise and Play Area installed in the Gorokan Bridge Silver Playground Area.

Amendment Moved:	Councillor Vincent
Amendment Seconded:	Councillor Hogan

- 1 That Council request the Chief Executive Officer to write to Transport for NSW, Department of Lands and any other relevant authorities on behalf of our Local Community requesting that their areas of responsibilities be addressed including properties/lands held in their ownership/use seeking a resolution to issues identified.
- 2 That Council request the Chief Executive Officer provide a thorough report for Council and indeed the Community's consideration as to the best way forward to beautify and take more seriously this important gateway including;
  - a The graffiti on the Transport for NSW worksite.
  - b The concrete shell known as the 'Toukley Taj Mahal' and its dilapidated abandoned wharf.
  - c The foundations of the old Toukley Bridge (now local Heritage listed).
  - *d* The asbestos contaminated and dilapidated Gorokan Fish Coop building (including stylish fencing) controlled by Department of Lands.
  - e The rotting seaweed removal platform and gaol like fencing.
- 3 That Council request the Chief Executive Officer to seek legal advice as to the process of enforcing orders issued by the Land and Environment Court and report back to Council.
- 4 That Council request the Chief Executive Officer to identify other options available to Council and report back to Council.

For: Mayor Matthews, Councillors Gale, Greenaway, Hogan, Holstein, MacGregor, McLachlan, Mehrtens, Marquart, Smith, Sundstrom and Vincent Against: Councillor Burke

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

Moved:Councillor VincentSeconded:Councillor Hogan

- 1 That Council request the Chief Executive Officer to write to Transport for NSW, Department of Lands and any other relevant authorities on behalf of our Local Community requesting that their areas of responsibilities be addressed including properties/lands held in their ownership/use seeking a resolution to issues identified.
- 2 That Council request the Chief Executive Officer provide a thorough report for Council and indeed the Community's consideration as to the best way forward to beautify and take more seriously this important gateway including;
  - a The graffiti on the Transport for NSW worksite.
  - b The concrete shell known as the 'Toukley Taj Mahal' and its dilapidated abandoned wharf.
  - c The foundations of the old Toukley Bridge (now local Heritage listed).
  - *d* The asbestos contaminated and dilapidated Gorokan Fish Coop building (including stylish fencing) controlled by Department of Lands.
  - e The rotting seaweed removal platform and gaol like fencing.
- 3 That Council request the Chief Executive Officer to seek legal advice as to the process of enforcing orders issued by the Land and Environment Court and report back to Council.
- 4 That Council request the Chief Executive Officer to identify other options available to Council and report back to Council.

For: Unanimous

The meeting was adjourned at 8.26pm and resumed at 8.40pm.

#### 5.3 Notice of Motion - Saving the Mariners/Convening a crisis meeting

Time commenced: 8.40pm

Councillor Holstein declared a significant non pecuniary interest in the matter as his daughter works for the Central Coast Mariners. Councillor Holstein left the meeting at 8.40pm, returned at 9.00pm and did not participate in discussion on this matter.

Moved: Councillor McLachlan Seconded: Councillor Gale

#### Resolved

- 485/20 That Council notes with great concern that the owners of the Mariners are now taking expressions of interests up until 15 September 2020 for the sale of the club that may well result in the Mariners leaving their home base here on the Central Coast.
- 486/20 That further Council recognises the significant economic, social, educational and public health contribution this organisation has provided over many years to our region.
- 487/20 That Council notes it took strong support from the former Wyong and Gosford Councils over more than ten years to establish a national sporting team for this region. Further these Councils developed a strong partnership with the Mariners and their supporter base through sponsoring and actively supporting the Mariners over many years.
- 488/20 That Council now urgently seek to convene a crisis meeting of the Mariner's executives, our federal and state representatives and key representatives of our regional business organisations with a view to identifying options moving forward to maintain the Mariners as our peak regional sporting organisations on a national stage.

For: Unanimous

#### 5.4 Notice of Motion - Warnervale Train Station

Time commenced: 9.00pm

Moved: Councillor MacGregor Seconded: Councillor Vincent

- 489/20 That Council note that for well over a decade current and future residents of the broader Warnervale region have been aware of plans for a new Warnervale railway station in close proximity to the Warnervale town centre.
- 490/20 That Council request the Chief Executive Officer write to Andrew Constance the Minister for Transport regarding an update on the state governments plans for the Warnervale train station.

Attachm	ent 1	Minutes - Ordinary Meeting - 14 September 2020	
491/20	receive a brie	ent to a response to the letter being received that Councillors efing on the future of the Warnervale train station and its for both the Warnervale town centre and the greater region.	
492/20	Council call o train station	vent that the 'new' train station is not to go ahead, that on the State Government to upgrade the current Warnervale in line with the recent upgrades to other Central Coast train g the Newcastle/Central Coast line.	
For: Unanim	ous		

#### 5.5 Notice of Motion - The Future of Kincumber Waste Transfer Station

Time commenced: 9.06pm

Moved:Councillor SundstromSeconded:Councillor Vincent

- 493/20 That Council note the amount of illegal dumping since and possibly directly related to the temporary closure of the Kincumber Waste Transfer Station Facility.
- 494/20 That Council note the number of interested residents seeking the reopening of this facility.
- 495/20 That Council notes the opportunity that the temporary closure has presented for maintenance of the facility.
- 496/20 Council notes that even though Woy Woy tip is 16km away from the Kincumber facility that this adds to the burden for many residents that are committed to doing the right thing with their waste.
- 497/20 That within a reasonable time frame, the Chief Executive Officer brings to the chamber, a comprehensive report on the future of Kincumber Waste Transfer Station or in the case of its permanent closure what may be viable alternative uses for the land commonly referred to as the Kincumber Tip.
- 498/20 That Council request the Chief Executive Officer to provide a brief report on the future opportunities for a tip shop recycling centre to operate from the Kincumber Waste Transfer Station or other appropriate sites.

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

Against: Councillor Gale

5.6 Notice of Motion - A Tourism gift or wasted opportunity?

Time commenced: 9.18pm

Moved:Councillor McLachlanSeconded:Councillor Marquart

#### Resolved

- 499/20 That Council now recognise the never before opportunity the current interstate and overseas travel restrictions has presented Council, with the opportunity to reset the Central Coast, as a tourism destination.
- 500/20 That Council ensures this opportunity is not squandered, and that adequate promotion of the Central Coast as a Regional destination is undertaken, especially now that Councils previous 800k Tourism budget, is now done in house.
- 501/20 That Council recognise first impressions are important, and that gate way entries with untidy, litter strewn, overgrown road side verges, and graffiti ridden public areas do not create a positive reputation as a destination.
- 502/20 That many of these gateway entries are NSW State owned assets, and Council via the Chief Executive Officer, write to local State MPs asking for these areas of concern be addressed.
- 503/20 That Council recognises overflowing bins in our beaches and reserves are a common sight at holiday periods, and that Council via the Chief Executive Officer, ensure that adequate resources are made available, to cater for this increased demand.
- 504/20 That Council recognise this 2020 year's summer influx of tourism may well be record, and that Council via the Chief Executive Officer, ensure adequate resources be made available in the current budget for staff to pro-actively prepare, for the predicted extra pressure on our public amenities.

For: Unanimous

#### 5.7 Notice of Motion - Budgewoi Masterplan - Review and Update

This item was resolved by the exception method.

Moved:Councillor HolsteinSeconded:Councillor Hogan

#### Resolved

- 505/20 That Council notes that the first Budgewoi Masterplan which was driven by the community was adopted in 2013.
- 506/20 That Council notes that although there has been some work carried out under the current Masterplan, that the demographics and environment has now changed significantly since the adoption of this Masterplan.
- 507/20 Could staff please review and update the Masterplan taking into consideration past recommendations, current knowledge of the area, current needs of the residents and tourists, pathway connectivity and the natural environment.
- 508/20 Could staff please ensure that community consultation is meaningful and representative of a broad range of community interest groups.

#### For:

Unanimous

The Meeting closed at 9.34 pm.

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



28 September 2020 Ordinary Council Meeting Trim Reference: F2020/00039 - D14169592

#### 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 – 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.

#### 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

ltem No: Title:	2.1 Outcome of exhibition of Planning Proposal related to Precinct 2A and 2B North Wyong Shire Structure Plan			
Department	: Innovation and Futures			
28 September 2020 Ordinary Council Meeting				
Reference:	F2020/00039 - D14063013			
Author:	Lucy Larkins, Senior Strategic Planner			
	Scott Duncan, Section Manager, Land Use and Policy			

Jenny Mewing, Principal Strategic Planner Manager: Shari Driver, Unit Manager, Strategic Planning

Executive: Ricardo Martello, Executive Manager Innovation and Futures

#### Summary

The purpose of this report is for Council to consider the outcomes of the public exhibition of a Planning Proposal and site-specific Development Control Plan Chapter for Precincts 2A and 2B of the North Wyong Shire Structure Plan.

Central Coast Council

This report recommends that Council finalise the Planning Proposal and adopt a sitespecific Development Control Plan Chapter relating to the subject land.

#### Recommendation

- 1 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.
- 2 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);

3 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;

2.1

- 4 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);
- 5 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.
- 6 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.
- 7 That Council publish a public notice of its decision regarding the adoption of the Development Control Plan within 28 days;
- 8 That Council provide the Planning Secretary with a copy of the Development Control Plan within 28 days;
- 9 That Council advise all those who made a submission of the decision.

#### Background

The subject sites were initially identified in the 2013 NSW Government's Potential Homes Sites Program to stimulate growth and provide opportunity for affordable housing delivery. The proposal was subsequently submitted to Council for consideration in 2013.

At its Ordinary Meeting of the 28 August 2013, the former Wyong Shire Council (fWSC) resolved:

- 1096/13 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan, 1991, (or pending timing, Wyong Standard Instrument Local Environmental Plan) pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979.
- 1097/13 That Council forward the Planning Proposal (generally based on the information in Enclosure 1) to the Department of Planning and Infrastructure (DP&I) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979. 1098/13 That Council require, subject to the "Gateway Determination," the applicant/landowner consortium enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to 3.2 RZ/2/2013 - Commence preparation of Planning Proposal for East Wadalba Urban Land Release recover the costs involved in further progressing the proposal.
- 1099/13 That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning. 1100/13 That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".
- 1101/13 That Council authorise the General Manager (or delegate) to sign any infrastructure and servicing agreement to support the rezoning. This agreement shall: a. Address the cost, timing, staging and responsibilities for funding and provision of infrastructure to service the development. b. Ensure that Council is not responsible for the cost of any public infrastructure required to support the development such as hard infrastructure (including, roads water and sewer and drainage) and soft infrastructure (which includes open space, community facilities and environmental corridors).
- 1102/13 That Council reach an "in principle" agreement on Item 6 be reached between the Applicant (on behalf of the Wadalba Landowners Lobby Group), Council and State Government prior to the public exhibition of the Planning Proposal.
- 1103/13 That Council advise the applicant that the Planning Proposal will not proceed beyond public exhibition until agreement is reached on the provision of

2.1

Council and State Government infrastructure to service new development (This agreement shall be based on the "principle of no cost to government").

1104/13 That Council prepare appropriate Development Control Plan provisions be prepared to support the development of Precincts 2A, 2B and 3B – East Wadalba.

A Gateway Determination was issued by the (then) NSW Department of Planning and Environment (DP&E) on 20 December 2013. The proposal as submitted for a Gateway Determination included additional lands known as Precinct 3B.

At its meeting 23 September 2015, the fWSC resolved to exclude the Precinct 3B lands from this planning proposal. The rezoning of land within Precinct 3B, specifically Lot 27 DP 663622 (137 Johns Road), Wadalba was separately progressed as a standalone planning proposal. This proposal was finalised on 17 August 2018 as Amendment No. 30 to *Wyong Local Environmental Plan 2013* (WLEP 2013).

At its meeting of 23 September 2015, the fWSC also resolved the following resolutions specifically in relation to further progression of the planning proposal for Precincts 2A & 2B:

- 994/15 That Council authorise the General Manager (or delegate) to sign any infrastructure and servicing agreement to support the rezoning. This agreement shall:
  - a Address the cost, timing, staging and responsibilities for funding and provision of infrastructure to service the development.
  - b Ensure that Council is not responsible for the cost of any public infrastructure required to support the development such as hard infrastructure (including roads, sewer, water and drainage) and soft infrastructure (which includes open space, community facilities and environmental corridors).
- 996/15 That Council advise the applicant that the planning proposal will not proceed beyond public exhibition until agreement is reached on the provision of Council and State Infrastructure to service new development (this agreement shall be based on the "principle of no additional cost to government").

Four amending Gateway Determinations have been issued to extend the timeframe for the completion of the Planning Proposal. The most current advice from the Department of Planning, Industry and Environment (DPIE) dated 20 March 2020 requires the reporting of the Planning Proposal to Council on the 27 July 2020.

The DPIE have advised that a further extension to the current Gateway Determination will not be granted.

#### The Site

The site (figure 1) comprises approximately 143 hectares covering 39 parcels of land under separate ownership. The Planning Proposal is commonly referred to as the Wadalba East Land Owners Group (WELOG) proposal.

The land subject to this Planning Proposal are identified as Precincts 2A and 2B within the North Wyong Shire Structure Plan (NWSSP). The NWSSP identified that Precinct 2A and 2B as areas suitable for residential development that would deliver up to 15 dwellings per hectare in the medium-term timeframe (the structure plan identified medium term as 15 years, strategy commenced 2012).

The study area is generally characterised by large rural holdings and hobby farms in the south east corner of the study area. The study area is also bisected by habitat corridors linking Wadalba Wildlife Corridor to the Tacoma/Tuggerawong Wetlands.

The site is accessed from Johns Road, Pollock Avenue and Jensen Road.

Councillors Smith, Holstein and MacGregor attended a site inspection Monday 6 July 2020, questions and additional information related to the site inspection is contained at Attachment 1.



Figure 1 Contextual Locality Plan

#### The Proposal

The objective of the Planning Proposal is to:

- Enable low density residential development (approximately 1200 residential lots) except for flood prone and other lands required for conservation, recreation and infrastructure purposes.
- Refine planning provisions and establishing guidelines for future urban development for land generally within Precincts 2A and 2B identified in the NWSSP.
- Ensure infrastructure and servicing arrangements are in place to ensure the land is serviced at no cost to the NSW Government and Council.

This will be achieved through an amendment to WLEP 2013 by rezoning the subject lands from RU6 Transition and E2 Environmental Conservation to R2 Low Density Residential, E2 Environmental Conservation, E3 Environmental Management and RE1 Public Recreation. Figure 2 provides an indicative concept plan; however future development of the site will be subject to a Development Application (DA).

The inclusion of lands to be zoned RE1 Public Recreation will enable the delivery of land for public open space purposes.

The principle provisions will include:

- Land Zoning Map by rezoning the land R2 Low Density Residential, E2 Environmental Conservation, E3 Environmental Management and RE1 Public Recreation.
- Amendment of the Lots Size Map to accommodate the proposed new zones. A minimum lot size of 450m<sup>2</sup> will apply to land zoned R2 Low Density, 40ha minimum for lands zoned E2 Environmental Conservation, and 20ha for lands zoned E3 Environmental Management.
- Amendment the Land Acquisition and Urban Release Area maps.
- Amendment the Lot Amalgamation Map for future development zones.



Figure 2 Indicative Concept Plan (Note: The concept plan is indicative only. Future lot layouts and corridor widths will be determined based on more detailed assessment associated with a future Development Application)

The Planning Proposal is supported by site specific development controls (Attachment 2) as a new chapter to *Wyong Development Control Plan 2013* (WDCP 2013) or *Central Coast Local Development Control Plan* (CCDCP) (when it comes into effect) to address wildlife corridor arrangements, amenity, drainage, flooding, non-indigenous and indigenous cultural heritage and traffic management.

#### Consultation

The Planning Proposal, draft Development Control Plan (DCP) Chapter and relevant supporting information and studies were publicly exhibited between 18 October 2018 and 25 November 2018.

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. Notice of the exhibition was placed in the Central Coast Express Advocate on 11 October 2018. Adjoining land owners were notified by mail.
## **Community Consultation**

A total of twenty-two submissions were received during the exhibition period. There were seven submissions in support of the proposal and fifteen raising issues for consideration.

The matters raised in the submissions have been provided at Attachment 3.

In summary concerns were raised regarding the following:

- Traffic and Transport
- Adequacy of proposed wildlife corridors
- Over development
- Flooding and Drainage
- Infrastructure and Planning

A summary of the issues raised and how the proposal addresses these issues is provided below:

# Traffic and Transport

Objections were raised regarding the increased volume of traffic from the additional residential land delivery and the capability of infrastructure to cater for the increased traffic volumes.

## Comment:

A Traffic Impact Assessment was carried out to support the proposal (Intersect Traffic 2018). The report concluded that upgrades to Pollock Avenue / Jensen Road, Johns Road / Orchid Way and Jensen Road / Orchid Way Link Road intersection will be required as a result of the proposal.

An offer to enter into a Planning Agreement to deliver this infrastructure has not been supplied by the applicant for the Planning Proposal. As such, these intersection upgrades have been included within the review of the Warnervale District S.7.11 Development Contribution Plan (CP) as local infrastructure items. It is important that the rezoning of this land is not finalised prior to the adoption of amendments to the CP, to ensure there is no cost to Council for the delivery of these intersections on Council roads. The revised CP is proposed to be publicly exhibited later in 2020.

Transport for NSW (TfNSW) and NSW Roads and Maritime Services (RMS) were consulted regarding the planning proposal, and they concluded that the Pacific Highway / Johns Road intersection will not reach capacity within the proposed development period. However, an upgrade to this intersection will be required after completion of the development. The arrangements for these State road works are further discussed in the "Government Agency Consultation" section within this report.

The existing public transport (bus) services to the site are satisfactory within the study area. However, as development proceeds changes to bus routes may need to occur. It is recommended that Jensen Road as well as a connection from Jensen Road to Johns Road (at Orchid Way) be designed and constructed as future bus routes within the development. This requirement is included within the site-specific Development (DCP) Chapter for the area.

Pedestrian pathways and cycleways will be incorporated into the future residential subdivision. On-road bicycle lanes and / or shared pathways along the Johns Road, Pollock Avenue and Jensen Road frontages of the development will also be required. This requirement is raised within the site specific DCP Chapter.

### Proposed Wildlife Corridor

Objection was raised regarding the width of the corridor (30m at exhibition), not being a functional or viable corridor width.

### Comment:

The planning proposal as exhibited displayed an east-west connecting wildlife corridor identified to enable species movement at 30m in width (figure 3). This corridor facilitates species movement between conserved vegetation in the north-west of the study area and the existing wildlife corridor on the eastern boundary of the area.



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

The corridor width, and its location, were determined following further studies undertaken by the Proponent which investigated the viability and functionality of the corridor at this width for movement purposes. The corridor, as proposed, is to be zoned E2 Environmental Conservation and is the minimum width of the corridor. Further investigations through the DA and assessment process, including undertaking a Biodiversity Impact Assessment Report (BDAR) will likely see this corridor increased in width.

The existence of the corridor and the need to undertake additional investigations to ensure its function and viability is recognised, therefore included within the site-specific DCP Chapter for this site for further investigation.

### **Over Development**

Objection was raised that the proposal as exhibited would impact upon the current lowdensity amenity of the area and proposed an over development of the area.

### Comment:

The proposal as exhibited seeks to rezone the subject area consistent with land release as identified in the NWSSP and will be consistent with the land release targets as outlined within the Central Coast Regional Plan 2036.

The development of the site will be required to be undertaken in accordance with the development controls within Chapter 6.28 of WDCP 2013 (or Chapter 5.52 of CCDCP), which will include site specific requirements.

### Flooding and drainage

The proposal as exhibited did not include a flood assessment for the area.

### Comment:

Subsequent to the exhibition of the proposal, a flood study has been undertaken for the proposal. This has determined the areas impacted by flood and mitigation measures required. These measures have informed controls to be included within the site specific DCP Chapter, Chapter 6.28 of WDCP 2013 (or Chapter 5.52 of CCDCP).

All drainage land required to support the planning proposal is nominated for inclusion with the updated draft S.7.11 Warnervale District Contribution Plan.

### Infrastructure and Planning

Concerns were raised about the capacity of existing sewer and water infrastructure to cater for additional dwellings.

# Comment:

Council's water supply network and sewerage treatment plants have capacity to cater for the additional demands and loads generated by the subdivision of the land (and its future occupants). However, the proposal will require new sewerage and water infrastructure to connect the land to the current networks. This includes trunk mains for water supply and new sewer mains, rising mains and sewage pump stations. This infrastructure is identified for provision within Council's Development Servicing Plan (DSP) prepared in accordance with the *Water Management Act, 2000* and Independent Pricing and Regulatory Tribunal (IPART) determinations.

If the nominated date for delivery of this infrastructure (by Council) within the DSP does not align with the timing for the development of the land, the developer may seek to forward fund the supply of the necessary infrastructure, and receive credits from the DSP, subject to agreement with Council.

Water and sewerage infrastructure to service individual lots is not part of Council's servicing obligation and hence is not included within Council's DSP. The infrastructure for individual lots will be required to be provided by the developer, and in accordance with relevant Council specifications and standards.

### Internal Consultation

The Planning Proposal, draft site-specific DCP chapter and supporting documentation have been reviewed by relevant internal units and sections within Council including:

- Development Engineering
- Environmental Strategies
- Natural Resources
- Flooding and Drainage Engineering

Summarised below are submission received from internal departments.

### Development Engineering

Comments relating to road and sewer and water infrastructure have informed changes to the site specific DCP chapter.

### Environmental Strategies

Comments provided related to the adequacy of the east-west wildlife corridor, consistency with S.9.1 Ministerial Direction 4.3 Flood Prone land, sustainability of proposed subdivision, stormwater management, the adequacy of submitted studies and the adequacy of the site specific DCP chapter.

2.1

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

The proponent has undertaken further study work on flooding and the east-west wildlife corridor which have addressed the concerns identified. The matters raised have been further considered and have informed changes to the Planning Proposal and site specific DCP Chapter where appropriate.

The wildlife corridor and pedestrian crossing bridges are nominated for inclusion within the updated Warnervale District S.7.11 Development Contribution Plan.

### Natural Resources

Comments related to the width of proposed east-west wildlife corridor, mitigation and management measures for the corridors and future ownership of conservation lands and mechanisms to manage these.

A wildlife corridor functionality assessment was undertaken by the proponent and reviewed internally. The proposed east-west wildlife corridor was widened from 30m as exhibited to 40m to provide additional width to the corridor for species movement. Additional controls have been incorporated into the site specific DCP chapter to aid in mitigation and management of this area.

### Flooding and Drainage Engineering

These comments required a flood study be undertaken to ensure consistency with S.9.1 Ministerial Direction 4.3 Flood Prone Land. The flood study was undertaken by the proponent with accompanying modelling. This work has underpinned requirements within the site specific DCP chapter.

Matters as outlined above have informed changes to the Planning Proposal and draft sitespecific DCP Chapter.

### **Government Agency Consultation**

Agency consultation was undertaken both prior to and during exhibition in accordance with the Gateway determination. Responses were received from the former NSW Rural Fire Service (RFS) now Department of Family and Community Services (NSW FACS), the former RMS now TfNSW, and the former Office of Environment and Heritage (OEH), now DPIE-Biodiversity Conservation Division (DPIE-BCD). The agency responses are outlined in Attachment 4.

The responses from TfNSW and DPIE-BCD raised matters for further consideration as discussed below.

## Transport for NSW

TfNSW initially objected to the exhibited Planning Proposal, as the upgrade of the Pacific Highway / Johns Road intersection has not been included in the updated S.7.11 Warnervale District Contribution Plan.

### Comment:

Prior to exhibition, TfNSW had raised concerns regarding the cumulative impact of other additional developments in the area combined with the proposal and had supported the progression of the proposal subject to satisfactory arrangements being in place for the required upgrades prior to the approval of development applications related to the site.

Intersection (SIDRA) modelling of the increase in traffic volumes resulting from the subject proposal has been undertaken by Intersect Traffic and TfNSW. This indicates that the Pacific Highway / Johns Road intersection does not reach capacity within the development period.

Further consultation has been undertaken between DPIE, TfNSW-RMS and Council. All parties agreed that the future upgrade of the Pacific Highway and Johns Road intersection could be resolved at the DA stage, and the planning proposal could proceed.

As a classified State road, upgrades or improvements to the Pacific Highway are unable to be collected for through local (s.7.11) Contribution Plans.

As an Urban Release Area, the Satisfactory Arrangements for State Infrastructure provisions in clause 6.1 of the WLEP 2013 at the subdivision stage will come into effect. In this regard, the DPIE has advised that it will work with TfNSW-RMS and funding mechanisms and will not issue a Secretary's Certificate for Satisfactory Arrangements to Council until agreement is reached with TfNSW-RMS.

### Department of Planning, Industry and Environment-Biodiversity and Conservation

The DPIE-BCD required the preparation of a flood study and potential modification of the proposal to ensure consistency with s.9.1 Ministerial Direction 4.3 Flood Prone Land. DPIE-BCD also required the preparation of a corridor study to address the viability and functionality of the east-west connecting wildlife corridor.

### Comment:

Available flood data held by Council indicates the site contains overland flow paths during the 1% Annual Exceedance Probability (AEP) and the Probable Maximum Flood (PMF) events.

A site specific overland flood study was prepared that modelled the likely affectation of flood pre and post-development of the site. This study indicated that the proposal can achieve consistency with s.9.1 Ministerial Direction 4.3 as overland flows resulting from development

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

of the site can be accommodated within on-site stormwater management infrastructure and will not adversely affect adjoining landholders during the modelled events.

The site specific DCP Chapter includes further requirements for overland flood and stormwater modelling to further refine post-development conveyance and storage requirements.

The proponent provided a wildlife corridor functionality assessment which outlined measures to maintain the corridor width at 30m for the east-west conservation corridor. Council's review of the assessment determined that the submitted information did not adequately justify the viability of a corridor 30m in width. Accordingly, the corridor has been widened to at least 40m and is proposed to be zoned E2 Environmental Conservation.

Notwithstanding this, further investigations through the DA and assessment process, including undertaking a BDAR will likely see this corridor increased in width. Additionally, planting and conservation requirements have been embedded into the site-specific DCP Chapter for the site.

### **Outcomes of Consultation**

Having regard for the public and state government submissions, amendment to the Planning Proposal and site specific DCP have been made. These amendments include:

### Planning Proposal

- Relocation of RE1 Public Recreations zoning adjoining the wildlife and riparian corridors to more suitable, less topographically constrained locations
- Widening the central wildlife corridor from a minimum of 30m to a minimum of 40m; and
- Realignment of the R2 Low Density Residential zone and RE1 Public Recreation Zone to promote more orderly and feasible development outcomes in this locality.

### Site Specific DCP Chapter

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

The proposal as amended, together with the amended draft site specific DCP Chapter, have satisfied relevant statutory requirements relating to agency and community consultation.

### 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 Central Coast Regional Plan 2036 (CCRP) as it:
  - Creates housing opportunities which complement residentially zoned and developed lands located adjacent to the north, west and south
  - Does not encroach on sensitive land uses
  - Will protect areas of environmental value and scenic amenity
  - o Addresses constraints related to issues onsite
  - Will potentially provide a diversity of lot size / housing choice in the residential area
- The Planning Proposal is consistent with the NWSSP in that the subject lands were identified as Precinct 2A and 2B nominated for medium term release for housing.
- The subject sites were identified in the 2013 NSW Government's Potential Homes Sites Program to stimulate growth and provide opportunity for affordable housing delivery.

## Statutory Compliance and Strategic Justification

The Planning Proposal has been assessed having regard for relevant SEPPs, Ministerial s.9.1 Directions and relevant guidelines set out within the regional and local plans, including the CCRP.

In the instance the inconsistency of the Planning Proposal with Ministerial s.9.1 Direction 4.3 Flood Prone Land is of minor significance for the reasons outlined in this report.

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

The provision of water and sewerage infrastructure to service the development is nominated within Council's DSP, exclusive of the necessary infrastructure to service individual lots within the subdivision.

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

Further, the local roads, intersections, drainage lands, open space and corridors are proposed for inclusion within the updated S.7.11 Warnervale District Contribution Plan (i.e. will be funded by development).

### **Social Impacts**

The finalisation and implementation of the planning proposal will aid in the delivery of housing as identified in the Central Coast Regional Plan (CCRP) 2036. The development of the site will increase available open space areas to the local community and should deliver a high amenity urban area.

### **Environmental Impacts**

The Planning Proposal was subject to biodiversity assessment which are sufficient to support the rezoning of the site.

However, as part of a future DA for the subdivision and subsequent development of the land, further ecological investigation will be required. This investigation will be required to comply with the provisions of the *Biodiversity Conservation Act, 2016* and will require the preparation of a BDAR at minimum. Consequently, some areas zoned R2 Low Density Residential will be required to be avoided and remain undeveloped as a result of biodiversity constraints.

The draft site-specific DCP Chapter further addresses and defines the detailed design of future development regarding environmental matters, ensuring that the environmental values of the wildlife corridors contained within the study area will be preserved, protected and enhanced.

### Link to Community Strategic Plan

Theme 5: Liveable

### Goal I: Balanced and sustainable development

R-I3: Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management.

### **Risk Management**

The risks identified to the natural and built environment if this Planning Proposal proceeds can be managed through the application of relevant legislation, through the Development Assessment (DA) process.

## Delegation

The Gateway Determination issued on 20 December 2013 (and 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 has strategic merit to enable the rezoning of the site. The zoning of the subject land to R2 Low Density Residential, E2 Environmental Conservation, E3 Environmental Management and RE1 Public Recreation is a logical consequence of consideration of the land's attributes and the existing zoning and development of surrounding lands to the north, east and south with low density housing.

It is recommended that the Council support finalisation of the Planning Proposal and adopt the site-specific DCP Chapter (as amended), to be incorporated into WDCP 2013 as Chapter 6.28 Wadalba South, Urban Release Area and as Chapter 5.52 Wadalba South, Urban Release Area within the CCDCP (when it comes into effect), to become effective following the adoption of the updated Warnervale District S.7.11 Development Contribution Plan.

## Attachments

1	Councillor Site Inspection Outcomes - 6 July 2020	D14164664
2	Development Control Plan Chapter 6.28/5.52 - Wadalba South Urban	D14164563
	Release Area	
3	Community Submissions	D14162183
4	Agency Submissions	D14162185

# Site Inspection held on Monday 6 July 2020 for Planning Proposal related land at Wadalba known as Precinct 2A and 2B in the North Wyong Shire Structure Plan.

A site inspection was held between 2.00 to 2.45 pm on 6 July 2020 for the Planning Proposal of land at Wadalba known as Precinct 2A and 2B in the North Wyong Shire Structure Plan, refer to Figure 1 below.



Figure-1+Contextual-Locality-Plan1

The site was inspected from 85 Jensen Rd Wadalba, persons in attendance parked and stood on the road reserve in a safe location. Discussion of the proposal was undertaken from this point as it afforded visual access to most of the subject area.

The site inspection was attended by the following councillors:

- Deputy Mayor Councillor Jane Smith
- Councillor Chris Holstein
- Councillor Kyle MacGregor

Staff in attendance were:

- Director Environment and Planning Mr Scott Cox.
- Director Innovation and Futures Mr Ricardo Martello
- Section Manager Local Planning and Policy Mr Scott Duncan
- Senior Strategic Planner Local Planning and Policy Ms Lucy Larkins

A number of issues/questions were raised at the site inspection by Councillors, and staff provided with the following responses in the table below.

COUNCILLOR QUESTIONS	STAFF RESPONSE
How is the corridor connectivity to the north of the subject area?	The Wadalba Wildlife corridor is located to the north-east of the study area, the rezoning proposal includes significant areas of proposed E2 Environmental Conservation zoned land which connect to existing planned wildlife corridors at Wadalba and also include additional Squirrel Glider dispersal corridors which transect the study area.
What ecological investigation has been undertaken for this corridor?	The Wadalba Wildlife Corridor has been recognised and established for a long period of time. A management plan was prepared in 2006 by the former Wyong Shire Council (Wadalba Wildlife Corridor Management Plan 2006). Areas within the corridor are zoned E2 Environmental Conservation zone and the current rezoning proposal provides connection points to connect to these lands.
Can we increase the width of the east-west wildlife corridor?	The proposed east-west wildlife and drainage corridor was exhibited at a width of 30m. Post exhibition the proponents were requested to undertake further study work to determine the viability and functionality of this movement corridor in order to respond to issues raised by the Biodiversity Conservation Division (BCD). After undertaking further investigations on this matter, it was determined that 30m was insufficient to facilitate optimal Glider dispersal and the corridor was widened to 40m. Additional provisions have also been included in the Site Specific Development Control Plan (DCP) chapter to address matters such as revegetation of the corridor, movement aids for Squirrel Gliders and other
Is there adequate funding for the required road upgrades?	protection measures. Funding for required local intersection upgrades will be collected and considered in the revised S.7.11 Warnervale District Contribution Plan. This includes local intersection upgrades. Agreement has also been reached with Transport for NSW (TfNSW) for any future infrastructure roadworks on the Pacific Highway/Johns Road may be funded via any state infrastructure contribution requirements which would be applied on future subdivisions.
Is the sewer and water to be staged?	Yes, sewer and water provision will be staged. The DCP Chapter contains a staging plan for the delivery of future development lots. The staging plan is consistent with the provision of staging plan shown in the draft DCP Chapter which supports the Planning Proposal.
Will drainage and footpaths be provided?	Construction of roads within the study area will be required to be constructed to Council standards. Therefore, if the road is of a standard that requires footpaths these will be constructed in conjunction with roadworks as part of Council's Subdivision process. Provision of such infrastructure are a mandatory requirement where required under Council's existing Subdivision Controls and Civil Design Guidelines.
How will local infrastructure be provided and funded?	Local infrastructure will be funded via S.7.11 contributions. The impacts of the rezoning have been considered in the review of review of the Warnervale District Contribution Plan which will shortly be placed on public exhibition. Whilst the rezoning proposal was expected to be scheduled for consideration by Council in August, the new contribution plan will need to be in effect before Council will be able to finalise the rezoning.
What is the zoning? Can we make it medium density?	The proposed residential zoning for the study area is R2 Low Density Residential. Some types of medium density residential development are still

COUNCILLOR QUESTIONS	STAFF RESPONSE
	permitted in this zoning and where applicable via the Low Rise Housing Diversity Code, e.g. dual occupancy development, secondary dwellings etc. However, this precinct was not considered to be highly suitable for an R1 General Residential or R3 Medium Density Residential Zone because it is relatively distant from services and public transport. However, other parts of Council's Urban Release Areas would rank as more suitable locations, e.g. sites on major transport routes and within close proximity to railway stations.
What sustainability measures are in place for the proposed residential subdivision?	Development of residential zoned land will be guided by the existing controls within the Wyong DCP 2013 and the future site specific DCP for the study area or the Central Coast DCP if in effect at the time of development.
Can we require provision of sustainable subdivision measures above Basix?	Council cannot mandate requirements above BASIX. However, this can provided by Developer at their discretion. There are many instances where this occurs, but it cannot be a mandated Council requirement.
Where are the playing fields located?	There are two local parks and a regional play space to be provided within the study area plus areas of semi natural space that will be provided. The parcel at No. 85 Jensen Road has been identified and purchased by Council to provide playing fields and co-located community facilities.

Area

# CHAPTER 6.28 WADALBA SOUTH URBAN RELEASE AREA

# **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 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 self-informing, coherent, safe and efficient system of roads and pathways for vehicular, pedestrian and cycle movements (this includes shared path bridges)
- To protect and enhance significant environmental features of the area

# **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 – Wadalba South Urban Release Area

#### <u>Ar</u>ea

# **1.3 Relationship to other Chapters and Policies**

All development proposals must consider all relevant Council and State Government Policy including but not limited to SEPP 55 - Remediation of Land Planning for Bush Fire 2019, Section 1.7 of the Environmental Planning and Assessment Act 1979 and the Biodiversity Conservation Act 2016. All development application MUST be accompanied with the required assessments under the relevant State Government Policy and Council policy.

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 Housing and Ancillary Structures
- Chapter 2.3 Dual Occupancy
- Chapter 2.4 Multiple Dwelling Residential
- Chapter 2.11 Parking and Access
- Chapter 3.3-Floodplain Management
- Chapter 3.6 Tree & Vegetation Management
- Chapter 3.7 Heritage Conservation
- Chapter 3.10 Wetland Management
- Section 4 Subdivision
- Wyong Shire Council Civil Works Design Guideline and Construction Specification

# 2.0 SUBDIVISION DESIGN AND ENVIRONMENTAL CONSIDERATIONS

# 2.1 Character Consideration – Subdivision & Provision of Open Space

Appropriate open space and natural parkland areas are significant contributors to establishing a distinctive character for a locality. Opportunities exist within Wadalba East to incorporate a wide range of interesting and diverse open spaces and natural parklands which will together create a unique location.

Areas of high ecological and visual amenity are located within Wadalba East; the extension and protection of the Wadalba Wildlife Corridor, the creation of nominated green corridors and protection of coastal wetlands are all key principles to enhance the ecological and visual qualities of this area so they can be enjoyed by all.

The residential Precincts of Wadalba East will be partially surrounded and bisected by nature and landscaping and will create a healthy built environment. The provision of open space areas and natural parkland will range from small formalised local parks including play equipment, shade structures and seating to natural parkland incorporating grassland, existing trees and regenerated bushland areas. An area has been identified for a large park with sporting facilities on the southern side of Jensen Road. Dedicated bicycle and pedestrian networks are to connect the open spaces to ensure accessibility and amenity for all residents within Wadalba East.

Area

# 2.2 Subdivision – General

### **OBJECTIVES**

- To encourage subdivision design of high quality, which controls and mitigates the potential environmental impacts arising from development
- To ensure the development of the site is undertaken in an orderly and sustainable fashion
- To provide a self-informing, legible, safe and efficient system of roads and pathways for vehicular, pedestrian and cycle movements (this includes a shared path bridge)
- To ensure the economic and orderly development and servicing of land

### REQUIREMENTS

a. The development is to be staged generally in accordance with the Water and Wastewater Servicing Strategy- see Figure 2 for staging plan. Out of sequence staging may occur if provision of infrastructure is provided by proponent.



### Figure 2 Indicative staging plan

b. Any application for the subdivision of the land must be accompanied by a Masterplan for each stage.

The Masterplan is to identify and demonstrate compliance and/or management of the following:

- i. Identification of locations and lot layouts for future land uses considering scenic amenity, natural topography of the land, open space areas and wildlife corridors;
- ii. Location of riparian/and or green corridors and/or areas proposed for environmental conservation;
- iii. Identification of street layouts and hierarchies. The road layout (horizontal and vertical) shall consider the final development upon the land in regard to flood storages, floodway cross sectional area within the watercourses and flow paths;
- iv. Location of pedestrian and cycleways and linkages within and around the area to connect to open space and the surrounding residential area;
- v. Active and passive open space areas;
- vi. Internal linkages (between residential areas within stages 1,2 and 3 shared paths & shared path bridges) and external linkages (to facilities and services within & beyond the URA); and
- vii. Locations of proposed drainage/riparian corridors and flow paths that include WSUD technologies to ensure treatment of stormwater in accordance with Council's Civil Specifications and *Australian Runoff Quality: A Guide to Water Sensitive Urban Design* stormwater treatment objectives and targets.
- viii. Details of any cut, fill and retaining to be indicatively shown on the masterplan.

# 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 and amenity 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 , shops, schools and sports fields
- To provide sporting fields and other community facilities to service the future residential population of Wadalba South

### REQUIREMENTS

- a. Local open space shall be provided generally in accordance with locations identified in Figure 3. Minor variations in the location and configuration of open space, as a result of subdivision design may be acceptable, subject to justification for the proposed change.
- b. Open space is to be established in areas zoned RE1 Public Open Space, these lands are to be dedicated at no cost to Council once embellishment to Council's requirements and satisfaction has occurred.

- Area
- c. Landscaping of open space should utilise winter flowing trees and shrubs endemic to the local area.
- d. Residents should have access to, at minimum, a formalised small neighbourhood park within 400m of their residence.



Figure 3 Indicative road layout and structure plan

# 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 and natural assets
- To protect conservation areas through the appropriate location of roads, paths and developable area

# REQUIREMENTS

- a. 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.
- b. All park edge streets are to have the cycleway/footpath located on the park side of the road.
- c. Four-way uncontrolled (signage not accepted) intersections on collector roads will not be permitted.
- d. Safe Systems Assessments together with Road Safety Audits will be required to be carried out to assist in the development of a safer environment for all road users. It is recommended that Road Safety Assessments be undertaken early in the development of proposals as early intervention proves to be most beneficial.

### Area

- e. Any roads within the subdivision development identified as a local bus route must be designed to cater for large and rigid vehicles, having regard for grade, sight-lines and avoidance of lane departure during turning movements.
- f. Provide a safer street environment by ensuring appropriate lighting and using crime prevention through environmental design principles.
- g. Road geometry such as steep roads, combined horizontal & over vertical curves, long straight streets, smaller radii curves with adverse crossfall, lot accesses in close proximity to the entry & departures of roundabouts, etc that contribute to increased crash risk are to be avoided.
- h. 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.
- i. Provide roads at the perimeter of all wildlife corridors to provide adequate urban interface with these areas.
- j. All servicing & utilities are to be underground

# 2.5 Pedestrian and Cycleway Routes

## **OBJECTIVES**

- 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

### REQUIREMENT

- a. Shared paths/footpaths and cycleways are to be designed and constructed in accordance with the Central Coast Council's Civil Works Design Guideline and Construction Specification.
- b. All park edge streets are to have the cycleway/shared footpath located on the park side of the road.
- c. The provision of Active Transport infrastructure and facilities, bike lanes, shared paths, footpaths and kerb ramps etc. will consider and align with the vision, aims and objectives of the Central Coast Bike Plan and Pedestrian Access and Mobility Plan (PAMP), and provide safety and connectivity to all existing and proposed bicycle and pedestrian routes in accordance with the Prioritisation Criteria and the required Standards as outlined in the document Action Plans.

# 2.6 Public Transport

## **OBJECTIVES**

- To make provision for convenient local transport links and stops
- To consult with local public transport providers to ensure optimum delivery of public transport infrastructure.

## REQUIREMENT

- a. Any masterplan application for any stage is to provide evidence documenting the outcomes of discussions with local public transport providers, specifically local bus service providers regarding proposed routes to and within the subdivision development.
- b. Bus stops are to be provided along approved bus routes, no greater than 400 metres apart.

# 2.7 Ecological Issues

The subject lands contain areas of high conservation value that are known habitat for threatened species. The subject lands have been rezoned without having an approved environmental offsets strategy to achieve an "improve/maintain outcome". Impacts arising from developing the residential zoned land will need to be assessed at the development application stage and address relevant requirements under the Environmental Planning and Assessment Act 1979 and the Biodiversity Conservation Act 2016.

### **OBJECTIVES**

- To protect wildlife corridors, threatened species and their habitats within areas identified for protection on conservation and recreation zoned land
- To ensure that development and future interaction within and in the vicinity of the Wadalba Wildlife Corridor does not interfere with the integrity of the Corridor
- To protect, restore and enhance the environmental values and functions of watercourses and floodplains

### REQUIREMENT

- a. Any application lodged for the development and/or subdivision of the subject land must comply with the requirements of the *Biodiversity Conservation Act, 2016.*
- b. Any development application for subdivision for lands adjoining the east-west wildlife corridor must demonstrate maintenance and/enhancement of east-west population connectivity for the Squirrel Glider through the following mechanisms:
  - All land zoned E2 Environmental Management in this locality must be retained in common ownership and subject to a permanent "in perpetuity" conservation arrangement. This may include a single development allotment, unless other arrangements are made.
  - The installation of glider crossing poles on any road that bisects potential east-west population movement
  - The planting of local native trees along any road that bisects potential east-west population movement to function as an informal wildlife corridor
  - Develop and implement a Vegetation Management Plan (VMP) as approved by Council at subdivision stage. The VMP objective is to increase east-west connectivity towards the existing Wadalba Wildlife Corridor and habitat viability for Squirrel Gliders.
  - The VMP must be in place for a period of no less than five years covering any area of E2 Environmental Conservation zoned land.
  - Enhancement of the availability of hollows for the Squirrel Glider within retained habitat through the relocation of removed tree hollows or the creation of artificial hollows, supported by appropriate research and monitoring of the effectiveness of these strategies.
- c. Development on land that adjoins that land zoned E2 Environmental Conservation or other lands that retain vegetation must ensure that there are no significant direct or indirect detrimental impacts to the value of the retained vegetation in allowing for the long-term conservation of the local Squirrel Glider population.
- d. Any application for development and/or subdivision that does not require the preparation of a Biodiversity Development Assessment Report (BDAR) under the provisions of the *Biodiversity*

*Conservation Act, 2013* must include a comprehensive Flora and Fauna Assessment prepared in accordance with Council's 'Flora and Fauna Guidelines for Development'. The Assessment must:

- i. identify the location of vegetation communities, threatened flora and fauna species and/or habitat of local, state or Federal significance; and
- ii. recommend appropriate strategies and/or requirements to ensure the protection and integrity of all significant habitats and vegetation, within and adjoining the site, consistent with relevant legislation and best practise methodologies.
- e. Where possible, large logs generated from clearing of land should be relocated to adjacent retained E2 Environmental Conservation zoned areas as supplementary fauna habitat.
- f. Native trees and other vegetation are to be retained where possible by subdivision design that incorporates this vegetation into areas such as road reserves and private or communal open space. The selection of trees and other landscaping plants is to utilise locally indigenous drought tolerant species and include winter flowing trees and shrubs.
- g. Any facilities within the environmental corridor including, but not limited to roads, drainage works and small parks should:
  - i. not result in the clearing or significant fragmentation of the area
  - ii. services such as water, power and telecommunications that are unavoidably requires to be located within the wildlife corridor are to be sensitively placed so as to avoid, protect or retain known habitat features (e.g. hollow bearing trees, dams, drainage lines) and avoid vegetation clearing where possible;
  - iii. retain corridors of vegetation around and where possible over, the proposed facility;
  - iv. not impact on the necessary glide angles and widths in relation to the squirrel glider; and
  - v. not compromise the value and connectivity of the environmental corridor
- h. No fencing which would prevent movement of ground dwelling mammals, including ground dwelling medium sized mammals, should be erected within the identified environmental corridors.
- i. There is to be minimal use of overhead lighting in or within proximity to the environmental corridor (to ensure nocturnal movement of native species along fauna corridors is not interrupted by lighting).
- j. All necessary fire protection measures (asset protection zones, fuel free and fuel reduced zones) are not to be located within Environmental Corridors.

# 2.8 Heritage

Archaeological Investigation undertaken in association with the planning proposal identified the likelihood of indigenous sites and artefacts being discovered within the study area during excavation of surface soils.

An item of local heritage significance, a dwelling, located at 70 Jensen Road Wadalba and must be considered in all future planning of the site.

### OBJECTIVE

- To ensure adequate consideration of Indigenous Cultural Heritage values are incorporated into all future applications for subdivision, including those for infrastructure.
- To ensure adequate consideration of other heritage values is incorporated into all future development applications for subdivision, including those for infrastructure.

### REQUIREMENT

- Any application for development and/or subdivision which is in the vicinity of a listed Heritage Item must a. address the requirements of Chapter 3.7-Heritage Conservation.
- b. A curtilage study is to be undertaken for listed heritage items to determine appropriate curtilage.
- Roads and intersection on or in the vicinity of heritage items will require consideration of the curtilage C. study and must be designed and located to ensure mitigation and conservation of the identified heritage significance.
- d. Development in the vicinity of or on the heritage item must be accompanied by a Statement of Heritage Impact outlining potential impacts, and the mechanisms proposed to mitigate them.

Note: This is supplementary information provided for applicants and landowners. All development proposals must consider all relevant Council and State Government Policy. 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.

#### 2.9 Flooding and flood risk management

Flood studies undertaken for the proposed rezoning of Wadalba South did not at the point in time consider the Probably Maximum Flood extent (PMF) therefore any proposed development application for lands within areas affect by flood planning levels will need to consider all requirements below.





Area

#### Figure 4 1% Flood Depth and Overland Flooding Existing Conditions

### **OBJECTIVES**

To acknowledge that flood prone land includes all land inundated to the PMF extent

- Area
- To recognise and plan for the differing level of flood potential and hazard across the site associated with both overland flooding and inundation as depicted in Figure 4
- To manage the risk to human life, damage to property and provision of essential services by ensuring development on all areas of the site is appropriately sited and designed such that it is compatible with the flooding potential and hazard.
- To ensure negligible flood impacts on adjoining property or infrastructure as a result of any development or work on site.
- 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 that may reduce the ability of the flood plain to carry water and so increase the flood hazard.

### REQUIREMENTS

- a. Any application for the subdivision of the site must demonstrate that the subdivision design incorporates measures to mitigate against potential extreme floodway hazard conditions.
- b. Any application for subdivision or development of the land must demonstrate compliance with the provisions of Chapter 3.3 Floodplain Management of this DCP where they expand on or require further investigations and/or reports not specifically addressed by this Chapter.
- c. Any development application for the subdivision of the site must be supported by flood modelling which demonstrates the mitigation strategy adopted to address more extreme flood events will have a negligible impact (less than 20mm) on adjoining and/or downstream properties.
- d. Any development proposal or subdivision of the site is to be supported by a performance-based assessment demonstrating that the proposed development is compatible with the flood characteristics at all locations within the site.
- e. With regard to the Flood Prone Land:
  - i. No Filling of Flood Prone land is to be undertaken without hydraulically equivalent compensatory cut and assessment of impacts
  - ii. No development will be approved that impacts land not in the immediate control of the developer.
- e A detailed site-specific overland flood study and flood impact assessment of any proposed development is required. The flood study and flood impact assessment must:
  - i. Be based on recently acquired ground survey data acquired via traditional ground survey or GPS (less than 2 years from date of lodgement of a development application)
  - ii. Be produced from a two-dimensional (2D) flood model (such as TUFLOW, SOBEK or MIKE-21)
  - iii. Assess various flood sizes, including at least 10% AEP, 1% AEP, 0.5% AEP and PMF
  - iv. Assess various flood durations to determine critical duration for flooding at various locations; include longer duration flood events as part of the consideration of any retarding basins
  - v. Be prepared consistent with the most recent NSW Office of Environment & Heritage Consultant Flood Study Brief, the Floodplain Development Manual (2005) and related Guidelines, Australian

Area

Rainfall and Runoff (2001), and Council's Civil Works Design Guidelines (specifically Part 10) unless directed otherwise by this Chapter or any other Chapter of WDCP 2013.

- vi. Be inclusive of a written report with mapping, plans and figures detailing:
  - All data, parameters, and any assumptions, including Model data input files and run log files for error checking
  - Hydrologic results from at least two methods, including sub-catchment layout, including contribution of the area, and peak flow comparisons at several locations.
  - Figures and tables (showing comparisons of results at several locations) of Flood extents, velocities, depths, and hazards for each sized flood (up to the PMF), both for predevelopment and post-development, and for the relative differences, both on the site and beyond.

Note: The NSW Floodplain Development manual defines the Floodplain as the area inundated by floods up to and including the PMF. Categorisation of hazards must be undertaken in accordance with Handbook 7 H1 to H6.

# 2.10 Stormwater and drainage

# **OBJECTIVE**

- To minimise the impacts of development on the Tacoma Wetland and hydrologically senistive ecosystems
- To provide water quality and quantity control measures that are cost effective and affordable, with consideration to ongoing maintenance costs
- To safeguard the environment by improving the quality of stormwater runoff to achieve best practise standards
- To limit erosion of watercourses, slopes and banks due to runoff from impervious areas within the development

### REQUIREMENTS

a. Any application for subdivision is to include a Stormwater Management Plan. The plan is to be included in a written report with plans detailing stormwater quality control measures, management of stormwater runoff, hydrology management measures, waterway stability management measures and potable water saving measures that are to be implemented on the site. Such measures and management techniques/routines are to be designed and sized to a standard acceptable to Council.

The report is to include the following:

- i. details and hydraulic assessment of the pre-development site, including existing drainage pattern, identify receiving environments, flow details, all natural water courses and channels on site,
- ii. description and illustration of the proposed development. If considered a large water user, details of expected usage, peak visitation periods etc;
- iii. the location of all points of discharge from the site, overflows and pipes; iv. evaluation of site conditions e.g. soils, groundwater, vegetation etc and documentation of constraints and opportunities;
- iv. the extents of 1% ARI flood affectation from internal or external waterbodies, gullies, creeks and waterways

#### Area

- v. the extents of 1% ARI flood affectation from internal or external waterbodies, gullies, creeks and waterways,
- vi. modelling and concept design of stormwater quality, hydrology and waterway stability measures. Location, size and configuration of stormwater treatment elements are to be specified together with the proposed or altered drainage pattern. Areas bypassing treatment are to be clearly identified;
- vii. identification of maintenance requirements for the components including: maintenance frequency, safety issues, equipment required, vehicular access and maintenance cost estimates; and
- viii. modelling, design and construction of any stormwater management systems is to be in accordance with Council's Civil Works Design Guidelines and Construction Specifications; and a Details of any proposed detention basins which may incorporate pollution retention systems provided it is demonstrated that the basin is sized appropriately and achieves the minimum pollutant reduction targets of stormwater as determined by Council

Submission Document Number	Comment	Response
D13372876	Concerns with proposed playing fields, ownership, location of lighting, drainage, access and car parking.	The land is owned by Council. Information was provided regarding details of proposed fields and information on lighting, drainage access and carparking within the Planning Proposal documentation
	Requested information on Sewer pump stations	Sewerage main alignments have not been finalised and will be designed to co – ordinate with the design of development with the Wadalba Rezoning area.
D13372874	Supports the proposal	Noted
	Supports the proposal	Noted
D13375035	Requested the area for the proposed playing fields be deferred for further investigation	Development of land identified for plying fields will be undertaken post rezoning. The development of this area will be masterplanned and integrated into the future development.
	This proposal is a rezoning only and detailed DA is still required.	Agreed.
	Should Council not be successful in its acquisition of the proposed playing fields will this rezoning proposal be null and void?	Council has purchased the land for future development as playing fields. The rezoning of the land to RE1 is proposed to be implemented through this Planning Proposal
	Request further details on the design of the proposed playing fields.	Further available details were provided.
D13377354	Request further details on road access, lighting, parking and type of sporting activities expected to occur on the site.	Design and locations of individual elements will be part of a next stage. Modern field lighting is focussed and blinkered to ensure no spill and minimum direct impact on residential properties. Road access will be integrated with the proposed subdivision design of a new entry road from Jensen Road, not Braithwaite Ave.
	Landowner currently has an overland easement on their property to allow water to drain to Braithwaite Road.	Requested to direct their enquiries to Section Manager – Property and Infrastructure Services.
D13378109	Supports the proposal	Noted
D13380064	Supports the proposal	Noted

Submission Document Number	Comment	Response
D133800700	Supports the proposal	Noted
D13382553	Supports the proposal	Noted
D13382563	Supports the proposal	Noted
	Supports the location of the Wildlife Corridor.	Noted
D13382577	Concerns with additional traffic	Additional housing provision will increase traffic numbers. Intersection upgrades will be funded by the collection of 7.11 contributions and State Infrastructure Contributions (SICs).
D13382581	Does not support additional housing due to lack of infrastructure particularly public transport.	Bus services in the area will be required to comply with NSW Government contract requirements for bus operators. Other infrastructure required to support the proposal such as road and intersection upgrades will be included in the S7.11 Plan.
D13382878	Does not support the proposal – additional housing and lack of infrastructure. Impact on local bird life.	<ul><li>7.11 contributions and SICs will be applicable to the study area and will fund the upgrade of intersection items.</li><li>The study area includes the provision of local park areas which increase the available open space within Wadalba.</li><li>Retention of areas of the site that will be utilised as wildlife and drainage corridors will ensure there is habitat for birds.</li></ul>
D13382596	Not support due to lack of infrastructure. Already too many houses	<ul><li>7.11 contributions and SICs are applicable to the study area and will fund the upgrade of intersection items.</li><li>The study area includes the provision of local park areas which increase the available open space within Wadalba.</li></ul>
	Concerned with the proposed road located on their eastern boundary	A collector road will be required at this location to allow connectivity to Orchid Way and school, shops and hospital to the north.
D13381231	Support Proposal however object to the location of the playground on their land indicating it is impractical due to the slope of the land. Do not support wildlife corridor on their land however do not object.	The location of the park has been revised due to slope constraints.

Attachment 3	3
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Submission Document Number	Comment	Response
		The vegetation contained within the wildlife corridor is mapped within the Biodiversity Values map and has been identified as vegetation that needs to be retained.
	Concerns that they were not notified by Council being a Landowner.	Letter sent to address as contained in Council's records with all other land owner notifications.
D13384275	On our vacant block, it appears that 90% has been designated nature zone "SN1" (E2) but on this land we have a council approved building zone previously approved. Power and sewer are already servicing this building zone and we are planning on building soon.	The land as described has a proposed split zoning of R2 Low density Residential and E2 Environmental Conservation. Dwellings are permissible within the portion of the land zoned R2 Low Density Residential. The portion of the site zoned E2 Environmental Conservation is located within the area to which preservation of land for squirrel glider habitat has been designated. This land is mapped on the Biodiversity Values map and the requirements of the <i>Biodiversity</i> <i>Conservation Act 2016</i> apply.
	Previous plans indicated 8 subdividable lots, it would appear there are now 4, can this be reinstated	The structure plan was developed over time, based on studies. The Structure Plan is indicative only and does not approve a subdivision pattern. Subdivision of land is dependent on compliance with minimum lot size requirements and compliance with Development Control Plan (DCP) requirements. The DCP no longer contains a structure plan with indicative lot layout. Applications for subdivision will need to address all relevant State and Council requirements while designing subdivisions.
D13386483	Supports the proposal	Noted
D13387080	Supports the proposal	Noted
D13389741	Objects to the Proposal due to high level of congestion already experienced along Pacific Highway.	The Traffic Study for the additional housing and the proposal has been referred to the Roads and Maritime Services (RMS). It is acknowledged that there will be additional traffic impact on the surrounding area, however several road upgrades are proposed including the Jensen Road and Pollock Avenue intersection.

Submission Document Number	Comment	Response
	Concerns regarding Health and Schools for additional people.	The Department of Education and Department of Health were both consulted prior to placing the proposal on public exhibition. Both agencies concluded that the current education and health services infrastructure could cater for the with the additional population.
	Small blocks, large houses. Concerns loss of semi-rural lifestyle	The land has been identified for some time for future residential development. Since 2002, the precincts were identified as future residential land, and in 2012, as a medium term (within the next 15 years) residential development area through the North Wyong Structure Plan (NWSSP). Future development must be in accordance with relevant DCP Chapters, in particular, Chapter 2.1 Dwelling Houses, Secondary Dwellings and Ancillary Development and Part 4 Subdivision.
	Advice that the documents exhibited were misleading as they identified their land as both open space and residential	Plans were amended to include the site a proposed playing fields, some plans within the studies showed the fields completely coloured were possible, however other plans showed an outline to ensure that servicing or ecological requirements were still identified in the proposal.
	Objects to the proposed playing fields and believes there is no justification for their location on this site	Council's Open Space and Recreation unit advised that this site is the most appropriate for playing fields that will service this development and the development of land to the east.
D13389002	Legal advice received indicate that the proposal is misleading and states that the proposal should be re-exhibited as it shows this site as both residential and open space	Plans were amended to include the site a proposed playing fields, some plans within the studies showed the fields completely coloured were possible, however other plans showed an outline of the proposed playing fields to ensure that servicing or ecological requirements were still identified in the proposal.
	Indicate the proposal does not conform with the Gateway Determination (Written Authorisation to Exercise Delegation) which is for residential and conservation purposes, however Council included playing fields and playgrounds.	Playgrounds, playing fields and other open space facilities are required in accordance with Council's DCP Chapter 4 Subdivision, Council must provide this when rezoning land for residential purposes.

Submission Document Number	Comment	Response
	Indicates that the Feasibility Assessment for the playing fields was placed on exhibition after the commencement due to the dates on the proposal.	The public exhibition period was from 18 October 2018 to 15 November and complied with the minimum timeframe requirements established by the Gateway Determination.
	No relevant contributions plan	The Warnervale District Contributions Plan is currently under review and will include infrastructure required to support the rezoning. This proposal will not be made (gazetted) until the Section 7.11 Plan is adopted.
	Non-conformity with Section 9.1 Direction 6.2 Reserving land for a public purpose where council must facilitate the provision of public services and facilities by reserving plan for public purposes.	All land proposed to be reserved for a public purpose has been zoned accordingly and included in the Land Reservation Acquisition Map in accordance with this Direction.
D13389747	Supports the proposal. Does not support RE1 zoning on their land	Analysis of the suitability for areas to be nominated as open space was undertaken to inform the planning proposal. Areas designated as open space are within the walking catchment (400m) for future residents. Have the appropriate land area and slope and will ensure open space is accessible to all.
	Mapping inconsistencies between Draft DCP, LEP and Structure Plan.	Inconsistencies have been resolved. The structure plan is indicative only and a rezoning of the land does not in any way implement this plan.
	Request Heritage Map to be amended to provide only 30 metre perimeter around the existing dwelling	No study has been undertaken to support this request, the land as described in its entirety will remain listed under the Wyong LEP 2013.
D13389512	Request the current Clause 4.1B of Wyong LEP be retained for this planning proposal. Comments on Affordable Housing Strategy with regard to clarity on certain recommendations.	Clause 4.1B is in the current LEP. It is not expected to be retained in the Central Coast Consolidated LEP, therefore will not apply to this rezoning once the Consolidated plan is made. The proponents have been advised of this on several occasions. Comments on the Affordable Housing Strategy were forwarded to Community Partnerships and Planning when first lodged in September 2018.

Submission Document Number	Comment	Response
	Concern on the late inclusion of the proposed playing fields within the study area.	The inclusion of the proposal playing fields has been necessary to ensure that there is an adequate supply of open space infrastructure for the incoming and existing population.
	Suggest the feasibility assessment was added after the start of the public exhibition commenced on 18 October 2018.	This document is dated 16 October 2018 two days prior to the public exhibition commencing. It should be noted that the feasibility assessment was provided several weeks prior to the exhibition.
	Request Council to take advantage of funding avenues available to provide the necessary infrastructure, particularly water and sewer, before the development commences. Request Council to take responsibility for these works to facilitate the delivery of housing	Council has considered several avenues of funding however any new development will be at the cost of the developer. Council will collect necessary contributions to cover the provision of the infrastructure required by the new development as nominated by the new Warnervale District Contributions Plan. Subject to the provisions of this plan, credits or offsets may be made available.
	Request flexibility in the green corridor in order to determine the ultimate and appropriate widths at a later date. Citing previous rezoning on the north of Johns Road which has narrow corridor width	The minimum width of wildlife and drainage corridors within the site have been zoned E2 Environmental Conservation. The outcomes of further assessments to comply with legislative requirements through the DA process, may see the need for these widths to be extended.
	Request that Council include the cost of planning studies prepared to support this proposal in the review of the Section 7.11 plan. Indicating that some landowners have contributed to the studies and other have not however they are benefiting from the uplifting in zoning. Citing Council investigations into the Erina Valley Land Capability Overview.	<ul> <li>S.7.11 Practice Notes indicate that Studies relating to supporting infrastructure can only be included in S7.11 plans not studies for individual planning proposals.</li> <li>It should be noted that similar large scale planning proposals initiated by private land owners in the former Wyong LGA were</li> </ul>
	Fragmented ownership makes it difficult to enter into agreements for the provision of environmental offsets and Aboriginal Heritage.	did not recoup the costs of studies via Section 7.11. Acknowledged but this is a matter for the proponents to resolve through the future DA process.

Submission Document Number	Comment	Response
	P 18 of the Planning Proposal indicated that a Flooding and Drainage Study will be required to support the proposal.	A Post-exhibition a Flood study has been undertaken. Relevant matters requiring further assessment in this regard have been included in the site specific DCP Chapter.
	P 25 The location of the proposal playing field also has sewer infrastructure located on the same land	Amendments to the DSP and Wastewater Servicing Strategy may be required in conjunction with the master planning for the proposed playing fields.
	P 26 Road infrastructure timing refers to the staging of the Water and Wastewater Servicing Strategy, due to fragmented ownership this may be dependent on landowner's decision to develop.	Should landowners wish to develop out of the sequence indicated by the Water and Wastewater Servicing Strategy, the cost of any additional infrastructure will be borne by the developer.
	If Council were to undertake the provision of Water and Sewer infrastructure before development occurs a more flexible approach to development staging is possible	Council does not have immediate plans to provide sewer and water infrastructure in this locality. All works to service the future subdivision will be required to be provided by the developer in accordance with applicable standards and technical requirements.

Agency	Submission Date	Advice	Response
Ausgrid	N/A	Referral not required	N/A
Central Coast Local Health District	19 March 2014	<ul> <li>Previous comment received prior to exhibition outlined below:</li> <li>Advocates for the development of healthy and safe built environments. Further to advocating for healthy and safe built environments the Central Coast Local Health District the feasibility of mixed use zoning should be investigated siting the health benefits of mixed use development with good street connectivity.</li> </ul>	Noted. The future design of the subdivision of the area will need to consider healthy and safe built environment design requirements. The proposed zonings permit a range of uses and a higher order commercial zone is not required within WELOG.
Darkinjung Local Aboriginal Land Council	N/A	No response received.	N/A
Department of Planning, Industry and Environment	10 December 2015	Comment was provided in terms of Developer Contributions applicable to the site. Given the location and size of the proposal, it is considered appropriate to continue to apply the urban release areas provisions to the site. Please ensure that the landowners are aware that application of these provisions means that future development of the site will need to contribute towards state infrastructure.	WELOG will be included in the Urban Release Area map and therefore State Infrastructure Contribution (SIC)will be required to be collected for the proposal. Landowners are aware of the requirements for State Infrastructure Contributions.
Department of Primary Industries- Agriculture	12 March 2014	Comment received prior to exhibition, outlined below: Agriculture NSW notes (using Google Maps) that the location has had in the past intensive poultry production (52 Murrawal Road & 130 Johns Road) and there also appears to be a large greenhouse development on the edge of the release site (190	These identified sites are not included in the revised area of the now WELOG. The comment may be relevant to establishing buffers to residential development.

Agency	Submission Date	Advice	Response
		Johns Road) and a horse establishment (110 Johns Road) with infrastructure and training track all of which may not be compatible with closer urban settlement. Any rezoning will need to determine whether these existing uses are continuing before any development is located close to these activities.	
Department of Primary Industries- Fisheries	15 November 2018	This area is not zoned as key fish habitat and DPI Fisheries has no comments in relation to this proposal.	Noted.
Department of Primary Industries- Land and Natural Resources (Crown Lands)	12 March 2014	<ul> <li>No response at exhibition, response outlined below prior to exhibition</li> <li>The proponent must identify all Crown Land within the project boundary, including any public roads (formed or not) and address the impacts. Some specific issues to consider:</li> <li>Crown Roads impacted by utilities (water, sewage, electricity, gas), will require acquisition of appropriate easements;</li> <li>Crown Roads required as part of the proposal will be transferred to Wyong Council (Central Coast Council) as the relevant roads authority;</li> <li>Crown Roads not required as part of the proposal should be closed and purchased;</li> <li>Crown Land, including Crown Roads, is not to be used for bushfire planning requirements, such as Fire Trains and Asset Protection Zones;</li> <li>Crown land, including Crown Lands will not consider any request to take ownership of</li> </ul>	Noted. Recommendations have been incorporated into proposal.

Agency	Submission Date	Advice	Response
		conservation lands associated with the proposal.	
Department of Primary Industries- Office of Water	17 December 2015	<ul> <li>No response received at exhibition. Comment below relates to advice prior to exhibition:         <ul> <li>A number of watercourses are located within the proposed locality. The majority of watercourses appear to be contained within the proposed Environmental Conservation Zone. DPI Water supports the protection of watercourses within the Environmental Conservation Zone. DPI Water recommends that appropriate riparian buffers for all watercourses located within the urban release area be incorporated into the planning proposal in accordance with DPI Water's 'Guidelines for Riparian Corridors'.</li> <li>Activities likely to intercept or extract ground water or surface water may require licensing or approval under the <i>Water Act 1912</i> or the <i>Water Management Act 2000</i> prior to such activities commencing.</li> </ul> </li> </ul>	Future development applications for development of the site will need to give consideration to DPI Water guidelines and relevant Council policy.
Guringai Tribal Link	18 December 2015	Comment received prior to exhibition outlined below: - A fully comprehensive Aboriginal Cultural Heritage Impact Assessment be conducted over the Land Release Areas in consultation and participation with GTLAC and a fully qualified Archaeologist.	A preliminary Aboriginal Cultural Heritage assessment prepared by Associates Archaeology and Heritage dated November 2016 has been submitted post consultation with Guringai Tribal Link. Archaeological survey undertaken on 3 <sup>rd</sup> May 2016 for the preliminary Aboriginal Cultural Heritage assessment was attended by a representative of Guringai Tribal Link. The following was noted on the day- 'The study area was soon found not to have the visible, highly significant site types associated with sandstone

Agency	Submission Date	Advice	Response
			that were considered the highest priority concern based on desktop study (grinding grooves, rock art or rock shelters); and The distribution of the most likely remaining concern, surface and subsurface stone artefacts, was found to be impossible to model with the almost complete absence of visible, exposed soil; Instead it was determined that test excavation would be required to assess the likely presence, absence distribution and significance of subsurface artefacts and that the methodology for this could be designed after one survey say and subject to RAP and client review. It is considered the level of information submitted is adequate for the rezoning stage and further investigation will be required at Development Application (DA) stage.
Local Land Services	N/A	No comment received during exhibition	N/A
NSW Department of Industry- Resources and Energy	24 March 2014	<ul> <li>No response received at exhibition</li> <li>Coalesced Wallarah/Great Northern Seam is the major target seam in the region, as mined by Centennial Munmorah and proposed to be mined by Wallarah No.2. Beneath the majority of the proposal area, the Wallarah/Great Northern Seam is split, and less economic. Although a small potential resource area exits, it is not considered feasible that first working would be extracted due to the distance from existing workings, and the nature and extent of the constraints on mining in the subject area. Based on these limitations Resources and Energy do not object to the proposal.</li> </ul>	Noted
Agency	Submission Date	Advice	Response
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		<ul> <li>Upon revision of the study area comment was sought from the Department, the Department outlined that further to no objection to the proposal two minor inclusions were relevant to the decrease in study area: <ul> <li>Consolidated Coal Lease (CCL) 772 held by Centennial Munmorah Pty Ltd was located adjacent to the northern portion of the site and not within the study area.</li> <li>Currently no Petroleum Exploration Licenses covering the study area.</li> </ul> </li> </ul>	
NSW Department of Education	January 2016	<ul> <li>No response at exhibition stage, response below received prior to exhibition:         <ul> <li>The Department have assessed the capacity of schools in the former Wyong Shire Council area to service the additional growth anticipated form the proposal.</li> <li>Based on an analysis of the projected student growth, it is anticipated there will be sufficient capacity in existing school infrastructure to service the additional need.</li> </ul> </li> </ul>	Noted
Department of Family and Community Services-NSW Rural Fire Service	30 January 2019	Raises no objection to the proposal and finds the recommendations in the submitted bushfire report prepared by EPS (Dated January 2017, Reference 11247) consistent with the aims and objectives of <i>Planning for Bush Fire Protection (PBP) 2006.</i>	Any future development matters will be assessed against the requirements of the superseded <i>Planning</i> <i>for Bush Fire Protection 2006</i> by considering <i>Planning</i> <i>for Bush Fire 2019</i> .
Department of Planning, Industry and Environment- Biodiversity and	14 January 2019	Recommendation 1: the squirrel glider habitat size in the north-west of the development is maximised to include the additional areas of moderate-good quality vegetation currently proposed to be cleared.	The corridor connecting the squirrel glider habitat in the west to the Wadalba Wildlife corridor in the east has been widened and additional requirements for

Agency	Submission Date	Advice	Response
Agency Conservation Division (former OEH)	Submission Date	<ul> <li>Recommendation 2: that the threatened species habitat area in the north-east of the site is maximised to include the small areas of moderate to good quality vegetation adjacent, [particularly surrounding the powerful owl roosting site.'</li> <li>Recommendation 3: that the development footprint does not encroach into the North Wyong Shire Structure plan green corridor and a sufficient buffer is provided to prevent edge effects on this corridor.</li> <li>Recommendation 4: that the development avoids the good quality endangered ecological community vegetation within the area identified as 'future investigation with adjoining rezoning'</li> <li>Recommendation 5: that a corridor study is undertaken prior to rezoning to evaluate trajectories and the ability of gliders to move through the proposed wildlife corridor. The corridor study should: <ul> <li>Provide an understanding of the viability of the corridor to act as a movement corridor for squirrel gliders, including the impact of urban effects such as roads, street lights, noise and</li> </ul> </li> </ul>	<ul> <li>Response</li> <li>effective species management and movement have been included in the site specific DCP Chapter.</li> <li>These areas are included in the lands to which the Biodiversity Values map is applicable and as such a Biodiversity Assessment Report (BDAR) will be required to be prepared which addresses retention of vegetation.</li> <li>This area is zoned E2 Environmental Conservation and is separate from any proposed R2 Low Density Residential zoned lands. Further assessment of the corridor width (and potential need for its expansion) are required by the site specific DCP Chapter.</li> <li>This area is not included within the current planning proposal.</li> <li>A corridor study was undertaken. This study has informed changes to the planning proposal, corridor and site specific DCP Chapter.</li> </ul>
		<ul> <li>domestic animals;</li> <li>Outline any required changes to the location and width of the corridor; and</li> </ul>	

Agency	Submission Date	Advice	Response
		<ul> <li>Outline rehabilitation measures required to facilitate movement of squirrel gliders in the corridor in the short and over the longer term.</li> </ul>	
		Recommendation 6: that the proposed detention basins are located outside of the squirrel glider habitat corridor or the corridor width is widened to allow movement around the detention basins.	The corridor width has been widened.
		Recommendation 7: that the planning proposal clearly states that all onsite conservation areas including the squirrel glider habitat corridor will secured and managed in perpetuity through a biodiversity stewardship agreement or through dedication of land to council. If the land is dedicated to Council it is recommended that sufficient funds are provided to ensure the ongoing management of the	The proponents have been advised that biocertification of the site is the preferred outcome for protection of conservation areas, however this has not occurred to date. A BDAR will be required to be lodged with a DA for the development of the land as the site is identified within the Biodiversity Values Map.
		land. Recommendation 8: that detention basins and constructed wetlands are located outside endangered ecological communities.	Suitability of location of detention basins will be assessed at DA stage consistent with existing Council Guidelines and requirements. This area is contained within the portion of the study
		Recommendation 9: that the development avoids removal of the threatened <i>Melaleuca biconvexa</i> population on the northern boundary of the planning area.	area that is mapped within the Biodiversity Values Map and therefore requirements of the <i>Biodiversity</i> <i>Conservation Act 2016</i> apply.
		Recommendation 10: if impacts to <i>Melaleuca</i> <i>biconvexa</i> are not avoided, OEH recommends that Appendix 4 of the Environmental Assessment be	Consideration of any potential impacts to the population of <i>Melaleuca biconvexa</i> will need to be undertaken consistent with the requirements of the

Agency	Submission Date	Advice	Response
		amended to appropriately indicate the high likelihood of potential impacts to <i>Melaleuca</i> <i>biconvexa</i> .	<i>Biodiversity Conservation Act 2016</i> when a DA is lodged for the subdivision of the land.
		Recommendation 11: recommends the Environmental Assessment is amended to clarify the approval pathway of the development and confirm that the <i>Biodiversity Conservation Act 2016</i> applies.'	As above.
		Recommendation 12: that the planning proposal includes a calculation of the credits generated by the proposed onsite conservation areas compared to the credit requirements for development and details how any proposed onsite offsets will be secured in perpetuity in accordance with the Biodiversity Offsets Scheme.	This was requested of the proponent but not provided. Future developers of lands within areas mapped by the Biodiversity Values maps will need to prepare a BDAR including calculation and security of their offset requirements.
		Recommendation 13: that the Ecological Assessment is amended to acknowledge that the white-bellied sea eagle is a listed threatened species.	As above. It is acknowledged that the white-bellied sea eagle is a threatened species.
		Recommendation 14: that further information is provided within the Ecological Assessment on whether threatened microchiropteran bats located within the development area are utilising potential roosting habitat such as culverts, buildings and sheds within the study area.	The presence of threatened microchiropteran bats within these structures can be determined at DA stage.
		Recommendation 15: that Figure 5. threatened species, habitat trees and important area location	As above.

Agency	Submission Date	Advice	Response
		within the Ecological Assessment is amended to show both southern myotis records within the study area.	
		Recommendation 16: recommends that all infrastructure and facilities are located outside of all environment and habitat corridors. Recommendation 17: that the updated map related to the site and the updated Northern Lakes Floodplain Risk Management Study and Plan be submitted to OEH.	Location of infrastructure and facilities will be assessed at DA stage consistent with permissible uses in the relevant zones and be subject to consideration within the BDAR.
		Recommendation 18: that the planning proposal be consistent with Local planning Direction 4.3 Flood Prone Land issued under Section 9.1 of the EP&A Act (1979). Zone boundaries should be revised following identification of the flood prone area.	This plan has been provided to BCD (former OEH).
		Recommendation 19: that the planning proposals includes the most accurate and up to date flood information available, including but not limited to the Wyong River Flood Study (BMT-WBM 2013) to determine the impact of the planning proposal on the floodplain. The assessment of any/all works within the floodplain are to include earthworks required for water management basins and sports fields.	A flood study undertaken for the proposal post exhibition (MHL 2 Oct 2019) has indicated that the proposal is generally consistent with Local planning Direction 4.3 Flood Prone Land issued under Section 9.1 of the EP&A Act (1979). Zone boundaries reflect this and guidelines in the DCP requires lands affected by flood undertake further work in regard to PMF. The flood study as outlined above has utilised the most up to date flooding information.
		Recommendation 20: any works in the floodplain are to be consistent with Council's DCP Controls and any adopted floodplain risk management plans.	The requirements of Council DCP and the floodplain risk management plan will be applied to any proposed DA's for the area.

Agency	Submission Date	Advice	Response
		Recommendation 21: that the Stormwater Management report be updated to include the correct assumptions related to the areas to be developed, and the areas of impervious areas within those catchments. Calculations related to the sizing of the water quantity and quality basins are to be reviewed and the impacts to downstream environments reassessed.	Impacts to downstream environments have been assessed within the flood study and determined to be acceptable.
		Recommendation 22: the proponent demonstrates that the increased volume of runoff generated as a result of this proposal will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland, or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland.	This has been demonstrated within the flood study.
		Recommendation 23: update the DCP controls so they are clear, concise and consistent with council's current development controls for water management.	The DCP chapter is consistent with other relevant requirements within Wyong Development Control Plan 2013.
	19 November 2018	Roads and Maritime object to the Planning Proposal as the upgrade of the Pacific Highway and Johns Road intersection has not been included within the s7.11 plan.	The future upgrade of the Pacific Highway Johns Road intersection is not included in the s7.11 plan as this is a State Infrastructure item. Discussions were undertaken between Council, DPIE and TfNSW-RMS to
Transport for NSW- Roads and Maritime			determine a path forward to resolve RMS objection. It has been agreed that funding for this intersection can be delivered through the collection of State Infrastructure Contribution as outlined within the Council report.

Item No:	2.2
Title:	Planning Proposal RZ /6/2016 Warnervale and Virginia Rd, Warnervale
Department	: Innovation and Futures
28 Septembe	er 2020 Ordinary Council Meeting
Reference:	RZ/6/2016 - D13771960
Author:	Shannon Turkington, Senior Strategic Planner

Shari Driver, Unit Manager, Strategic Planning

Ricardo Martello, Executive Manager Innovation and Futures



#### **Report Purpose**

Manager: Executive:

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 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

2.2

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

- 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.

#### 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

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*:

- 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.



Figure 3 – Current zoning with proposed lot layout



Figure 4 – Proposed zoning and lot layout

#### 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.

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

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

12: 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. 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

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

# **Proposal Summary**

Applicant	ADW Johnson
Owner	Bitova Pty Ltd
Application Number	RZ/6/2016
Description of Land	Property Description:
	15-35 Warnervale Road & Part of 95-105 & 107-171 Virginia Road, Warnervale
	Legal Description:
	Lot 1 DP 385242, Lots 1, 2 & 3 DP 1101086, Lot 1 DP 1018444 and Lots 73, 74, 75 & 76 DP 7091
Site Area	210 На
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 Environmenta 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





#### 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*

- 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.

- 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.





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

- 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.
- 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.



#### 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

- 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.



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 450m2 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

#### Attachment 2

#### **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\

- 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.



#### 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.

#### Attachment 2

#### **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 Woongarrah 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.



#### Figure 7 IWCM scheme

Note1: 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

- 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 by 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 polices 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.



#### 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.





# 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.



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

#### Attachment 2

- 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.



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.



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.

#### 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



#### Attachment 2

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







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

Submission Number	Point Raised in Submission	Response
1	• 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.	The proposal does not propose to rezone or fill land that is zoned E2 Environmental Conservation. 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 proposed as part of the Planning Proposal.
	<ul> <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>	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.
2	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.	Noted – this issue will be further investigated and considered through the preparation of the

#### Table of Submissions – RZ/6/2016

Submission Number	Point Raised in Submission	Response
		Central Coast Comprehensive Local
-		Environmental Plan.
	Under the current Draft Central Coast Local Environmental Plan, Clause 4.1F restricts	Noted – this issue will be further investigated
	dual occupancy development as follows:	and considered through the preparation of the Central Coast Comprehensive Local
	Dual Occupancy (attached) 550 square metres	Environmental Plan.
	<ul> <li>Dual Occupancy (detached) 700 square metres</li> </ul>	
	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.	
	<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:	Noted – this issue will be considered through the preparation of the Central Coast Comprehensive Local Environmental Plan and Central Coast Comprehensive Development Control Plan.
	<ul> <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>	
	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.	
	Multi-Generational Housing	Noted – this issue will be further investigated and considered through the preparation of the

Submission Number	Point Raised in Submission	Response
	Multi-generational housing includes a three (3) storey building including one (1) dwelling on each level to cater for families including three (3) generations.	Central Coast Comprehensive Local Environmental Plan.
	Include a provision within the Draft DCP to allow three (3) storey construction for multi- generational housing opposite the park to the north.	
	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.	
	<u>Corner Lots</u> Include a provision within the Draft DCP to allow the creation of corner lots to 450m2. 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	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.
	residentially zoned land. <u>New Road Type</u> Add a new Road Type - Park Edge Road (A&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.	Noted – The draft DCP will be updated to include the new road type.
	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.	

Submission Number	Point Raised in Submission	Response
	<u>Setbacks</u> 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. 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.	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.
	Figure 3 Park and Open Space locations 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. 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.	The draft DCP will be updated to increase the flexibility in the location of the formalised park.
	Figure 4 Indicative road layout and hierarchy 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.	Noted – draft DCP will be updated to include new layout.
	Figure 5 Indicative Pedestrian and cycleway routes Figure 5 requires on road cycleways (shown in purple), amend to off road shared pathway. Reason: Council's Engineers prefer off road cycleways.	Noted – draft DCP will be updated to include new layout.

Submission Number	Point Raised in Submission	Response
	43m Asset Protection Zone (APZ) and 10m building setback	Noted – the draft DCP has been updated to meet current Bushfire Legislation.
	Request the following provision be deleted:	
	<ul> <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 employment precinct. A 10 metre building setback requirement will form part of this APZ. And,</li> <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>	
	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 perimetre road applies is now only 10m, not 43m (see Figure below).	
	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.	
	Further to the above, no APZ is required opposite the park due to separation from other vegetation.	
	Taking the above into consideration, these controls are no longer applicable and if enforced would have the effect of unnecessarily losing developable land.	
	<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.	Noted – Draft DCP Chapter 5.25 has been updated.

Item No:	2.3	
Title:	Request to prepare Planning Proposal No 239 Debenham Road North, Somersby	
Department	: Innovation and Futures	
28 September 2020 Ordinary Council Meeting		
Reference:	F2010/00500 - D14098929	
Author:	Michael Bowman, Strategic Planner	
	Scott Duncan, Section Manager, Land Use and Policy	
	Jenny Mewing, Principal Strategic Planner	
Manager:	Shari Driver, Unit Manager, Strategic Planning	
Executive:	Ricardo Martello, Executive Manager Innovation and Futures	



## **Report Purpose**

The purpose of this report is to consider a request to prepare a Planning Proposal to amend *Gosford Local Environmental Plan 2014 (GLEP 2014)* or *draft Central Coast Council Local Environmental Plan* (if in effect) for Lot 1 DP 261507 (part of No. 239 Debenham Road North), Somersby.

This report recommends that Council prepare a Planning Proposal and request a Gateway Determination from the Department of Planning, Industry and Environment (DPIE).

#### Recommendation

- 1 That Council, pursuant to Section 3.33 of the Environmental Planning and Assessment Act, 1979, prepare a planning proposal to amend the Gosford Local Environmental Plan 2014 or the Central Coast Local Environmental Plan (whichever is in effect at the time), by rezoning that part of Lot 1 DP 261507 (part of No. 239 Debenham Road, Somersby) fronting Debenham Road North (about 2/3 of site area) from RU2 Rural Landscape to IN1 General Industrial and to rezone the residue land to E2 Environmental Conservation (with a dwelling prohibition).
- 2 That Council, pursuant to Section 3.34 of the Environmental Planning and Assessment Act, 1979, forward the Planning Proposal to the Minister requesting a Gateway Determination.
- 3 That Council request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.
- 4 That Council undertake community and public authority consultation in accordance with the Gateway Determination requirements.

- 5 That the Council consider a further report on results of the community and public authority consultation.
- 6 That Council note the advice of the Local Planning Panel outlined in Attachment 3 to this report, as required by the Local Planning Panel's Ministerial Direction dated 27 September 2018.

## The Site

The land subject to the rezoning request comprises part of No. 239 (i.e. Lot 1 DP 261507) Debenham Road North, Somersby (Figure 1). The subject land has a total area of 2.227 Ha.



Figure 1 – Locality aerial photo - subject site outlined in red

The subject land is mostly vegetated. The land's gradient increases up slope to the east towards the M1 Pacific Motorway (M1). The site is now vacant. Historically the land was part of a much larger lot that was partly quarried before the M1 was built and divided the land.

Surrounding lands uses include:

2.3

- East M1 Motorway;
- West Somersby Business Park (SBP) lies and the land is zoned IN1 General Industrial;
- North land zoned RU2 Rural Landscape utilised for rural-residential living (i.e. dwelling-house and outbuildings)

The land is currently zoned RU2 Rural Landscape under *Gosford Local Environmental Plan* 2014 (GLEP 2014) (Figure 2). The draft *Central Coast Local Environmental Plan (dCCLEP)* proposes to retain the current zoning of the site.



Figure 2 – Existing locality zonings – subject site outlined in red

## The Proposal

The proposal is to rezone part of the land to IN1 General Industrial (approximately 1.5 ha). The area to be rezoned to IN1 General Industrial lies generally below 247 metres Australia Height Datum (AHD), has frontage to Debenham Road North and lies across the road from land zoned IN1 located within the Somersby Business Park (SBP).

The residual land is to be zoned E2 Environmental Conservation (about 0.7 ha) which will also be supported with a specific LEP provision which prohibits dwellings. The portion of the site proposed to be rezoned E2 Environmental Conservation will also include a provision for it be held in the same ownership with a parcel of land zoned IN1 General Industrial and include a requirement for a conservation management plan to be prepared. Figure 3 provides an indicative draft zoning plan.



Figure 3 – Proposed zoning plan (site edged in red)

## 2.3 Request to prepare Planning Proposal No 239 Debenham Road North, Somersby (contd)

The intended outcome of the proposal is to facilitate part of the site to be used for employment purposes or for multiple employment uses through the subdivision of the land. Additionally, the more elevated and steeper land adjacent to the M1 is to be conserved under the E2 Environmental Conservation zoning which will retain native vegetation on the steeper parts of the site and will also contribute towards the achievement of broader habitat corridor plans in the local area.

### Assessment

The Planning Proposal was originally lodged on 31 October 2017. After detailed review and discussions with Council staff the applicant amended the proposal numerous times. As a result of these protracted discussions, the current Planning Proposal has been developed for approximately 1.5 hectares of IN1 Industrial General and 0.7 hectares of E2 Environmental Conservation zoned land.

The request to prepare a Planning Proposal is supported by a planning report and preliminary investigations regarding matters such as Aboriginal heritage, archaeology, ecological, economics, bushfire, traffic, water cycle management, onsite effluent and visual impact.

Assessment of the request has been informed by internal consultation and assessment against relevant strategic and statutory requirements to determine whether the proposed rezoning should proceed to request a Gateway Determination.

Council's assessment has identified the proposal has strategic merit on the basis that:

- The proposal is consistent with actions in the *Central Coast Regional Plan (CCRP)* 2036 and aligns specifically with *Goal C: A growing and competitive region*;
- The site is adjacent to the CCRP's *Southern Growth Corridor* (i.e. Council's adopted '*Somersby to Erina Corridor Strategy'*), which is designated as a priority location for future jobs, services and business growth within the southern half of the region;
- The proposal will create a small amount of employment land which can be serviced, opposite the existing Somersby Business Park. The proposal is in many ways just a fine tuning of the zoned boundaries of existing industrial park boundaries, based on the detailed assessment work that has confirmed the suitability of the subject land for industrial purposes.
- The proposal is consistent with the relevant growth strategies, planning priorities and actions within the Council adopted Interim *Local Strategic Planning Statement*.
#### 2.3 Request to prepare Planning Proposal No 239 Debenham Road North, Somersby (contd)

Although the site is small, based upon the State Government's *Employment Lands Development Program* report statistics, the subject rezoning could be expected to generate approximately 75 jobs (average) once it is fully developed.

There is no evidence of any items of European heritage on the land that would require an investigation. A check of mapping held by Council shows no Aboriginal cultural heritage sites on the land, however, as some sites are known to exist in the locality, an Aboriginal Cultural Heritage Assessment will be required to support the proposal, as a post Gateway requirement.

The applicant's planning report states that a search of the Environmental Protection Authority's Contaminated Land Records reveals no entries, notices, actions or management proposals issued under the Contaminated Lands Act for the subject land. A Stage 1 contaminated land assessment will be required of the applicant to be carried out post Gateway to determine consistency with SEPP No 55 - Remediation of Land and Ministerial Direction 2.6 - Remediation of Contaminated Land.

In addition to the abovementioned studies the applicant will also be required to undertake more detailed ecological and habitat corridor, geotechnical and bushfire assessments post Gateway Determination.

There is a strategic basis in the Central Coast Regional Plan to identify additional employment lands to meet forecast growth needs. The proposal is consistent with the Central Coast Regional Plan, as it will contribute to meeting identified needs, notwithstanding that it is only a small amount of land.

All services are available and can be extended to the proposed IN1 zoned area, which lies across the road from existing Somersby Business Park.

In undertaking planning investigations into the potential suitability of this site for employment purposes, a small area of land to the north of the subject land has also been identified for future investigation as part of the Central Coast Employment Land Study and Strategy (in preparation). For the above reasons the proposal will not set a precedent for other similar proposals, beyond this particular site.

#### Internal Consultation

The rezoning request and supporting reports have been reviewed by staff and responses are summarised below. Some matters requiring more detailed investigation as a part of the progression of the proposal are discussed below.

#### **Environmental Strategies**

The Environmental Strategies Section supports the rezoning of part of the site to E2 Environmental Conservation.

The site has high biodiversity values and ecological connectivity. The site contains suitable habitat for over twenty (20) different threatened species, hence a comprehensive flora and fauna survey will be carried out post Gateway by the applicant.

The proposed rezoning would result in the removal of native vegetation within the proposed industrial zone in order to provide drainage, services, driveways, buildings, car parking and the provision of bushfire asset protection areas (vegetation reduced). The following issues would need to be examined in more detail through the rezoning process:

- 1 The introduction of the *Biodiversity Conservation Act, 2016* (BC Act) introduced the concept of Serious and Irreversible Impact (SAII) for species that meet one of four criteria outlined in s6.7 of the *Biodiversity Conservation Regulation, 2017*;
- 2 S7.1.6.2 of the BC Act requires that a consent authority must not grant development consent to a proposal that is likely to affect SAII entities; and
- 3 Somersby Mintbush and *Hibbertia procumbens* both have the potential of occurring on the site and possibly meet the criteria for SAII. If these species were recorded during the DA stage harm to these species would not be permitted.

#### **Natural Assets**

2.3

Consultants engaged by Council recently prepared 'Corridor Mapping' for the Central Coast Local Government Area (LGA) on behalf of Council. The corridor map is overlayed on 2015 aerial photography and used Council's adopted 'Bells' vegetation mapping.

The corridor mapping in the vicinity of the proposed rezoning shows a potential gap connection and the rezoning of part of the land to E2 Environmental Conservation could assist with the future connection of core areas of habitat to land further to the north (i.e. north of the adjacent rural-residential living lot) with core habitat on the eastern side of the M1 and identifies the subject land as a wildlife corridor (Figure 4).



Figure 4 – Council's wildlife corridor map (blue = corridor, green = core habitat, red = corridor gap)

#### **Urban Planning and Development (Contributions)**

No Contribution Plan under Section 7.11 applies to the Somersby Business Park or surrounding lands.

As at 22 May 2020, a Section 7.12 contribution plan applies to all parts of the Central Coast which are not subject to any other Section 7.11 or 7.12 Contribution Plan. Under this plan contributions are calculated as a flat rate percentage of the cost of development. The rate of the levy is 0.5% of the cost of development between \$100,001 - \$200,000, and 1% of the cost of development over \$200,001.

#### Water Planning and Development

The land proposed to be rezoned to IN1 General Industrial is not located within Council's defined *Water / Sewer Service Area (WSSA*). The defined *WSSA* was installed with capacity to service the zoned industrial land. The *WSSA* infrastructure (i.e. water, sewer, roads and drainage) was constructed for and funded by industrial land owners under the *Somersby Industrial Estate (SIE) Service Contribution Agreement* dated 29th August 1980.

Connection of the land proposed to be rezoned to IN1 General Industrial to Council's water supply system is feasible with necessary augmentation.

#### 2.3 Request to prepare Planning Proposal No 239 Debenham Road North, Somersby (contd)

A portion of the lot, i.e. above 244.7 metres Australia Height Datum (AHD), cannot be serviced with Council's minimum service level requirements due to insufficient pressure, however the remainder of the land can be serviced (which includes the majority of the lower elevation portion of the site which is proposed to be developed). It is feasible to connect the proposed IN1 zoned land to the existing 150 mm gravity sewer system.

Any future development will have to pay to the Water Authority any required specific downstream water and sewer augmentation contribution charges toward providing system capacity to enable connection of the land to Council's water and sewer reticulation systems. Future development on the land shall be subject to payment of a water and sewer headworks / augmentation contribution (as per the *Water Management Act 2000*) based upon equivalent tenements and relevant fees at the time.

#### **Waste Services and Business Development**

There are no objections from a waste management perspective providing that:

- Any future road network / lot layout being designed to provide a street frontage / kerbside waste bin presentation opportunity;
- The road network must be designed to provide no dead ends requiring waste vehicle reversing with any cul-de-sac being designed to allow a 10.0 m long, dual rear axle Heavy Rigid Vehicle (HRV) to turn within the cul- de-sac in a single swept movement; and
- The road network to be capable of supporting a fully loaded residential waste collection vehicle.

These considerations will be applicable during the assessment of a future development application on the subject site.

#### Waterways and Coastal Protection

The land is located at the upstream end of a tributary of Piles Creek which is a tributary of Mooney Mooney Creek.

There is no available flood study for this area which would define any flooding on this site. The property is located at the upstream end of the catchment and there appears to be no defined watercourses that cross the site that would fill during rainfall events and cause flooding to downstream or adjoining proposed development. It is considered that no formal flood study is required for the proposed development at this planning proposal stage.

#### 2.3 Request to prepare Planning Proposal No 239 Debenham Road North, Somersby (contd)

Any increase in run-off should be retained on the site for all flood events up to the 100- year flood event. All development is to comply with Council's LEP and DCP requirements, particularly with regards to Water Cycle Management, so as not to increase run-off from the site from pre-development conditions. These considerations will be applicable during the assessment of a future development application on the subject site.

#### **Development Engineering (Traffic)**

The proposed industrial properties will be accessed via Debenham Road North, immediately west of the M1 Pacific Motorway. The traffic assessment lodged in support of the proposed industrially zoned land, states that future development could generate an additional 12 trips for morning peak per 1,000 m<sup>2</sup> of industrial development. Gindurra Road and Wisemans Ferry Road have the capacity to cater for the increased industrial traffic generated from future development.

#### **External consultation**

Government agency and public consultation requirements will be detailed in the Gateway Determination and conducted accordingly. It is anticipated that due to the existing development surrounding, and the location, that the following agencies may need to be consulted:

- Department of Family and Community and Justice (former NSW Rural Fire Service), regarding bushfire matters;
- Department of Transport (former Roads and Maritime Services and Transport for NSW), regarding transportation and road networking matters;
- Darkinjung Local Aboriginal Land Council and Guringai Tribal Link (also known as Wannangini), regarding Aboriginal heritage values; and
- Department of Planning, Industry and Environment (former Office Environment and Heritage and Department of Primary Industries), regarding primary industries and agricultural planning matters.

It expected that the Planning Proposal will be publicly exhibited for a period of 28 days.

#### Statutory compliance and strategic justification

The planning proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPPs), Ministerial Section 9.1 Directions and relevant guidelines set out within the regional and local plans, including the CCRP (see Attachment 2 – Strategic Assessment).

The proposal is generally consistent with the applicable Ministerial Directions and SEPPs.

#### **Financial Impact**

2.3

Adoption of the staff recommendation has no budget implications for Council. The direct cost to Council is the preparation of the planning proposal and Council's fee has been paid for this service.

The rezoning of the land will provide further land for employment purposes and is expected to generate approximately 75 jobs (average) once it is fully developed, which will have a positive economic impact for the Central Coast economy.

#### **Social Impacts**

It is considered that the subject proposal would result in positive social impacts through the provision of suitably located and serviceable employment lands, which increases the potential for more local business and employment opportunities.

The proposal is consistent with the Community Strategic Plan.

#### **Environmental Considerations**

The proposed rezoning of the land will achieve some positive environmental outcomes by rezoning part of the site to E2 Environmental Conservation. The applicant will be required to prepare a Conservation Management Plan over this area.

The applicant will also be required to undertake more detailed ecological and habitat corridor, geotechnical and bushfire assessment work post Gateway Determination.

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

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

In summary, the proposal seeks to slightly expand the amount of industrially zoned land within the Somersby Business Park by rezoning an additional 1.5 hectares of land for employment purposes.

The proposal is consistent with the Interim LSPS. A more detailed assessment is provided in Attachment 2.

#### Link to Community Strategic Plan

Theme 2: Smart

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

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

Theme 3: Green

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

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

Theme 4: Responsible

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

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

Theme 4: Responsible

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

I3: Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management.

#### **Risk Management**

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

#### Conclusion

The request to rezone the Somersby Road North part of the subject land (i.e. Lot 1 DP 261507) to IN1 General Industrial and part E2 Environmental Conservation is considered to have strategic merit and be capable for employment land use; subject to being supported by appropriate additional studies post Gateway Determination.

It is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

#### Attachments

1	Summary	D13865971
2	Strategic Assessment - PP 99 No 239 Debenham Rd Somersby	D13865972
3	Local Planning Panel advice from meeting held on 3 Sept 2020	D14184291

# **Proposal Summary**

Applicant	Rod Wall – Coastal Design Link	
Owner	Enterprise Property CC P/L	
Application Number	PP/99/2017	
Description of Land subject of planning proposal	Street Address:Part of No. 239 Debenham Road North,SomersbyLegal Description: Lot 1 DP 261507	
Site Area	2.227 hectares	
Existing Use	Vacant - mostly vegetated land without any structures, but with some portable containers	

Proposed Amendments – Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan

Provisions	Existing Provision	Proposed Amendment	Outcome (Supported/Not Supported)
Zoning	RU2 Rural Landscape	Rezone street frontage part of land to IN1 zoning (about 1.5 ha). Remainder of property to rezone to E2 Environmental Conservation zoning (about 0.7 ha) without a dwelling right & to be commonly owned with IN1 zone land.	Supported
Minimum Lot Size	20 ha	Apply 4,000m <sup>2</sup> to land zoned IN1.	Supported



### Lot 1 DP 261507 Debenham Rd North, Somersby (PP 99/2017)

	Direction	Applicable	Assessment/Comment
1.	Grow Gosford City Centre as the region's capital	N/A	Not located within the region's capital.
2.	Focus economic development in the Southern and Northern Growth Corridors	Yes	The proposal is consistent with this Direction. The proposal seeks to provide a small amount o additional employment lands immediately acros the road from the Somersby Business Park (SBP) SBP is the gateway to the Southern Growth Corridor. The 'Somersby to Erina Corridor Strategy was adopted by Council to implement the Southern Growth Corridor. Direction 6 of the corridor strategy aims to ' <i>ensure the long-term</i> <i>success of Somersby Employment Area</i> '. One action to implement is to prepare an Employment Lands Strategy, which is underway.
3.	Support priority economic sectors	Yes	The proposal is consistent with this Direction. The proposal seeks to provide additional employment lands adjacent to the SBP. The SBP is the gateway to the Southern Growth Corridor, as per Council's adopted 'Somersby to Erina Corridor Strategy'.
4.	Strengthen inter- regional and intra- regional connections for business	Yes	The proposal is consistent with this Direction. The proposal seeks to add to the provision of suitably located employment lands utilising existing road infrastructure and services.
5.	Support new and expanded industrial activity	Yes	The proposal is consistent with this Direction. The proposal seeks to provide additional employment lands adjacent to the SBP. SBP is th gateway to the Southern Growth Corridor, i.e. 'Somersby to Erina Corridor Strategy'.
5.	Strengthen the economic self- determination of	N/A	Not Applicable. The land proposal is not land owned by the DLALC.

Strategic Assessment



	Direction	Applicable	Assessment/Comment
	Aboriginal communities		
7.	Increase job containment in the region	Yes	The subject proposal is consistent with this Direction.
	region		See responses 2, 3 & 5 above.
8.	Recognise the cultural	Yes	The proposal is consistent with this Direction.
	landscape of the Central Coast		The subject proposal does not detract from the cultural landscape of the Central Coast.
			The lower lands on the subject site will be used for employment uses, which is compatible with the lands across the road within the SBP, whilst the higher lands will be zoned to E2 Environmental Conservation (with no dwelling right) and must be commonly owned with IN1 zoned land.
			A post Gateway study will be required of the applicant regarding Aboriginal cultural heritage assessment.
9.	Protect and enhance	N/A	The proposal is consistent with this Direction.
	productive agricultural land		The subject site is not located on prime agricultural lands mapped under the deemed State Environmental Planning Policy (SEPP) Sydney Regional Environmental Plan (SREP) No. 8, nor identified as Biophysical Strategic Agricultural Land (BSAL).
10.	Secure the productivity and capacity of resource lands	N/A	The proposal is consistent with this Direction.
			The subject land is within an area to which SREP No 8 applies, however the land is not mapped as bein 'prime agricultural land', nor as a 'preferred locatio of extractive industry'.
			The land is also subject to the deemed SEPP, SRE No: 9, however there are no direct effects on th subject land, and it is not mapped.
			The 2014 NSW Government audit of minera resources did not address the land.
			SEPP (Mining, Petroleum Production and Extractive Industries) 2007 permits mining and extractive industries with consent wherever a Local Environmental Plan (LEP) permits agriculture or industry. Industry is a permissible use in the proposed zone IN1 zone. The E2 Environmental Conservation zoned land must be commonly



	Direction	Applicable	Assessment/Comment
			owned with IN1 zoned land and will have no dwelling right.
11.	Sustain and balance productive landscapes west of the M1	Yes	The proposal is consistent with this Direction. The site is not located on resource lands per SREP Nos. 8 and 9 mapping.
12.	Protect and manage environmental values	Yes	<ul> <li>The submitted ecological report identifies that the general locality contains suitable habitat for over 20 threatened species. A check of mapping held by Council shows no Aboriginal cultural heritage sites on the land, however, as some exist in the locality post Gateway the applicant will be required to prepare an Aboriginal Cultural Heritage Assessment.</li> <li>The area has high biodiversity values, ecological connectivity and Aboriginal cultural heritage values.</li> <li>The proposal seeks to zone the higher land to E2 Environment Conservation and to deny a dwelling right with the aim to retain habitat for a wildlife corridor and minimise potential future environment impacts, which is supported. The remainder of the site presents some potential issues including:</li> <li>1. The introduction of the <i>Biodiversity Conservation (BC) Act 2016</i> introduced the concept of Serious and Irreversible Impact (SAII) for species that meet one of four criter outlined in s6.7 of the Biodiversity Conservation Regulation 2017.</li> <li>2. S.7.1.6.2 of the BC Act 2016 requires that a consent authority must not grant development consent to a proposal that may present SAIIs for their survival for particular species and/or their habitat.</li> <li>3. Somersby Mintbush and Hibbertia procumbens both have the potential of occurring on the site and possibly meet the criteria for SAII.</li> <li>A comprehensive flora and fauna survey is required to be carried out post-Gateway by the applicant for to ensure that these matters are addressed prior to any rezoning of the land and an Aboriginal cultural heritage assessment regarding the proposal.</li> </ul>
13.	Sustain water quality and security	Yes	The proposal is consistent with this Direction. The subject site is not located within the Drinking



	Direction Applicable Assessment/Comment		
	Direction	Аррисавіе	Assessment/Comment Water Catchment.
14.	Protect the coast and	Yes	The proposal is consistent with this Direction.
	manage natural hazards		The proposal is not affected by coastal hazards.
	and climate change		The site comprises category 1 bushfire prone vegetation. Future development of the site will be required to include relevant measures to ensure th security of land improvements, such Asset Protection Zones (APZs).
			A bushfire assessment will be required to be carrie out post-Gateway by the applicant.
15.	Create a well-planned, compact settlement	Yes	The subject proposal is consistent with this Direction.
	pattern		The proposal will deliver additional employment lands adjacent to the SBP.
16.	Grow investment opportunities in the region's centres	N/A	The subject proposal is not within a centre.
17.	Align land use and infrastructure planning	Yes	The subject proposal is consistent with this Direction.
			The proposal will complete the employment lands in this part of SBP and will utilise existing services and infrastructure.
18.	Create places that are inclusive, well-designed and offer attractive lifestyles	Yes	The subject proposal is consistent with this Direction.
			The proposal will complete the employment lands in this part of SBP.
19.	Accelerate housing supply and improve housing choice	N/A	The proposal does not relate to housing supply.
20.	Grow housing choice in and around local centres	N/A	The proposal does not relate to housing supply or a centre.
21.	Provide housing choice to meet community needs	N/A	The proposal does not relate to housing supply.
22.	Deliver housing in new release areas that are best suited to building	N/A	The proposal does not relate to housing supply.



Central Coast Regional Plan			
	Direction	Applicable	Assessment/Comment
	new communities		
23.	Manage rural lifestyles	N/A	The proposal does not relate to rural living.



State Environmental Planning Policies (SEPPs)	
SEPP	CONSISTENCY
SEPP (Koala Habitat Protection) 2019	
Aim of Policy	Applicable & Consistent.
This Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline	The applicant's submitted 'Ecological Issues and Assessment Report' stated that "It is noted, however, that no Koalas have been recorded on or are known from the Debenham Parklands site or nearby lands; and none have been recorded in recent times in the SIP. There is no "resident population of koalas" at this location;
SEPP 55 – Remediation of Land	
Aims to promote the remediation of	Applicable & Consistent.
contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.	The Applicant's planning report states that a search of the Environmental Protection Authority's (EPAs) Contaminated Land Records reveals no entries, notices,
(a) by specifying when consent is required, and when it is not required, for a remediation work, and	actions or management proposals issued under the Contaminated lands Act for the subject land.
<ul> <li>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and</li> <li>(c) development applications for consent to carry out a remediation work in particular, and</li> <li>(d) by requiring that a remediation work meet certain standards and notification requirements.</li> </ul>	Post Gateway a <i>Stage 1 contaminated lands assessment</i> should be carried out to determine compliance with Ministerial Direction 2.6 Remediation of Contaminated Land and SEPP No 55, given existing greenhouses and past extractive industry onsite.
SEPP (Coastal Management) 2018	
The aim of this Policy is to promote an integrated	Not Applicable.
and co-ordinated approach to land use planning in the coastal zone in a manner consistent with objects of the Coastal Management Act 2016, including the Management objectives for each coastal management area, by:	The subject land is not within the areas affected by this SEPP.
(a) managing development in the coastal zone and protecting the environmental assets of the coast, and	
(b) establishing a framework for land use planning to guide and decision-making in the coastal	
Strategic Assessment	Page 13



State Environmental Planning Policies (SEPPs)	
SEPP	CONSISTENCY
zone, and mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.	
SEPP (Mining, Petroleum & Extractive Industries)	2007
Aims:	Applicable & Consistent.
(a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and	SEPP State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 permits mining and extractive industries with consent wherever an LEP permits agriculture or industry.
<ul> <li>(b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and</li> </ul>	Industry is a permissible use in the proposed zone IN1 zone and the E2 Environmental Conservation zoned land must be commonly owned with IN1 zoned land and will have no dwelling right.
(b1) to promote the development of significant mineral resources, and	
(c) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and	
(d) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development:	
<ul> <li>to recognise the importance of agricultural resources, and</li> </ul>	
<ul> <li>(ii) to ensure protection of strategic agricultural land and water resources, and</li> </ul>	
(iii) to ensure a balanced use of land by potentially competing industries, and	
(iv) to provide for the sustainable growth for mining, petroleum and agricultural industries.	



State Environmental Planning Policies (SEPPs)			
SEPP	CONSISTENCY		
SEPP (Vegetation in Non-Rural Areas) 2017			
The aims of this Policy are as follows:	Not applicable.		
(a) to establish the process for assessing and identifying sites as urban renewal precincts,			
(b) to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts,			
(c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.			
SEPP (Aboriginal Land) 2019			
Aims:	Not applicable.		
(a) to provide for development delivery plans for areas of land owned by Local Aboriginal Land Councils to be considered when development applications are considered, and	The land is not identified in the mapping supporting this SEPP.		
(b) to declare specified development carried out on land owned by Local Aboriginal Land Councils to be regionally significant development.			
SEPP (Primary Production and Rural Developmen	t) 2019		
Aims	Not applicable.		
<ul> <li>(a) to facilitate the orderly economic useand development of lands for primary production,</li> </ul>	SREP 8 applies across the plateau and extends south to include rural lands around Somersby Business Park, including the subject lands. The subject land is not		
(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,	mapped as prime agricultural land, nor as a preferred location for extractive industries under SREP No 8.		
(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,			
<ul><li>(d) to simplify the regulatory process for smaller- scale low risk artificial waterbodies, and</li></ul>			



State Environmental Planning Policies (SEPPs)			
SEPP	CONSISTENCY		
routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,			
(e) to encourage sustainable agriculture, including sustainable aquaculture,			
(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,			
(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.			
SEPP Infrastructure			
	Applicable & Consistent.		
The aim of this Policy is to facilitate the effective delivery of infrastructure across the State.	The land proposed to be rezoned to IN1 can be provided with water and sewer services and the local road network has capacity for potential development. The small amount of proposed IN1 that cannot be serviced is still suitable for industrial uses and can be used for storage, parking or the like.		



Deemed State Environmental Planning Policies – Assessment	
Deemed SEPP	Consistency
Sydney Region Environmental Plan No. 8 Central Coast Plateau Areas	Comment
The relevant aims of the deemed SEPP are:	Consistent.
<ul> <li>to provide a basis for evaluating competing land uses</li> <li>to direct development for non-agricultural purposes to land of lesser agricultural capability and</li> <li>to encourage the preparation of draft LEPs based</li> </ul>	SREP 8 applies across the plateau and extends south to include rural lands around Somersby Business Park, including the subject lands. The subject land is not mapped as prime agricultural land, nor as a preferred location for extractive industries.
on merits 2 - Aims, objectives etc	
(a) to provide for the environmental protection of the Central Coast plateau areas and to provide a basis for evaluating competing land uses,	The submitted ecological report identifies that the general locality contains suitable habitat for over 20 threatened species. A check of mapping held by Council shows no Aboriginal cultural heritage sites on the land, however, as some exist in the locality post Gateway the applicant will be required to prepare an Aboriginal Cultural Heritage Assessment.
	The area has high biodiversity values, ecological connectivity and Aboriginal cultural heritage values.
	<ul> <li>The proposal seeking to zone the higher land not required for industrial purposes to E2 Environment Conservation and to deny a dwelling right with the aim to minimise potential future environmental impacts is supported. The remainder of the site in particular presents some potential issues including:</li> <li>The introduction of the Biodiversity Conservation Act 2016 introduced the concept of Serious and Irreversible Impact (SAII) for species that meet one of four criteria outlined in s6.7 of the Biodiversity</li> </ul>
	<ul> <li>Conservation Regulation 2017.</li> <li>S7.1.6.2 of the BC Act requires that a consent authority must not grant development consent to a proposal that may present SAlls for their survival for particular species</li> </ul>
	and/or their habitat. 2 Somersby Mintbush and Hibbertia procumbens both have the potential of



Deemed State Environmental Planning Policies – A	Assessment
Deemed SEPP	Consistency
	occurring on the site and possibly meet the criteria for SAII. A comprehensive flora and fauna survey is required to be carried out by the applicant post-Gateway to ensure that these matters are addressed prior to any rezoning of the land and an Aboriginal cultural heritage assessment regarding the proposal.
(b) to encourage the use of land having a high	Consistent.
agricultural capability for that purpose and, as much as possible, to direct development for non- agricultural purposes to land of lesser agricultural capability,	The subject land is not identified as "prime agricultural land"
(d) to protect regionally significant mining resources	Consistent.
and extractive materials from sterilization,	None of the subject land is identified as the preferred location for extractive industries (SREP No 8), nor mapped of identified under SREP No. 9.
	None of the subject land is identified in the transitional area as being in proximity to the Acacia Road quarry under the State Government 2014 Mineral Resources Audit.
	SEPP State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 permits mining and extractive industries with consent wherever an LEP permits agriculture or industry. Industry is a permissible use in the proposed zone IN1 zone, and the E2 Environmental Conservation zoned land must be commonly owned with IN1 zoned land and will have no dwelling right.
(e) to enable development for the purposes of extractive industries in specified locations,	See 2(d) above.
(g) to protect the natural ecosystems of the region, and	See 2(a) above.
(h) to maintain opportunities for wildlife movement across the region, and	Action 12.2 of the Central Coast Regional Plan (CCRP) is to ' <i>Identify and strengthen biodiversity</i> <i>corridors as places for priority biodiversity offsets</i> '. CCRP mapping identifies a corridor running east of the M1, which does not affect the subject land.
	Council has prepared mapping of biodiversity wildlife corridors within the LGA. The model used by the consultants aims to connect 'core habitat' areas based upon 2015 aerial photography and uses Council's adopted Bell vegetation mapping.



Deemed State Environmental Planning Policies – Assessment	
Deemed SEPP	Consistency
	The corridor map model aims to connect the core habitat located further to the north (i.e. north of the adjacent rural-residential living lot) with core habitat on the eastern side of the M1 and hence identifies the subject land as a wildlife corridor. The subject site does not connect directly to any core habitat areas. Post gateway the applicant will be required to carry out an investigation into the designation and feasibility of the site as a potential wildlife corridor.
	The proposed rezoning would result in clearing of the front part (about 1.5 ha) of the site for industrial uses. The remainder of the site (about 0.7 ha) is to be zoned to E2 Environmental Conservation with no dwelling right and will be held in common ownership with IN1 zoned land, together with ongoing conservation management requirements.
	The State Government's Biodiversity Values Map and Threshold Tool is a test used to determine when it is necessary to engage an accredited assessor to apply the Biodiversity Assessment Method (BAM) to assess the impacts of a proposal. The subject land is unaffected by this mapping.
	Additional detailed investigations are proposed post- Gateway regarding bushfire, environmental, wildlife corridor, contaminated lands, geotechnical capability, biodiversity issues and Aboriginal cultural heritage assessment and will be required to be undertaken by the applicant.
(i) to discourage the preparation of draft local	Consistent.
environmental plans designed to permit rural residential development, and	The proposal does involve rezoning any land to permit rural residential development.
(j) to encourage the preparation of draft local	Consistent.
environmental plans based on merits.	There is a strategic basis to support the small amount (approx. 1.5 ha) of additional employment lands proposed in this location as it will complete the last potentially suitable industrial land in this location adjacent to the SBP.
	The land lies adjacent to the M1 and contains some steep lands in the east which are unsuitable for industrial uses. These are not proposed to be rezoned for industrial purposes, however retained for conservation (zoned E2 with no dwelling right).



Deemed State Environmental Planning Policies – Assessment	
Deemed SEPP	Consistency
	All services and road networks required are available within the adjacent SBP.
	Environmental issues will be investigated in more detail post-Gateway.
SREP No. 9 Extractive Industry (No2 – 1995)	
2 Aims, objectives	Applicable and consistent.
(a) to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance.	SEPP (Mining, Petroleum Production and Extractive Industries) 2007 permits mining and extractive industries with consent wherever an LEP permits agriculture or industry. Industry is a permissible use in the proposed zone IN1 zone, and the E2 Environmental Conservation zoned land must be commonly owned with IN1 zoned land and will have no dwelling right.
(b) to permit, with the consent of the council, development for the purpose of extractive industries on land described in Schedule 1 or 2, and	Consistent. The subject land is not identified within Schedule 1 or 2 (nor on the map).
(c) to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential.	Consistent. The subject land is not located near affected lands.
3 Future development controls for extraction from Schedule 1 or 2 land	The subject land is not identified within Schedule 1 or 2 (nor on the map).
<ul> <li>(a) council should not prepare a draft local environmental plan to prohibit development for the purpose of an extractive industry on land described in Schedule 1 or 2.</li> </ul>	
State Regional Environmental Plan No 20 – Hawkes	bury – Nepean River (No2 – 1997)
Aims Objectives and Special Provisions of SREP 20	Not applicable.
3 Aim of this plan	The land is not mapped under the SREP.
The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.	



Ministerial Section 9.1 Directions		
Direction	Comment	
Employment & Resources		
1.1 Business & Industrial Zones		
Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified centres. Applies when a planning proposal affects land within an existing or proposed business or industrial zone.	Applicable and consistent. There is a strategic basis to support the small amount (approx. 1.5 ha) of additional employment lands proposed in this location adjacent to the SBP. The proposal will complete the last potentially suitable industrial land in this location. The land lies adjacent to the M1. Steep lands are unsuitable for industrial uses will not be rezoned to IN1 and will be retained for conservation (zoned E2 with no dwelling right). All services and road networks required are available within the adjacent Somersby Business Park.	
1.2 Rural Zones		
Aims to protect the agricultural production value of rural land. Applies when a planning proposal affects land within an existing or proposed rural zone.	Applicable. The land is zoned RU2 – Rural Landscape. The subject land is covered by Sydney Regional Plan No: 8 (deemed SEPP). The subject land is not mapped as being 'prime	
	agricultural land', nor as being Biophysical Strategic Agricultural Land. The proposal it is not considered to be alienating agricultural production as it is directly adjacent to existing industrial development and is isolated from other landholdings (to the east) by the M1 Pacific Motorway.	
	The inconsistency of the proposal with this Direction is of minor significance.	
1.3 Mining, Petroleum Production and Extractive Industries		
Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the	Applicable and consistent. SEPP (Mining, Petroleum Production and Extractive Industries) 2007 permits mining and extractive industries with consent wherever an LEP permits agriculture or industry. Industry is a permissible use in the proposed zone IN1 zone, and the E2 Environmental Conservation zoned land must be commonly owned with IN1 zoned land and will	



Ministerial Section 9.1 Directions		
Direction	Comment	
potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.	have no dwelling right.	
1.4 Oyster Aquaculture		
Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.	Not Applicable. There are no 'Priority Oyster Aquaculture Areas' (POAA) near the northern end of Brisbane Water where the land's waters discharge through Narara Creek. The nearest POAAs are located around Woy Woy.	
Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.		
1.5 Rural Lands		
Objectives are to;	Applicable and consistent.	
<ul> <li>protect the agricultural production value of rural land;</li> </ul>	The land is zoned RU2 – Rural Landscape, but not RU1 – Primary Production.	
<ul> <li>facilitate the orderly and economic development of rural lands for rural and related</li> </ul>	The subject land is covered by Sydney Regional Plan No: 8 (deemed SEPP).	
purposes; - assist in the proper management, development	The subject land is not mapped as being 'prime agricultural land'.	
and protection of rural lands to promote the social, economic and environmental welfare of the State;	The proposal it is not considered to be alienating agricultural production as it is directly adjacent to existing industrial development and is isolated	
<ul> <li>minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land user;</li> </ul>	from other landholdings (to the east) by the M1 Pacific Motorway.	
<ul> <li>between residential and other rural land uses;</li> <li>encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land;</li> </ul>	The proposal is consistent with the objectives.	
<ul> <li>support the delivery of the actions outlined in the New South Wales Right to Farm Policy.</li> </ul>		



Direction	Comment
Environment & Heritage	
2.1 Environmental Protection Zones	
Aims to protect and conserve environmentally sensitive areas. Applies when the relevant planning authority prepares	Applicable. Further environmental investigation post gateway will be required of the applicant.
a planning proposal.	The submitted ecological report identifies that the general locality contains suitable habitat for over 20 threatened species. A check of mapping held by Council shows no Aboriginal cultural heritage sites on the land, however, as some exist in the locality post Gateway the applicant will be required to prepare an Aboriginal Cultural Heritage Assessment.
	The area has high biodiversity values, ecological connectivity and Aboriginal cultural heritage values. The proposal seeking to zone the higher land to E2 Environment Conservation and to deny a dwelling right with the aim to minimise potential future environmental impacts is supported. The remainded of the site presents some potential issues including
	1 The introduction of the <i>Biodiversity</i> <i>Conservation (BC) Act 2016</i> introduced the concept of Serious and Irreversible Impact (Ser for species that meet one of four criteria outlined in s6.7 of the Biodiversity Conservati Regulation 2017.
	2 S7.1.6.2 of the BC Act 2016 requires that a consent authority must not grant development consent to a proposal that may present SAIIs for their survival for particular species and/or their habitat.
	3 Somersby Mintbush and Hibbertia procumbens both have the potential of occurring on the site and possibly meet the criteria for SAII.
	A comprehensive flora and fauna survey will be required of the applicant post Gateway to ensure that this matter will be addressed prior to the rezoning of the land and an Aboriginal cultural heritage assessment regarding the proposal.

2.2 Coastal Management

Strategic Assessment



Ministerial Section 9.1 Directions	
Direction	Comment
Aims to protect and manage coastal areas of NSW. Applies when a planning proposal applies to land in the Coastal Zone as defined under the Coastal Management Act 2016.	Not Applicable. The Coastal Zone is defined under the Coastal Management Act as those lands identified as coastal wetlands and littoral rainforests areas, coastal vulnerability environmental and coastal use areas which are mapped under SEPP Coastal Management. No 'coastal zone' areas are located in the vicinity of the subject site, the nearest being adjacent to Narara Creek.
2.3 Heritage Conservation	
Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Applies when the relevant planning authority prepares a planning proposal.	<ul> <li>Applicable.</li> <li>Further investigation post-Gateway will be required of the applicant regarding this matter.</li> <li>A Non-Indigenous heritage assessment has not been provided by the applicant. However, historical photos back until 1957 show a small part of the land was used as a quarry and there is no evidence on any buildings, hence no formal study is considered necessary.</li> <li>A search of the Aboriginal Heritage Information Management System (AHIMS) maintained by the NSW Office of Environment and Heritage which revealed the following information: <ul> <li>Lot 1 DP 261607 (Site 1) – 0 Sites or Places Recorded.</li> </ul> </li> <li>An archaeological study by Kayandel Archaeological Services in 2007 was also reviewed as part of the lodged submission.</li> <li>A review of a historical survey &amp; report produced for Lester Firth &amp; Associates pertaining to the Somersby &amp; Mount Penang areas in 1983 was also undertaken.</li> <li>The proponents have undertaken consultation with the Darkinjung Local Aboriginal Land Council (DLALC) and other Aboriginal interest groups. To date, no objections to the proposed re-zoning of the subject sites have been raised.</li> </ul>
	An Aboriginal cultural heritage assessment will be required to be prepared by the applicant post-Gateway.
2.4 Recreational Vehicle Areas	



Ministerial Section 9.1 Directions		
Direction	Comment	
Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles. Applies when the relevant planning authority prepares a planning proposal.	Applicable and consistent. The proposal does not seek to provide recreational vehicle areas.	
2.5 Application of E2 and E3 Zones and Environmer	ntal Overlays in Far North Coast LEPs	
Aims to ensure that a balanced and consistent approach is taken when applying environmental protection zones and overlays to land on the NSW Far North Coast.	Not Applicable This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).	
2.6 Remediation of Contaminated Land		
Aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.	The direction applies to land on which development for a purpose referred to in Table 1 to the <i>contaminated land planning guidelines</i> is being, or is known to have been, carried out, which includes land previously used for extractive industries and horticulture / agriculture (e.g. existing green-houses), such as this site.	
	The Applicant's planning report states that a search of the Environmental Protection Authority's (EPAs) Contaminated Land Records reveals no entries, notices, actions or management proposals issued under the Contaminated lands Act for the subject land.	
	Post Gateway a <i>Stage 1 contaminated lands</i> <i>assessment</i> should be carried out to determine compliance with this direction and SEPP No 55, given existing greenhouses and past extractive industry onsite.	
Housing, Infrastructure and Urban Development		
3.1 Residential Zones		
Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services and to minimise the impact of residential development on the environment and resource lands.	Not Applicable. Proposal is not within or proposing residential zonings.	



Ministerial Section 9.1 Directions	
Direction	Comment
Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.	
3.2 Caravan Parks and Manufactured Home Estates	
Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates.	Applicable and consistent. Caravan Parks are not permissible under the current RU2 zoning.
Applies when the relevant planning authority prepares a planning proposal.	The proposal does not seek to alter provisions relating to the permissibility of caravan parks or Manufacture Home Estates.
3.3 Home Occupations	
Aims to encourage the carrying out of low impact small business in dwelling houses. Applies when the relevant planning authority prepares a planning proposal.	Applicable and consistent. The proposal does not seek to alter provisions relating to the permissibility of home occupations.
3.4 Integrating Land Use & Transport	
Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing dependence on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.	Applicable and consistent. A small area of IN1 zoning (about 1.5 ha) is proposed, hence the direction is applicable. There is a strategic basis to support the provision of additional employment lands proposed in this location as it will complete the last potentially suitable industrial land in this location adjacent to the SBP. The land lies adjacent to the M1.
Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	Steep lands are unsuitable for industrial uses and will not be rezoned to IN1, but retained for conservation purposes (zoned E2 with no dwelling right). All services and road networks required are
3.5 Development Near Regulated Airports and Defe	available within the adjacent Somersby Business Park.
Aims to ensure the effective and safe operation of regulated airports and defence airfields; to ensure that their operation is not compromised by development that constitutes an obstruction,	Not Applicable. The subject land is not located near a regulated airport which includes a defense airfield.



Ministerial Section 9.1 Directions	
Direction	Comment
hazard or potential hazard to aircraft flying in the vicinity; and to ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. Applies when a planning proposal creates, alters or removes a zone or provision relating to land near a regulated airport which includes a defence airfield.	
3.6 Shooting Ranges	
Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	Not Applicable. The land does not lie adjacent or near to a shooting range.
Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	
3.7 Reduction in non-hosted short term rental acco	mmodation period
Applies when a Council prepares a planning proposal to identify or reduce the number of days that non- hosted short term rental accommodation may be carried out in parts of its local government area.	Not Applicable This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
Applies to Byron Bay Shire Council	
Hazard & Risk	
4.1 Acid Sulfate Soils	1
Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.	Applicable and consistent. According to Council's Acid Sulfate Soil Mapping the subject lands are class 5 which are generally unaffected by this issue as they are suitable for urban uses.
4.2 Mine Subsidence & Unstable Land	



Ministerial Section 9.1 Directions		
Direction	Comment	
Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence. Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study, strategy or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.	Applicable. Further investigation post Gateway will be required of the applicant into the geotechnical suitability of the site for urban uses. According to Council's Landslip Mapping the subject lands are free of this affectation, except the site of the previous quarry noted on the eastern area of the site. Disused quarries are noted as an 'Immediate High' hazard.	
4.3 Flood Prone Land		
Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts	Applicable and consistent. The land is located at the upstream end of a tributary of Piles Creek which is a tributary of Mooney Mooney Creek. There is no available flood study for this area which would define any flooding on this site. However as the property is located at the upstream end of the catchment and also that there appears to be no defined watercourses that cross the site that would fill during rainfall events and cause flooding to downstream or adjoining proposed development, it is considered that no formal flood study is required for the proposed development at this planning proposal stage. The downstream development from this site has	
	experienced flooding from Piles Creek in the past and as such there should be no increase in runoff from the site from all flood events up to the 100- year flood event that would worsen the risk to life and damage to property from flooding. Any increase in run-off should be retained on the site for all flood events up to the 100-year flood event. All development is to comply with Council's LEP and also DCP requirements particularly with regards to Water Cycle Managements, as not to increase run-off from the site from pre- development conditions. The proposal is consistent with this Direction.	



Ministerial Section 9.1 Directions		
Direction	Comment	
5.1 Implementation of Regional Strategies		
The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	Not Applicable. This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).	
5.2 Sydney Drinking Water Catchment	·	
Aims to protect water quality in the hydrological catchment. Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.	Not Applicable. This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast		
Aims to: ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non- agricultural use of farmland caused by urban encroachment into farming areas. Applies to Ballina, Byron, Kyogle, and Tweed Shire	Not Applicable. This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).	
Councils, Lismore City Council and Richmond Valley Council.		
5.4 Commercial and Retail Development along the	Pacific Highway, North Coast	
Aims to manage commercial and retail development along the Pacific Highway, North Coast. Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.	Not Applicable. This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).	
5.9 North West Rail Link Corridor Strategy		
Aims to promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL) and ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans. Applies to the This Direction applies to Hornsby Shire Council, The Hills Shire Council and Blacktown	Not Applicable This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).	



Ministerial Section 9.1 Directions		
Direction	Comment	
City Council.		
5.10 Implementation of Regional Plans		
Aims to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. Applies when the relevant planning authority prepares a planning proposal.	Applicable and consistent. See section above on compliance with the Central Coast Regional Plan 2036. The proposal is consistent with most relevant actions. Further studies to ascertain compliance with remaining relevant actions will be required post-Gateway.	
5.11 Development of Aboriginal Land Council Land	I	
Aims to provide for the consideration of development delivery plans prepared under the State Environmental Planning Policy (Aboriginal Land) 2019. Applies when the relevant planning authority prepares a planning proposal for land shown on the Land Application Map of the SEPP (Aboriginal Lands) 2019.	Not applicable. The is not owned by an Aboriginal land council and it is not affected by the SEPP (Aboriginal Land).	
Local Plan Making		
6.1 Approval and Referral Requirements		
Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. Applies when the relevant planning authority prepares a planning proposal.	Applicable and consistent. The planning proposal does not include provisions that require concurrence, consultation or referral of development applications.	
6.2 Reserving Land for Public Purposes		
Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.	Not Applicable. The proposal does not seek to reserve land for public purposes.	
Applies when the relevant planning authority prepares a planning proposal.		
6.3 Site Specific Provisions		
Aims to discourage unnecessarily restrictive site- specific planning controls.	Not Applicable. No specific land use or development is	



Ministerial Section 9.1 Directions		
Direction	Comment	
Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.	proposed.	
Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney		
Aims to give legal effect to the planning principles, directions and priorities for sub regions, strategic centres and transport gateways contained in A Plan for Growing Sydney	Not Applicable. This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).	
7.2 Implementation of Greater Macarthur Land Rele	ease Investigations	
Aims to ensure development within the Greater Macarthur Land Release Investigation Area is consistent with the Greater Macarthur Land Release Preliminary Strategy and Action Plan.	Not Applicable. This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).	
7.3 Parramatta Road Corridor Urban Transformatio	n Strategy	
Aims to facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November 2016) and the Parramatta Road Corridor Implementation Tool Kit. To provide a diversity of	Not Applicable. This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford) LGAs.	
jobs and housing to meet the needs of a broad cross-section of the community and guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure.		
This Direction applies to City of Parramatta Council, Cumberland Council, Strathfield Council, Burwood Council, Canada Bay Council and Inner West Council.		
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan		
Aims to ensure development within the North West Priority Growth Area is consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy (the Strategy) This direction applies to Blacktown City Council, The Hills Shire Council and Hawkesbury City Council.	Not Applicable. This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).	



Ministerial Section 9.1 Directions	
Direction	Comment
7.5 Implementation of Greater Parramatta Priority Infrastructure Implementation Plan	Growth Area Interim Land Use and
The objective of this direction is to ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan dated July 2017 (the interim plan).	Not Applicable. This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
7.6 Implementation of Wilton Priority Growth Area Implementation Plan	interim Land Use and intrastructure
The objective of this direction is to ensure development within the Wilton Priority Growth Area is consistent with the Wilton Interim Land Use and Infrastructure Implementation Plan and Background Analysis.	Not Applicable. This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
This direction applies to Wollondilly Shire Council.	
7.7 Implementation of Glenfield to Macarthur Urba	n Renewal Corridor
The objective of this direction is to ensure development within the precincts between Glenfield and Macarthur is consistent with the plans for these precincts. This direction applies to Campbelltown City Council	Not Applicable. This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs)
7.8 Implementation of Western Sydney Aerotropol Implementation Plan	is Interim Land Use and Infrastructure
The objective of this direction is to ensure development within the Western Sydney Aerotropolis is consistent with the Stage 1 Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan dated August 2018 (the Stage 1 Land Use and Implementation Plan). This direction applies to Liverpool, Penrith Blue Mountains, Blacktown Campbelltown City Council and Fairfield City Councils, Camden Council and Wollondilly Shire Council.	Not Applicable. This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs)
7.9 Implementation of Bayside West Precincts 2036	5 Plan
The aim is to ensure development within the Bayside West Precincts (Arncliffe, Banksia and Cooks Cove) is consistent with the Bayside West Precincts 2036 Plan (the Plan). This direction applies	Not Applicable. This Direction does not apply to the Central Coast Local Government Area (or former Wyong



Ministerial Section 9.1 Directions		
Direction	Comment	
to land within the Bayside local government area.	or Gosford LGAs)	
7.10 Implementation of Planning Principles for the Cooks Cove Precinct		
The objective of this direction is to ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles. This direction applies to land within the Cooks Cove Precinct in the Bayside local government area, as shown on Map Sheet LAP_001 Cooks Cove Precinct Section 9.1 Direction	Not Applicable. This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs)	



Dejectives	Assessment/Comment
1 upport reconciliation through the elebration of Aboriginal and Torres trait Islander cultures	The Aboriginal Heritage Information Management System (AHIMS) GIS mapping indicates no Aboriginal sites or places on the subject land. An Aboriginal cultural heritage assessment will be required of the applicant post Gateway to ascertain if the proposal is consistent with this Action.
1 Protect our rich environmental heritage y conserving beaches, waterways, ushland, wildlife corridors and inland reas and the diversity of local native pecies	The submitted ecological report identifies that the general locality contains suitable habitat for over 20 threatened species. A check of mapping held by Council shows no Aboriginal cultural heritage sites on the land, however, as some exist in the locality post Gateway the applicant will be required to prepare an Aboriginal Cultural Heritage Assessment. The area has high biodiversity values, ecological connectivity and Aboriginal cultural heritage values.
	<ul> <li>The proposal seeking to zone the higher land to E2 Environment Conservation and to deny a dwelling right with the aim to minimise potential future environmental impacts is supported. The remainder of the site in particular presents some potential issues including:</li> <li>The introduction of the <i>Biodiversity Conservation (BC) Act 2016</i> introduced the concept of Serious and Irreversible Impact (SAI for species that meet one of four criteria outlined in s6.7 of the Biodiversity Conservation Regulation 2017.</li> <li>S7.1.6.2 of the BC Act requires that a consent authority must not grant development consent to a proposal that may presen SAIIs for their survival for particular species and/or their habita</li> <li>Somersby Mintbush and Hibbertia procumbens both have the potential of occurring on the site and possibly meet the criteria for SAII. If these species were recorded during the DA stage harm to these species would not be permitted.</li> <li>A comprehensive flora and fauna survey will be required of the applicant post-Gateway to ensure that these matters are addressed prior to a rezoning of the land and an Aboriginal cultural heritage parts of the proposal.</li> </ul>
	assessment regarding the proposal.



Community Strategic Plan 'One – Central Coast'	
Objectives	Assessment/Comment
Preserve local character and protect our drinking water catchments, heritage and	The proposal will logically complete the industrial zoning of suitable land in this area adjacent to the SBP, where necessary road network and service infrastructure are available for extension to the site.
rural areas by concentrating development along transport corridors and town centres east of the M1	The steeper more prominent land adjacent to the M1 will be zoned to E2 Environmental Conservation.
I2 Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport	Consistent. See above I1.
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	See above F1. A comprehensive flora and fauna survey will be required of the applicant post-Gateway to ensure that these matters are addressed prior to a rezoning of the land.


Gosford Biodiversity Strategy	
Action	Assessment/Comment
1 Enable biodiversity conservation to be taken into consideration in Council's strategic planning	The submitted ecological report identifies that the general locality contains suitable habitat for over 20 threatened species. A check of mapping held by Council shows no Aboriginal cultural heritage sites on the land, however, as some exist in the locality post Gateway the applicant will be required to prepare an Aboriginal Cultural Heritage Assessment.
	The area has high biodiversity values, ecological connectivity and Aboriginal cultural heritage values.
	The proposal seeking to zone the higher land to E2 Environment Conservation and to deny a dwelling right with the aim to minimise potential future environmental impacts is supported. The remainder of the site in particular presents some potential issues including:
	1 The introduction of the <i>Biodiversity Conservation (BC) Act 2016</i> introduced the concept of Serious and Irreversible Impact (SAII) for species that meet one of four criteria outlined in s6.7 of the Biodiversity Conservation Regulation 2017.
	2 S7.1.6.2 of the BC Act requires that a consent authority must not grant development consent to a proposal that may present SAIIs for their survival for particular species and/or their habitat. is likely to affect SAII entities.
	3 Somersby Mintbush and Hibbertia procumbens both have the potential of occurring on the site and possibly meet the criteria for SAII. If these species were recorded during the DA stage harm to these species would not be permitted.
	A comprehensive flora and fauna survey for these species will be required of the applicant post-Gateway to ensure that these matters are addressed prior to a rezoning and an Aboriginal cultural heritage assessment regarding the proposal.

Interim Local Strategic Planning Statement	
Strategies	Assessment/Comment
1 Revitalise our centres	Not applicable to this PP
2 Renew urban form	Not applicable to this PP



Strategies	Assessment/Comment
Define the urban edge	Consistent, as outlined below:
	a. Land suitability
	<ul> <li>i. the lower and gently sloping land fronting the road is across the road from existing industrially zoned land with services and infrastructure available and extendable to the site, hence the site is suitable for the INT General Industrial zoning</li> <li>ii. the more elevated and steeper land is potentially part of a wildlife corridor &amp; is proposed for the E2 Environment Conservation zoning without a dwelling right</li> </ul>
	b. Contain urban sprawl
	i. the proposed amount of 1.5 ha (approximately) of IN1 zoned land is small and will round off suitable IN1 zoned land in thi area, hence not create a precedence
	c. Planned infrastructure
	i. the proposed IN1 zoned land front the road and is across the road from existing industrially zoned land with services and infrastructure have both capacity and potential to be extended
	d. Retaining open and green space i. the more elevated and steeper land is potentially part of a wildlife corridor & is proposed for the E2 Environmen Conservation zoning without a dwelling right
	e. Employment lands
	i. the proposed IN1 zoned land fronts the road is across the road from existing industrially zoned land, infrastructure is available, hence is a logical rounding off of employment lands in the area, plus the draft Employment Lands Strategy has identify a need for more suitable employment lands for the region
	f. Environmental protection
	i. the more elevated and steeper land is potentially part of a wildlife corridor & is proposed for the E2 Environmen Conservation zoning without a dwelling right
	g. Agricultural land
	i. Land is zoned RU2 – Rural Landscape zoning not RU1 Primary Production
	ii. Sydney Regional Plan No: 8 (deemed SEPP) applies



Strategies	Assessment/Comment		
	<ul> <li>iii. Land is not mapped as 'prime agricultural land or 'Biophysical Strategic Agricultural Land'</li> <li>1. The proposal will therefore no alienate agricultural production as it         <ul> <li>a. Is not prime agricultural land, and</li> <li>b. Lies adjacent to existing industrial development</li> </ul> </li> <li>h. Tourist and economic innovation         <ul> <li>i. The land is not suited to this use due to close proximity to industrial land and the M' Motorway</li> <li>i. Environmental living                 <ul> <li>i. The land is not developed for this use and no suited due to close proximity to industrial land</li> <li>industrial land and the M1 Motorway</li> <li>i. The land is not developed for this use and no</li> <li>suited due to close proximity to industrial land</li> <li>i. The land is not developed for this use and no</li> <li>suited due to close proximity to industrial land</li> <li>i. The land is not developed for this use and no</li> <li>suited due to close proximity to industrial land</li> <li>and the M1 Motorway</li> </ul> </li> </ul></li></ul>		
4 Create a sustainable region	<ul> <li>Consistent, as outlined below:         <ul> <li>ii. The lower and gently sloping land fronting the road is across the road from existing industrially zoned land and infrastructure is available and can be extended, hence the land is suitable for the IN1 General Industria zoning</li> <li>iii. the more elevated and steeper land is potentially part of a wildlife corridor, hence is proposed for the E2 Environment Conservation zoning without a dwelling right</li> <li>iv. the proposal will contain urban sprawl as the proposed amount of 1.5 ha (approximately) of IN1 zoned land is small and will round off suitable IN1 zoned land in this area, hence will not create a precedence</li> </ul> </li> </ul>		
lanning Priority & Action	Assessment/Comment		
Planning Priority 11 Facilitate emerging logistics, warehousing, manufacturing and innovative enterprises	<b>Consistent.</b> The proposal seeks to provide a small amount of additional employment lands immediately across the road from the Somersby Business Park (SBP).		
Action Develop the Central Coast's Somersby to Erina Corridor to provide an important connection from the regional gateway of	SBP is the gateway to the Southern Growth Corridor. The 'Somersby to Erina Corridor Strategy' was adopted by Council to implement the Southern Growth Corridor. Direction 6 of the corridor strategy aims to 'ensure the long-term success of Somersby Employment Area'. One actio to implement is to prepare an Employment Lands Strategy, which is		



Interim Local Strategic Planning S	Statement
Strategies	Assessment/Comment
Somersby to Gosford City Centre and beyond.	underway.
Planning Priority 14 Facilitate economic development to increase local employment opportunities for the community Action Prepare a suite of strategies to support new land use planning controls as part of the Comprehensive LEP and DCP.	<b>Consistent.</b> The subject land will be identified in the draft Employment Lands Strategy for investigation as potential future employment land.
Planning Priority 24 Map, protect and cherish natural areas and ecosystems Action Prepare and implement the Central Coast Biodiversity Strategy, including land use principles to protect and manage natural area and ecosystems of high biodiversity value.	<b>Consistent.</b> The Planning Proposal will contribute to the protection of wildlife corridors by protecting the elevated part of the site in an E2 Environmental Conservation Zone.
Planning Priority 26 Identify important agricultural and resource lands Action Prepare a Rural Lands Study and Strategy having regard to the region's biophysical, infrastructure, and socio-economic factors	Consistent. The land is zoned RU2 – Rural Landscape, but not RU1 – Primary Production. The subject land is covered by Sydney Regional Plan No: 8 (deemed SEPP). The subject land is not mapped as being 'prime agricultural land'. The proposal it is not considered to be alienating agricultural production as it is directly adjacent to existing industrial development and is isolated from other landholdings (to the east) by the M1 Pacific Motorway. SEPP (Mining, Petroleum Production and Extractive Industries) 2007
	permits mining and extractive industries with consent wherever an LEP permits agriculture or industry. Industry is a permissible use in the proposed zone IN1 zone, and the E2 Environmental Conservation zoned land must be commonly owned with IN1 zoned land and will have no dwelling right.



Interim Local Strategic Planning Statement		
Strategies	Assessment/Comment	
Planning Priority 28 Preserve environmental, scenic, heritage and cultural landscapes	Consistent.	
Action Determine areas within the rural landscape which require preservation because of environmental, scenic, heritage and cultural values, as part of the Rural Lands Study and Strategy	The more elevated and steeper land is potentially part of a wildlife corridor, hence is proposed for the E2 Environment Conservation zoning without a dwelling right. It is recommended that should a Gateway Determination be granted that relevant environmental / ecological studies be carried out to clarify this issue.	

## Local Planning Panel Planning Proposal Advice



Briefing date	3 September 2020			
Location	Remotely - online	Remotely - online		
Agenda item		3.4. Planning Proposal Ref: PP/99/2017 Part of No. 239 Debenham Road North, Somersby Lot 1 DP 261507		
Chair and panel members	ChairpersonDonna RygatePanel ExpertsGreg Flynn and Linda McClureCommunity Representative/s Glenn Watts			
Apologies	Nil			
Declarations of interest	Nil			
	Jenny Mewing	Principal Strategic Planner Local Planning and Policy		
Other attendees	Michael Bowman	Senior Strategic Planner Local Planning and Policy		
	Rachel Callachor	Local Planning Panel Support Coordinator		

**Proposed Development:** Application to amend GLEP 2014 to rezone to part IN1 General Industrial and residue to zone E2 Environmental Conservation (with no dwelling right).

#### Briefing

A briefing was held between Panel members and Council staff. The meeting opened at 12:00pm. Discussion on the proposal commenced at 12:20pm and finished at 12:30pm. The following issues were discussed:

- Subdivision of site
- Dwelling entitlement
- Drainage on site

#### **Panel Advice**

The Panel considered the report on the matter and the material presented at the briefing meeting.

The Panel generally supports the recommendations and offers the following advice:

1. The Planning Proposal should prohibit sub division of the site and prohibit any development on the E2 land, other than environmental management.

2. Prior to exhibition (post Gateway), Council should investigate options for the management of stormwater - on-site and/or off-site.

Item No:	2.4	
Title:	Review of the Warnervale Section 7:11 Plan Request for Public Exhibition	
Department:	Innovation and Futures	
28 September	2020 Ordinary Council Meeting	
	2014/01538-002 - D13801423 Chris Ferry, Senior Strategic Planner	

Shari Driver, Unit Manager, Strategic Planning



## **Report Purpose**

This report seeks Council's endorsement for the exhibition of the draft amended Warnervale District Contributions Plan 2020.

Ricardo Martello, Executive Manager Innovation and Futures

#### Summary

Manager:

Executive:

A review of the current Warnervale District local infrastructure Contributions Plan (The CP) has been conducted and requires community consultation. Sections 7.11 and 7.12 (formerly Sections 94 and 94A) of the *Environmental Planning and Assessment Act 1979* (EPA Act) allows Council to charge development contributions for local infrastructure necessary as a result of new development, provided a contributions plan is in place.

The Warnervale District CP was adopted on 25 March 2015 and recently a minor amendment occurred to remove the discount for Secondary Dwellings and the amended CP was adopted in April 2020.

A comprehensive review of the plan showed that the Warnervale District CP needed to be simplified to:

- Reduce the complexity of the plan
- Review infrastructure costs
- Review contribution rates
- Reposition some infrastructure works to state level for delivery (via a State Infrastructure Contribution)

This review has now been finalised and a draft amended CP has been prepared for community consultation. Key proposed changes to the plan include:

- A reduction in infrastructure costs by 25% based on updated Quantity Surveyor estimations and land valuations
- \$88M less transport works (by removal of the Railway Link Road and Sparks Road and Pacific Highway intersections from the plan).

## 2.4 Review of the Warnervale Section 7:11 Plan Request for Public Exhibition (contd)

- Inclusion of 3 new intersections, additional collector roads, public reserves and new stormwater infrastructure in Wadalba South
- With the inclusions and exclusions, the CP has a lower local infrastructure contribution rate overall.

#### Recommendation

- 1 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.
- 2 That a further report be presented to Council on the outcomes of the public exhibition.
- 3 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.

#### Context

The Warnervale District is the fastest growing area in the Central Coast Local Government Area. The population in the Warnervale District is expected to increase from 22,203 to 30,611 between 2021 and 2036 (Id Population Forecasts 2020). Local Infrastructure Contribution Plans are the key legal mechanism to provide the necessary funds to provide local infrastructure for an incoming population.

The Department of Planning, Infrastructure and Environment's (DPIE) *Development Contributions Practice Note 2006* (Practice Notes) recommends that Contributions Plan be reviewed every 5 years, or more frequently in high-growth areas, hence the need to review the Warnervale District Contributions Plan (Warnervale CP).

A comprehensive review of the data indicated that the current Warnervale CP needed to be simplified both in terms of the presentation of information and the complexity of multiple contribution rates across infrastructure sub-catchments.

A quantity surveyor was engaged to provide updated costing for the outstanding roadworks and other infrastructure works in the draft amended CP. A land valuation report was undertaken to provide updated land valuations required for the provision of the various infrastructure. The recommendations from the quantity surveyor and land valuer form the basis for the value of the works and land in the draft amended Warnervale CP.

A Map of the area subject to the current CP and the draft amended CP is provided in Figure 1 and Figure 2. A minor boundary adjustment is proposed on the southern boundary of the

## 2.4 Review of the Warnervale Section 7:11 Plan Request for Public Exhibition (contd)

Warnervale CP for a site that is included in a current planning proposal for Wadalba South and it is more appropriate for inclusion in the catchment of this plan for infrastructure purposes.



## Figure1 – Current CP Boundary





The Warnervale CP has provided, and continues to provide:

- **Transport network requirements** including 32 new/upgraded roadwork segments, 34 new/upgraded intersections, 3 cycleways and 3 riparian crossings
- **Drainage works** including open channels, culverts (20) and the Porters Creek Diversion Scheme
- **Stormwater quality treatment works** where treatment not already provided by development on site (these areas are exempt from stormwater quality contributions)
- **Acquisition of drainage land** including 80ha for drainage channels, 25ha for A-C1 and B3-B4 floodways and 247 ha for the major floodplain (deed in place with existing landowner for 130 ha in Precinct 7).
- Various parks (29) and playing fields 15 small parks, 3 large parks and 2 semi natural areas in Warnervale Wadalba and Hamlyn Terrace; 6 small parks in Precinct 7A, 2 small parks in Warnervale Town Centre, 1 small park and 1 large park in South Wadalba, 1 District Hill Top Park and additional courts and playing fields in the Warnervale Town Centre
- **Five community facilities** including the Warnervale Smart Hub (with library and multi-purpose district space) and Indoor Recreation Centre (27% apportioned to Warnervale)
- Environmental corridor land and works
- Precinct7A Floodplain restoration works

## **Review Status**

2.4

The Warnervale CP was adopted in March 2015 and currently requires review in accordance with the recommendations of the Practice Notes. The following matters were considered as part of this review:

- The determination of the catchments to achieve simplicity and revenue maximisation, while still achieving the required connection to the works.
- Warnervale, Wadalba and Hamlyn Terrace contributions are lower than those for East Warnervale, where majority of remaining development and infrastructure provision is still to occur.
- A Net Developable Area (NDA) based approach for non-residential development reduces the risk potential under recovery of contributions based on Daily Vehicle Trips (DVTs).

- The review of infrastructure requirements and costs to meet needs of the incoming community and maximise cost recovery.
- Additional infrastructure requirements for the planning proposal in Wadalba South including the provision of upgraded intersections, collector roads, stormwater drainage and play spaces.
- Up-to-date cost estimates for transport (by a Quantity Surveyor), community facility and open space embellishment works and land values (by a registered Land Valuer).
- Production Price Indexes introduced to bring previous cost estimates up to the base period of the plan, rather than Consumer Price Index, where appropriate.

A breakdown in costs for the various infrastructure items is provided in Figure 3.



## Figure 3 – Distribution of Costs – Warnervale CP

## Satisfactory Arrangements and Special Infrastructure Contributions

Currently, Clause 6.1 of the Wyong LEP 2013 requires satisfactory arrangements to be provided for land identified as an 'Urban Release Area' under the LEP. This requires a developer to contribute to State public infrastructure for each new lot prior to the release of a subdivision certificate.

Currently the Warnervale CP provides for a Railway Link Road, which Transport for NSW has now agreed to construct, hence this item can be removed from the list of local infrastructure in the CP.

Also, there are several intersections along Sparks Road and the Pacific Highway (both State roads) and it is proposed that the Warnervale CP be amended to remove those intersections from the plan.

The intention to escalate these works to a State level of provision has been previously discussed with Transport for NSW and DPIE. Hence, this review of this CP provides an opportunity to consider the appropriate mechanism for the delivery of infrastructure in the Urban Release Areas. Action No 1 of the recently adopted interim Local Strategic Planning Statement (LSPS) identifies the importance of integrated infrastructure delivery. It is therefore recommended that Council instigate discussions with the DPIE and Transport for NSW about state infrastructure planning for the Warnervale District including:

- intersection upgrades on State roads proposed to be removed from the Warnervale CP; and
- integrated infrastructure delivery for Urban Release Areas.

## Consultation

2.4

The community, the development industry and state agencies will have the opportunity to provide comment on the draft amended Warnervale CP during the public exhibition period. Any submissions received will be taken into consideration and amendments to the plan may occur. It is also a specific recommendation of staff that discussions be held 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, the outcomes of which will be considered when presenting the Warnervale CP for adoption, post public-exhibition.

Councillor consultation occurred through Councillor Briefings held on 6 April 2020, presented by GLN Planning, and on 3 December 2019, presented by Council staff.

In addition to specific briefings provided to councillors, at its meeting of 9 September 2020, the Warnervale Working Group was advised that this report on the Review of the Warnervale Section 7.11 Plan was to be presented at the Ordinary Meeting of 28 September. Following this advice, a follow-up action was determined for the Executive Manager Innovation and Futures, as follows: *Clarification to be provided as to whether Porters Creek Wetland is included in the Warnervale Contributions Plan and what that means in regard to income derived or income expended.* 

In response to this matter, a response was provided to the Warnervale Working Group advising that: The part of Porters Creek Wetland on the western side of the Railway line is already owned by Council, however, the part of the wetland on the eastern side of the Railway (which also includes land known as the Warnervale Floodplain) is still mostly under private ownership. The current Warnervale District CP is collecting funds for the purchase of this land to ensure that the entire Porters Creek Wetland and Warnervale Floodplain are eventually secured through Council ownership. The land and works for the scheme need to be within the boundaries of the plan, it is advisable that the western portion of the wetland that is owned by Council and should continue to be included in the plan boundaries as the "Porters Creek Stormwater Harvesting Scheme" provides for the protection of Porter Creek Wetland.

## **Financial Impact**

The Warnervale District is a greenfield development area. Therefore the works and land listed in the schedules present the actual cost and recoverable cost that are to be fully funded by the Warnervale CP. However, an exception to that 'fully funded model', is that the existing Warnervale CP will only provide 27% of the cost for the Indoor Recreation Centre, as this facility will also service the broader community outside of the Warnervale District CP 'catchment'. To enable the Centre to be built, the shortfall in funds for the Indoor Recreation Centre would need to be sourced from grant funding and other revenue sources over time. Table 1 provides details of the funding provided by the Warnervale CP and the source of the balance of the project cost.

The adoption of the Contributions Plan will commit Council to the works and costs as outlined in the contributions plan. A contribution plan can only collect funds on a nexus basis and then apportion contribution amounts as each development application is approved. It follows that projects outside the CP 'catchment' must be funded either by other contributions plans (in nearby 'catchments') or from other source funds. The draft amended CP does not propose to change the apportionment of contributions for this Centre.

Description	Cost source	Required area (m²)	Actual Cost	Apportioned to Warnervale Plan (%)	Apportioned cost for Warnervale Plan	Funded by Other Sources
7,747m <sup>2</sup> building area includes aquatic hall and pools, health and fitness areas, amenities and external areas	Turner and Townsend QS, \$Jul18	7,700	\$42,895,011	27%	\$11,554,906	\$31,340,105

### Table 1 Source of funds Indoor Recreation Centre.

## Link to Community Strategic Plan

Theme 4: Responsible

### Goal H: Delivering essential infrastructure

R-H4: Plan for adequate and sustainable infrastructure to meet future demand for transport, energy, telecommunications and a secure supply of drinking water.

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

L-K3 Provide signage, public facilities, amenities and playgrounds to encourage usage and enjoyment of public areas.

### Link to the Interim Local Strategic Planning Statement

The Warnervale CP has strong links with Action 1 – *Align development to our infrastructure capacity*. The infrastructure items included in the CP will ensure that the incoming community will enjoy upgrades and new facilities.

### **Risk Management**

2.4

In reviewing the CP, it was identified that the document structure of the current Warnervale CP creates a potential risk for errors in calculation of contributions because:

- The works schedule consists of around 286 worksheets in 10 spreadsheets
- There are 50 different contributions types applicable to developments.

This level of detail and complexity of the document structure and places a significant administrative burden on Council in updating, administering and implementing the Warnervale CP. The CP also creates a burden on applicants and developers in seeking to ascertain the contribution rate they must pay, particularly if they are developing land across different infrastructure sub-catchments.

The draft amended Warnervale CP provides fewer catchments for simplicity, with five transport catchments and one catchment for other facilities. Simpler non-residential rates (on a per hectare basis) provide a clearer plan. The Schedule of works for the draft amended CP has been prepared to ensure infrastructure provision is matched against the forecast needs of incoming residents.

The review of the Warnervale CP has resulted in a proposed reduction in the local infrastructure development contribution rate, which it is expected will in turn stimulate development and employment for the Central Coast.

### Attachments

1	Draft Warnervale District CP September	Provided Under	D14176775
	2020 MAIN DOCUMENT	Separate Cover	
2	Draft Warnervale District CP September 2020	Provided Under	D14176772
	TECHNICAL DOCUMENT	Separate Cover	
3	Warnervale District Development Contributions	Provided Under	D14176852
	Plan April 2020	Separate Cover	

Item No:	3.1	
Title:	Draft Economic Development Strategy 2020-2040 and Economic Recovery and Resilience Framework	
Department	: Innovation and Futures	
28 Septembe	er 2020 Ordinary Council Meeting	
Reference:	F2020/00039 - D14033963	

Central Coast Council

Reference:F2020/00039 - D14033963Author:Jacqueline Svedas, Business and Economic Development ManagerManager:Jamie Barclay, Unit Manager, Economic Development and Project DeliveryExecutive:Ricardo Martello, Executive Manager Innovation and Futures

## **Report Purpose**

The purpose of this report is to:

- Present to Council the draft *Central Coast Economic Development Strategy 2020-2040* and the draft *Economic Recovery and Resilience Framework*, for endorsement
- Present feedback received from the two documents which were placed on public exhibition

### Summary

The Central Coast Economic Development Strategy is essential to provide a strategic framework to guide Council's decision-making around sustainable economic development initiatives that assists in creating jobs and stimulating the Central Coast economy.

The COVID-19 pandemic is presenting significant and unprecedented challenges not only for public health, but also for the economy. The needs of the business community are wide-ranging, far-reaching, and continuously changing throughout each stage of this health crisis which has triggered a national recession and is emerging into one of the largest economic crises this century. What is clear now is that the next two years represents one of the most critical moments for the Central Coast economy. Already with higher unemployment figures than State averages, high ratios of employment in highly affected industries, and high numbers of small businesses, the Central Coast economy has major exposure to negative market forces.

With the first Economic Development Strategy for the Central Coast, we will be building out the resources that will be required to establish a team to implement the strategy. This will put us closer in line to more established economic development-focused LGAs. The team scale-up will be incorporated into future operational plans as we move the economy towards 2040, whilst supporting the immediate need for the Central Coast local business community to survive, recover, and rebound.

### Recommendation

- 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.

## Context

An Economic Development Strategy is a fundamental tool to drive the creation of jobs for residents and stimulate the overall economy. The Central Coast region has been operating without an overarching strategy to prioritise actions and align the efforts of the multitude of stakeholders involved. Councils throughout New South Wales and Australia recognise the importance of an Economic Development Strategy to grow their economies in a coordinated and clear manner. The Central Coast Council has highlighted the importance of developing a strategy that represents the shared values of the region in striving to improve the outcomes for the local economy, and ultimately, its residents.

In December 2018, Council engaged a wide range of external stakeholders to assist in developing the Central Coast's first Economic Development Strategy. Consultation and collaboration was broad, including key stakeholders within the greater region and Central Coast residents. Feedback received during the consultation phase formed the basis of the Draft Economic Development Strategy and provided clear direction on where the Central Coast should steer its local economy.

Prior to COVID-19, the Central Coast region was already facing economic and demographic challenges, including:

- Unemployment rates higher than State and National averages.
- Specifically, youth and senior citizen unemployment and underemployment rates are high due to inadequate experience, skills/qualifications, or transport options.
- Job growth that has not kept pace with the increase in the population over the past 20 years. As a result, a sizeable proportion of the local labour force continues to commute to work outside of the local government area on a daily basis to Sydney, Newcastle, and beyond. This also means the loss of spin-off employment

opportunities that would normally occur due to the multiplier effect, affecting a wide range of service sectors.

- As economic development services are provided by several different agencies, a more coordinated approach is required to create synergies and better outcomes for Central Coast businesses and residents.
- The nature of employment is changing rapidly education and training will need to meet future demands of these emerging sectors for the Central Coast region to thrive.

Council recognised that based on these opportunities and challenges, the Economic Development team required further resourcing. During the Ordinary Meeting of 13 June 2019, Council resolved:

818/19	That Council receive the report on Meeting Record of the Employment and Economic Development Committee held 13 June 2019.
819/19	That Council acknowledges Central Coast unemployment figures are significantly higher than the state average.
820/19	That Council request the Chief Executive Officer report back on resourcing the economic development team in order to assist major industry wishing to relocate to the Central Coast.

In response to this resolution, the Economic Development and Project Delivery Unit engaged a specialist to conduct a thorough audit of its Economic Development functions and benchmarked Central Coast Council against a range of other Councils throughout Australia. The Economic Development Governance Review recommendations for the future structure of the Economic Development team. Through discussions in December 2019 and February 2020, the Executive Leadership Team endorsed the addition of future resources for the Economic Development team into the future Operational Plan budgets, subject to funding availability.

## Draft Economic Development Strategy – 23 March 2020 Deferred Report

The presentation of the draft *Economic Development Strategy* was deferred from the 23 March 2020 Ordinary Council meeting (Attachment 1), as the baseline economic and employment data no longer reflected the rapidly changing economic data due to COVID-19. Since that time, staff have revised the baseline employment data to reflect the most current realities and prepared a supplementary document to guide the local economy in the short-term.

The draft *Economic Recovery and Resilience Framework* aims to keep businesses active, support jobs, foster human capital growth, increase community outreach, and drive collaboration and innovation. To do so, the Economic Development team will be dynamic in its response, monitoring crucial data and then reviewing and revising actions to support the local business community.

## **Current Status**

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The global recession triggered by the COVID-19 crisis is unprecedented and is further complicated by representing both a health and economic crisis that is unpredictable in terms of timing and severity. Data is showing that a severe economic recession will be felt at the local, national and world scale, significantly changing the way we work and live. Planning for an economic recovery will be done in phases, comprising of a lockdown phase, economic decline, and phases of recovery. An economic recovery strategy has become significantly more complex as we have no precedent to follow, coupled with the fact that the severity of the next phase is determined by the length of the current phase or any further outbreaks.

What is clear is that to be able to position the Central Coast region towards economic resilience, we need to use the time at hand to quickly position the region towards recovery and beyond our pre-COVID-19 baseline. It is becoming more important to ensure that Council's decisions to guide the local economy are data driven, providing our region with better capabilities to be more agile with our responses and build a resilient region.

Reflecting the urgent needs of the local business community and of Central Coast residents' employment situation, staff are presenting to Council the draft *Economic Development Strategy 2020-2040* and draft *Economic Recovery and Resilience Framework*.

## Draft Economic Development Strategy

The draft *Central Coast Economic Development Strategy 2020-2040* ("EDS") has been revised to reflect the most current baseline data, however, due to the highly fluctuating nature of economic and employment data during this unprecedented period, a live data dashboard is being developed to show a clear view of the Central Coast's current economic reality. Where the EDS represents the long-term economic strategy to 2040, the draft *Economic Recovery and Resilience Framework* ("ERRF") represents the short-term strategy to navigate the Central Coast economy through the economic impacts triggered by COVID-19. The draft *Economic Recovery and Resilience Framework* is detailed in the next section of this report.

The two documents were amended to include the changes from the June 2020 Council resolutions, including the replacement of the overall vision statement. The only further change since that time is the addition of a disclaimer as follows:

"In response to the evolving situation with Coronavirus (COVID-19), we are continuing to take measured precautions to ensure we keep our community safe whilst we navigate through this economic crisis. Due to the unpredictable and highly variable nature of this health and economic crisis, some items within the implementation plan may have to be reprioritised or deferred to be able to meet the immediate needs of other items." The draft *Economic Development Strategy* (Attachment 2) includes broad, long-term objectives and actions that aim to strengthen the local economy through targeted investment, improved partnerships between the community, business, education sector, and State and Federal Governments, and promotion of the local area as a desirable place to do business. This strategy will also enable the region to focus its initiatives on those which provide the greatest tangible benefits to the local economy and Central Coast residents.

The Economic Development Strategy was prepared as a collaborative effort of a wide range of stakeholders and Central Coast residents. The values, objectives, strategic themes, and priority actions are a direct result of the input from overarching strategies, public consultation, stakeholder engagement, and in-depth data analysis. Through public engagement and feedback in June and July 2020, 70% of the community felt that this new vision statement resonated with them.

As a region, we collectively know where we would like to head towards. We want to be "a region providing economic and employment opportunities to fulfil our community's vision for a smart, green and liveable region with a shared sense of belonging and responsibility.

The long-term objective is that by 2040, the Central Coast will welcome nearly 88,000 new residents, grow the economy by over \$21 Billion, and create over 72,000 new jobs from the pre-COVID-19 baseline. Our economy will be strong, diverse and resilient, delivering opportunity and benefits to our community.

## Draft Economic Recovery and Resilience Framework

Economic Development staff are taking a proactive approach to managing the COVID-19 pandemic, and its impact on the Central Coast economy. The draft *Economic Recovery and Resilience Framework* (Attachment 3) has been prepared to align immediate relief with transformative actions, in conjunction with the Central Coast's long-term Economic Development Strategy.

This action plan is the culmination of forward looking, adaptive and innovative thinking that aims to support the Central Coast community. The intention is not only to tackle the immediate impacts of the pandemic, but also take steps to ensure the long-term future of business, employment and liveability in the region. The actions outlined in the framework are a mix of immediate relief ("Quick Wins") and long-term investments in Central Coast people, infrastructure and digital capability ("Transformational Actions").

Council's time and resources are limited. In this high-risk environment, it is crucial the response and recovery actions produce the greatest possible benefit. As such, staff will be extremely careful with its resources, focusing on enacting high-impact low-effort projects (and avoiding low-impact high-effort action).

In light of the current and fluctuating economic data, it is anticipated that the *Economic Recovery and Resilience Framework* will be reviewed and updated regularly to maintain effectiveness. As with the economic data for the EDS, a data dashboard is being developed to keep a watchful eye on the Central Coast economy and be able to track the effectiveness of business support measures.

### Economic Development Team Resourcing Strategy

It is clear a range of short and long-term actions are required to help support the local economy and be able to protect employment prospects for residents of the Central Coast. These short-term wins and transformative actions require the quick assembly of an agile team beyond the existing team resourcing.

The FTEs in the resourcing strategy will be incorporated into future Operational Plan budgets to be able to implement the Economic Development Strategy as presented. Should this resourcing not be included in future Operational Plan budgets, many of the items within the implementation plan (see Attachment 2) will likely be deferred.

#### **Financial Impacts**

It is anticipated that to support population growth projected for the region, 72,000 additional jobs and economic growth of \$21 Billion by 2040 from our pre-COVID-19 baseline are required, premised on the Economic Development Strategy endorsement and a resourced Economic Development team.

#### Consultation

In December 2018, Council engaged external consultants to assist with the development of this Councils first Economic Development Strategy. This strategy has been created in collaboration with key stakeholders within our region and public consultation.

Consultations were undertaken as part of the Central Coast Economic Development Strategy, including focus group workshops, face-to-face meetings, phone meetings, and surveys. The primary consultation period was 31 January through 29 March 2019, with an intensive period of local engagement and focus group workshops during the week commencing 18-21 March 2018, with follow up calls made to unavailable key stakeholders following this. A summary of the consultation, including a full list of focus group workshop attendees, individual meetings and subsequent telephone meetings are included in Attachment 5 of this report.

Additional consultation occurred during the period between October 2019-February 2020 after completion of the first draft of the Economic Development Strategy. Council staff distributed this document via Executive Leadership Team and Councillor Briefings, emails to key stakeholders within the greater region including Council Staff, businesses, Local Aboriginal Land Council, State and Federal Governments for review and comment. Feedback has been encapsulated in the draft Economic Development Strategy (Attachment 1). During the most recent Public exhibition period of 28 days from 22 June 2020, Council received a total of 678 submissions through the following consultation methods:

Method 1: Written Submission = 4 Method 2: Phone Survey = 601 Method 3: Online Survey via the Your Voice Our Coast website = 73

The submissions from the Public Exhibition period have been individually considered by the Economic Development Team. For more detail see Economic Development Strategy Public Consultation Summary Report June 2020 (Attachment 7).

In terms of the importance of a strategy, the public exhibition survey results show that 86% agreed that it was important or extremely important for Council to develop and implement a detailed strategy and implementation plan for guiding actions supporting the local economy.

The submissions received can be grouping into theme areas of Tourism, Transport, Infrastructure and Maintenance, Lifestyle and Recreation, and Education.

The Economic development team is currently collaborating with several other business units to progress plans and projects that will thoroughly consider and investigate these themes.

### Link to Community Strategic Plan

Theme 2: Smart

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## Goal C: A growing and competitive region

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

Theme 2: Smart

## Goal D: A place of opportunity for people

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

Theme 4: Responsible

### Goal H: Delivering essential infrastructure

R-H4: Plan for adequate and sustainable infrastructure to meet future demand for transport, energy, telecommunications and a secure supply of drinking water.

Theme 4: Responsible

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

R-I3: Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management.

#### Theme 4: Responsible

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

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

#### Theme 5: Liveable

### Goal J: Reliable public transport and connections

L-J4: Design long-term, innovative and sustainable transport management options for population growth and expansion.

### Attachments

		B	D11170710
1	Draft Central Coast Economic Development	Provided Under	D14179719
	Strategy 2020-2040	Separate Cover	
2	Draft Central Coast Economic Development	Provided Under	D14179733
	Strategy 2020-2040 Condensed	Separate Cover	
3	Draft Central Coast Economic Recovery and	Provided Under	D14179765
	Resilience Framework and Action Plan	Separate Cover	
4	Economic Development Strategy Detailed Support	Provided Under	D14179772
		Separate Cover	
5	Draft Economic Development Implementation Plan	Provided Under	D14179819
	2020-2040	Separate Cover	
6	Economic Development Strategy Technical	Provided Under	D14179828
	Appendices	Separate Cover	
7	Economic Development Strategy Public	Provided Under	D14179838
	Consultation Summary Report June 2020	Separate Cover	
8	Economic Development Strategy Consultation	Provided Under	D14179844
	Summary Report March 2020	Separate Cover	

Item No:	3.2		
Title:	Proposed Development of Warnervale Education and Business Precinct		
Department:	Innovation and Futures		
28 September 2020 Ordinary Council Meeting			



Reference:F2020/00039 - D14138033Author:Joe O'Connor, Property Development ManagerManager:Jamie Barclay, Unit Manager, Economic Development and Project DeliveryExecutive:Ricardo Martello, Executive Manager Innovation and Futures

## Summary

This report seeks Council resolution to take the next steps to develop the Warnervale Education and Business Precinct.

### Recommendation

- **1** That Council endorse the proposed concept plan for Warnervale Education and Business Precinct.
- 2 That Council approve the industry and community exhibition and consultation of the concept plan for 28 days.
- 3 That Council approve the call for Expressions of Interest from business, industry and education providers to partner with the Warnervale Education and Business Precinct.
- 4 That a further report to brought back to Council detailing the outcome of the Expressions of Interest.

## Context

The proposed Warnervale Education and Business Precinct is an area of Council owned operational land situated to the eastern side of 30 Jack Grant Avenue Warnervale, within Lot 2 in DP 1234942 (**Attachment 1** provides an aerial image of the subject site). The site is located 4 kilometres north of Wyong, 3.5 kilometres east from the M1 Motorway junction and 900 metres from Warnervale railway station. The site is also bounded by the Porters Creek Wetlands and the future Warnervale Link Road, connecting Wyong to Watanobbi.

The site contains a total of 63 hectares; which includes 34 hectares of B7 Business Enterprise, 29 hectares of SP2 Educational Establishment land and 1.7 hectares of E2 Environmental Conservation land (refer to **Attachment 2** for the site's zoning).

At the time of the rezoning it was identified that in order for the successful uptake of a business precinct in a greenfield site such as Warnervale, it would be necessary to provide collaborative synergies between businesses, industries and education providers, which would complement the development of each of these parts of the precinct. Hence the Warnervale Structure Plan provided B7 Business Enterprise and SP2 Educational Establishment zoning which would facilitate these different uses adjoining each other.

The zoning also considered the potential location for a future Council leisure and aquatic centre. This centre would include health, fitness and front of house facilities, amenities, various indoor lap, training and recreation pools as well as other support areas. These would be positioned within the SP2 land. The total site area for the potential facility would require approximately 1.65-2 hectares, which can be accommodated at the Warnervale Education and Business Precinct.

The development of the Warnervale Education and Business Precinct has undergone considerable planning works to date. By way of background, the following milestones represent the key Council resolutions which have directed the progress:

### Rezoning Warnervale Precinct 7A Structure Plan

In December 2013 as part of the Warnervale Precinct 7A Structure Plan, the site was included within a Warnervale Planning Proposal. This was resolved by the former Wyong Shire Council at its Ordinary meeting of 28 March 2012:

- 1 That Council endorse the Planning Proposal for the purposes of community consultation;
- 2 That Council exhibit the Planning Proposal for 28 days, subject to the determination and specification of any additional requirements arising from further Gateway consultations;
- 3 That Council receive a further report on the results of public consultation;
- 4 That Council prepare a Development Control Plan based on the Precinct 7A Structure Plan and as part of this action investigate the potential to set aside additional natural areas without reducing the overall yield by increasing the density near the major transport nodes;
- 5 That Council exhibit Development Control Plan for 28 days.
- 6 That Council delegate authority to the General Manager to undertake any amendments to the Planning Proposal prior to public exhibition.

## Concept plan for Wyong Education and Business Precinct

Subsequent to the rezoning, the former Wyong Shire Council at its Ordinary Meeting of 27 August 2014 resolved *inter alia*:

961/14	That Council place on public exhibition the draft Wyong Education and
	Business Precinct Masterplan for a period of 28 days once a "gateway
	determination" has been received.

- 962/14 That Council direct the General Manager to submit a further report to Council on the outcomes of the above process.
- 963/14 That Council authorise the General Manager to make representations to, and seek interest from, a wide variety of education providers to be part of Councils Education and Business Precinct.

In the report to Council of 27 August 2014, it was noted that the concept plan could potentially allow for:

- i) An Educational campus for approximately 7,000 students, residential college for approximately 1,500 students, sports and recreational precinct with sports fields and pool/gym complex and a central core including smart hub with library, administration functions and a hotel for short term accommodation.
- ii) Business/Industrial Park which integrates with future university campus.

Attachment 3 provides a copy of the draft concept plan that has been developed since that report.

Despite these resolutions being made, the concept plan has never been formally exhibited. However, it has continued to be considered as part of a broader development of the Warnervale Town Centre and Wyong Employment Zone.

### Mardi to Warnervale Pipeline and the Warnervale Link Road

It should also be noted that the Warnervale Education and Business Precinct interacts with both the Mardi to Warnervale Pipeline and the Warnervale Link Road. As such, both these projects have accounted for the precinct.

Council is currently undertaking the Mardi to Warnervale Pipeline extension which will see the pipeline extended adjoining the eastern boundary of the Warnervale Education and Business Precinct.

The Roads and Maritime Authority (RMS) has proposed the completion of the Warnervale Link Road, which is currently terminated near the southern boundary of Lakes Grammar School. While the timing for the construction and completion of all stages has yet to be confirmed, it is anticipated that the road reserve will be compulsorily acquired by the RMS, and as such no excise or other would need to be undertaken by Council in conjunction with the proposed subdivision works as mentioned below.

It is envisaged that the improved connectivity associated with the Link Road will encourage industry and businesses to expand and relocate to the precinct, taking advantage of lower land development costs and availability, without compromising employee accessibility, leveraging the strong local skill base.

## **Council's Bio-certification Project**

The Warnervale Education and Business Precinct will require biodiversity certification in conjunction with the future development of this site. It should be noted that Council has previously attempted to undertake this certification. An application was lodged with the Biodiversity and Conservation Division (BCD, formerly known as Office of Environment and Heritage), for the Warnervale Education and Business Precinct (as well as the broader Wyong Employment Zone land) in July 2016.

Council was advised in June 2019 that the 25 August 2019 deadline for Council's biodiversity certification application must be deemed adequate for public exhibition and eventual gazettal. Prior to this deadline, Council was working on a modified biodiversity certification excluding land associated to the Central Coast Airport from the application. Council was unable to address all the issues requested by the BCD before this deadline. No avenues to extend the deadline for legacy biodiversity certification applications were provided by BCD. As such, the completion of the certification never occurred, and the application has lapsed.

In order for Council to undertake the biocertification process a new application would be required, in accordance with the new biodiversity legislation. A new biodiversity certification application will be lodged in conjunction with the subdivision proposal for the precinct.

### Protection of the Porters Creek Wetlands

At its meeting of 25 November 2019, Central Coast Council made resolutions for the Protection of Porters Creek Wetland. Of relevance to the development of the Warnervale Education and Business Precinct, the following resolutions from this meeting should be noted:

- 1217/19 That Council request the Chief Executive Officer proceed with the minimum number of subdivisions required to achieve recommendation 1218/19.
- 1218/19 That Council request the Chief Executive Officer prioritise the actions required to implement this resolution including allocating resources, as identified in resolution 844/19, to ensure completion by end of March 2020.

It should be noted that given that the Porters Creek Wetland and the Warnervale Education and Business Precinct are contained within the same lot, understanding of both sets of objectives need to be considered simultaneously. Subdividing Lot 2 in DP 1234942, to create a new lot over the Warnervale Education and Business Precinct is important to ensure that the area is clearly delineated by title and any restrictions of the proposed Conservation Agreement do not extend beyond the land to which they are intended.

Currently, the preferred option for the subdivision in accordance with resolution 1217/19 (as above) is contained in Attachment 4. The proposal for the subdivision would allow for Lot 2 in DP1234942 to create a new lot over the area designated for the Warnervale Education and Business Precinct. The Link Road area will be acquired by the Roads and Maritime and as such it is not required to be excised from the lot at this stage.

The subdivision exercise as noted above is a highly complex activity triggering designated development provisions due to subdividing coastal wetlands and the associated State Environmental Planning Policy No 14 - Coastal Wetlands. It is currently considered that the complete subdivision and certification process may take up to two years. Notwithstanding, the works surrounding the development of the concept plan for the Warnervale Education and Business Precinct are continuing concurrently so that once the subdivision is complete, Council would be able to lodge a separate development application for its development.

Further, at its meeting of 27 April 2020, Central Coast Council resolved inter alia:

- 345/20 That Council form a working group to:
  - a Oversee the activities to permanently protect Porters Creek wetland in keeping with the resolutions of 25 November 2019 (Resolutions 1213/19, 1214/19, 1215/19, 1216/19, 1217/19, 1219/19)
  - b Progress the development of cleared land currently available and zoned Industrial or Business in the Warnervale area as an employment precinct focused around the following sectors: health, manufacturing, food production, renewable energy and/or waste.
  - *c Engage the following:* 
    - a A Project Manager with a proven track record, for an initial period of 18 months, to oversee the development of the employment lands
    - *b* A consultant to progress the activities required to put in place a Conservation Agreement on Porters Creek Wetland

Resolution 345/20 (c)(a) includes the development of the employment lands within the region, which as defined by the NSW DPIE primarily encompass land zoned as IN1 General

Industrial, IN2 Light Industrial, IN4 Working Waterfront, B5 Business Development, B6 Enterprise Corridor and B7 Business Precinct. As such, the Working Group will consider the development of the Warnervale Education and Business Precinct. The making of this resolution, also reinforces the requirement for a coordinated approach to the development of the Precinct.

#### Warnervale Education and Business Precinct – The Next Steps

In accordance with resolution **345/20 (c) (a)** as noted above, Council has resolved to engage a project manager to facilitate the employment lands, and in turn the development of Warnervale Education and Business Precinct.

Council is currently preparing to call tenders for suitably qualified consultancies who will assist with this process. It is envisaged that the successful tenderer will have extensive experience in infrastructure provisioning, project planning and delivery, with an in-depth knowledge of project management and governance, and a proven ability to deliver quality outcomes across technical infrastructure programs. They will also be the lead consultant, required to engage the following sub-consultants: planner, engineers, surveyor, ecologist, cost planner, architect, aboriginal heritage consultant, and bushfire consultant.

The broad brief for the project manager's scope includes the following:

- Undertake feasibility studies to ascertain the highest and best use of the Precinct;
- Undertake planning studies (including infrastructure analysis) and cost benefit considerations to ascertain which areas of the Precinct would be most appropriate to develop over which time frames (i.e. Phase 1 Land with least encumbrances, Phase 2 Land which requires further investigation / approvals / studies, Phase 3 Land which is to be released over the longer term requiring considerable work);
- Engage with all relevant stakeholders (including governmental agencies and communities) ensuring that the best outcome for the Precinct is established yielding evidence-based solutions of which land should be developed in which sequence and over what timeframe;
- Engage all consultants necessary to lodge a development application for the subdivision of Lot 2 in DP1234942 to broadly create a new lot defined by the proposed Warnervale Education and Business Precinct;
- Manage the subdivision approval process, including attending meetings and responding to all Requests for Information;
- Obtain development consent and lodge all other necessary approvals to attain a subdivision certificate or other to facilitate the registration of a plan of subdivision to create the Warnervale Education and Business Precinct;
- Subdivide Lot 2 in DP1234942 to create a new lot over the area designated for the Warnervale Education and Business Precinct;
- Undertake industry engagement by way of Expressions of Interest to gain business and industry buy-in to the Education and Business Precinct, including

any development of Memorandums of Understanding between Council and a third party which would lead to the development of the Precinct.

#### Expressions of Interest – Businesses and Educational Providers

Previously when Council was considering the development of the Precinct in conjunction with an aviation hub, there was considerable interest and uptake with universities and various industry stakeholders. The interest in the precinct, demonstrates that establishing key partnerships for the site is possible, however requires organising stakeholders around a common model that is congruent with sought-after outcomes.

One such model would see the development of industry driven integrated STEM education and research which would strengthen the Central Coast's development of high value industries representing the health, medical, advanced manufacturing and professional services sectors. The collaboration between education, business and industry would see education sectors working together to create new pathways to employment across the Coast's key growth sectors.

It is understood that poor access to the NBN in Central Coast employment lands currently deter tech companies and other businesses from establishing themselves within the region. However, the recent announcement by Council to deliver a 100 Gigabit per second connectivity will enable better business digital infrastructure and attract new business investment, including manufacturing of integrated smart technologies and sustainable / innovative industries.

This report will be seeking Council resolution to call for Expressions of Interest to commence this process to partner with businesses, industries and educational providers who would become anchor tenants for the precinct. Attachment 5 and Attachment 6 provide an artist's impressions for the Precinct. While the design and development of the precinct will be finalised in conjunction with the Expressions of Interest exercise, these images provide an understanding of the potential within the site context.

#### Economic Modelling for the Warnervale Education and Business Precinct

Economic modelling measures the degree to which the economic stimulus associated with a project improves the economic activity levels (such as incomes and jobs), after measuring the cumulative impact of all the buyer and supplier transactions that are triggered.

While the exact composition of the education, business and industry tenancies for the precinct will be subject to market demand, in order to calculate the outcome of the project a logical tenancy mix for the precinct has been assumed. These include health, manufacturing, food production, renewable energy industries and the like. Although a project will have a direct economic effect, there will also be additional or multiplier effects. That is to say, the direct effect represents the first-round of activities associated in purchasing goods from other businesses and industries. The second and subsequent rounds of purchasing are termed the

indirect effects. The consumption-induced effects, which recognise that the level of local production.

3.2

In order to quantify the economic outputs for the Precinct, a consultant was engaged to run a hypothetical scenario based upon the completed and realised construction and operation of the Precinct (i.e. all of the buildings and infrastructure in accordance with the draft concept plan, **Attachment 3**). It should also be clarified that the direct effects will be specifically obtained from the Precinct, whereas the indirect are the flow-on effects experienced in broader Central Coast. These effects can be considered from the four different types of multipliers. The following modelling has been provided by Lawrence Consulting:

*Output* - Gross sales throughout the whole economy by summing all the individual transactions resulting, directly and indirectly:

\$ Million		
Direct	623.5	
Indirect	245.8	
Consumption	407.1	
Total	1,276.3	

These figures indicate that the Warnervale Education and Business Precinct would deliver an estimated direct output of \$623.5 million and additional flow on increases in output of \$245.8 million through other businesses, for a total industry or supply chain impact of \$869.3 million. A further \$407.1 million in output in the region can be associated with consumption-induced effects.

*Income* - Wages and salaries paid to employees of the business, industry and education providers under consideration and to other industries benefiting from the project:

\$ Million		
Direct	161.1	
Indirect	59.9	
Consumption	117.5	
Total	338.4	

The estimated direct annual income (wages and salaries) of \$161.1 million, with \$59.9 million in additional income generated through flow on effects in other industries and a further \$117.5 million from household spending.

Full Time equivalent Employees (FTEs)	
Direct	3,367.5
Indirect	1,220.1
Consumption	2,776.1
Total	7,363.8

*Employment* - Number of jobs created by the stimulus, both directly and indirectly;

The creation of approximately 3,367.5 direct full-time equivalent (FTE) employment positions, with an estimated additional 3,996.3 employment positions supported indirectly through other industries and household consumption for a total employment impact of 7,363.8 FTEs.

Consumption - Net activity at each stage of production.

\$ Million	
Direct	279.2
Indirect	117.8
Consumption	204.3
Total	601.3

Lastly, it can be seen that the development of the precinct would contribute an estimated contribution to GRP of \$279.2 million from direct effects, with a further flow on impact of \$117.8 million through other businesses for a total value added of \$397 million. An additional \$204.3 million in gross regional product can be attributed to consumption-induced effects. The total value-added impact of \$601.3 million would constitute an increase of 3.96% to the estimated GRP for the Central Coast LGA (\$15.2 billion in 2017/18).

### Consultation

Consultation has occurred within the following Council Sections and Units: Local Planning and Policy, Natural Assets and Biodiversity, Development Assessment, Governance and Business Services, Water Services and Design, and Environmental Management. Consultation has also occurred with from external economic consultants, the Biodiversity Conservation Trust, ecologists, town planners and real estate professionals.

On 9 June 2020 Council resolved:

475/20 That in recognition of the establishment of the Warnervale Working Group as resolved by Council that this matter be deferred to allow consultation with the Working Group prior to a further report being provided to Council.

In order to satisfy this resolution, Council staff responsible for this report have consulted with the Working Group in the following ways:

- **19 June 2020** attended the Working Group meeting to discuss the details of this report and clarify any questions;
- **24 June 2020** participated in a site visit with the Working Group to Warnervale employment lands answering further questions and discussing the proposed concept plan;
- **5 August 2020** provided a presentation to the Working Group to answer questions regarding the development of a concept plan and procurement of a project director;
- **25 August 2020** attended a meeting with the Working Group Chairperson to clarify questions on the definition of a concept plan, how the project director would report to the Working Group and governance surrounding procurement and project ownership.

Confirmation was received from the Working Group Chairperson on 25 August 2020 that the members were now satisfied with the consultation and this report could be put to Council seeking resolution for the next steps.

Following feedback from the Working Group the following amendments have been made/will be addressed:

- 1 The 3d artist impression has removed a road which suggested a connection between the Precinct and the Warnervale ALA;
- 2 The 3d artist impression has also softened the appearance of mass turf area between the Precinct and the Porters Creek Wetland, so as to allow for opportunities for increased tree preservation.
- 3 It has been confirmed that the concept plan provides the broad outline of the proposed "footprint" of the Education and Business Precinct.
- 4 Through detailed investigations as proposed with the above-mentioned next steps, the infrastructure provisioning, road networks, and lot layout will be further refined.
- 5 Clarification of the use of "masterplan" and "concept" plan within the report. The report has been amended to only refer to a concept plan, which is a broad and unfinished working plan that requires further refinement and detailing.
- 6 While the concept plan provides the broad outline of the proposed "footprint" this is by no means the pre-determined result for the Precinct. The Expression of Interest and consultation with business and community will also shape the outcome of the Precinct.
- 7 Council will strive to achieve an innovative, sustainable and best-practice outcome for the Coast to prioritise employment lands.

A copy of this report has also been provided to the Working Group in anticipation of the report going to Council.

## Options

**Option 1:** Resolve to endorse the draft concept plan and call for expressions of interest (EOI).

This is the recommended option as this will allow for the further development of the Precinct.

Although the concept plan is arranged in accordance with the zoning, until such time that the subdivision plan is registered, civil works and development of the Precinct will not occur. As noted earlier, it is anticipated that the subdivision approval would take between 18 months and 2 years to be obtained. This is allowing for designated development provisions due to subdividing coastal wetlands as well as the biodiversity certification.

The process to commence this option will occur once Council awards the tender for the project manager which is currently underway. It is anticipated that the tender will be awarded in early January 2021.

The EOI stages below will occur simultaneously with the subdivision process and would conclude near obtaining the subdivision consent:

#### EOI Stage 1

- Stakeholder engagement and non-binding agreements from interested business, industry and educational providers;
- Finalise the draft concept plan in preparation for public exhibition;
- Public exhibition, including community consultation;
- Review outcome of exhibition;
- Finalise concept plan and accompanying documentation.

Once the subdivision approval is imminent then it is anticipated that the following steps could be undertaken:

#### EOI Stage 2

- *Preparation for the EOI* information collation, marketing preparation / approvals, review of likely stakeholders, preparation of an information memorandum, coordination);
- Formal marketing Phase actively discuss and meet with interested stakeholders, carry out presentations, direct marketing launches to target stakeholders, commencement of formal advertising, site meetings;
- *Closure of EOI* closing out Expressions of Interest and negotiating terms and Memorandum of Understanding (MOUs);
- *Report back to Council* report to Council detailing the outcome of the EOI and seek Council approval on EOIs.

**Option 2:** Do nothing. This is not the recommended option as it will not meet the expectations and needs of the broader Central Coast community.

## **Financial Impact**

A budget allowance of \$325,612 has already been allocated in next financial year's budget for the associated subdivision, biodiversity assessment and expressions of interest for the precinct.

### Link to Community Strategic Plan

Theme 2: Smart

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

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

#### Attachments

- 1 Aerial Image D13965661
- **2** Zoning D13965674
- **3** Concept plan D13965676
- 4 Subdivision plan D13965685
- **5** Artist Impression 1 D14170490
- 6 Artist Impression 2 D14170503



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#### Attachment 2


Attachment 3







# **Proposed Subdivision**





Subdivision plan

#### Attachment 5



#### Attachment 6



Item No:	3.3	
Title:	State of Environment Report 2020	
Department	t: Innovation and Futures	
28 Septemb	er 2020 Ordinary Council Meeting	
Reference:	F2019/01057 - D14186237	
Author:	Sharon McLaren, Section Manager, Corporate Planning and Reporting	



#### Summary

Manager: Executive:

At its meeting on 12 August 2019, the Council resolved as follows:

Michelle Bannister, Unit Manager, Performance and Innovation

Ricardo Martello, Executive Manager Innovation and Futures

- 729/19 That Council note the report on the State of Environment Report (SoE) Process.
- 730/19 That Council request the Innovation and Futures Reference Group, or equivalent, consider the format of the Proposed SoE Report.
- 731/19 That Council request the CEO provide a further report on the SoE Report in February 2020.
- 732/19 That Council request the CEO provide a draft SoE Report to the first Council meeting in August, 2020 for adoption as part of the Annual Report required for the Integrated Planning and Reporting IPR) Framework.

This report is to present the SoE Report and responds to the above resolution.

#### Recommendation

- 1 That Council adopt the Central Coast State of the Environment Report 2020 for publication on the website
- 2 That Council note an updated version of the Central Coast State of the Environment Report 2020 will be presented in November 2021

#### Context

As well as the above resolution, under s. 428A of the *Local Government Act 1993* (LG Act), in the year of a Local Government election Council must include in its Annual Report a State of Environment Report (SoE) relevant to the environmental objectives in the Community Strategic Plan (CSP).

Noting this and the resolution in August 2019, Performance and Innovation commenced preparation of the SoE, working with various stakeholders from across the organisation to obtain the information and content.

In March 2020 the COVID-19 pandemic was realised and due to the emergency being faced the Minister for Local Government announced that the Local Government elections would be postponed to 4 September 2021.

Preceding this announcement substantial work had been completed on the SoE and whilst it is now not necessary to present until November 2021, given the amount of work and effort undertaken, there is merit in presenting the report to Council. A summarised version, with updated data will be presented to Council in November 2021 as per s. 428A of the LG Act.

#### **Current Status**

The SoE Report, as set out in Attachment 1, consists of seven key chapters:

- Air
- Biodiversity
- Climate and Energy
- Land
- Transport
- Waste
- Water

Each chapter follows the NSW Environment Protection Authority (EPA) model with progress indicators used to summarise the environmental status, trend, and data / information reliability. These indicators and gradings are:



Each chapter also follows the EPAs format of:

- Introduction an overview and background of the chapter
- State what is the current status
- Pressure what are the current pressures impacting on the chapter
- Response what action is Federal Government, State Government, Local Government, other organisations and the community undertaking to mitigate those pressures

A summary of each chapter is as follow:

#### Air

3.3

Air quality for NSW is managed by NSW Department of Planning, Industry and Environment. Based on the data, Central Coast air quality remains *good*, with a *stable* trend. The main impact on air quality for the Central Coast is increased use of private vehicles, wood smoke and industrial activity.

#### **Biodiversity**

Biodiversity covers plants, animals, fungi, insects, microorganisms, their genes and the ecosystems they form. The indicators for Biodiversity (flora, fauna and ecological communities) are all tracking *poor*, with a *getting worse* trend for the Central Coast. Some of the pressures impacting biodiversity include climate change, disturbance of native vegetation by unauthorised activities, fragmentation and degradation, industrial and urban expansion, invasive plant and animal species, and human population growth. To protect and conserve these delicate ecosystems a draft Biodiversity Strategy has been developed, with a target to adopt in late 2020.

#### **Climate and Energy**

Climate and energy focusses on not just the community aspects of climate change, but also tracks Council's corporate contribution to it. The indicators for Climate and Energy include greenhouse gas emissions, energy consumption and renewable energy. These are tracking *moderate*, with a *getting better* or *stable* trend across the community and Council. The main pressures include human population growth, energy use and on-road transport. In response, Council has also developed the Climate Change Policy which aims to mitigate and adapt to impacts related to emissions and climate change. The community and Council are both doing their part, with the number of solar system installations in this region increasing year on year.

#### Land

The Land chapter covers the natural environment, open space and recreation and the volunteers that care and carry out land management activities. Across the various indicators which included adequate land and facilities available and volunteer numbers, the Central Coast is tracking *good*, with a *stable* trend. The main pressures that impact are human

population growth and the need to balance land use, resourcing and volunteer management. A number of strategies are underway to ensure land is managed to meet current and future needs and that opportunities to expand volunteer programs are realised.

#### Transport

Transport allows people and goods to get from place to place, but the various modes of transportation can impact on the environment. The Central Coast is overwhelmingly reliant on private vehicles with indicators for the road network, use of public transport and other modes varying between *good* and *moderate*, and trending in a mostly *stable* pattern. NSW Transport has developed Future Transport 2056, which includes a range of infrastructure and service initiatives being delivered to meet future demand, whilst also encouraging travel by public and active transport (such as walking and cycling), rather than by private car.

#### Waste

Waste management across the Central Coast is tracking *good* to *moderate*, with a *stable* trend. Central Coast residents generated 168,243 tonnes of waste in 2018-19, of which 59% (98,511 tonnes) was sent to landfill and 41% (69,732 tonnes) was recovered. The Waste Strategy has been developed to explore opportunities to reduce and avoid waste, whilst ensuring flexibility to adapt to emerging trends or industry changes.

#### Water

The Water chapter covers the various rivers, creeks, wetlands, lakes, estuaries, lagoons and beaches that collectively make up the Central Coast's natural waterways. Across the nine ecological health and water quality indicators, two are tracking *good*, two are *tracking* poor and the remaining are *variable*, with a *stable* trend. The main pressures include natural hazards such as storm events or sea-level rises, development activities such as land clearing near coastal, estuary and catchment areas, and water pollution such as stormwater run-off or sewage overflows. To manage this, Council develops various floodplain, estuary, wetland and coastline strategic plans, which identify natural hazards, prioritise actions, guide the delivery of on ground works, monitor ecological health and water quality, and deliver programs to educate and engage the community.

#### Consultation

The development of the SoE Report involved staff from across the organisation, with subject matter experts providing key information, data and analysis. The Directorates and Units involved include:

Roads, Transport, Drainage and Waste

- Roads Business Development and Technical Services
- Waste Services and Business Development

**Environment and Planning** 

- Development Assessment
- Environmental Management
- Open Space and Recreation

Innovation and Futures

- Energy Management
- Strategic Planning

#### Link to Community Strategic Plan

The State of the Environment Report responds to the Green Theme, encompassing the two Focus Areas and eight Objectives under this Theme.

Theme 3: Green

#### Goal F: Cherished and protected natural beauty

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**

Under ss. 428A of the LG Act, a State of Environment Report must be prepared in the year of a Local Government election and presented with the Annual Report. Due to the postponement of the Local Government elections, it is now not necessary to complete a State of Environment Report until November 2021. However, as substantial work was undertaken prior to the announcement of this postponement it is believed that it is still worth presenting to Council. A summarised version, with updated data will be presented to Council in November 2021 as per s. 428A of the LG Act.

#### Attachments

**1** State of Environment Report 2020 Provided Under Separate Cover D14193258

Item No:	3.4
Title:	Amended Code of Meeting Practice and Consideration of Submissions
Department:	Governance



28 September 2020 Ordinary Council Meeting

-	
Reference:	F2004/06502 - D14054420
Author:	James Taylor, Section Manager Governance
	Sarah Georgiou, Section Manager, Councillor Support
Manager:	Shane Sullivan, Unit Manager, Governance and Business Services
Executive:	Gary Murphy, Chief Executive Officer

#### Summary

At its meeting held on 22 June 2020 Council resolved in part:

542/20 That in accordance with section 361 of the Local Government Act that a draft Code of Meeting Practice that provides for the conduct of Council meetings at 2 Hely Street, Wyong be placed on public exhibition for a period of not less than 28 days, with submissions accepted for a period of not less than 42 days.

The amended Code of Meeting Practice (the Code) was exhibited from 9 July 2020 to 20 August 2020 (42 calendar days). One submission was received during the exhibition period and is Attachment 2 to this report. No changes are recommended to the exhibited Code as a result of the exhibition period.

#### Recommendation

- 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.

# 3.4 Amended Code of Meeting Practice and Consideration of Submissions (contd)

#### Context

At its meeting held on 22 June 2020 Council resolved to amend the Code of Meeting Practice to provide for the conduct of Council Meetings at 2 Hely Street, Wyong.

The amended Code of Meeting Practice was exhibited online from 9 July 2020 to 20 August 2020 (42 calendar days). One submission was received during the exhibition period and is Attachment 2 to this report.

The proposed amendments included in the amended Code of Meeting Practice, which is **Attachment 1** to this report are marked in **bold** and *italic* with deletions marked with strikeout. The recent legislative amendments made in relation to Webcasting have also been included in the amended Code of Meeting Practice.

#### **Consideration of submission received**

One submission, which is **Attachment 2** to this report, was received by Council concerning the Code of Meeting Practice whilst it was on Public Exhibition.

The substance of the submission is the opposition to the hosting of all Council Meetings at the Council's Wyong Chamber at 2 Hely Street, Wyong.

As stated in the 22 June 2020 Council Report, the facilities at Wyong are bespoke facilities for the conduct of meetings such as Council Meetings. The building configuration at Gosford limits what can be done practically. Having the Chambers on the first floor results in access and exit challenges, while the structural requirements limit the ability to have a larger space with additional capacity.

Public access and safety are easier to manage in comparison to Gosford Chambers for the following reasons:

- Wyong has ground level entry to the Gallery for members of the public while Gosford requires members of the public to come up to the meeting using lifts.
- Wyong has capacity in the gallery for 90 people and Gosford has capacity for 43 people.
- Wyong has more generous entry and exit points noting that Gosford has a small foyer area in which it is challenging to provide easy flow of people.
- Wyong has separation between the Councillors and the gallery while the separation at Gosford is not as delineated.

#### 3.4 Amended Code of Meeting Practice and Consideration of Submissions (contd)

- Gosford has been designed as a multipurpose space, but the regular conduct of Council meetings and the supporting infrastructure means it is not able to be used for other purposes easily.

In relation to holding Ordinary Council Meetings at Gosford in the future, at its meeting held on 22 June 2020 Council also resolved in part:

538/20 That Council request the Chief Executive Officer to continue to investigate the capability to have Council Meetings effectively and efficiently at Gosford Chambers, or identify a suitable alternate location in the vicinity, in order to meet community expectation that Council conduct its meetings in both Gosford and Wyong as originally intended under the amalgamation.

These investigations have not commenced due to the current Public Health Order and its impact. It is noted that this work will commence should the Public Health Order be lifted or suitably amended.

Investigations, once commenced would include work to identify what alternate Council owned and non-Council owned facilities might be available in the Gosford area. The facility would be required to provide appropriate access and security for the conduct of meetings. In addition, feedback has been provided regarding planning for the Gosford Regional Library and what requirements there might be to facilitate the safe conduct of Council Meetings.

It is also noted that the *Local Government (Council Amalgamations) Proclamation 2016* did not specify a location for Council meetings specifically but provided that the code of meeting practice of the former Wyong Shire Council was to be the code of meeting practice for Central Coast Council until it was amended or replaced.

#### Webcasting Council Meetings

The NSW Office of Local Government released *Circular 20-31 New requirement for councils to retain recordings of meetings on their websites for a minimum of 12 months* which is **Attachment 3** to this report.

The *Model Code of Meeting Practice for Local Councils in NSW* requires that Councils specify in its Code of Meeting Practice, the minimum time period that a webcast recording will be made publicly available on Council's website but does not prescribe a minimum period.

In Circular 20-31 the Office of Local Government recommends that webcast recordings of meetings should be retained on Council's website for a minimum of 12 months. The requirement for Council to retain recordings of meetings on its websites for at least 12 months is now prescribed under the *Local Government (General) Regulation 2005*.

Accordingly, the following amendment has been made to Clause 5.22 in Council's Code of Meeting Practice:

5.22 A recording of each meeting of Council and Committee of Council is to be retained on <u>Council's website</u> *for a minimum of 12 months* at the discretion of Council. Recordings of Council Meetings may be disposed of in accordance with the <u>StateRecords Act 1998</u> (NSW).

While the requirements for Webcasting Council Meetings have been captured in the amended Code of Meeting Practice, it is also recommended that Council's <u>Webcasting of</u> <u>Council Meetings Policy</u>, be formally revoked by Council as that policy's primary purpose was:

At its meeting held 27 July 2016, Central Coast Council (Council) resolved to trial webcasting of Council Meetings for a period of not less than six months. This trial commenced on 26 October 2016 with the live streaming of the Council Meeting held in the Gosford Chambers.

The purpose of this Policy is to set out the parameters under which the trial will be conducted and the success measures that will be applied.

This recommendation is based on the trial process being completed and the relevant parts of the <u>Webcasting of Council Meetings Policy</u> being captured in either the amended Code of Meeting Practice that is Attachment 1 to this report or by having regard to the Office of Local Government's <u>Guide to Webcasting Council and Committee Meetings</u>.

It is noted that the Webcasting Policy was created prior to there being a requirement under the Model Code of Meeting Practice that meetings be webcast and certainly before the provision of the Guide in August 2020. The provisions in the Policy were created in the absence of an overarching requirement and framework. Now that the Model Code of Meeting Practice includes provisions for webcasting, the Policy is no longer required.

It is acknowledged that there has been some discussion at recent Council Meetings regarding the ability of people to post comments live to the webcasting stream on YouTube. It has been the intent that comments are not able to be posted during the webcasting stream or after the meeting.

The ability to post comments was only inadvertently made possible on 27 April 2020 when Council commenced remote meetings. This was an accidental change in settings. Upon being made aware of the error, staff corrected it. For the significant majority of webcast Council Meetings there has been no ability to make comment on the YouTube channel.

It has never been the intent to have the ability for comments to be posted on the webcast. This is based upon advice from Communications as there is no capacity to moderate the comments. There is a risk to Council associated with unmoderated comments during the webcast where Council could be liable should inappropriate or inflammatory comments be made. It is noted that the Model Code of Meeting Practice *Guide to Webcasting Council and Committee Meetings* provides the following with regard to managing the risk associated with public comments:

staff member moderate any comments made in reply to webcast posts on social media in case any comments that present a legal risk are posted by members of the public (at least for the day after the webcast is posted)

There is currently no provision for a staff member to undertake this moderation and as such it is not recommended that this long standing position be changed.

#### Consultation

The amended Code of Meeting Practice that is Attachment 1 to this report was placed on Public Exhibition for the required period of time and as the amendment to the Code of Meeting Practice regarding retaining the webcasting on Council's website for a minimum of 12 months is prescribed in legislation, no further public consultation is required nor recommended.

#### Options

In relation to Council's Code of Meeting Practice, Council has the following options:

- 1 Council could resolve to adopt the amended Code of Meeting Practice provided at **Attachment 1** (recommended).
- 2 Council could resolve not to adopt the amended Code of Meeting practice provided at **Attachment 1**. This is not recommended as Council has exhibited the proposed changes and sought public comment.
- 3 Council could resolve to make further changes to the amended Code of Meeting Practice as provided at **Attachment 1**. If Council were to resolve this way, the Code would need to be placed on public exhibition for a further 42 days.

Council also has the following options in relation to Council's <u>Webcasting of Council</u> <u>Meetings Policy</u>:

- 1 Council could resolve to revoke the Council's <u>Webcasting of Council Meetings Policy</u>. This is recommended given the changes to the amended Code of Meeting Practice and the creation of Central Coast Council's *Guide to Webcasting Council and Committee Meetings*.
- 2 Council could resolve not to revoke the Council's <u>Webcasting of Council Meetings</u> <u>Policy</u> This is not recommended as the trial process is now completed and the

# 3.4 Amended Code of Meeting Practice and Consideration of Submissions (contd)

amended Code of Meeting Practice and new Guide capture the relevant issues. The provisions of the Policy are now superseded by legislation.

#### Link to Community Strategic Plan

Theme 1: Belonging

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

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

#### Attachments

1	Amended Code of Meeting Practice September 2020	D14164959
2	Redacted Submission on Code of Meeting Practice	D14164948

**3** Office of Local Government Circular 20-31 D14164983



# Code of Meeting Practice **Policy**28 September 2020

Policy No: CCC001

Policy owner: Approved by: Date of approval: Policy category: Content Manager No: Review date: Governance and Business Services, Office of the CEO Central Coast Council 28/09/2020 <include Council Resolution > Statutory D14164959 March 2022 (within 6 months of Local Government Elections)

Central Coast Council P: 1300-463-954 E: ask@centralcoast.nsw.gov.au W: centralcoast.nsw.gov.au A: Wyong: 2 Hely St / PO Box 20, Wyong NSW 2259 Gosford: 49 Mann St / PO Box 21, Gosford NSW 2250

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# 1 Introduction

- 1.1 Council's Code of Meeting Practice is made in accordance with the *Model Code of Meeting Practice for Local Councils in NSW*, the *Local Government Act 1993 (NSW)* (the Act), the *Local Government (General) Regulation 2005 (NSW)*.
- 1.2 This Code applies to all meetings of Council and Committees of Council of which the members are Councillors.

# 2 Meeting Principles

- 2.1 Council and committee meetings should be:
  - (a) Transparent Decisions are made in a way that is open and accountable;
  - (b) Informed Decisions are made based upon relevant, quality information;
  - (c) Inclusive Decisions respect the diverse needs and interests of the Central Coast community;
  - (d) *Principles* Decisions are informed by the principles prescribed under Chapter 3 of the Act
  - (e) Trusted Our community has confidence that Councillors and Staff act ethically and make decisions in the interests of the whole community;
  - (f) Respectful Councillors, Staff and meeting attendees treat each other with respect;
  - (g) Effective Meetings are well organised, effectively run and skilfully chaired; and
  - (h) Orderly Councillors, Staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.
- 3 Before the Meeting

#### Timing of Ordinary Council Meetings

3.1 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 at 2 Hely Street, Wyong, commencing at 6.30PM:* 

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- (a) the second Monday of the months of February to December inclusive at 49 Mann Street, Gosford commencing at 6.30 PM.
- (b) the fourth Monday of the months of February to November inclusive at 2 Hely-Street, Wyong, commencing at 6.30 PM.
- 3.2 Where scheduled Ordinary Meetings of Council fall on a Public Holiday, the meeting will be held on the day immediately after the Public Holiday.
- 3.3 The Agenda Paper will be distributed by 5.00 PM six (6) business days before the meeting.

#### **Extraordinary Meetings**

3.4 If the Mayor receives a request in writing, signed by at least two (2) Councillors, the Mayor must call an Extraordinary Meeting of Council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The Mayor can be one of the two Councillors requesting the meeting. (Section 366 of the Act)

#### Notice to the Public of Council Meetings

- 3.5 Council must give notice to the public of the time, date and place of each of its meetings, including Extraordinary Meetings and of each meeting of Committees of Council. (Section 9(1) of the Act)
- 3.6 The location of Extraordinary Meetings will be those specified for the conduct of Ordinary Meetings.
- 3.7 For the purposes of Clause 3.5, notice of a meeting of Council and of a Committee of Council is to be published before the meeting takes place. The notice must be published on <u>Council's website</u>, and in such other manner that Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.8 For the purposes of Clause 3.5, notice of more than one <del>(1)</del> meeting may be given in the same notice.

#### Notice to Councillors of Ordinary Council Meetings

3.9 The Chief Executive Officer must send to each Councillor, at least three (3) business days before each meeting of Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting. (Section 367(1) of the Act)

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3.10 The notice and the agenda for, and the business papers relating to the meeting may be given to Councillors in electronic form, but only if all Councillors have facilities to access the notice, agenda and business papers in that form. (Section 367(3) of the Act)

#### Notice to Councillors of Extraordinary Council Meetings

3.11 Notice of less than three (3) business days may be given to Councillors of an Extraordinary Meeting of Council in cases of emergency. (Section 367(2) of the Act)

#### Giving Notice of Business to be Considered at Council Meetings

- 3.12 A Councillor may give notice of any business they wish to be considered by Council at its next Ordinary Meeting by way of a Notice of Motion. To be included on the agenda of the meeting, the Notice of Motion must be in writing and must be submitted by 5.00 PM seven (7) business days before the meeting is to be held.
- 3.13 A Councillor may, in writing to the Chief Executive Officer, request the withdrawal of a Notice of Motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to beconsidered.
- 3.14 If the Chief Executive Officer considers that a Notice of Motion submitted by a Councillor for consideration at an Ordinary Meeting of Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the Chief Executive Officer may prepare a report in relation to the Notice of Motion for inclusion with the business papers for the meeting at which the Notice of Motion is to be considered by Council.

#### **Questions With Notice**

- 3.15 A Councillor may, by way of a notice submitted under Clause 3.12, ask a question for response by the Chief Executive Officer about the performance or operations of Council.
- 3.16 A Councillor is not permitted to ask a Question with Notice under Clause 3.15 that comprises a complaint against the Chief Executive Officer or a member of Staff of Council, or a question that implies wrongdoing by the Chief Executive Officer or a member of Staff of Council.
- 3.17 The Chief Executive Officer or their nominee may respond to a Question with Notice submitted under Clause 3.15 by way of a report included in the business papers for the relevant meeting of Council or orally at themeeting.

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#### Agenda and Business Papers for Ordinary Meetings

- 3.18 The Chief Executive Officer must cause the agenda for a meeting of Council or a Committee of Council to be prepared as soon as practicable before the meeting.
- 3.19 The Chief Executive Officer must ensure that the agenda for an Ordinary Meeting of Council states:
  - (a) all matters to be dealt with arising out of the proceedings of previous meetings of Council, and
  - (b) if the Mayor is the Chairperson any matter or topic that the Chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) all matters, including matters that are the subject of Staff reports and reports of Committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under Clause 3.12.
- 3.20 Nothing in Clause 3.19 limits the powers of the Mayor to put a Mayoral Minute to a meeting under Clause 9.6.
- 3.21 The Chief Executive Officer must not include in the agenda for a meeting of Council any business of which due notice has been given if, in the opinion of the Chief Executive Officer, the business is, or the implementation of the business would be, unlawful. The Chief Executive Officer must report, without giving details of the item of business, any such exclusion to the next meeting of Council.
- 3.22 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the Chief Executive Officer, is likely to take place when the meeting is closed to the public, the Chief Executive Officer must ensure that the agenda of the meeting (*Section 9(2A)(a) of the Act*):
  - (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public); and
  - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.
- 3.23 The Chief Executive Officer must ensure that the details of any item of business which, in the opinion of the Chief Executive Officer, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a Councillor or by any other person to another person who is not authorised to have that information.

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#### Availability of the Agenda and Business Papers to the Public

- 3.24 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of Council and Committees of Council, are to be published on <u>Council's website</u>, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of Council, at the relevant meeting and at such other venues determined by Council. (Section 9(2) and (4) of the *Act*)
- 3.25 Clause 3.24 does not apply to the business papers for items of business that the Chief Executive Officer has identified under Clause 3.22 as being likely to be considered when the meeting is closed to the public. *(Section 9(2A)(b) of the Act)*
- 3.26 For the purposes of Clause 3.24, copies of agendas and business papers must be published on <u>Council's website</u> and made available to the public at a time that is as close as possible to the time they are available to Councillors. (*Section 9(3) of the Act*)
- 3.27 A copy of an agenda, or of an associated business paper made available under Clause 3.24, may in addition be given or made available in electronic form. *(Section 9(5) of the Act)*

#### Agenda and Business Papers for Extraordinary Meetings

- 3.28 The Chief Executive Officer must ensure that the agenda for an Extraordinary Meeting of Council deals only with the matters stated in the notice of the meeting.
- 3.29 Despite Clause 3.28, business may be considered at an Extraordinary Meeting of Council, even though due notice of the business has not been given, if:
  - (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the Chairperson to be of great urgency on the grounds that it requires a decision by Council before the next scheduled Ordinary Meeting of Council.
- 3.30 A motion moved under Clause 3.29(a) can be moved without notice but only after the business notified in the agenda for the Extraordinary Meeting has been dealt with.
- 3.31 Despite Clauses 10.20–10.32, only the mover of a motion moved under Clause 3.29(a) can speak to the motion before it isput.

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3.32 A Motion of Dissent cannot be moved against a ruling of the Chairperson under Clause 3.29(b) on whether a matter is of great urgency.

#### **Pre-Meeting Briefing Sessions**

- Prior to each Ordinary Meeting of Council, the Chief Executive Officer may arrange a pre- meeting briefing session to brief Councillors on business to be considered at the meeting.
  Pre-meeting briefing sessions may also be held for extraordinary meetings of Council and meetings of Council.
- 3.34 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.35 The Chief Executive Officer or a member of Staff nominated by the Chief Executive Officer is to preside at pre-meeting briefing sessions.
- 3.36 Councillors (including the Mayor) must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal Council or Committee meeting at which the item of business is to be considered.
- 3.37 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre- meeting briefing session, in the same way that they are required to do so at a Council or Committee meeting. Council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the Councillor who made the declaration.

## 4 Public Forums

- 4.1 Council may hold a Public Forum prior to each Ordinary Meeting of Council for the purpose of hearing oral submissions from members of the public on items of businessto be considered at the meeting. Public forums may also be held prior to Extraordinary Council Meetings and meetings of Committees of the Council.
- 4.2 Public Forums are to be chaired by the Mayor or their nominee.
- 4.3 To speak at a Public Forum, a person must first make an application to Council in the approved form. Applications to speak at the Public Forum must be received by 10 AM on the day of the Public Forum and must identify the item of business on the Agenda of the Council Meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.4 A person may apply to speak on no more than two <del>(2)</del> items of business on the Agenda of the Council Meeting.

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- 4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a Public Forum unless they identify their status as a legal representative when applying to speak at the Public Forum.
- 4.6 The Chief Executive Officer or their delegate may refuse an application to speak at a Public Forum. The Chief Executive Officer or their delegate must give reasons in writing for a decision to refuse an application.
- 4.7 No more than two (2) speakers are to be permitted to speak 'for' or 'against' each item of business on the Agenda for the CouncilMeeting.
- 4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the Chief Executive Officer or their delegate may request the speakers to nominate from among themselves the persons who are to address the Council on the item of business. If the speakers are not able to agree on whom to nominate to address the Council, the Chief Executive Officer or their delegate is to determine who will address the council at the Public Forum.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the Chief Executive Officer or their delegate may, in consultation with the Mayor or the Mayor's nominated Chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the Council to hear a fuller range of views on the relevant item of business.
- 4.10 Approved speakers at the Public Forum are to register with the Council any written, visual or audio material to be presented in support of their address to the Council at the Public Forum, and to identify any equipment needs by 10 AM on the day of the Public Forum. The Chief Executive Officer or their delegate may refuse to allow such material to be presented.
- 4.11 The Chief Executive Officer or their delegate is to determine the order of speakers at the Public Forum.
- 4.12 Each speaker will be allowed three (3) minutes to address the Council. This time is to be strictly enforced by the Chairperson.
- 4.13 Speakers at Public Forums must not digress from the item on the Agenda of the Council Meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the Chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the Chairperson, the speaker will not be further heard.

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- 4.14 A Councillor (including the Chairperson) may, through the Chairperson, ask questions of a speaker following their address at a Public Forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.15 Speakers are under no obligation to answer a question put under Clause 4.14. Answers by the speaker, to each question are to be limited to one (1) minute.
- 4.16 Speakers at Public Forums cannot ask questions of the Council, Councillors or Council Staff.
- 4.17 The Chief Executive Officer or their nominee may, with the concurrence of the Chairperson, address the Council for up to three (3) minutes in response to an address to the Council at a Public Forum after the address and any subsequent questions and answers have been finalised.
- 4.18 Where an address made at a Public Forum raises matters that require further consideration by Council Staff, the Chief Executive Officer may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.19 When addressing the Council, speakers at Public Forums must comply with this Code and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Code of Conduct or making other potentially defamatory statements.
- 4.20 If the Chairperson considers that a speaker at a Public Forum has engaged in conduct of the type referred to in Clause 4.19, the Chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the Chairperson's request, the Chairperson may immediately require the person to stop speaking.
- 4.21 Clause 4.20 does not limit the ability of the Chairperson to deal with disorderly conduct by speakers at Public Forums in accordance with the provisions of Part 15 of this Code.
- 4.22 Where a speaker engages in conduct of the type referred to in Clause 4.19, the Chief Executive Officer or their delegate may refuse further applications from that person to speak at Public Forums for such a period as the Chief Executive Officer or their delegate considers appropriate.

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- 4.23 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a Public Forum, in the same way that they are required to do so at a Council or Committee Meeting. The Council is to maintain a written record of all conflict of interest declarations made at Public Forums and how the conflict of interest was managed by the Councillor who made the declaration.
- 4.24 Serving Councillors, Members of Federal and State Parliament, as well as nominated candidates at Federal, State or Local Government elections are not permitted to speak at a Public Forum.

# 5 Coming Together

#### Attendance by Councillors at Meetings

- 5.1 All Councillors must make reasonable efforts to attend meetings of Council and of Committees of Council of which they are members.
- 5.2 A Councillor may not attend a meeting as a Councillor (other than the first meeting of Council after the Councillor is elected or a meeting at which the Councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.
- 5.3 A Councillor cannot participate in a meeting of Council or of a Committee of Council unless personally present at the meeting.
- 5.4 Where a Councillor is unable to attend one or more Ordinary Meetings of Council, the Councillor should request that Council grant them a leave of absence from those meetings. This Clause does not prevent a Councillor from making an apology if they are unable to attend a Council Meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this Code and the Act.
- 5.5 A Councillor's request for leave of absence from Council Meetings should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.6 Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.

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- 5.7 A Councillor's civic office will become vacant if the Councillor is absent from three (3) consecutive Ordinary Meetings of Council without prior leave of Council, or leave granted by Council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA. (Section 234(1)(d) of the Act)
- 5.8 A Councillor who intends to attend a meeting of Council despite having been granted a leave of absence should, if practicable, give the Chief Executive Officer at least two (2) business days' notice of their intention to attend.

#### The Quorum for a Meeting

- 5.9 The quorum for a meeting of Council is a majority of the Councillors of Council who hold office at that time and who are not suspended from office. *(Section 368(1) of the Act)*
- 5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of Council. (*Section 368(2) of the Act*)
- 5.11 A meeting of Council must be adjourned if a quorum is not present:
  - (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
  - (b) within half an hour after the time designated for the holding of the meeting, or
  - (c) at any time during the meeting.
- 5.12 In either case, the meeting must be adjourned to a time, date and place fixed:
  - (a) by the Chairperson, or
  - (b) in the Chairperson's absence, by the majority of the Councillorspresent, or
  - (c) failing that, by the Chief Executive Officer.
- 5.13 The Chief Executive Officer must record in Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of Council, together with the names of the Councillors present.

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- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of Councillors, Council Staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the Mayor may, in consultation with the Chief Executive Officer and, as far as is practicable, with each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on <u>Council's website</u> and in such other manner that Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.15 Where a meeting is cancelled under Clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next Ordinary Meeting of Council or at an Extraordinary Meeting called under Clause 3.4.

#### **Entitlement of the Public to Attend Council Meetings**

- 5.16 Everyone is entitled to attend a meeting of Council, a Committees of Council or a Public Forum. Council must ensure that all meetings of Council, Committees of Council and Public Forums are open to the public. (Section 10(1) of the Act)
- 5.17 Clause 5.16 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.18 A person (whether a Councillor or another person) is not entitled to be present at a meeting of Council or a Committee of Council or a Public Forum if expelled from the meeting (*Section 10(2) of the Act*):
  - (a) by a resolution of the meeting, or
  - (b) by the person presiding at the meeting if Council has, by resolution, authorised the person presiding to exercise the power of expulsion.

#### **Recording and Webcasting of Council Meetings**

- 5.19 The proceedings, including all debate, of all Ordinary and Extraordinary Meetings, Committee of Council Meetings and Public Forums held in the Council chamber shall be webcast on <u>Council's website</u> only by Council Staff. Council may edit or modify any recordings prior to broadcasting. Any such edits or modifications will be notified publicly by way of <u>Council's website</u>.
- 5.20 Clause 5.19 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.

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- 5.21 At the start of each recorded meeting, the Chairperson is to make a statement to the effect that the meeting is being audio and audio visually recorded and may be broadcasted over the internet live or at any time after a meeting at the discretion of Council.
- 5.22 A recording of each meeting of Council and Committee of Council is to be retained on <u>Council's website</u> **for a minimum of 12 months** at the discretion of Council. Recordings of Council Meetings may be disposed of in accordance with the <u>StateRecords Act 1998</u> (NSW).

#### Attendance of the Chief Executive Officer and Other Staff at Meetings

- 5.23 The Chief Executive Officer is entitled to attend, but not to vote at, a meeting of Council or a meeting of a Committee of Council of which all of the members are Councillors. *(Section 376(1) of the Act)*
- 5.24 The Chief Executive Officer is entitled to attend a meeting of any other Committee of Council and may, if a member of the Committee, exercise a vote. (Section 376(2) of the Act)
- 5.25 The Chief Executive Officer may be excluded from a meeting of Council or a Committee while Council or the Committee deals with a matter relating to the standard of performance of the Chief Executive Officer or the terms of employment of the Chief Executive Officer. (Section 376(3) of the Act)
- 5.26 The attendance of other Council Staff at a meeting, (other than as members of the public) shall be with the approval of the Chief Executive Officer.

# 6 The Chairperson

#### The Chairperson at Meetings

- 6.1 The Mayor, or at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of Council. *(Section 369(1) of the Act)*
- 6.2 If the Mayor and the Deputy Mayor *(if any)* are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of Council. *(Section 369(2) of the Act)*

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#### Election of the Chairperson in the Absence of the Mayor and Deputy Mayor

- 6.3 If no Chairperson is present at a Meeting of Council at the time designated for the holding of the Council Meeting, the first business of the Council Meeting must be the election of a Chairperson to preside at the meeting.
- 6.4 The election of a Chairperson must be conducted:
  - (a) by the Chief Executive Officer or, in their absence, an *employee* Staff of Council designated by the Chief Executive Officer to conduct the election; or
  - (b) by the person who called the meeting or a person acting on their behalf if neither Chief Executive Officer nor a designated *employee* Staff is present at the meeting, or if there is no Chief ExecutiveOfficer or designated *employee*\_Staff.
- 6.5 If, at an election of a Chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the Chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of Clause 6.5, the person conducting the election must:
  - (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
  - (b) then fold the slips so as to prevent the names from being seen, mix the slips up and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson.
- 6.8 Any election conducted under Clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the Council Meeting.

#### Chairperson to have Precedence

- 6.9 When the Chairperson rises or speaks during a meeting of Council:
  - (a) any Councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat; and
  - (b) every Councillor present must be silent to enable the Chairperson to be heard without interruption.

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# 7 Mode of Address

- 7.1 If the Chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the Chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A Councillor is to be addressed as 'Councillor[surname]'.
- 7.4 A Council Officer is to be addressed by their official designation or as Mr/Ms[surname].
- 7.5 Councillors shall at all times address other Councillors by their official designation, as Mayoror Councillor (as the case may be) and with the exception of the Chairperson, or any Councillor prevented by physical infirmity, shall stand when speaking except when asking a question.

# 8 Order of Business for Ordinary Council Meetings

- 8.1 The general Order of Business for an Ordinary Meeting of Council shall be:
  - Opening the Meeting;
  - Acknowledgement of Country;
  - Apologies/Requests for Leave of Absence;
  - Disclosures of Interest;
  - Confirmation of Minutes
  - Notice of Intention to Deal with Matters in Confidential Session;
  - Items Considered by Exception;
  - Minutes of the Mayor
  - Reports of the Chief Executive Officer and the Executive Leadership Team
  - Notice of Motion
  - o Questions With Notice;
  - Answers to Questions With Notice;
  - o Confidential Items; and
  - Conclusion of the Meeting.

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- 8.2 The Order of Business as fixed under Clause 8.1 may be altered for a particular meeting of Council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 8.3 Despite Clauses 10.20–10.32, only the mover of a motion referred to in Clause 8.2 may speak to the motion before it is put.

## 9 Consideration of Business at Council Meetings

#### Business that can be Dealt with at a Council Meeting

- 9.1 Council must not consider business at a meeting of Council:
  - (a) unless a Councillor has given notice of the business, as required by Clause 3.12; and
  - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 3.9 in the case of an Ordinary meeting or Clause 3.11 in the case of an Extraordinary Meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
  - (a) is already before, or directly relates to, a matter that is already before Council; or
  - (b) is the election of a Chairperson to preside at the meeting; or
  - (c) subject to Clause 9.9, is a matter or topic put to the meeting by way of a Mayoral Minute; or
  - (d) is a motion for the adoption of recommendations of a Committee, including, but not limited to, a Committee of Council.
- 9.3 Despite Clause 9.1, business may be considered at a meeting of Council even though due notice of the business has not been given to the Councillors if:
  - (a) a motion is passed to have the business considered at the meeting; and
  - (b) the business to be considered is ruled by the Chairperson to be of great urgency on the grounds that it requires a decision by Council before the next scheduled Ordinary Meeting of Council.
- 9.4 A motion moved under Clause 9.3(a) can be moved without notice. Despite Clauses
  10.20– 10.32, only the mover of a motion referred to in Clause 9.3(a) can speak to the motion before it is put.
- 9.5 A Motion of Dissent cannot be moved against a ruling by the Chairperson under Clause 9.3(b).

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#### **Mayoral Minutes**

- 9.6 Subject to Clause 9.9, if the Mayor is the Chairperson at a meeting of Council, the Mayor may, by minute signed by the Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of Council, or of which Council has official knowledge.
- 9.7 A Mayoral Minute, when put to a meeting, takes precedence over all business on Council's agenda for the meeting. The Chairperson (but only if the Chairperson is the Mayor) may move the adoption of a Mayoral Minute without the motion being seconded.
- 9.8 A recommendation made in a Mayoral Minute put by the Mayor is, so far as it is adopted by Council, a resolution of Council.
- 9.9 A Mayoral Minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this Clause, a matter will be urgent where it requires a decision by Council before the next scheduled Ordinary Meeting of Council.

#### **Staff Reports**

9.10 A recommendation made in a Council Staff report is, so far as it is adopted by Council, a resolution of Council.

#### **Reports of Committees of Council**

- 9.11 The recommendations of a Committee of Council are, so far as they are adopted by Council, resolutions of Council.
- 9.12 If, in a report of a Committee of Council, distinct recommendations are made, Council may make separate decisions on each recommendation.

#### Questions

- 9.13 A question must not be asked at a meeting of Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with Clauses 3.12 and 3.15.
- 9.14 A Councillor may, through the Chairperson, put a question to another Councillor about a matter on the agenda.

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- 9.15 A Councillor may, through the Chief Executive Officer, put a question to Council Staff about a matter on the agenda. Council Staffs are only obliged to answer a question put to them through the Chief Executive Officer at the direction of the Chief Executive Officer.
- 9.16 A Councillor or Council Staff to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a Councillor or Council Staff to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next available meeting of Council.
- 9.17 Councillors must put questions directly, succinctly, respectfully and without argument. Question(s) should take no longer than one (1) minute.
- 9.18 The Chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or CouncilStaff.

### 10 Rules of Debate

#### Motions to be Seconded

10.1 Unless otherwise specified in this Code, a motion or an amendment cannot be debated unless or until it has been seconded.

#### **Notices of Motion**

- 10.2 A Councillor who has submitted a notice of motion under Clause 3.12 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a Councillor who has submitted a notice of motion under Clause 3.12 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before Council.
- 10.4 In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of Council:
  - (a) any other Councillor may, with the leave of the Chairperson, move the motion at the meeting; or
  - (b) the Chairperson may defer consideration of the motion until the next meeting of Council.

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#### Chairperson's Duties with Respect to Motions

- 10.5 It is the duty of the Chairperson at a meeting of Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The Chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under Clause 10.6, the Chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been lost.

#### Motions Requiring the Expenditure of Funds

10.9 A motion or an amendment to a motion raised during debate which if passed would require the expenditure of funds on works and/or services other than those already provided for in Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, Council must defer consideration of the matter, pending a report from the Chief Executive Officer on the availability of funds for implementing the motion if adopted.

#### Amendments to Motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before Council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the Chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is calledfor.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before Council at any one time.

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- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the Councillor who moved the original motion.

#### **Foreshadowed Motions**

- 10.17 A Councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before Council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before Council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

#### Limitations on the Number and Duration of Speeches

- 10.20 A Councillor who, during a debate at a meeting of Council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A Councillor must not, without the consent of Council, speak more than once on a motion or an amendment, or for longer than three (3) minutes at any one time.

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- 10.23 Despite Clause 10.22, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five <del>(5)</del> minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite Clause 10.22, Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite Clauses 10.20 and 10.21, a Councillor may move that a motion or an amendment be nowput, or the Chairperson may put the motion or amendment:
  - (a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or
  - (b) if at least two (2) Councillors have spoken in favour of the motion or amendment and at least two (2) Councillors have spoken against it.
- 10.26 The Chairperson must immediately put to the vote, without debate, a motion moved under Clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the Chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under Clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the Chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this Code, remain silent while another Councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the Chairperson must not allow further debate on the matter.
- 10.31 Debate on any item of business on the agenda or transaction without notice may not continue for more than 30 minutes. At the expiration of this time, the Chairperson will stop the Councillor speaking at the time and, after permitting the mover of the motion three minutes right of reply, put the put motion to Council to be voted on in the following form:

Chairperson: "The time for debate has expired. Under Council's Code of Meeting Practice, I now invite the mover of the motion **to have** a three minute<del>s</del> right of reply, following which I will put the motion to Council for voting."

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10.32 There will be rare occasions when an issue before Council is one of great importance to the whole of the Central Coast when limiting debate appears inappropriate. In these cases, a Councillor must move, prior to the commencement of the debate, to remove the time limit on debate contained in Clause 10.31.

## 11 Voting

#### **Voting Entitlements of Councillors**

- 11.1 Each Councillor is entitled to one (1) vote. (Section 370(1) of the Act)
- 11.2 The Chairperson of a meeting of Council has, in the event of an equality of votes, a second or casting vote. *(Section 370(2) of the Act)*
- 11.3 Where the Chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

#### Voting at Council Meetings

- 11.4 A Councillor who is present at a meeting of Council but who fails to vote on a motion put to the meeting is taken to have voted against themotion.
- 11.5 If a Councillor who has voted against a motion put at a Council Meeting so requests, the Chief Executive Officer must ensure that the Councillor's dissenting vote is recorded in Council's minutes.
- 11.6 The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) Councillors rise and call for a division.
- 11.7 When a division on a motion is called, the Chairperson must ensure that the division takes place immediately. The Chief Executive Officer must ensure that the names of those who vote for the motion and those who vote against it are recorded in Council's minutes for the meeting.
- 11.8 When a division on a motion is called, any Councillor who fails to vote will be recorded as having voted against the motion in accordance with Clause 11.4 of this Code.
- 11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

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11.10 All voting at Council Meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

#### Voting on Planning Decisions

- 11.11 The Chief Executive Officer must keep a register containing, for each planning decision made at a meeting of Council or a Council Committee (including, but not limited to a Committee of Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision. (The requirements of this Clause may be satisfied by maintaining a register of the minutes of each planning decision.)
- 11.12 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of Council or a Council Committee.
- 11.13 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.14 Clauses 11.11–11.13 apply also to meetings that are closed to the public. (Section 375A of the Act)

## 12 Committee of the Whole

- 12.1 Council may resolve itself into a Committee to consider any matter before Council. *(Section 373 of the Act)*
- 12.2 All the provisions of this Code relating to meetings of Council, so far as they are applicable, extend to and govern the proceedings of Council when in Committee of the Whole, except the provisions limiting the number and duration of speeches. *(Clauses 10.20–10.32 limit the number and duration of speeches)*
- 12.3 The Chief Executive Officer or, in the absence of the Chief Executive Officer, an employee Staff of Council designated by the Chief Executive Officer, is responsible for reporting to Council the proceedings of the Committee of the Whole. It is not necessary to report the proceedings in full but any recommendations of the Committee must bereported.

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12.4 Council must ensure that a report of the proceedings (including any recommendations of the Committee) is recorded in Council's minutes. However, Council is not taken to have adopted the report until a motion for adoption has been made and passed.

## 13 Dealing with Items by Exception

- 13.1 Council or a Committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before Council or a Committee resolves to adopt multiple items of business on the agenda together under Clause 13.1, the Chairperson must list the items of business to be adopted and ask Councillors to identify any of the individual items of business listed by the Chairperson that they intend to vote against the recommendation made in the Business Paper or that they wish to speak on.
- 13.3 Council or a Committee must not resolve to adopt any item of business under Clause 13.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the Business Paper or speak on.
- 13.4 Where the consideration of multiple items of business together under Clause 13.1 involves a variation to the Order of Business for the Council Meeting, Council or the Committee must resolve to alter the Order of Business in accordance with Clause8.2.
- 13.5 A motion to adopt multiple items of business together under Clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under Clause 13.1 are to be taken as having been unanimously adopted.
- 13.7 Councillors must ensure that they disclose and manage any conflicts of interest they may have in relation to items of business considered together under Clause 13.1 in accordance with the requirements of Council's Code of Conduct.

## 14 Closure of Council Meetings to the Public

#### Grounds on which Meetings can be Closed to the Public

14.1 Council or a Committee of Council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters *(Section 10A(1) and (2) of the Act):* 

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- (a) personnel matters concerning particular individuals (other than Councillors);
- (b) the personal hardship of any resident or ratepayer;
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;
- (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 Council, or
  - (iii) reveal a trade secret;
- (e) information that would, if disclosed, prejudice the maintenance of law;
- (f) matters affecting the security of the Council, Councillors, Council Staff or Council property;
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land;
- (i) alleged contraventions of the Council's Code of Conduct.
- 14.2 Council or a Committee of 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) of the Act*)

#### Matters to be Considered when Closing Meetings to the Public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in Clause 14.1 (*Section 10B(1) of the Act*):
  - (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
  - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in Clause 14.1(g) unless the advice concerns legal matters that (*Section 10B(2) of the Act*):
  - (a) are substantial issues relating to a matter in which the Council or Committee is involved, and

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- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.
- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in Clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in Clause 14.1. (Section 10B(3) of theAct)
- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that (*Section 10B(4*) of the Act):
  - (a) a person may misinterpret or misunderstand the discussion; or
  - (b) the discussion of the matter may:
    - (i) cause embarrassment to the Council or Committee concerned, or to Councillors or to Staffs of the Council, or
    - (ii) cause a loss of confidence in the Council or Committee.
- 14.7 In deciding whether part of a meeting is to be closed to the public, the Council or Committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government. *(Section 10B(5) of the Act)*

#### Notice of Likelihood of Closure not Required in Urgent Cases

- 14.8 Part of a meeting of Council, or of a Committee of Council, may be closed to the public while the Council or Committee considers a matter that has not been identified in the agenda for the meeting under Clause 3.22 as a matter that is likely to be considered when the meeting is closed, but only if *(Section 10C of the Act)*:
  - (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in Clause 14.1, and
  - (b) Council or the Committee, after considering any representations made under Clause 14.9, resolves that further discussion of the matter:
    - (i) should not be deferred (because of the urgency of the matter), and
    - (ii) should take place in a part of the meeting that is closed to the public.

#### **Representations by Members of the Public**

14.9 Council, or a Committee of Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed. (Section 10A(4) of the Act)

- 14.10 A representation under Clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under Clause 3.22 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under Clause 14.9, members of the public must first make an application to the Council in the approved form. Applications must be received by 10 AM on the day of the Council Meeting at which the matter is to be considered.
- 14.12 The Chief Executive Officer (or their delegate) may refuse an application made under Clause 14.11. The Chief Executive Officer or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than two <del>(2)</del> Speakers are to be permitted to make representations under Clause 14.9.
- 14.14 If more than the permitted number of Speakers apply to make representations under Clause 14.9, the Chief Executive Officer or their delegate may request the Speakers to nominate from among themselves the persons who are to make representations to the Council. If the Speakers are not able to agree on whom to nominate to make representations under Clause 14.9, the Chief Executive Officer or their delegate is to determine who will make representations to the Council.
- 14.15 The Chief Executive Officer (or their delegate) is to determine the order of Speakers.
- 14.16 Where Council or a Committee of Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under Clause 3.22 as a matter that is likely to be considered when the meeting is closed to the public, the Chairperson is to invite representations from the public under Clause 14.9 after the motion to close the part of the meeting is moved and seconded. The Chairperson is to permit no more than two (2) Speakers to make representations in such order as determined by the Chairperson.
- 14.17 Each Speaker will be allowed three (3) minutes to make representations, and this time limit is to be strictly enforced by the Chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a Speaker digresses to irrelevant matters, the Chairperson is to direct the Speaker not to do so. If a Speaker fails to observe a direction from the Chairperson, the Speaker will not be further heard.

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#### Expulsion of Non-Councillors from Meetings Closed to the Public

- 14.18 If a meeting or part of a meeting of the Council or a Committee of the Council is closed to the public in accordance with section 10A of the Act and this Code, any person who is not a Councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

# Information to be Disclosed in Resolutions Closing Meetings to the Public

- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following *(Section 10D of theAct):* 
  - (a) the relevant provision of section 10A(2) of the Act;
  - (b) the matter that is to be discussed during the closed part of the meeting;
  - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **Resolutions Passed at Closed Meetings to be Made Public**

- 14.21 If Council passes a resolution during a Council Meeting, or a part of a meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22 Resolutions passed during a Council Meeting, or a part of a meeting, that is closed to the public must be made public by the Chairperson under Clause 14.21 during a part of the meeting that is webcast.

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## 15 Keeping Order at Meetings

#### **Points of Order**

- 15.1 A Councillor may draw the attention of the Chairperson to an alleged breach of this Code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in Clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The Chairperson must suspend the business before the meeting and permit the Councillor raising the point of order to state the provision of this Code they believe has been breached. The Chairperson must then rule on the point of order – either by upholding it or by overruling it.

#### **Questions of Order**

- 15.4 The Chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the Chairperson, it is necessary to do so.
- 15.5 A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the Chairperson to the matter.
- 15.6 The Chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
- 15.7 The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

#### **Motions of Dissent**

- 15.8 A Councillor can, without notice, move to dissent from a ruling of the Chairperson on a point of order or a question of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it indue course.

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15.10 Despite any other provision of this Code, only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

#### Acts of Disorder

- 15.11 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a Committee of the Council:
  - (a) contravenes the Act or any regulation in force under the Act or this Code; or
  - (b) assaults or threatens to assault another Councillor or person present at the meeting; or
  - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or the Committee, or addresses or attempts to address the Council or the Committee on such a motion, amendment or matter; or
  - (d) insults or makes personal reflections on or imputes improper motives to any other Council official, or alleges a breach of the Council's Code of Conduct; or
  - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or the Committee into disrepute.
- 15.12 The Chairperson may require a Councillor:
  - (a) to apologise without reservation for an act of disorder referred to in Clauses 15.11(a) or (b); or
  - (b) to withdraw a motion or an amendment referred to in Clause 15.11(c) and, where appropriate, to apologise without reservation; or to retract and apologise without reservation for an act of disorder referred to in Clauses 15.11(d) and (e).

#### How Disorder at a Meeting may be Dealt With

15.13 If disorder occurs at a meeting of Council, the Chairperson may adjourn the Council Meeting for a period of not more than <u>fifteen (</u>15) minutes and leave the Chair. Council, on reassembling, must, on a question put from the Chairperson, decide without debate whether the business is to be proceeded with or not. This Clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

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#### **Expulsion from Meetings**

- 15.14 All Chairpersons of a Council Meeting and Committees of the Council are authorised under this Code to expel any person other than a Councillor, from a Council or Committee Meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of Council or the Committee of Council.
- 15.15 Clause 15.14 does not limit the ability of the Council or a Committee of the Council to resolve to expel a person, including a Councillor, from a Council or Committee meeting, under section 10(2)(a) of the Act.
- 15.16 A Councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for having failed to comply with a requirement under Clause 15.12. The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.
- 15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.18 Where a Councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.19 If a Councillor or a member of the public fails to leave the place where a meeting of the Council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member of the public from that place and, if necessary, restrain the Councillor or member of the public from re-entering that place for the remainder of themeeting.

#### Use of Mobile Phones and the Unauthorised Recording of Meetings

- 15.20 Councillors, Council Staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Council and Committees of the Council.
- 15.21 A person must not live stream or use an audio recorder, camera, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Council or a Committee of the Council without the prior authorisation of the Council or the Committee.

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- 15.22 Any person who contravenes or attempts to contravene Clause 15.21, may be expelled from the Council Meeting as provided for under section 10(2) of the Act.
- 15.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

## 16 Conflict of Interest

16.1 All Councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the Council and Committees of the Council in accordance with the Council's Code of Conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration wasmade.

## 17 Decisions of the Council

#### **Council decisions**

- 17.1 A decision supported by a majority of the votes at a meeting of Council at which a quorum is present is a decision of the Council. *(Section 371 of the Act)*
- 17.2 Decisions made by the Council must be accurately recorded in the minutes of the meeting at which the decision is made.

#### **Rescinding or Altering Council Decisions**

- 17.3 A resolution passed by Council may not be altered or rescinded except by a motion to that effect of which notice has been given under Clause 3.12. (Section 372(1) of the Act)
- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with. *(Section 372(2) of the Act)*
- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with Clause 3.12. (Section 372(3) of the Act)

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- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3)
  Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost. (Section 372(4) of the Act)
- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This Clause may not be evaded by substituting a motion differently worded, but in principle the same. *(Section 372(5) of the Act)*
- 17.8 The provisions of Clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment. (*Section 372(7) of the Act*)
- 17.9 A notice of motion submitted in accordance with Clause 17.6 may only be withdrawn under Clause 3.13 with the consent of all signatories to the noticeof motion.
- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the Chief Executive Officer no later than 9.30 AM on Friday after the meeting at which the resolution was adopted.
- 17.11 A motion to alter or rescind a resolution of the Council may be moved on the report of a Committee of the Council and any such report must be recorded in the minutes of the meeting of the Council. (*Section 372(6) of the Act*)
- 17.12 Subject to Clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the Council may be moved at the same meeting at which the resolution was adopted, where:
  - (a) a notice of motion signed by three Councillors is submitted to the Chairperson; and
  - (b) a motion to have the motion considered at the meeting is passed; and
  - (c) the Chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the Council before the next scheduled Ordinary Meeting of the Council.
- 17.13 A motion moved under Clause 17.12(b) can be moved without notice. Despite Clauses 10.20–10.32, only the mover of a motion referred to in Clause 17.12(b) can speak to the motion before it is put.
- 17.14 A motion of dissent cannot be moved against a ruling by the Chairperson under Clause 17.12(c).

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#### **Recommitting Resolutions to Correct an Error**

- 17.15 Despite the provisions of this Part, a Councillor may, with the leave of the Chairperson, move to recommit a resolution adopted at the same meeting:
  - (a) to correct any error, ambiguity or imprecision in the Council's resolution; or
  - (b) to confirm the voting on the resolution.
- 17.16 In seeking the leave of the Chairperson to move to recommit a resolution for the purposes of Clause 17.15(a), the Councillor is to propose alternative wording for the resolution.
- 17.17 The Chairperson must not grant leave to recommit a resolution for the purposes of Clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.18 A motion moved under Clause 17.15 can be moved without notice. Despite Clauses
  10.20– 10.32, only the mover of a motion referred to in Clause 17.15 can speak to the motion before it is put.
- 17.19 A motion of dissent cannot be moved against a ruling by the Chairperson under Clause 17.15.
- 17.20 A motion moved under Clause 17.15 with the leave of the Chairperson cannot be voted on unless or until it has been seconded.

## 18 Time Limits on Council Meetings

- 18.1 Meetings of Council and Committees of the Council are to conclude no later than10.30 PM on the night of the meeting.
- 18.2 If the business of the Meeting is unfinished at 10.30 PM, Council or the Committee may, by resolution, extend the time of the Ordinary Meetings of Council.
- 18.3 If the business of the Meetings is unfinished at 10.30 PM and Council does not resolve to extend the Meeting, the Chairperson must either:
  - (a) defer consideration of the remaining items of business on the Agenda to the next Ordinary Meeting of Council; or
  - (b) adjourn the Meeting of Council to a time, date and place fixed by the Chairperson of 46

- 18.4 Clause 18.3 does not limit the ability of Council or a Committee of the Council to resolve to adjourn a Meeting at any time. Any such resolution adjourning the Meeting must fix the time, date and place that the Meeting is to be adjourned to.
- 18.5 Where an adjournment is made under Clause 18.3 or Clause 18.4, the Chief Executive Officer must:
  - (a) individually notify each Councillor of the time, date and place at which the Meeting will reconvene, and
  - (b) publish the time, date and place at which the Meeting will reconvene on the <u>Council's website</u> and in such other manner that the Chief Executive Officer is satisfied is likely to bring notice of the time, date and place of the Reconvened Meeting to the attention of as many people as possible.

## 19 After the Meeting

#### **Minutes of Meetings**

- 19.1 Council is to keep full and accurate minutes of the proceedings of meetings of the Council (*Section 375(1) of the Act.*
- 19.2 At a minimum, the Chief Executive Officer must ensure that the following matters are recorded in the Council's minutes:
  - (a) details of each motion moved at a Council Meeting and of any amendments moved to it;
  - (b) the names of the mover and seconder of the motion or amendment;
  - (c) whether the motion or amendment was passed or lost;and
  - (d) such other matters specifically required under thisCode.
- 19.3 The minutes of a Council Meeting must be confirmed at a subsequent meeting of the Council. (*Section 375(2) of the Act*)
- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting. (Section 375(2) of the Act)
- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this Clause must not alter the substance of any decision made at the meeting.

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19.7 The confirmed minutes of a Council Meeting must be published on the <u>Council's</u> <u>website</u>. This Clause does not prevent Council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

# Access to Correspondence and Reports Laid on the Table at, or Submitted to, a Meeting

- 19.8 Council and Committees of Council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting. *(Section 11(1) of the Act)*
- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public. *(Section 11(2) of the Act)*
- 19.10 Clause 19.8 does not apply if the Council or the Committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act. (Section 11(3) of the Act)
- 19.11 Correspondence or reports to which Clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

#### Implementation of Decisions of the Council

19.12 The Chief Executive Officer is to implement, without undue delay, lawful decisions of the Council. *(Section 335(b) of the Act)* Council Committees

## 20 Council Committees

20.1 This Part only applies to Committees of the Council whose members are all Councillors.

#### Council Committees whose Members are all Councillors

- 20.2 Council may, by resolution, establish such Committees as it considers necessary.
- 20.3 A Committee of Council is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by theCouncil.

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- 20.4 The quorum for a meeting of a Committee of the Council is to be:
  - (a) such number of members as the Council decides; or
  - (b) if the Council has not decided a number a majority of the members of the Committee.

#### **Functions of Committees**

20.5 Council must specify the functions of each of its Committees when the Committee is established, but may from time to time amend those functions.

#### Notice of Committee Meetings

- 20.6 The Chief Executive Officer must send to each Councillor, regardless of whether they area Committee member, at least three (3) days before each meeting of the Committee, a notice specifying:
  - (a) the time, date and place of the meeting; and
  - (b) the business proposed to be considered at the meeting.
- 20.7 Notice of less than three (3) days may be given of a Committee meeting called in an emergency.

#### **Attendance at Committee Meetings**

- 20.8 A Committee member (other than the Mayor) ceases to be a member of a Committee if the Committee member:
  - (a) has been absent from three (3) consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences; or
  - (b) has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the Council are members of the Committee.

#### Non-Members Entitled to Attend Committee Meetings

20.10 A Councillor who is not a member of a Committee of the Council is entitled to attend, and to speak at a meeting of the Committee. However, the Councillor is not entitled:

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- (a) to give notice of business for inclusion in the agenda for the meeting; or
- (b) to move or second a motion at the meeting; or
- (c) to vote at the meeting.

#### Chairperson and Deputy Chairperson of Council Committees

- 20.11 The Chairperson of each Committee of the Council must be:
  - (a) the Mayor; or
  - (b) if the Mayor does not wish to be the Chairperson of a Committee, a member of the Committee elected by the Council; or
  - (c) if the Council does not elect such a member, a member of the Committee elected by the Committee.
- 20.12 Council may elect a member of a Committee of the Council as Deputy Chairperson of the Committee. If the Council does not elect a deputy chairperson of such a Committee, the Committee may elect a Deputy Chairperson.
- 20.13 If neither the Chairperson nor the Deputy Chairperson of a Committee of the Council is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be acting Chairperson of theCommittee.
- 20.14 The Chairperson is to preside at a meeting of a Committee of the Council. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the acting Chairperson is to preside at the meeting.

#### **Procedure in Committee meetings**

- 20.15 Subject to any specific requirements of this code, each Committee of Council may regulate its own procedure. The provisions of this code are to be taken to apply to all Committees of Council unless Council or the Committee determines otherwise in accordance with this Clause.
- 20.16 Whenever the voting on a motion put to a meeting of the Committee is equal, the Chairperson of the Committee is to have a casting vote as well as an original vote unless Council or the Committee determines otherwise in accordance with Clause 20.15.
- 20.17 Voting at a Council Committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

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#### **Closure of Committee Meetings to the Public**

- 20.18 The provisions of the Act and Part 14 of this Code apply to the closure of meetings of Committees of the Council to the public in the same way they apply to the closure of meetings of the Council to the public.
- 20.19 If a Committee of the Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the Chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the Chairperson under Clause 20.19 during a part of the meeting that is webcast.

#### **Disorder in Committee Meetings**

20.21 The provisions of the Act and this Code relating to the maintenance of order in Council Meetings apply to meetings of Committees of the Council in the same way as they apply to meetings of the Council.

#### **Minutes of Council Committee Meetings**

20.22 Each Committee of the Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a Committee must ensure that the following matters are

recorded in the Committee's

- (a) details of each motion moved at a meeting and of any amendments moved to it;
- (b) the names of the mover and seconder of the motion or amendment;
- (c) whether the motion or amendment was passed or lost; and
- (d) such other matters specifically required under thisCode.
- 20.23 All voting at meetings of Committees of the Council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.24 The minutes of meetings of each Committee of the Council must be confirmed at a subsequent meeting of the Committee.

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- 20.25 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.27 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this Clause must not alter the substance of any decision made at the meeting.
- 20.28 The confirmed minutes of a meeting of a Committee of the Council must be published on <u>the Council's website</u>. This Clause does not prevent the Council from also publishing unconfirmed minutes of meetings of Committees of Council on its website prior to their confirmation.

## 21 Irregularities

- 21.1 Proceedings at a meeting of a Council or a Council Committee are not invalidated because of *(Section 374 of the Act)*:
  - (a) a vacancy in a civic office; or
  - (b) a failure to give notice of the meeting to any Councillor or Committee member; or
  - (c) any defect in the election or appointment of a Councillor or Committee member; or
  - (d) a failure of a Councillor or a Committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or Committee meeting in accordance with the Council's Code of Conduct; or
  - (e) a failure to comply with this Code.

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## 22 Definitions

the Act:	means the <u>Local Government Act 1993</u> .
Act of Disorder:	means an act of disorder as defined in Clause 15.11 of this Code.
Amendment:	in relation to an original motion, means a motion moving an amendment to that motion.
Audio Recorder:	any device capable of recording speech.
Business Day:	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales.
Chairperson:	(a) in relation to a meeting of Council - means the person presiding at the meeting as provided by section 369 of the <u>Local Government Act 1993</u> ; and Clauses 6.1 and 6.2 of this Code; and
	(b) in relation to a meeting of a Committee of the Council - means the person presiding at the meeting as provided by Clause 20.11 of this Code.
Chief Executive Officer (CEO):	is the Chief Executive Officer of Central Coast Council who undertakes the functions of the General Manager under the <u>Local Government Act 1993</u> , or in the absence of that person, the Staff designated to act for the Chief Executive Officer. Where this Code refers to General Manager it represents Chief Executive Officer and simply reflects the legislation.
this Code	means Council's Code of Meeting Practice adopted by Council pursuant to the <i>Local Government Act 1993</i> .
Committee of the Council:	means a Committee established by the Council in accordance with Clause 20.2 of this Code (being a Committee consisting only of Councillors) or the Council when it has resolved itself into Committee of the Whole under Clause 12.1.
Council Official:	has the same meaning it has in Council's Code of Conduct.
Day:	means calendar day, unless otherwise stipulated by the Act, Regulations or this Code.

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Division:	means a request by two Councillors under Clause 11.6 of this Code requiring the recording of the names of the Councillors who voted both for and against a motion
Foreshadowed Amendment:	means a proposed amendment foreshadowed by a Councillor under Clause 10.18 of this Code during debate on the first amendment
Foreshadowed Motion:	means a motion foreshadowed by a Councillor under Clause 10.17 of this Code during debate on an original motion
Open Voting:	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means.
Planning Decision:	means a decision made in the exercise of a function of a Council under the <u>Environmental Planning and Assessment Act 1979</u> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act.
Performance Improvement Order:	means an order issued under section 438A of the Act.
Quorum:	means the minimum number of Councillors of Committee members necessary to conduct a Council Meeting.
Regulation:	means the Local Government (General) Regulation 2005.
Webcast:	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later date.
Year:	means the period beginning 1 July and ending the following 30 June.

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## History of revisions

Amendment history	Details				
Original approval authority details	Central Coast Council				
	September 2016				
	Creation of Central Coast Council Code of Meeting Practice.				
Version 1	26/07/2017				
	D12761195				
	Minor amendments to update Code.				
Version 2	27/11/2017				
	D12848633				
	Amendments re meeting frequency and times.				
Version 3	12/02/2018				
	D13057229				
	Amendments taking into consideration feedback received.				
Version 4	24/09/2018				
	D13247377				
	Additions to items resolved by exception, public Speakers and time limit.				

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Amendment history	Details
Version 5	11/06/2019
	D13556922
	Amended in accordance with the Model Code of Meeting Practice for Local Councils in NSW
Version 6 (this version)	28 September 2020 Council Resolution No
	D14164959
	Amending location of where Ordinary Council meetings are held and other minor amendments to update Code.



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27<sup>th</sup> July 2020

Clr. Lisa Matthews Mayor – Central Coast Council 49 Mann Street GOSFORD NSW 2550

#### Re: Relocation of Meetings

Dear Madam Mayor,

I contact you in relation to the decision made in March of this year by Central Coast Council relating to the hosting of all Council meetings at the Council's Wyong Chamber in Hely St.

The GEBC Chamber Board and our members would like to formally advise of our opposition to this decision and register our concerns which relate to this relocation.

In November 2018, after an incident at the Gosford Chambers, all meetings were temporarily moved to the Wyong Office. This change allowed for the Gosford facilities to be upgraded for security purposes which would allow for the return of the alternating meeting schedule.

The upgrade to the Gosford facility was completed at a considerable expense, to allow for the Councillors and staff to feel safe in their place of business. Meetings then later returned to Gosford once the safety audit was completed and changes were made to the building to accommodate the safe operations.

Now, only a few months later, the decision has been made to relocate all meetings back to the Wyong Chamber, again for safety concerns raised.

Our concerns relating to this decision is firstly that this is again seen by the community as a strategic move to make Central Coast Council a north of coast operation. Additionally, a considerable amount of rate payer funds has been expended to address the safety issues at Gosford. This seems now to have not been fit for purpose and failed to address the matter of safety and would on the face of it seem a total waste of time and money.

Our members are seeking an assurance that meetings will be available in the Gosford facility again. To this point, if this is a consideration, what is the timeframe for a return to the facility to allow our Council operations to be accessible to the whole community?

Additionally, what security factors specifically are required to be addressed to facilitate this move back to alternate operations and what is the cost of these security upgrades.

I would welcome any update you are able to provide and look forward to your earliest response.



Rod Dever Chamber President

## growing local business







Circular Details	20-31 / 14 August 2020 / A717113
Previous Circular	20-08 Release of the Guide to Webcasting Council and
	Committee Meetings
Who should read this	Councillors / General Managers / Council Governance Staff
Contact	Council Governance / (02) 4428 4100 / olg@nsw.gov.au
Action required	Council to Implement

## New requirement for councils to retain recordings of meetings on their websites for a minimum of 12 months

#### What's new or changing

- Since 14 December 2019, councils have been required to webcast meetings of the council and committees that comprise only of councillors. The webcasting requirement may be met simply by posting an audio or video recording of the meeting on the council's website.
- The Model Code of Meeting Practice for Local Councils in NSW requires councils to specify in their codes of meeting practice, the minimum time period that a webcast recording will be made publicly available on a council's website but does not prescribe a minimum period.
- Based on NSW State Archives and Records guidance, the Office of Local Government's (OLG) <u>Guide to Webcasting Council and Committee Meetings</u> recommends that webcast recordings of meetings should be retained on councils' websites for a minimum of 12 months.
- The requirement for councils to retain recordings of meetings on their websites for at least 12 months is now prescribed under the *Local Government* (*General*) Regulation 2005.

#### What this will mean for your council

- Councils must amend their codes of meeting practice to require recordings of meetings of the council and committees that comprise only of councillors to be retained on the council's website for 12 months or more if they do not already provide for this.
- Councils are still required to livestream their meetings via an audio-visual link where members of the public are excluded from attending meetings due to COVID-19.

#### Key points

- The amendments to the Regulation require each meeting of a council or committee that comprises only of councillors to be recorded by means of an audio or audio-visual device.
- The recording is to be made publicly available on the council's website at the same time as the meeting is taking place, or as soon as practicable after the meeting.
- The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.

Office of Local Government

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- At the start of each meeting of a council or council committee, the chairperson must inform the persons attending the meeting that the meeting is being recorded and made publicly available on the council's website, and persons attending the meeting should refrain from making any defamatory statements.
- These requirements do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the *Local Government Act* 1993.
- The requirements do not apply to joint organisations.

#### Where to go for further information

• Contact OLG's Council Governance Team by phone on (02) 4428 4100 or by email at <u>olg@olg.nsw.gov.au</u>.



Tim Hurst Deputy Secretary Local Government, Planning and Policy

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Item No:	3.5		
Title:	Investment Report for July and August 2020		
Department: Finance			
28 Septembe	28 September 2020 Ordinary Council Meeting		
Trim Reference: F2004/06604 - D13749449			
Author: Nitin Dang, Senior Accountant			
Manager:	Carlton Oldfield, Acting Chief Financial Officer		



# Central Coast Council

#### Report Purpose

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

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

#### Summary

This report details Council's investments as at 31 July and 31 August 2020.

#### Recommendation

#### That Council receive the Investment Report for July and August 2020.

#### Context

Council's investments are made in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005, the investment policy adopted at the Ordinary Council Meeting on 28 October 2019, Ministerial Investment Order issued February 2011 and

#### Investment Report for July and August 2020 (contd)

Division of Local Government (as it was then known) Investment Policy Guidelines published in May 2010.

#### **Current Status**

3.5

Council's current cash and investment portfolio totals \$325.13 million and \$316.53 million at 31 July and 31 August 2020.

Source of Funds	July 2020 Value (\$'000)	August 2020 Value (\$'000)
Investment Portfolio	\$313,241	\$307,978
Transactional Accounts and Cash in Hand	\$11,917	\$8,547
Total	\$325,131	\$316,525

In July, Council had a net outflow of \$34.69 million, with increase in cash of \$0.31 million and decrease of \$35 million in Investments.

Council had a net outflow of \$8.61 million in August 2020, with decrease in cash of \$3.37 million and decrease of \$5.24 million in Investments.

This investment report will focus primarily on the investment portfolio of \$313.21 million as at 31 July 2020 and \$307.98 as at 31 August 2020. Investment of funds is restricted and thus are managed primarily through term deposit and floating rate note maturities and placements.

Total net return on the portfolio for Council, in July was \$407K and in August was \$402K, comprising entirely of interest earning. The total value of the Council's investment portfolio as at 31 July and August 2020 is outlined in Table 1 below.

#### Table 1 – Portfolio Movement

Council's investments are evaluated and monitored against a benchmark appropriate to the risk (Standard and Poor's BBB long term or above) and time horizon of the investment concerned. Council's investment portfolio includes rolling maturity dates to ensure that Council has sufficient funds at all times to meet its obligations.

Description	2019-20 Financial Year \$'000	Jul-20 2020/21 \$'000	Aug-20 2020/21 \$'000	FYTD 2020/21 \$'000
Opening Balance	445,661	348,210	313,214	348,210
Movement for the period	-97,451	-34,996	-5,236	-40,232
Closing Balance	348,210	313,214	307,978	307,978

Time Horizon	Percentage Holdings	Maturity on or before	Value \$'000		
At Call	20.65%	Immediate	63,593		
Investments					
0 - 3 months	22.73%	Nov-2020	70,007		
4 - 6 months	5.20%	Feb-2021	16,000		
7 - 12 months	14.26%	Aug-2021	43,905		
1 - 2 years	16.28%	Aug-2022	50,152		
2 - 3 years	3.25%	Aug-2023	10,000		
3 - 4 years	4.87%	Aug-2024	15,000		
4 - 5 years	12.77%	Aug-2025	39,320		
Total Investments	79.35%		244,384		
Total Portfolio	100.00%		307,978		

A summary of the term deposit and floating rate notes maturities are listed in Table 2 below. **Table 2 - Investment Maturities as at 31 August 2020** 

The investment portfolio is concentrated in AA above (59.03%), A (8.12%), BBB (24.41%) and Unrated (8.44%).

The investments in AA are of a higher credit rating and BBB represented the best returns at the time of investment within Policy guidelines. Financial institutions issuing fixed income investments and bonds are considered investment grade (IG) if its Long-Term credit rating is BBB or higher by Standard and Poor (S&P).

The weightings for the BBB category have slightly increased above the policy guideline of 20% and as a result we have reweighted some cash holdings in September to rebalance the portfolio.

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

The current spread of investments and counterparty exposure for July 2020 are shown in Graphs 1 and 2 respectively in Attachment 2.

The current spread of investments and counterparty exposure for August 2020 are shown in Graphs 1 and 2 respectively in Attachment 5.

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

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

Council currently holds 9.36% or \$29.31 million in ESG investments as at 31 July 2020.

Council currently holds 9.52% or \$29.32 million in ESG investments as at 31 August 2020.

#### **Portfolio Return**

Interest rates on investments in the month August 2020, ranged from 0.50% to 3.50%, all of which exceeded the monthly Bank Bill Swap Rate (BBSW) benchmark of 0.09%.

The annualised financial year to date return for August 2020 of 1.57% for Central Coast Council is favourable compared to benchmark bank bill swap (BBSW) *financial year to date* Calculated Bank Bill Index of 1.17% as shown in Graph 3 - Portfolio Returns in Attachment 5.

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

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

Source of Funds	Value (\$'000) July 2020	Value (\$'000) August 2020	
Investment Portfolio	\$313,214	\$307,978	
Transactional accounts and cash in hand	\$11,917	\$8,547	
Total	\$325,131	\$316,525	
Restricted Funds	\$434,421	\$434,421	

#### Link to Community Strategic Plan

Theme 4: Responsible

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

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

#### Attachments

1	Summary of Investments by Type as at 31 July 2020	D14191989
2	Investment Report for July 2020 - Graph 1, 2 and 3	D14191996
3	Summary of Investments as at 31 August 2020	D14192000

- **4** Summary of Proposed Restrictions as at 30 June 2020 D14192004
- 5 Investment Report for August 2020 Graph 1, 2 and 3 D14192009

Central Coast Council Summary of Investments as at 31-July-2020							
Financial Institution	Type of Investment	Short Term Rating	Long Term Rating	Maturity Date	Portfolio Balance \$	As a % of the total Portfolio	Interest Rate %
CASH AT CALL:							
Westpac Banking Corporation	Corporate Investment Account	A-1+	AA	Daily	13,487,359	4.31%	1.1
Commonwealth Bank of Australia	Business On-line Saver	A-1+	AA	Daily	36,370,000	4.62%	0.9
AMP limited		A-2	BBB	Daily	15,003,740	4.62%	1.3
Fotal Cash At Call					64,861,099	20.71%	
ERM DEPOSITS, FLOATING RATE NOTES	& BONDS:						
SIRA / Workcover / NSW Treasury	Term Deposit	A-1+	AAA	04-May-2021	8,098,000	2.59%	0.8
Macquarie Bank	Term Deposit	A-1	А	07-Aug-2020	10,000,000	3.19%	1.5
Bendigo and Adelaide Bank	Floating Rate Note	A-2	BBB	18-Aug-2020	4,003,600	1.28%	BBSW +1.10
Rabo Bank	Term Deposit	Unrated	Unrated	07-Sep-2020	5,000,000	1.60%	3.5
National Australia Bank	Term Deposit	A-1+	AA	15-Sep-2020	10,000,000	3.19%	1.5
Bendigo and Adelaide Bank	Term Deposit	A-2	BBB	21-Sep-2020	10,000,000	3.19%	1.6
National Australia Bank	Term Deposit	A-1+	AA	28-Sep-2020	10,000,000	3.19%	1.5
National Australia Bank	Term Deposit	A-1+	AA	06-Oct-2020	10,000,000	3.19%	1.4
National Australia Bank	Term Deposit	A-1+	AA	12-Oct-2020	10,000,000	3.19%	1.4
Suncorp-Metway Limited	Floating Rate Note	A-1	А	20-Oct-2020	4,512, <b>1</b> 05	1.44%	BBSW +1.2
Suncorp-Metway Limited	Floating Rate Note	A-1	A	20-Oct-2020	501,345	0.16%	BBSW +1.2
National Australia Bank	Term Deposit	A-1+	AA	10-Dec-2020	5,000,000	1.60%	2.8
Westpac Banking Corporation	Term Deposit	A-1+	AA	10-Dec-2020	10,000,000	3.19%	2.9
Westpac Banking Corporation	Term Deposit	A-1+	AA	21-Jun-2021	10,000,000	3.19%	3.0
Rabo Bank	Term Deposit	Unrated	Unrated	05-Jul-2021	10,000,000	3.19%	2.9
Bank of Queensland	Term Deposit	A-2	BBB	26-Aug-2021	10,000,000	3.19%	1.7
Nestpac Banking Corporation	Floating Rate Note	A-1+	AA	26-Nov-2021	5,000,000	1.60%	BBSW + 0.93
Newcastle Permanent Building Society	Floating Rate Note	A-2	BBB	24-Jan-2022	10,124,300	3.23%	BBSW + 1.6
Rabo Bank	Term Deposit	Unrated	Unrated	12-Dec-2022	10,000,000	3.19%	3.1
Nestpac Banking Corporation	Floating Rate Note	A-1+	AA	27-Nov-2023	5,000,000	1.60%	BBSW + 0.93
Bank of Queensland	Term Deposit	A-2	BBB	26-Sep-2024	10,000,000	3.19%	2.0
NSW Treasury Corporation	Bonds	A-1+	AAA	20-Mar-2025	2,056,440	0.66%	1.2
NSW Treasury Corporation	Bonds	A-1+	AAA	15-Nov-2028	17,250,000	5.51%	3.0
National Australia Bank	Term Deposit	A-1+	AA	17-Aug-2020	10,000,000	3.19%	1.5
Jnity Bank	Term Deposit	Unrated	Unrated	15-Feb-2021	1,000,000	0.32%	1.6
Australia New Zealand Banking Group	Term Deposit	A-1+	AA	04-Sep-2020	10,000,000	3.19%	1.2
MyState Bank	Term Deposit	A-2	BBB	04-Mar-2021	5,000,000	1.60%	1.6
Bank of Queensland	Term Deposit	A-2	BBB	16-Jun-2025	10,000,000	3.19%	1.5
National Australia Bank	Term Deposit	A-1+	AA	14-Jun-2024	10,000,000	3.19%	1.1
MP limited	Term Deposit	A-2	BBB	14-Jun-2022	5,000,000	1.60%	1.4
NSW Treasury Corporation	Term Deposit	A-1+	AAA	04-Jun-2021	807,000	0.26%	1.0
Macquarie Bank	Term Deposit	A-1	A	12-Oct-2021	10,000,000	3.07%	0.8
Total Term Deposit & Bonds:					248,352,790	79.29%	
TOTAL PORTFOLIO					313,213,889	100.00%	

Current	208,783,149	66.66%	
Non-Current	104,430,740	33.34%	
TOTAL PORTFOLIO	313,213,889	100.00%	

## Graph 1 – Credit Exposure



Current Allocation

### **Graph 2 – CounterParty Exposure**



# **CounterParty Exposure**
# Graph 3 – Portfolio Retun

# **Portfolio Return**



Attachment 3

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		Central Summary of Inve	Coast Cound stments as a	cil	innury of investme		
Financial Institution	Type of Investment	Short Term Rating	Long Term Rating	Maturity Date	Portfolio Balance \$	As a % of the total Portfolio	Interest Rate %
CASH AT CALL:							
Westpac Banking Corporation	Corporate Investment Account	A-1+	AA	Daily	19,290,581	6.26%	1.10%
Commonwealth Bank of Australia	Business On-line Saver	A-1+	AA	Daily	29,270,000	4.62%	0.90%
AMP limited		A-2	BBB	Daily	15,032,836	4.62%	1.30%
Total Cash At Call					63,593,417	20.65%	
TERM DEPOSITS, FLOATING RATE NOTES	& BONDS:						
SIRA / Workcover / NSW Treasury	Term Deposit	A-1+	AAA	04-May-2021	8,098,000	2.63%	0.84%
Rabo Bank	Term Deposit	Unrated	Unrated	07-Sep-2020	5,000,000	1.62%	3.50%
National Australia Bank	Term Deposit	A-1+	AA	15-Sep-2020	10,000,000	3.25%	1.55%
Bendigo and Adelaide Bank	Term Deposit	A-2	BBB	21-Sep-2020	10,000,000	3.25%	1.62%
National Australia Bank	Term Deposit	A-1+	AA	28-Sep-2020	10,000,000	3.25%	1.50%
National Australia Bank	Term Deposit	A-1+	AA	06-Oct-2020	10,000,000	3.25%	1.48%
National Australia Bank	Term Deposit	A-1+	AA	12-Oct-2020	10,000,000	3.25%	1.48%
Suncorp-Metway Limited	Floating Rate Note	A-1	A	20-Oct-2020	4,506,480	1.46%	BBSW +1.25%
Suncorp-Metway Limited	Floating Rate Note	A-1	A	20-Oct-2020	500,720	0.16%	BBSW +1.25%
National Australia Bank	Term Deposit	A-1+	AA	10-Dec-2020	5,000,000	1.62%	2.80%
Westpac Banking Corporation	Term Deposit	A-1+	AA	10-Dec-2020	10,000,000	3.25%	2.90%
Westpac Banking Corporation	Term Deposit	A-1+	AA	21-Jun-2021	10,000,000	3.25%	3.06%
Rabo Bank	Term Deposit	Unrated	Unrated	05-Jul-2021	10,000,000	3.25%	2.92%
Bank of Queensland	Term Deposit	A-2	BBB	26-Aug-2021	10,000,000	3.25%	1.75%
Westpac Banking Corporation	Floating Rate Note	A-1+	AA	26-Nov-2021	5,000,000	1.62%	BBSW + 0.93%
Newcastle Permanent Building Society	Floating Rate Note	A-2	BBB	24-Jan-2022	10,151,900	3.30%	BBSW + 1.65%
Rabo Bank	Term Deposit			12-Dec-2022	10,000,000	3.25%	3.18%
		Unrated	Unrated				
Westpac Banking Corporation	Floating Rate Note	A-1+	AA	27-Nov-2023	5,000,000	1.62%	BBSW + 0.93%
Bank of Queensland	Term Deposit	A-2	BBB	26-Sep-2024	10,000,000	3.25%	2.00%
NSW Treasury Corporation	Bonds	A-1+	AAA	20-Mar-2025	2,064,280	0.67%	1.25%
NSW Treasury Corporation	Bonds	A-1+	AAA	15-Nov-2028	17,255,850	5.60%	3.00%
Unity Bank	Term Deposit	Unrated	Unrated	15-Feb-2021	1,000,000	0.32%	1.65%
Australia New Zealand Banking Group	Term Deposit	A-1+	AA	04-Sep-2020	10,000,000	3.25%	1.21%
MyState Bank	Term Deposit	A-2	BBB	04-Mar-2021	5,000,000	1.62%	1.50%
Bank of Queensland	Term Deposit	A-2	BBB	16-Jun-2025	10,000,000	3.25%	1.53%
National Australia Bank	Term Deposit	A-1+	AA	14-Jun-2024	10,000,000	3.25%	1.15%
AMP limited	Term Deposit	A-2	BBB	14-Jun-2022	5,000,000	1.62%	1.40%
NSW Treasury Corporation	Term Deposit	A-1+	AAA	04-Jun-2021	807,000	0.26%	1.00%
Macquarie Bank	Term Deposit	A-1	А	12-Oct-2021	10,000,000	3.07%	0.80%
Macquarie Bank	Term Deposit	A-1	А	06-Nov-2020	10,000,000	3.07%	0.50%
National Australia Bank	Term Deposit	A-1+	AA	16-Nov-2020	10,000,000	3.07%	0.58%
Total Term Deposit & Bonds:					244 224 220	79.35%	
TOTAL PORTFOLIO					244,384,230 307,977,647	100.00%	
					507,377,047	100.00%	
Current					213,505,617	69.33%	
Non-Current					94,472,030	30.67%	
TOTAL PORTFOLIO					307,977,647	100.00%	

		Jun-2
FUND	SOURCE	Principal Amoun \$'000
GENERAL FUND	Developer contributions	93,43
	Developer contributions – bonus provisions	5,40
	Developer Contributions – Sec 94A Levy	17,52
	Developer contributions – VPA	2,67
	Specific purpose unexpended grants	7,81
	Self insurance claims	6,53
	Stormwater Levy	76
	RMS Advance	
	Holiday Parks	11,42
	Cemeteries	66
	Coastal Open Space	6,53
	Bio Banking	28
	Crown Land Business Enterprises	1,00
	Crown Land Patonga Camping Ground	82
	Other External	24
	Terrigal Tourism Special Rate Levy	82
	Tourism Special Rate	2,4
	Gosford CBD Special Rate Levy	:
	Gosford Parking Station Special Rate Levy	1,12
	The Entrance Town Centre Special Rate Levy	
	Toukley Town Centre Special Rate Levy	
	Wyong Town Centre Special Rate Levy	
	TOTAL GENERAL FUND RESTRICTIONS	159,65
Water FUND	Developer contributions	27,5
	Developer contributions – VPA	1,04
	Specific purpose unexpended grants	2,70
	Self insurance claims	1,20
	Other External	
	TOTAL WATER FUND RESTRICTIONS	32,53
SEWER FUND	Developer contributions	20,03
	Developer contributions – VPA	49
	Self insurance claims	2,02
	TOTAL SEWER FUND RESTRICTIONS	22,54
DRAINAGE FUND	Developer contributions	34,58
	Developer contributions – VPA	1,35
	Specific purpose unexpended grants	87
	Other External	10
	TOTAL DRAINAGE FUND RESTRICTIONS	36,91
OMESTIC WASTE FUND	Specific purpose unexpended grants	1,05
	Domestic Waste Management	71,13
	TOTAL WASTE FUND RESTRICTIONS	72,1
	TOTAL EXTERNALLY RESTRICTED FUNDS	323,83

# SUMMARY OF RESTRICTIONS as at 30 June 2020

INTERNALLY RESTRICTED FUNDS								
DOMESTIC WASTE FUND		0						
DRAINAGE FUND		55						
SEWER FUND		877						
Water FUND		1,026						
GENERAL FUND		108,627						

Graph 1 – Credit Exposure



Current Allocation Maximum Allocation

Graph 2 – CounterParty Exposure



**CounterParty Exposure** 

Graph 3 – Portfolio Retun

# **Portfolio Return**



Item No:	3.6					
Title:	Adoption of amendments to 2020-21 Fees and Charges					
Department	: Finance					
28 Septembe	er 2020 Ordinary Council Meeting					
Trim Reference:	F2019/01964 - D14111708					
Author:	Mellissa McKee, Financial Controller					
Manager:	enne Louie, Unit Manager, Financial Performance					

Gary Murphy, Chief Executive Officer

#### **Report Purpose**

Executive:

Council's 2020-21 Fees and Charges were adopted at the extraordinary meeting of Council on 29 June 2020.

Central Coast Council

Subsequent to the adoption of the 2020-21 Fees and Charges, at its Ordinary meeting of 27 July 2020 Council proposed two new fees and a number of amendments to the adopted Fees and Charges that required public exhibition prior to adoption.

In accordance with Sections 610F and 705 of the *Local Government Act 1993*, the proposed new fees and amendments were placed on public exhibition for a period of 28 days to allow for public comment.

This report advises that no submissions were received during the public exhibition period for Council to consider and to recommend that Council approve the proposed fees.

#### Recommendation

- 1 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.
- 2 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.
- 3 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.

#### Context

Council's 2020-21 Fees and Charges were adopted extraordinary meeting of Council on 29 June 2020.

At the ordinary meeting of 27 July 2020 Council resolved to place two new fees and some proposed amendments to the 2020-21 Fees and Charges on public exhibition for a 28 day period.

- 690/20 10. That Council endorse, for public exhibition pursuant to s. 610F of the Local Government Act 1993, the proposed amendments to Fees and Charges 2020- 21 as set out in Attachment 6 to this report.
- 691/20 11. That Council note for proposed fees subject of resolution 10 have not been adopted and that a further report will be presented to Council after the public exhibition of those fees has been completed.

The proposed amended fees were publicly exhibited from 30 July 2020 to 26 August 2020. The exhibition was undertaken in accordance with legislative requirements including electronic exhibition on Council's website and copies were available at all of Council's Customer Contact Centres and Libraries.

#### **Exhibited Fees and Charges**

- 1 Subsequent to the adoption of the 2020-21 Fees and Charges and Councillor workshop on 4 July 2020 fees within the Environment and Certification Unit were reviewed to assess the potential for increased revenue opportunities. The proposed amendments will favourably contribute to the 2020-21 financial result by approximately \$100,000 and represent on average a 5% increase over 2019-20 fees.
- 2 Two new fees were also proposed for consideration for Central Coast Regional Sporting Complex. The proposed fees are for half day hire (as opposed to full day hire) that will allow for T20 (shorter duration) cricket matches to be played.

A copy of the proposed changes to 2020-21 Fees and Charges that have been exhibited are included as Attachment 1.

#### **Current Status**

No submissions were received during the exhibition period for Council to consider.

#### Consultation

During the exhibition period the proposed new and amended Fees and Charges were available at Council's Customer Contact Centres and Libraries and on Council's website.

#### Options

Council can determine to adopt or not adopt the proposed amendments to the 2020-21 Fees and Charges.

#### **Financial Impact**

The endorsement of the proposed amendments to the 2020-21 Fees and Charges was factored into the 2020-21 Operational Plan budget adopted by Council on 27 July 2020. The favourable impact was estimated to be approximately \$100,000.

#### Link to Community Strategic Plan

Theme 4: Responsible

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

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

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

The approval of the proposed amendments to the 2020-21 Fees and Charges will allow them to be implemented and additional income to be recognised in 2020-21.

#### Attachments

1 Proposed amendments to 2020-21 Fees and Charges D14144964

3.6

	2020-21 SCHEDUL			CHARGES A harges - Exhibiti		NTS		Attachment 1
2020-21 Item Number	Description of Fees and Charges	Unit of Measurement	Price Category		2020-21 Central Coast Council Fee	GST @ 10% Remitted to ATO (if applicable)	Proposed 2020-21 Fee (GST inclusive where applicable)	Comments
1	1. ABANDONED AND SEIZED ITEM							
0001	RELEASE Motor vehicle release fee	Per vehicle	4	\$340.00	\$352.00	\$0.00	\$352.00	This represents an overall increase
0002	Release of impounded articles (excluding signs)	Per article	4	\$82.00		\$0.00		5% on 2019-20 fee This represents an overall increase
	19 N 8 8 6							5% on 2019-20 fee
0003 2	Release of impounded advertising signs 2. ACTIVE OPEN SPACE (SPORTS	Per sign	4	\$72.00	\$74.00	\$0.00	\$74.00	This represents an overall increase 6% on 2019-20 fee
-	FACILITIES, PARKS, RESERVES AND BEACHES)							
	CENTRAL COAST REGIONAL SPORTING COMPLEX							
	Oval Hire - Ovals 12, 34 and 67 (per oval) (including Turf Cricket Pitch)							
NEW		Per half day	5	\$0.00	\$155.64	\$15.56	\$171.20	NEW Fee to allow for T20 Cricket
100.00000	Pitch)					1.47 Marca Products		
NEW 4	Half Day Hire (up to 4 hours) 4. ANIMAL CONTROL AND LIFETIME	Per half day	5	\$0.00	\$223.64	\$22.36	\$246.00	NEW Fee to allow for T20 Cricket
	REGISTRATION							
0183	Seizure release fee for registered dogs/cats Same day	Per animal	5	\$41.00	\$42.00	\$0.00	\$42.00	This represents an overall increase 5% on 2019-20 fee Comparing this fee to other Council for bench marking purposes: \$43 - Hornsby Shire Council \$54 - Lake Macquarie City Council
0184	1 to 3 nights	Per animal	5	\$69.00	\$77.00	\$0.00	\$77.00	This represents an overall increase 13% on 2019-20 fee Based on 3 nights at the Animal Ca Facility the average cost per night is \$25.67
0185	4 to 8 nights	Per animal	5	\$199.00	\$205.00	\$0.00	\$205.00	This represents an overall increase 5% on 2019-20 fee Based on 8 nights at the Animal Ca Facility the average cost per night is \$25.63
0186		Per animal	5	\$244.00	\$252.00	\$0.00	\$252.00	This represents an overall increase 5% on 2019-20 fee Based on 14 nights at the Animal C Facility the average cost per night is \$18.00
0188	Impounding - other animals Animal holding and release	Per animal per	5	\$51.00	\$53.00	\$0.00	\$53.00	This represents an overall increase
0189		day Per animal per	3	\$49.00	\$51.00	\$0.00	\$51.00	6% on 2019-20 fee This represents an overall increase
0191		day Per animal	4	\$127.00		\$0.00	Vol. 4. Converse	6% on 2019-20 fee This represents an overall increase
				100×235 11 00140	11110 8101101010	Statemen Weiter 199	0.0000000000000000000000000000000000000	6% on 2019-20 fee
0192	holding facility)	Per kilometre	3	\$15.50	\$16.00	\$0.00	\$16.00	This represents an overall increase 6% on 2019-20 fee
0193	Sundry services Dangerous dog enclosure compliance certificate	Per inspection	1	\$150.00	\$158.00	\$0.00	\$158.00	This represents an overall increase
0194	Processing of identification/microchipping forms and all relevant papenwork for the Companion Animals Register (C.A.R) for organisations that have access to and can complete data entry on the C.A.R	Per form	5	\$10.00	\$11.00	\$0.00	\$11.00	5% on 2019-20 fee This represents an overall increase 10% on 2019-20 fee The percentage increase is higher a the 2019-20 fee was \$10 and the proposed increase for 2020-21 is \$
9	9. CERTIFICATES							
	Certificates and Other Approvals Caravan Parks, Manufactured Home Estates and Camping Grounds Under Section 68 of the Local							
0608		Per certificate	1	\$65.00	\$68.00	\$0.00	\$68.00	This represents an overall increase
0609	manufactured home and associated structure Inspection and Certificate of Completion for associated	Per certificate	1	\$32.50	\$35.00	\$0.00	\$35.00	5% on 2019-20 fee This represents an overall increase
	structure not included in certificate of completion for manufactured home							8% on 2019-20 fee The percentage increase is higher the 2019-20 fee was \$32.50 and th proposed increase for 2020-21 is \$2.50
0610	Install a manufactured home, moveable dwelling or associated structure on land associated with a Manufactured Home Estate, Camping Ground or Caravan Park	Per certificate	2	\$102.00	\$105.00	\$0.00	\$105.00	This represents an overall increase 5% on 2019-20 fee
0611	La contraction de la contracticita de la contractita de la contractita de la con	Per certificate	2	\$240.00	\$210.00	\$0.00	\$210.00	This represents an overall increase 5% on 2019-20 fee
0612		Per certificate	2	\$295.00	\$305.00	\$0.00	\$305.00	This represents an overall increase
0613		Per certificate	2	\$408.00	\$420.00	\$0.00	\$420.00	5% on 2019-20 fee This represents an overall increase
0614	100 of Local Government Act 1993) Application to extend or renew approval (under Section		2	\$255.00				5% on 2019-20 fee This represents an overall increase
	107 of Local Government Act 1993)		274					5% on 2019-20 fee

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	2020-21 SCHEDUL			15		Attachment 1		
2020-21	Description of Fees and Charges	Unit of	ees and CI Price	narges - Exhibitio	n Required 2020-21 Central	GST @ 10%	Proposed 2020-21	Comments
ltem Number	Description of rees and charges	Measurement	Category	Fee (GST inclusive where applicable)	Coast Council Fee	Remitted to ATO (if applicable)	Field CST inclusive where applicable)	Comments
	Manufactured Home, Moveable Dwelling and Associated Structures (on land not in a manufactured home estate, camp ground or caravan park) Under Section 68 of the Local Government Act 1993							
0615	Lodgement of application to install a manufactured home on a residential property	Per application	2	\$357.00	\$368.00	\$0.00	\$368.00	This represents an overall increase 5% on 2019-20 fee
0616		Per application	2	\$300.00	\$3 10.00	\$0.00	\$310.00	This represents an overall increase 5% on 2019-20 fee
0617		Per application	2	\$408.00	\$420.00	\$0.00	\$420.00	This represents an overall increase 5% on 2019-20 fee
0618	Application to extend or renew approval (under Section	Per application	2	\$239.00	\$247.00	\$0.00	\$247.00	This represents an overall increase 5% on 2019-20 fee
0619	107 of Local Government Act 1993) Inspection of manufactured home, moveable dwelling and/or associated structure during installation	Per inspection	2	\$239.00	\$247.00	\$0,00	\$247.00	5% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee
	Swimming Pools							
0620	Swimming Pool certification Swimming pool application for exemption	Per application	1	\$250.00	\$263.00	\$0.00	\$263.00	This represents an overall increase
0621	Swimming pools inspection (public pools)	Per property	3	\$182.00	\$188.00	\$0.00	\$188.00	5% on 2019-20 fee This represents an overall increase
	Swimming Pool Compliance Certificate Inspection (private pools)					-100001711		5% on 2019-20 fee
0622		Per property	1	\$150.00	\$143.64	\$14.36		This represents an overall increase 5% on 2019-20 fee
0623	Subsequent inspection	Per property	1	\$100.00	\$95.45	\$9.55		This represents an overall increase 5% on 2019-20 fee
0625	Resuscitation signs for swimming pools	Per item	4	\$34.00	\$31.82	\$3.18	\$35.00	This represents an overall increase 6% on 2019-20 fee
	APPLICATIONS Development Control Plans Fee for a Construction Certificate, mandatory inspections and issue of the Occupation Certificate							
0777	Development Control Plans Fee for a Construction Certificate, mandatory inspections and issue of the Occupation Certificate Class 1 and 10 buildings	Der application	2	¢4 200 00	¢4.44E.4E	ф114 БЕ	\$4,250,00	This concounts on averall increase
0990.077.00	Development Control Plans Fee for a Construction Certificate, mandatory inspections and issue of the Occupation Certificate Class 1 and 10 buildings Swimming pools	Per application	3	\$1,200.00	\$1,145.45	\$114.55		5% on 2019-20 fee
0778	Development Control Plans Fee for a Construction Certificate, mandatory inspections and issue of the Occupation Certificate Class 1 and 10 buildings Swimming pools Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost up to \$10,000	Per application	3	\$800.00	\$763.64	\$76.36	\$840.00	5% on 2019-20 fee Amend adopted 2020-21 fee - this is a new fee for 2020-21
0778	Development Control Plans Fee for a Construction Certificate, mandatory inspections and issue of the Occupation Certificate Class 1 and 10 buildings Swimming pools Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost up to \$10,000	2 - 19 - 19 - 19 - 19 - 19 - 19 - 19 - 1		12)			\$840.00	5% on 2019-20 fee Amend adopted 2020-21 fee - this is a new fee for 2020-21
0778 0779	Development Control Plans           Fee for a Construction Certificate, mandatory inspections and issue of the Occupation Certificate           Class 1 and 10 buildings           Swimming pools           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost up to \$10,000           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost up to \$10,000           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost between \$10,001 and \$30,000           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost between \$10,001 and \$30,000	Per application	3	\$800.00	\$763.64	\$76.36	\$840.00 \$1,260.00 \$1,470.00	5% on 2019-20 fee Amend adopted 2020-21 fee - this is a new fee for 2020-21 Amend adopted 2020-21 fee - this is a new fee for 2020-21
0778 0779 0780	Development Control Plans           Fee for a Construction Certificate, mandatory inspections and issue of the Occupation Certificate           Class 1 and 10 buildings           Swimming pools           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost up to \$10,000           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost between \$10,001 and \$30,000           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost between \$10,001 and \$30,000           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost over \$30,001	Per application Per application	3	\$800.00 \$1,200.00	\$763.64 \$1,145.45	\$76.36 \$114.55	\$840.00 \$1,260.00 \$1,470.00	5% on 2019-20 fee Amend adopted 2020-21 fee - this is a new fee for 2020-21 Amend adopted 2020-21 fee - this is a new fee for 2020-21 This represents an overall increase 5% on 2019-20 fee
0778 0779 0780 0782	Development Control Plans Fee for a Construction Certificate, mandatory inspections and issue of the Occupation Certificate Class 1 and 10 buildings Swimming pools Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost up to \$10,000 Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost between \$10,001 and \$30,000 Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost over \$10,001 and \$30,000 Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost over \$30,001 Additions to a dwelling with a construction cost of \$350,001 to \$700,000	Per application Per application Per application	3 3 3	\$800.00 \$1,200.00 \$1,400.00	\$763.64 \$1,145.45 \$1,336.36	\$76.36 \$114.55 \$133.64	\$840.00 \$1,260.00 \$1,470.00 \$2,100.00	5% on 2019-20 fee Amend adopted 2020-21 fee - this is a new fee for 2020-21 Amend adopted 2020-21 fee - this is a new fee for 2020-21 This represents an overall increase 5% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee
0778 0779 0780 0782 0783	Development Control Plans           Fee for a Construction Certificate, mandatory inspections and issue of the Occupation Certificate           Class 1 and 10 buildings           Swimming pools           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost up to \$10,000           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost between \$10,001 and \$30,000           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost over \$30,001           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost over \$30,001           Additions to a dwelling with a construction cost of \$350,001 to \$700,000           Additions to a dwelling with a construction cost of \$700,001 to \$1,500,000	Per application Per application Per application Per application	3 3 3 3 3	\$800.00 \$1,200.00 \$1,400.00 \$2,000.00	\$763.64 \$1,145.45 \$1,336.36 \$1,909.09	\$76.36 \$114.55 \$133.64 \$190.91	\$840.00 \$1,260.00 \$1,470.00 \$2,100.00 \$2,500.00	5% on 2019-20 fee Amend adopted 2020-21 fee - this is a new fee for 2020-21 Amend adopted 2020-21 fee - this is a new fee for 2020-21 This represents an overall increase 5% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee This represents an overall increase 4% on 2019-20 fee
0778 0779 0780 0782 0783 0785	Development Control Plans           Fee for a Construction Certificate, mandatory inspections and issue of the Occupation Certificate           Class 1 and 10 buildings           Swimming pools           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost up to \$10,000           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost between \$10,001 and \$30,000           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost over \$30,001 Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost over \$30,001 Additions to a dwelling with a construction cost of \$350,001 to \$700,000           Additions to a dwelling with a construction cost of \$700,001 to \$1,500,000           Single dwellings with a construction cost up to	Per application	3 3 3 3 3 3	\$800.00 \$1,200.00 \$1,400.00 \$2,000.00 \$2,400.00	\$763.64 \$1,145.45 \$1,336.36 \$1,909.09 \$2,272.73	\$76.36 \$114.55 \$133.64 \$190.91 \$227.27	\$840.00 \$1,260.00 \$1,470.00 \$2,100.00 \$2,500.00 \$2,310.00	5% on 2019-20 fee Amend adopted 2020-21 fee - this is a new fee for 2020-21 Amend adopted 2020-21 fee - this is a new fee for 2020-21 This represents an overall increase 5% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee This represents an overall increase 4% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee
0778 0779 0780 0782 0783 0785 0786	Development Control Plans           Fee for a Construction Certificate, mandatory inspections and issue of the Occupation Certificate           Class 1 and 10 buildings           Swimming pools           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost up to \$10,000           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost between \$10,001 and \$30,000           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost over \$30,001           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost over \$30,001           Additions to a dwelling with a construction cost of \$350,001 to \$700,000           Additions to a dwelling with a construction cost of \$350,000           Single dwellings with a construction cost of \$350,001 to \$700,000           Single dwellings with a construction cost of \$350,001 to \$700,000	Per application	3 3 3 3 3 3 3	\$800.00 \$1,200.00 \$1,400.00 \$2,000.00 \$2,400.00 \$2,200.00	\$763.64 \$1,145.45 \$1,336.36 \$1,909.09 \$2,272.73 \$2,100.00	\$76.36 \$114.55 \$133.64 \$190.91 \$227.27 \$210.00	\$840.00 \$1,260.00 \$1,470.00 \$2,100.00 \$2,500.00 \$2,310.00 \$2,600.00	5% on 2019-20 fee Amend adopted 2020-21 fee - this is a new fee for 2020-21 Amend adopted 2020-21 fee - this is a new fee for 2020-21 This represents an overall increase 5% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee This represents an overall increase 4% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee This represents an overall increase 4% on 2019-20 fee This represents an overall increase 4% on 2019-20 fee
0778 0779 0780 0782 0783 0785 0785 0786	Development Control Plans           Fee for a Construction Certificate, mandatory inspections and issue of the Occupation Certificate           Class 1 and 10 buildings           Swimming pools           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost up to \$10,000           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost between \$10,001 and \$30,000           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost over \$30,001           Atdathed and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost over \$30,001           Additions to a dwelling with a construction cost of \$350,001 to \$700,000           Single dwellings with a construction cost up to \$350,000           Single dwellings with a construction cost of \$350,001 to \$700,000           Single dwellings with a construction cost of \$350,001 to \$350,000           Single dwellings with a construction cost of \$350,001 to \$350,000           Single dwellings with a construction cost of \$350,001 to \$350,000	Per application	3 3 3 3 3 3 3 3	\$800.00 \$1,200.00 \$1,400.00 \$2,000.00 \$2,200.00 \$2,200.00 \$2,500.00	\$763.64 \$1,145.45 \$1,336.36 \$1,909.09 \$2,272.73 \$2,100.00 \$2,363.64	\$76.36 \$114.55 \$133.64 \$190.91 \$227.27 \$210.00 \$236.36	\$840.00 \$1,260.00 \$1,470.00 \$2,100.00 \$2,500.00 \$2,310.00 \$2,600.00 \$2,900.00	5% on 2019-20 fee Amend adopted 2020-21 fee - this is a new fee for 2020-21 Amend adopted 2020-21 fee - this is a new fee for 2020-21 This represents an overall increase 5% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee This represents an overall increase 4% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee This represents an overall increase 4% on 2019-20 fee
0778 0779 0780 0782 0783 0785 0785 0786 0787 0790	Development Control Plans         Fee for a Construction Certificate, mandatory         inspections and issue of the Occupation Certificate         Class 1 and 10 buildings         Swimming pools         Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost up to \$10,000         Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost up to \$10,001 and \$30,000         Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost oper \$30,001         Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost over \$30,001         Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost of \$350,001         Additions to a dwelling with a construction cost of \$350,000         Single dwellings with a construction cost up to \$350,000         Single dwellings with a construction cost of \$350,001 to \$700,000         Single dwellings with a construction cost of \$350,001 to \$1,500,000         Dual Occupancy dwellings         Additional fee for developments which include a detached class 10a building with the dwelling (for example: pool)	Per application	3 3 3 3 3 3 3 3 3 3	\$800.00 \$1,200.00 \$1,400.00 \$2,000.00 \$2,400.00 \$2,200.00 \$2,500.00 \$2,800.00	\$763.64 \$1,145.45 \$1,336.36 \$1,909.09 \$2,272.73 \$2,100.00 \$2,363.64 \$2,636.36	\$76.36 \$114.55 \$133.64 \$190.91 \$227.27 \$210.00 \$236.36 \$263.64	\$840.00 \$1,260.00 \$1,470.00 \$2,100.00 \$2,500.00 \$2,310.00 \$2,600.00 \$2,900.00	5% on 2019-20 fee Amend adopted 2020-21 fee - this is a new fee for 2020-21 Amend adopted 2020-21 fee - this is a new fee for 2020-21 This represents an overall increase 5% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee This represents an overall increase 4% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee This represents an overall increase 4% on 2019-20 fee
0778 0779 0780 0782 0783 0785 0785 0786 0787 0790 0792	Development Control Plans           Fee for a Construction Certificate, mandatory inspections and issue of the Occupation Certificate           Class 1 and 10 buildings           Swimming pools           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost up to \$10,000           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost up to \$10,000           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost between \$10,001 and \$30,000           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost over \$30,001           Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost over \$30,001           Additions to a dwelling with a construction cost of \$350,000           Single dwellings with a construction cost up to \$350,000           Single dwellings with a construction cost of \$350,001 to \$700,000           Single dwellings with a construction cost of \$350,001 to \$1,500,000           Dual Occupancy dwellings           Additional fee for developments which include a detached class 10a building with the dwelling (for	Per application	3 3 3 3 3 3 3 3 3 3 3	\$800.00 \$1,200.00 \$1,400.00 \$2,000.00 \$2,400.00 \$2,200.00 \$2,500.00 \$2,800.00 \$2,800.00	\$763.64 \$1,145.45 \$1,336.36 \$1,909.09 \$2,272.73 \$2,100.00 \$2,363.64 \$2,636.36 \$2,636.36	\$76.36 \$114.55 \$133.64 \$190.91 \$227.27 \$210.00 \$236.36 \$263.64 \$263.64	\$840.00 \$1,260.00 \$1,470.00 \$2,100.00 \$2,500.00 \$2,500.00 \$2,600.00 \$2,900.00 \$2,900.00 \$2,900.00	Amend adopted 2020-21 fee - this is a new fee for 2020-21 Amend adopted 2020-21 fee - this is a new fee for 2020-21 This represents an overall increase 5% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee This represents an overall increase 4% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee This represents an overall increase 4% on 2019-20 fee
07777 0778 0779 0780 0780 0782 0783 0785 0785 0785 0785 0786 0787 0790 0792 0792	Development Control Plans         Fee for a Construction Certificate, mandatory         inspections and issue of the Occupation Certificate         Class 1 and 10 buildings         Swimming pools         Attached and detached Class 10 buildings (for         example: garages, sheds, carports, outbuildings,         decks) with a construction cost up to \$10,000         Attached and detached Class 10 buildings (for         example: garages, sheds, carports, outbuildings,         decks) with a construction cost between \$10,001 and         \$30,000         Attached and detached Class 10 buildings (for         example: garages, sheds, carports, outbuildings,         decks) with a construction cost or \$30,001         Atdathed and detached Class 10 buildings (for         example: garages, sheds, carports, outbuildings,         decks) with a construction cost or \$30,001         Additions to a dwelling with a construction cost of         Additions to a dwelling with a construction cost of         \$350,000       Single dwellings with a construction cost of \$350,001 to         Single dwellings with a construction cost of \$350,001 to         \$1,500,000 <td>Per application Per application</td> <td>3 3 3 3 3 3 3 3 3 3 3 3 3</td> <td>\$800.00 \$1,200.00 \$1,400.00 \$2,000.00 \$2,400.00 \$2,200.00 \$2,500.00 \$2,800.00 \$2,800.00 \$2,800.00</td> <td>\$763.64 \$1,145.45 \$1,336.36 \$1,909.09 \$2,272.73 \$2,100.00 \$2,363.64 \$2,636.36 \$2,636.36 \$427.27</td> <td>\$76.36 \$114.55 \$133.64 \$190.91 \$227.27 \$210.00 \$236.36 \$263.64 \$263.64 \$263.64</td> <td>\$840.00 \$1,260.00 \$1,470.00 \$2,100.00 \$2,500.00 \$2,310.00 \$2,900.00 \$2,900.00 \$2,900.00 \$470.00 \$480.00</td> <td>5% on 2019-20 fee Amend adopted 2020-21 fee - this is a new fee for 2020-21 Amend adopted 2020-21 fee - this is a new fee for 2020-21 This represents an overall increase 5% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee This represents an overall increase 4% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee This represents an overall increase 4% on 2019-20 fee</td>	Per application	3 3 3 3 3 3 3 3 3 3 3 3 3	\$800.00 \$1,200.00 \$1,400.00 \$2,000.00 \$2,400.00 \$2,200.00 \$2,500.00 \$2,800.00 \$2,800.00 \$2,800.00	\$763.64 \$1,145.45 \$1,336.36 \$1,909.09 \$2,272.73 \$2,100.00 \$2,363.64 \$2,636.36 \$2,636.36 \$427.27	\$76.36 \$114.55 \$133.64 \$190.91 \$227.27 \$210.00 \$236.36 \$263.64 \$263.64 \$263.64	\$840.00 \$1,260.00 \$1,470.00 \$2,100.00 \$2,500.00 \$2,310.00 \$2,900.00 \$2,900.00 \$2,900.00 \$470.00 \$480.00	5% on 2019-20 fee Amend adopted 2020-21 fee - this is a new fee for 2020-21 Amend adopted 2020-21 fee - this is a new fee for 2020-21 This represents an overall increase 5% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee This represents an overall increase 4% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee This represents an overall increase 4% on 2019-20 fee

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		Attachment 1						
				harges - Exhibition				<b>r</b>
2020-21 Item Number	Description of Fees and Charges	Unit of Measurement	Price Category	Current 2020-21 Fee (GST inclusive where applicable)	2020-21 Central Coast Council Fee	GST @ 10% Remitted to ATO (if applicable)	Proposed 2020-21 Fee (GST inclusive where applicable)	Comments
	Fee for a Complying Development Certificate, mandatory inspections and issue of the Occupation Certificate							
	Class 1 and 10 buildings						-	
	Direct benchmarking is difficult due to the different meth	odologies in calcula	ating fees for	Complying Develop	ment Certificates.	To enable a comp	arison we have calcula	ted the fees based on the following:
				Central Coast Council	Lake Macquarie City Council	Hornsby Shire Council		
	Residential cottage on a residential lot, value \$450 000			\$2,600.00	\$2,100.00	\$2,876.00		
	Residential cottage additions or alterations on a residen	tial lot. value \$125	000	\$1,800.00	o-sumaines-	\$1,960.00	·	
			T T	+ 1,000.00		• 1,000,00		
0800	Demolition of dwelling and outbuildings	Per assessment	3	\$500.00	2015-303-04 MARIE			This represents an overall increase 5% on 2019-20 fee
0801	Swimming pool	Per application	3	\$1,300.00	\$1,236.36	\$123.64	\$1,360.00	This represents an overall increase 5% on 2019-20 fee
0802	Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings,	Per application	3	\$1,300.00	\$1,240.91	\$124.09	\$1,365.00	This represents an overall increase 5% on 2019-20 fee
0803	decks) with a construction cost up to \$10,000 Attached and detached Class 10 buildings (for example: garages, sheds, carports, outbuildings, decks) with a construction cost from \$10,001 to	Per application	3	\$1,500.00	\$1,431.82	\$143,18	\$1,575.00	This represents an overall increase 5% on 2019-20 fee
0805	\$30,000 Additions to a dwelling with a construction cost up to \$350,000	Per application	3	\$1,800.00	\$1,527.27	\$152.73	\$1,680.00	Change in fee as the range for construction cost has been changed
0806	Additions to a dwelling with a construction cost of \$350,001 to \$700,000	Per application	3	\$2,200.00	\$2,100.00	\$210.00	\$2,310.00	This represents an overall increase 5% on 2019-20 fee
0807	Additions to a dwelling with a construction cost of	Per application	3	\$2,600.00	\$2,481.82	\$248.18	\$2,730.00	This represents an overall increase
0809	\$700,001 to \$1,500,000 Single dwellings with a construction cost up to \$350,000	Per application	3	\$2,400.00	\$2,290.91	\$229.09	\$2,520.00	5% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee
0810	Single dwellings with a construction cost of \$350,001 to \$700,000	Per application	3	\$2,600.00	\$2,481.82	\$248.18	\$2,730.00	This represents an overall increase 5% on 2019-20 fee
0811	Single dwellings with a construction cost of \$700,001 to \$1,500,000	Per application	3	\$2,900.00		and a standard standard standard		This represents an overall increase 5% on 2019-20 fee
0813	Secondary dwellings	Per application	3	\$2,400.00	\$2,100.00	\$210.00	\$2,310.00	Change in fee as the range for construction cost has been changed
0814	Dual Occupancy dwellings	Per application	3	\$3,100.00	\$2,863.64	15	87 (19)	This represents an overall increase 5% on 2019-20 fee
0816	Additional fee for developments which include a detached class 10a building with the dwelling (for example: pool)	Per application	3	\$450.00	\$429.09	\$42.91	\$472.00	This represents an overall increase 5% on 2019-20 fee
0817	Class 2 to 9 Up to \$20,000	Per assessment	3	\$580.00	\$550.00	\$55.00	\$605.00	This represents an overall increase
0818	\$20,001 to \$50,000	Per assessment	3	\$810.00	\$772.73	\$77.27	\$850.00	4% on 2019-20 fee This represents an overall increase
0819	\$50,001 to \$100,000	Per assessment	3	\$1,040.00	\$990.91	\$99.09	\$1,090.00	5% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee
0824	Complying Development Certificate fee for first use of commercial and industrial buildings Fee for critical stage inspections, where Council	Per certificate	3	\$450.00	\$430.00	\$43.00	\$473.00	This represents an overall increase 5% on 2019-20 fee
	has issued the Construction Certificate and is nominated Principal Certifying Authority (PCA)							
0826	Class 2 to 9 Up to \$20,000	Per application	3	\$450.00	\$430.00	\$43.00	\$473.00	This represents an overall increase
0827	\$20,001 to \$50,000	Per application	3	\$755.00	\$720.91	\$72.09	\$793.00	5% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee
0828	\$50,001 to \$100,000	Per application	3	\$900.00	\$859.09	\$85.91	\$945.00	This represents an overall increase 5% on 2019-20 fee
0829	\$100,001 to \$300,000	Per application	3	\$1,200.00	55 %	18		This represents an overall increase 5% on 2019-20 fee
0830	\$300,001 to \$1,000,000	Per application	3	\$1,800.00				This represents an overall increase 5% on 2019-20 fee
0832	Inspection over and above the number of inspections in the service agreement (including re-inspection fees)	Per inspection	3	\$150.00	\$143.64	\$14.36	\$158.00	This represents an overall increase 5% on 2019-20 fee

	Fee for Occupation Certificate (or interim Occupation Certificate) where a construction						
	certificate is not required						
0841	Occupation Certificate Inspection	Per inspection	3	\$178.00	\$167.27	\$16.73	This represents an overall increase of 5% on 2019-20 fee
0842	Occupation Certificate Re-Inspection	Per inspection	3	\$132.00	\$124.55	\$12.45	This represents an overall increase of 5% on 2019-20 fee
0843	Boarding house audit inspection fee	Per hour	3	\$168.00	\$173.00	\$0.00	This represents an overall increase of 5% on 2019-20 fee
0844	Performance solution assessment fee	Per hour	3	\$168.00	\$157.27	\$15.73	This represents an overall increase of 5% on 2019-20 fee
0845	Bushfire attack level certificate (for Complying Development Certificate in bushfire prone areas)	Per certificate	3	\$375.00	\$348.18	\$34.82	This represents an overall increase of 5% on 2019-20 fee

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	2020-21 SCHEDUL			AARGES A				Attachment 1
020-21	Description of Fees and Charges	г Unit of	Price		2020-21 Central	GST @ 10%	Proposed 2020-21	Comments
ltem Number	Description of rees and charges	Measurement	Category	GST inclusive where applicable)	Coast Council Fee	Remitted to ATO (if applicable)	Free (GST inclusive where applicable)	Comments
2004040	Key iconic development site fee							
0858	Confirmation of commencement of consent where Council is nominated as principal certifying authority	Per confirmation	4	\$680.00	\$634.55	\$63.45	\$698.00	This represents an overall increase of 5% on 2019-20 fee
0859	Preliminary review of development proposals to confirm compliance with SEPP (exempt and complying development) Codes 2008	Per service	3	\$255.00	\$238.18	\$23.82	\$262.00	This represents an overall increase of 5% on 2019-20 fee
0863	Inspection of buildings under the Strata Schemes Development Act 2015	Per inspection	3	\$260.00	\$262.00	\$0.00	\$262.00	This represents an overall increase of 5% on 2019-20 fee
0004	Moved dwelling inspection fee	Destruction		# 105 00	#407.00	#0.00	A 107 00	
0864	Council Local Government Area	Per inspection	3	\$465.00		\$0.00	1 Colorence - Colorenc	This represents an overall increase of 5% on 2019-20 fee
0865	Government Areas	Per inspection	3	\$622.00		\$0.00		This represents an overall increase 5% on 2019-20 fee
0866	Sydney)	Per inspection	3	\$800.00	\$8 20 .00	\$0.00	\$820.00	This represents an overall increase of 5% on 2019-20 fee
0867	Fee for finalisation of incomplete building applications under the Local Government Act 1919 (prior to 1998)	Per inspection	3	\$248.00	\$255.00	\$0.00	\$255.00	This represents an overall increase of 5% on 2019-20 fee
0869	Lodgement of Notice of Completion for the installation of a relocatable home or associated structure (caravan park)	Per lodgement	4	\$53.50	\$55.00	\$0.00	\$55.00	This represents an overall increase o 5% on 2019-20 fee
0870		Per application	1	\$65.00	\$68.00	\$0.00	\$68.00	This represents an overall increase of 5% on 2019-20 fee
0871	Re-inspection required because of non compliance with the regulations at the initial inspection	Per inspection	1	\$65.00	\$68.00	\$0.00	\$68.00	This represents an overall increase 5% on 2019-20 fee
0872	Application for a Certificate of Completion and the inspection of an associated structure not included on the Certificate of Completion previously issued for the manufactured home installed on the site (manufactured home estate)	Per application	1	\$32.50	\$34.00	\$0.00	\$34.00	This represents an overall increase 5% on 2019-20 fee
0873	2 · · · · · · · · · · · · · · · · · · ·	Per inspection	1	\$32.50	\$34.00	\$0.00	\$34.00	This represents an overall increase 5% on 2019-20 fee
0874	Inspection of manufactured home, moveable dwelling and/or associated structure during installation	Per inspection	3	\$230.00	\$236.00	\$0.00	\$236.00	This represents an overall increase 5% on 2019-20 fee
0875	Fire safety audit	Per audit	3	\$182.00	\$170.00	\$17.00	\$187.00	This represents an overall increase 5% on 2019-20 fee
	Development Control general administrative costs							
0878	Charge to recoup research and other costs	Per hour	4	\$136.00	\$127.27	\$12.73	\$140.00	This represents an overall increase
0879	Research fee for research officer	Per 15 minutes	4	\$72.00	\$67.27	\$6.73	\$74.00	5% on 2019-20 fee This represents an overall increase 6% on 2019-20 fee
0880	Service fee for providing formal written advice on Exempt Development	Per service	4	\$255.00	\$239.09	\$23.91	\$263.00	This represents an overall increase of 5% on 2019-20 fee
19	19. LICENCES, PERMITS AND INSPECTIONS						2 	3 % 011 2019-20166
	Application under Section 68 of the Local							
1807	Government Act 1993 The fee for an application for approval under the Local Government Act 1993 not part of a development application	Per application	3	\$66.00	\$68.00	\$0,00	\$68.00	This represents an overall increase 5% on 2019-20 fee
	Application for the initial approval to operate under Section 68 F2 or F3 for a caravan park, camping ground or manufactured home estate. Not part of development application							
1808	12 sites or less	Per application	1	\$65.00	\$68.00	\$0.00	\$68.00	This represents an overall increase 5% on 2019-20 fee
1809	Greater than 12 sites (per site)	Per site	1	\$5.00	\$5.50	\$0.00	\$5.50	This represents an overall increase 10% on 2019-20 fee The percentage increase is higher a the 2019-20 fee was \$5.00 and the proposed increase for 2020-21 is \$0.50

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	2020-21 SCHEDULE OF FEES AND CHARGES AMENDMENTS Attachment 1 Fees and Charges - Exhibition Required										
2020-21 Item Number	Description of Fees and Charges	Unit of Measurement	Price Category		2020-21 Central Coast Council Fee	GST @ 10% Remitted to ATO (if applicable)	Proposed 2020-21 Fee (GST inclusive where applicable)	Comments			
	Re-inspection required because of non-compliance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 at the initial inspection										
1810	12 sites or less	Per inspection	1	\$65.00	\$68.00	\$0.00	\$68.00	This represents an overall increase			
1811	Greater than 12 sites (per site)	Per site	1	\$5.00	\$5.50	\$0.00	\$5.50	5% on 2019-20 fee This represents an overall increase 10% on 2019-20 fee The percentage increase is higher a the 2019-20 fee was \$5.00 and the proposed increase for 2020-21 is \$0.50			
1812	17 sites or less	Per inspection	1	\$65.00	\$68.00	\$0.00	\$68.00	This represents an overall increase 5% on 2019-20 fee			
1813	Greater than 17 sites (per site)	Per inspection	1	\$4.00	\$4.50	\$0.00	\$4.50	This represents an overall increase in 13% on 2019-20 fee The percentage increase is higher a the 2019-20 fee was \$4.00 and the proposed increase for 2020-21 is \$0.50			
1814	Food Shops Annual Administration charge Up to 5 full time equivalent food handlers	Per premise	1	\$215.00	\$226.00	\$0.00	\$226.00	This represents an overall increase 5% on 2019-20 fee Comparing this fee to other Council: for bench marking purposes: \$303 - Hornsby Shire Council \$255 - Lake Macquarie City Council			
1815		Per premise	1	\$110.00	\$116.00	\$0.00	\$116.00	This represents an overall increase			
1816	based, mobile or temporary) With between 5 to 50 full time equivalent food handlers	Per premise	1	\$670.00	\$7.04.00	\$0.00	\$704.00	5% on 2019-20 fee This represents an overall increase			
1817	Greater than 50 full time equivalent food handlers	Per premise	1	\$1,030.00	\$1,082.00	\$0.00	\$1,082.00	5% on 2019-20 fee This represents an overall increase			
1818	Improvement notice served under Food Act 2003	Per premise	1	\$330.00	\$347.00	\$0.00	\$347.00	5% on 2019-20 fee This represents an overall increase			
1819	(Section 66AA)	Per premise	3	\$245.00	\$255.00	\$0.00	\$255.00	5% on 2019-20 fee This represents an overall increase			
	Temporary food business or a home based business - annual approval to operate Business Inspections	38						6% on 2019-20 fee			
1820	and the second se	Per inspection	3	\$171.00	\$177.00	\$0.00	\$177.00	This represents an overall increase			
1821	Food shops – medium risk	Per inspection	3	\$204.00	\$210.00	\$0.00	\$210.00	5% on 2019-20 fee This represents an overall increase			
1822	Food shops – high risk	Per inspection	3	\$240.00	\$248.00	\$0.00	\$248.00	5% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee Comparing this fee to other Council for bench marking purposes: \$194 - Hornsby Shire Council \$273 - Lake Macquarie City Council			
1823	Food shops – pubs and clubs (bar only)	Per inspection	3	\$112.00	\$1 16.00	\$0.00	\$116.00	This represents an overall increase 5% on 2019-20 fee			
1824	Food shops – home based, mobile or temporary	Per inspection	5	\$92.00	\$95.00	\$0.00	\$95.00	This represents an overall increase			
1825	Hairdressers/Beauty Salons/Barbers	Per premise	3	\$166.00	\$171.00	\$0.00	\$171.00	6% on 2019-20 fee This represents an overall increase			
1826	Skin Penetration	Per premise	3	\$177.00	\$183.00	\$0.00	\$183.00	5% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee Comparing this fee to other Council for bench marking purposes: \$194 - Hornsby Shire Council \$210 - Lake Macquarie City Council			
1827	Mortuaries/Crematoriums	Per premise	3	\$177.00	\$183.00	\$0.00	\$183.00	This represents an overall increase 5% on 2019-20 fee			
1828	On-Site sewage management fees Application for new approval to operate on-site sewage	Per application	5	\$65.00	\$67.00	\$0.00	\$67.00	This represents an overall increase			
1829	management facility – domestic Application for new approval to operate on-site sewage management facility – commercial Application for renewal of approval to operate	Per application	5	\$240.00	\$247.00	\$0.00	\$247.00	6% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee			
1830	sewage management facility	Dor application	4	\$54.00	\$56.00	\$0.00	\$EC 00	This represents an overall increase			
1830	Commercial	Per application Per application	4	\$54.00	\$56.00	\$0.00	Contraction of the contraction	6% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee			
	Application to install or construct a sewage management facility										
1832		Per application	4	\$673.00	\$695.00	\$0.00	\$695.00	This represents an overall increase			
1833	Commercial	Per application	4	\$940.00	\$968.00	\$0.00	\$968.00	5% on 2019-20 fee This represents an overall increase			

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	2020-21 SCHEDUL			HARGES A		112		Attachment 1
2020-21 Item Number	Description of Fees and Charges	Unit of Measurement	Price Category	Current 2020-21 Fee (GST inclusive where applicable)	A CONTRACTOR AND A CONTRACTOR	GST @ 10% Remitted to ATO (if applicable)	Proposed 2020-21 Fee (GST inclusive where applicable)	Comments
1834	Additional expenses Application to alter an existing sewage management	Per application	4	\$234.00	\$242.00	\$0.00	\$242.00	This represents an overall increase
1835	facility – domestic Application to alter an existing sewage management facility – commercial	Per application	4	\$460.00	\$473.00	\$0.00	\$473.00	5% on 2019-20 fee This represents an overall increase 5% on 2019-20 fee
1836	Inspection fees Pre-purchase Inspection of domestic or commercial On-	Per property	4	\$202.00	\$210.00	\$0.00	\$210.00	This represents an overall increase
1007	site sewage management system							5% on 2019-20 fee
1837	On-site sewage management system (OSSM) audit re- inspection. Applicable when the schedule of works has not been complied with.	Per inspection	4	\$150.00	\$155.00	\$0.00	\$155.00	This represents an overall increase 5% on 2019-20 fee
1838	Multiple systems (one allotment)	Per additional system	5	\$52.00		\$0.00		This represents an overall increase 6% on 2019-20 fee
1839		Per sample	4	\$234.00	\$242.00	\$0.00	\$242.00	This represents an overall increase 5% on 2019-20 fee
	Alterations to Existing On Site Sewage Management System					12/12/12/12		
1840	Re-inspection of Major Commercial OSSM System (treating more than 2,000 litres of effluent per day)	Per application	5	\$391.00	\$403.00	\$0.00	\$403.00	This represents an overall increase 5% on 2019-20 fee
	OSSM Plumbing and Drainage inspection fees - Inspection of plumbing and drainage work to ensure compliance with prescribed standards							
1842	New Connection - On-site Sewage Management	Per property	3	\$265.00	\$273.00	\$0.00	\$273.00	This represents an overall increase 5% on 2019-20 fee
1843	Alterations/Additions - On-site Sewage Management	Per property	3	\$240.00	\$247.00	\$0.00	\$247.00	This represents an overall increase 5% on 2019-20 fee
1844	Additional WC (toilet)	Per property	3	\$25.50	\$26.00	\$0.00	\$26.00	This represents an overall increase 4% on 2019-20 fee
1845	Re-inspection fee	Per property	3	\$51.00	\$53.00	\$0.00	\$53.00	This represents an overall increase 6% on 2019-20 fee
1846		Per property	3	\$51.00	\$53.00	\$0.00	\$53.00	This represents an overall increase 6% on 2019-20 fee
	Compliance Cost Recovery - cost recovery charges							(
1847	Management	Per hour	3	\$297.50	\$307.00	\$0.00	\$307.00	This represents an overall increase 5% on 2019-20 fee
1848	Senior technical	Per hour	3	\$234.00	\$242.00	\$0.00	\$242.00	This represents an overall increase 5% on 2019-20 fee
1849	Technical	Per hour	3	\$177.00	\$183.00	\$0.00	\$183.00	This represents an overall increase 5% on 2019-20 fee
1850	Administrative	Per hour	3	\$145.00		\$0.00		This represents an overall increase 6% on 2019-20 fee
1852	Noise monitoring Clean up, prevention and noise control notices	Per site	4	\$214.00	\$220.00	\$0.00	\$220.00	This represents an overall increase 5% on 2019-20 fee
1853	Fee payable with application	Per notice	1	\$550.00	\$577.00	\$0.00	\$577.00	This represents an overall increase
	Outdoor dining eating areas	in or the life						5% on 2019-20 fee
1854	Roads Act 1993 Application Fee Outdoor dining or street vending application fee	Per application	5	\$365.00	\$376.00	\$0.00	\$376.00	This represents an overall increase
1855		Per square metre	5	\$1.90		\$0.00		5% on 2019-20 fee This represents an overall increase
		per week		C28-D10-5940	1000 (1000000)	(Animation or c		8% on 2019-20 fee The percentage increase is higher a the 2019-20 fee was \$1.85 and the proposed increase for 2020-21 is \$0.15
1856	Fixed Structure Application (associated with outdoor dining area only) Environmental Health	Per application	3	\$482.00	\$497.00	\$0.00	\$497.00	This represents an overall increase 5% on 2019-20 fee
1857	Written advice regarding registered premises	Per premise per hour	2	\$470.00	\$485.00	\$0.00	\$485.00	This represents an overall increase 5% on 2019-20 fee
1860	Application for burial on private land	Per application	3	\$357.00	\$368.00	\$0.00	\$368.00	This represents an overall increase 5% on 2019-20 fee
1861	Urgency application for burial on private land (7 days)	Per application	3	\$1,530.00	\$1,580.00	\$0.00	\$1,580.00	This represents an overall increase 5% on 2019-20 fee
1862	Microbial control (Cooling Towers) Single regulated system on premises	Per premise	2	\$313.00	\$3 22 .00	\$0.00	\$322.00	This represents an overall increase
1863	Additional regulated system on premises	Each	2	\$140.00	\$145.00	\$0.00	\$145.00	5% on 2019-20 fee This represents an overall increase
1865	Lodgement of Public Health Regulation "Approved Form 1 Risk management plan (RMP)"	Per lodgement	5	\$36.50	\$38.00	\$0.00	\$38.00	5% on 2019-20 fee This represents an overall increase 6% on 2019-20 fee
1866		Per lodgement	5	\$36.50	\$38.00	\$0.00	\$38.00	This represents an overall increase
1867	Form 2 Audit report" Lodgement of Public Health Regulation "Approved Form 4 Notification of reportable test results"	Per lodgement	5	\$36.50	\$38.00	\$0.00	\$38.00	6% on 2019-20 fee This represents an overall increase 6% on 2019-20 fee
1868	Form 6 Notification of installation or change in	Per lodgement	5	\$36.50	\$38.00	\$0.00	\$38.00	This represents an overall increase 6% on 2019-20 fee
1869	particulars" Replacement of cooling tower "Unique Identification Number" sticker	Per lodgement	5	\$46.00	\$48.00	\$0.00	\$48.00	This represents an overall increase 7% on 2019-20 fee

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	2020-21 SCHEDU	LE OF FEES	SAND C	CHARGES A	MENDMEN	ITS		Attachment 1				
	Fees and Charges - Exhibition Required											
2020-21 Item Number	Description of Fees and Charges	Unit of Measurement	Price Category	Current 2020-21 Fee (GST inclusive where applicable)	2020-21 Central Coast Council Fee	GST @ 10% Remitted to ATO (If applicable)	Proposed 2020-21 Fee (GST inclusive where applicable)	Comments				
	Places of Shared Accommodation - Review of Safety Provisions											
1870	1 to 10 occupants	Per premise	2	\$428.00	\$441.00	\$0.00	\$441.00	This represents an overall increase of 5% on 2019-20 fee				
1871	11 or more occupants	Per premise	2	\$605.00	\$624.00	\$0.00		This represents an overall increase of 5% on 2019-20 fee				
	Initial Compliance Investigation for Registered Boarding Houses											
1873	1 to 10 occupants	Per premise	2	\$428.00	\$441.00	\$0.00	\$441.00	This represents an overall increase of 5% on 2019-20 fee				
1874	11 or more occupants	Per premise	2	\$605.00	\$623.00	\$0.00		This represents an overall increase of 5% on 2019-20 fee				
	Late Application and Cancellation Fees							an short a sho				
1885	Late Application Fee - small and not for profit events	Per event	4	\$31.50	\$32.00	\$0.00	\$32.00	This represents an overall increase of 4% on 2019-20 fee				
1886	Late Application Fee – medium, large and major events	Per event	4	\$84.05	\$86.00	\$0.00		This represents an overall increase of 5% on 2019-20 fee				

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Item No:	3.7		
Title:	Community Support Grant Program - July 2020		
Department	Connected Communities		
28 Septembe	er 2020 Ordinary Council Meeting		
Reference:	F2020/00039 - D14171884		
Author:	Stuart Slough, Team Leader, Community Planning and Funding		
Manager:	Glenn Cannard, Unit Manager, Community Partnerships		
Executive:	Phil Cantillon, Acting Director, Connected Communities		

# Central Coast Council

## Summary

This report considers the applications and recommendations for the Community Support Grant Program, which supports the community to deliver community activities which require a small amount of funding and/or in-kind support.

#### Recommendation

- 1 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
- 2 That Council decline applications for the reasons indicated in Attachment 2, the applicants be advised and where relevant, directed to alternate funding
- 3 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

#### Context

Council's grant programs are provided to support the community to deliver quality programs, projects or events that build connections, celebrate our local community, that align with the One-Central Coast Community Strategic Plan and build capacity across the entire Central Coast community.

The Community Support Grant Program is provided to support the community to deliver activities which require a small amount of funding and/or in-kind support. The Community Support Grant Program remains open throughout the year to provide assistance for community activities that require:

- 1 In-kind support through the provision of subsidised access to Council services.
- 2 Financial assistance for community activities that require a smaller amount of support.

The Community Support Grant Program provides a combined budget of \$300,000 annually as detailed in table one below.

Program	Budget	Opening Period	2020/2021 allocation to date	Recommendation allocation within this report	Allocation to date + Recommendation within report
Community	\$300,000	Ongoing	\$51,365.61	\$18,334.82	\$69,700.43
Support					
Grant					
Program					
TOTAL		\$51,365.61	\$18,334.82	\$69,700.43	

#### **Current Status**

The Community Support Grant Program remains open for applications throughout the year and the closing date for each assessment period is the last day of each month.

The Community Support Grant Program provides up to \$5,000 per project per financial year in combined funding and in-kind Council services to applicants who are a legally constituted not-for profit organisations, or auspiced by one.

#### Assessment

Nine applications were received and assessed by 31 July 2020 with eight recommended for funding in this Council report.

The Community Support Grant applications were assessed by Council's Unit Manager Community Partnerships and the Community Planning and Funding Team, against the Community Support Grant Program guidelines.

#### Consultation

Information on Council's Community Grants program is provided on Council's website and promoted through Council's social media platforms.

Regular emails with relevant information were provided to the community grants database.

Council staff also provided information and individual appointments with interested applicants to assist with their submissions where required.

3.7

#### Options

3.7

- 1 Approval of all recommended applications as submitted will provide a community benefit to residents of the Central Coast Local Government Area.
- 2 Non approval of some or all applications, as recommended, may result in projects not being undertaken if the respective proponents are unable to secure alternate funding.

#### **Financial Impact**

Council's 2020/2021 Council Operational Expenditure budget allocates \$300,000 to the Community Support Grant Program.

Expenditure is approved until the end of the 2020-21 financial year. Unspent funds will lapse on 30 June 2021.

#### Link to Community Strategic Plan

Theme 1: Belonging

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

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

#### **Risk Management**

All successful applications will receive a letter of offer outlining Council's requirements of funding, service delivery and accountability for both Council and the funded organisation.

All successful applicants are required to submit a final project acquittal report no later than twelve weeks after the agreed completion date of the activity/project with copies of any photos, promotional materials and evidence of payment/purchase for each funded item.

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

Many of these grant applications are dependent upon support via Council's grant program. Should decisions be delayed or not supported projects may not be undertaken.

#### Attachments

- 1 Community Support Grant July 2020 Recommended for Funding
- Community Support Grant July 2020 Not Recommended for D14167775
   Funding

D14167773

#### Organisation Project Title and Staff Funding Name Summary Recommended Staff Assessment Tuggerah Lakes F.U.S.E. Camp – An annual \$4,987.00 Recommended for Christian Education school holiday camp funding as community program catering for local benefit is **Board Incorporated** high school students in demonstrated and all the Tuggerah Lakes area required information is provided. Wyong Creek Rates Subsidy 2019-2020 \$641.14 Recommended for part Literary Institute funding of the eligible component of the Inc applicant budget only as per the Grant Program Eligibility Clause 6.6 as community benefit is demonstrated and all required information is provided. Community Support Program Eligibility Clause 6.6 "Rates subsidy is only available for community facilities that provide a community service to residents of the Central Coast. All rates must have been paid in full and rebates are only available for 50% of the ordinary rates component." Rotary Club of \$1,886.20 Community Recommended for Gosford City meeting/presentation funding as community equipment - Digital benefit is meeting equipment that demonstrated and all will allow integration of required information is speakers & participants via provided. programs such as Zoom, Skype, MS Teams

## **Recommended for Funding – July 2020**

Organisation Name	Project Title and Summary	Staff Funding Recommended	Staff Assessment
Probus Club of Kincumber Inc	Probus COVID-19 Active Safety Essentials for Seniors (CASES) - Essential COVID-19 Safety Supplies and Sanitation Services enabling 82-person seniors club of members aged 67–96 to meet NSW Health requirements to resume meetings	\$1,912.00	Recommended for funding as community benefit is demonstrated and all required information is provided.
Manno Mens Shed Inc	Installation of Gutter Guard - Install Gutter Guard to our existing gutters on shed roof	\$2,000.00	Recommended for funding as community benefit is demonstrated and all required information is provided.
Wyongah Progress Association	Rates Subsidy 2019-2020	\$1,595.28	Recommended for part funding of the eligible component of the applicant budget only as per the Grant Program Eligibility Clause 6.6 as community benefit is demonstrated and all required information is provided. Community Support Program Eligibility Clause 6.6 "Rates subsidy is only available for community facilities that provide a community service to residents of the Central Coast. All rates must have been paid in full and rebates are only available for 50% of the ordinary rates component."

Organisation Name	Project Title and Summary	Staff Funding Recommended	Staff Assessment
Tuggerah Lakes Art Society	2020 FAB FAKES (Fabulous Fakes) - To organise the 'Fab Fakes Open Art Competition and Exhibition' of recreated masterpieces at The Art House	\$3,381.70	Recommended for funding as community benefit is demonstrated and all required information is provided, on condition asset owner approval and an updated public liability certificate covering the project period are provided prior to the release of funds.
Charmhaven Lions Club Inc	6 X 3 Marquee - Funding to purchase a Marquee to comply with Covid-19 restrictions	\$1,931.50	Recommended for funding as community benefit is demonstrated and all required information is provided.
	TOTAL	\$18,334.82	

Organisation	Project Title and	Staff Funding	Staff Assessment
Name	Summary	Recommended	
Crestani Scholarships Limited	Equipment for Crestani Scholarships Limited - To equip Crestani Scholarships Limited with a Video Camera	\$0.00	Not recommended for funding as currently proposed as insufficient information is provided to make an accurate assessment. Recommend applicant liaise with Council Grants Officers and consider resubmitting in a subsequent round.

## Not Recommended for Funding – July 2020

Item No:	3.8	Centr	
Title:	Draft Skatepark Action Plan	Centr	
Department	: Environment and Planning	Coun	
28 September 2020 Ordinary Council Meeting			
Trim Reference:	F2019/00142 - D13652111		
Author:	Katherine Simmons, Open Space and Recreation Planner		
Manager:	Karen Tucker, Unit Manager, Project Management Environment and Plann	ning	
Executive:	Scott Cox, Director Environment and Planning		

#### **Report Purpose**

This report is for Council to consider the Draft Central Coast Skatepark Action Plan.

This report recommends that Council endorse the Draft Central Coast Skatepark Action Plan for the purposes of public exhibition for a period of 28 days.

#### Recommendation

- **1** That Council endorse the draft Central Coast Skatepark Action Plan for the purposes of community consultation.
- 2 That the draft Central Coast Skatepark Action Plan be placed on public exhibition for a period of 28 days.
- 3 That a further report comes back to Council on the outcomes of the public exhibition.

#### Background

Council currently provides 26 skateparks across the region as valued community facilities. The recent success of Bato Yard and Banjo skateparks and the ongoing popularity of these facilities has highlighted the need to update and consolidate the former Wyong Shire Council (fWSC) and former Gosford City Council (fGCC) strategy for the Central Coast.

The fWSC SK8 Strategy 2014 and the former fGCC Skate Strategy 2001 required updating to provide short, medium and long term management actions for skateparks across the region.

In 2019, Council engaged Otium Planning Group consultants to undertake a condition and usability assessment of all existing skateparks. The results of the audit were used to prepare a draft Central Coast Skatepark Action Plan (draft Action Plan).

#### Report

The draft Action Plan provides high-level priorities to inform the development, management and activation of skate facilities on the Central Coast to meet the growing needs of the community.

Utilising current and future demographic trends as well as community and stakeholder consultation feedback, the draft Action Plan determines the status and provision of skatepark facilities in the region. The draft Action Plan provides future recommendations that align with benchmarks and good practice in the local government sector. This includes short, medium, and long-term recommendations, as well as an action table outlining a 10-year implementation plan for new skateparks and the redevelopment of existing facilities.

Additionally, the draft Action Plan proposes considerations to promote skate-related activation including maximising events, programs and funding opportunities through developing partnerships with stakeholders and adjoining Councils.

#### Consultation

Consultation for the draft Action Plan was undertaken between July and August 2019 and included;

- online surveys
- online forums
- six community workshops
- a series of stakeholder meetings and interviews.

The online community survey through Council's Your Voice, Our Coast (YVOC), had a total of 677 visits to the web page with 248 surveys completed.

A total of 81 people participated in the face to face community and school workshops, 31 participated in the online forum generating 50 contributions, and there were over 31,000 social media users generating 164 likes.

Stakeholder meetings and interviews were undertaken with internal and external Council staff, as well as general community incidental surveys and discussions at specific skatepark venues.

The information received during this consultation has also informed the draft Action Plan.

Previous community surveys and studies conducted by the fGCC and fWSC on skateparks also informed the draft.

These have included:

- Gosford Skate Strategy 2001

- Wyong Shire Council SK8 Strategy 2014
- Wyong Regional SK8 Place Survey 2015
- Bato Yard Options Survey 2016

A Councillor workshop was conducted on the 17 August 2020 to discuss the draft Action Plan.

#### **Financial Impact**

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The total costs to date including the consultancy, workshops and media for the preparation of the draft Action Plan is \$63,500.

An additional cost of between \$200 to \$500 is expected for media during the exhibition period.

The draft Action Plan once adopted will inform the short and long-term capital works program.

Short term implementation of the draft Action Plan actions is estimated to cost \$452,000 with long term options estimated at \$12.5M. Grant funding will be sought to assist with the capital expenditure required.

Ongoing maintenance is managed through Council's operational expenditure budget and can vary depending on damaged caused by levels of usage or vandalism.

The draft Action Plan when adopted will also assist with securing additional funding through targeted Federal and State Government grants programs.

#### Link to Community Strategic Plan

Theme 5: Liveable

#### **Goal H: Delivering essential infrastructure**

L-K3: provide signage, public facilities, amenities and playgrounds to encourage usage and enjoyment of public areas.

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

28 September 2020 - Council's endorsement of draft report for public exhibition 30 November 2020 - Information report back to Council on the outcome of the public exhibition

#### Attachments

**1** Draft Skatepark Action Plan 2020 for exhibition D14168031





# 1. OUR VISION

The Central Coast region will have an accessible network of high quality multi-purpose, inclusive skateparks that contribute to active lifestyles, support social engagement, creativity, are appropriately sited and sustainably managed.

# 2. IMPORTANCE

The World Health Organisation cites the importance of providing safe environments for children to engage in sport and play-based learning which create opportunities to develop life skills that help combat intolerance, gender discrimination, and peer violence.

Skating is an inclusive activity, which in this document, includes BMX, scooters, in-line skates, longboards, and skateboards. It is also a highly social, physical and mental activity that requires a level of athleticism, fitness and skill which has positive health results.

Participating in skating can improve self-esteem and confidence, provide opportunities for peer support and role models, and helps young adults feel more included.

# 3. LINK TO CSP

Council's Community Strategic Plan 2018-2028 (CSP), entitled 'One – Central Coast' was developed from extensive community consultation and has five key themes - Belonging, Smart, Green, Responsible, Liveable - which shape future activities, plans, projects and services, including the planning and delivery of skateparks.

Our community have said they value skateparks and the CSP has specific objectives relating to these. Skatepark facilities encourage participation in sport, recreation and community life with social equity.

The key recommended outcomes from the CSP were:

Outcome 1: Increased Participation Outcome 2: Improved Access Outcome 3: Integrated Performance Pathways Outcome 4: Fit for Purpose Facilities Outcome 5: Valued Regional Events Outcome 6: Effective Collaboration





CENTRAL COAST COUNCIL

Draft Skatepark Action Plan 2020 for exhibition

#### Attachment 1

õ "Skating is an outlet. To be free, clear the mind, be creative, to escape, to focus, to be sharp, to be persistent, to try harder, to achieve goals, to develop an identity, to grow. I like that skating is so different from any other sport. It's kind of like an art form, it's like a lifestyle." (Poppy Starr Olsen 15 Dec 2018) 

FT SKATEPARK ACTION PLAN

# 4. WHY AN ACTION PLAN

This new action plan has been informed by:

- Gosford Skatepark Strategy 2001
- Wyong Shire Council Sk8 Strategy 2014
- Central Coast Sport and Active Recreation Plan 2018-2023 (Office of Sport NSW)
- Skatepark facilities audit 2019
- Community Engagement 2019

Central Coast Council (CCC) has 26 skateparks distributed across the Local Government Area (LGA). A welldesigned action plan articulates a hierarchy of quality skateparks offering diverse opportunities as well as ensuring there is an adopted process for skatepark provision, development, and sustainable management across the LGA.

Changes to legislation, community expectations, new trends, and the increasing urbanisation of the Central Coast will require the review of this action plan every five (5) years.

# 5. THE ROLE OF OUR SKATEPARKS

Current research shows a decline in participation in organised sport which has led to more participation in alternative activities. Skateparks provide an alternative for people not engaged in organised sport to participate in physical activity and fulfil an important social function in bringing groups together to share spaces.

Riding sports like BMX and scooters that use skateparks are evolving, and demand for skatable infrastructure has also increased.

Skateparks provide opportunity for intergenerational co-operation, tolerance, social interaction and co-existence. This assists with counteracting age stereotypes, developing emotional and social skills and supporting social integration.

Activation of skateparks and BMX facilities is a growing trend that makes these facilities more accessible to the broader community. This, along with the emergence of skateboarding at an Olympic level will offer economic benefits from skate based tourism and further increase demand for this type of facility within the LGA.

# 6. SCOPE

The action plan applies to skateparks in Council owned or managed public parks and reserves across the LGA and includes those skateparks that are co-located with other recreation facilities such as sports fields and playspaces. It does not include private or indoor skate facilities, but rather complements them.

The action plan also outlines the current status of Council's skatepark facilities and provides a high level action plan that articulates and prioritises their future development to meet the needs of the community.

# 7. ACTION PLAN OBJECTIVES

- Set the direction for future provision of skateparks over the next ten (10) years considering current and future demographic trends and community/ stakeholder needs
- Outline future planning and provision for successful skateparks and facilities that enable development for entry level through to competition level
- Outline an implementation strategy for short, medium and long term goals with recommendations for skatepark design and construction to align with benchmarks, best practice and universal guidelines over the next 10 years



CENTRAL COAST COUNCIL



# 8. CURRENT STATUS

Council currently has 26 skateparks of varying size and condition across the region. To assist with prioritising future management and maintenance, a condition and function audit was completed.

Key findings of the audit were:

- · Some larger skateparks provide little diversity in skater experience
- · They currently do not cater for different skill sets and ability level
- More than 80% need improvements
- 52% are local facilities
- Bateau Bay facility (Bato Yard) is the only current regional level facility

The outcome of the audit informs the operational maintenance and long term strategic plan for skate facilities in this action plan, thereby ensuring their longevity and relevance to the community.

# 9. TRENDS

The Skatepark Action Plan has considered the anticipated population growth, demographics and user trends across the LGA, and applied this to future planning.

Key trends include:

- The population of the CCC area is expected to increase to 414,615 people by 2036 which is an increase of 68,156 (+19.7%) people from 2019
- The age groups that are predicted to account for the largest percentage of the total population in 2036 are 5 to 9 years, 40 to 44 years and 10 to 14 years
- The suburbs with the largest population by 2036 will be Wadalba, Woongarrah, Northern Lakes, The Entrance, Gosford, Hamlyn Terrace and Wyong
- The largest % of population growth for age groups 0 to 49 years is Warnervale and Wallarah

#### Skate styles

In order to meet the needs of the various users, this action plan has analysed the many styles of boarding, scootering and BMX and applied them to future planning. These styles include:

- Plaza or street skateboarding and riding
- "Park" style boarding and riding
- Transition boarding and riding
- Vert skate boarding and BMX

# 10. DISTRIBUTION

CCC has developed a hierarchy of skatepark categories which serve the different residential catchments. This assists with ensuring equitable distribution and variety of skateparks across the LGA. Distribution is determined by the availability, size and quality of existing open space, demographic data and the category of skatepark facility proposed.

The size and landform of the Central Coast LGA can constrain access and movement across the region. To address this, for the purposes of this action plan and for assessing equity of distribution, the following sub-regions (determined by approx. maximum travel times of 60 minutes by public transport) have been applied.

These are: Central Coast South, Central Coast Mid, Central Coast North and the Mountains District as shown in the tables at the end of the document.

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# 11. SKATEPARK CATEGORIES

#### Hierarchy

CCC skatepark hierarchy is summarised as follows:

#### 1. Spot

These skateparks are incidental skate spaces or elements integrated into urban spaces and places as opportunities to provide skate function. They 'can increase overall recreational opportunity of an existing space such as a basketball court or existing urban square, or in areas previously considered too small for a skate facility.

- Generally, under 200m<sup>2</sup>
- Have limited function for multiple activities and events
- · Generally single focus, mainly intermediate/beginner as part of broader recreation precinct
- Urban spaces sited adjacent to youth services, major public transport and town centres

#### 2. Local

Skateparks in this category support scooter or skater beginners within local spaces in residential neighbourhoods. These traditional smaller neighbourhood skate facilities are repetitive in design and use, which creates a focused environment to practice as beginners at these spaces before moving onto the larger skate spaces.

- Approx. 200-600m<sup>2</sup> providing for local communities' training activities and participation programs
- · Services a local community or multiple suburbs, approx. 15min travel time to access
- Generally single focus (street elements, ramp), as part of broader recreation precinct
- Focus on intermediate/beginner but still functional for more advanced users

#### 3. District

Skateparks in this category cater to intermediate user styles and levels of proficiency in a central accessible area. Generally sited in recreation reserves or with other sporting infrastructure, they support beginner/entry level use or practice, and skate can occur but may not be the focus of the space.

- Approx. 600-1500m<sup>2</sup> within 30min travel time to access within the LGA or across regions
- District facilities service a local community to provide a mix of recreational, competitive and program formats of participation
- Either single user focus (bowl, or street components) or mix thereof used by beginner through to intermediate level

#### 4. Regional

Skateparks in this category are large enough to cater to multiple user styles and levels of proficiency in a central accessible area. Generally sited in recreation reserves or with other sporting infrastructure, they can support the major needs of those participants in the sport at one time.

- Over 1500m<sup>2</sup>, or significant location or components
- · Attract riders from across and outside the LGA
- Provides for high level competition and training, and/or a broad range of sport and active recreation
  opportunities for a large number
- · Proximity to transport nodes, commercial or community centres, and services
- · Caters for multiple user styles (street, park, elite street, vert etc.). Iconic elements of national significance

# 12. RECOMMENDATIONS

Given the diversity of user styles and the mix of those that skateboard for competition, or for recreation, skatepark provision will aim to focus on key areas rather than cater to all needs at all skateparks.

Council will be proactive in supporting relevant pathways to elite competition for those who want to follow a more specific sporting side of skating.

The following section outlines the ten (10) year implementation plan for new facilities and the redevelopment of existing parks, with maps showing the current skatepark distribution and future long term skatepark implementation plan.

#### **Recommendation summary**

The implementation plan has been summarised into short term, medium and long term goals, as follows:

#### Short term (1-3 years):

- · Development of new regional facility at Umina Beach
- Development of new regional facility at Lake Munmorah
- · Redevelopment of Narara facility to district level
- Repair existing skatepark facilities to address any safety concerns and extend lifespans until consolidation and redevelopment is implemented

#### Medium term (4-7 years):

 Consolidation and redevelopment of local facilities in accordance with development of larger facilities. Timeline to ensure larger projects are implemented prior to removal of any existing facilities to maintain consistent level of provision

#### Long term (8-10 years):

- Development of new district facility in Warnervale/ Wadalba area. Location to consider the Pedestrian Access & Mobility Plan (PAMP), and ensure the facility is in a high profile, accessible space
- Introduction of spot facilities in the Woy Woy/Empire Bay area, Tuggerah/Chittaway Bay area and
  other locations with limited access to larger facilities. Facility locations to consider the PAMP, and
  integration into shared pathways and social spaces
- Investigate the potential for developing a regional skatepark facility to the west of the Pacific Hwy
  including identifying potential sites.

#### Other considerations

- Develop partnerships with relevant stakeholders and surrounding councils to maximise events, programs and funding opportunities
- Further develop communication and promote future facilities, events and programs
- Monitor, evaluate and report recommendations annually over the life of the action plan
- · Review the Skatepark Action Plan every five years for relevance with current trends and standards
- Ongoing maintenance of skatepark provision

DRAFT SKATEPARK ACTION PLAN




# CCC SKATEPARK ACTION PLAN IMPLEMENTATION

Facility Name	Planning Zone	WARD	Facility Rating	Current Category	Actions Short term =1-3yrs Long term = 10yrs	Future Category
<b>Central Coast South</b>						
Existing Facilities						
Copacabana	EBW	Gosford East	Fair	Local	Short term: Monitor condition, continue ongoing maintenance, replace at end of life Long term: Consideration for additions subject to ongoing use	Local
East Gosford	GC	Gosford East	Poor	Local	Short term: Monitor condition, minor repairs required to minimise safety concerns, replace at end of life Long term: Retain as local facility	Local
Narara (Gosford)	GC	Gosford West	Poor	Local	Short term: Replace with district facility Long term: Monitor condition, minor repairs required to minimise safety concerns, replace at end of life	District
Kincumber	EBW	Gosford East	Poor	Local	Short term: Monitor condition, minor repairs required to minimise safety concerns, replace at end of life Long term: Retain as local facility	Local
Kincumber South	EBW	Gosford East	Fair	Local	Short term: Monitor condition, continue ongoing maintenance, replace at end of life Long term: Retain as local facility	Local
Kariong	WBW	Gosford West	Poor	Local	Short term: Monitor condition, minor repairs required to minimise safety concerns, replace at end of life Long term: Retain as local facility	Local
Umina Beach	WBW	Gosford West	Poor	District	Short term: Regional skate facility edevelopment underway	Regional
Empire Bay	WBW/EBW	Gosford East	N/A	Spot	Short term: Pump Track Long term: Retain as spot facility for local use	Spot
<b>Proposed Facilities</b>						
Woy Woy / Ettalong	WBW/EBW	Gosford West	N/A	Nil	(Location to be decided in accordance with PAMP strategy) <b>Long term:</b> Potential for spot facility for local use	Spot



Facility Name	Planning Zone	WARD	Facility Rating	Current Category	Actions Short term =1-3yrs Long term = 10yrs	Future Category
	Central Coast Mid					
Existing Facilities Banjo's Skatepark (Terrigal)	EBW	Gosford East	Excellent	District	Monitor condition and continue ongoing maintenance	District
'Bato Yard'	SL	The Entrance	Excellent	Regional	Monitor condition and continue ongoing maintenance	Regional
Berkley Vale	SL	The Entrance	Excellent	Local	Monitor condition and continue ongoing maintenance	Local
The Entrance	SL	The Entrance	Fair	Local	Short term: Monitor condition, continue ongoing maintenance, replace at end of life Long term: Retain as local facility	Local
Ourimbah	NA	Wyong	Fair	Local	Short term: Monitor condition, continue ongoing maintenance, replace at end of life Long term: Retain as local facility	Local
<b>Proposed Facilities</b>					-	
Tuggerah / Chittaway Bay	SL/WY	The Entrance	N/A	Nil	(Location to be decided in accordance with PAMP strategy) <b>Long term:</b> Potential for spot facility for local use	Spot
Central Coast North				·		
<b>Existing Facilities</b>						
Blue Haven	NL	Budgewoi	Fair	Local	Short term: Monitor condition, continue ongoing maintenance, replace at end of life Long term: Retain as local facility and seek new location on site	Local
Chain Valley Bay	NL	Budgewoi	Poor	Spot	Long term: Retain as spot facility for local use	spot
Gwandalan	NL	Budgewoi	Poor	Local	Short term: Monitor condition, minor repairs required to minimise safety concerns, replace at end of life Long term: Retain as local facility	Local
Halekulani	NL	Budgewoi	Poor	Local	Short term: Monitor condition, minor repairs required to minimise safety concerns, replace at end of life Long term: Relocate to Colongra Sporting Facility	Local
Lake Haven	WY	Budgewoi	Fair	Local	Short term: Monitor condition, continue ongoing maintenance, replace at end of life Long term: Retain as local facility and seek new location on site	Local
Lake Munmorah	NL	Budgewoi	Poor	Local	<b>Short term:</b> Existing local facility to be removed. Regional facility under development at new location	Regional



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nt)					
NL	Budgewoi	Fair	Local	Short term: Monitor condition, continue ongoing maintenance, replace at end of life Long term: Retain as local facility and seek new location on site	Local
NL	Budgewoi	Poor	Local	Short term: Monitor condition, minor repairs required to minimise safety concerns, replace at end of life Long term: Consideration for additions to district subject to ongoing use	District
NL	Budgewoi	Fair	Spot	Short term: Monitor condition, continue ongoing maintenance, replace at end of life Long term: Retain as spot facility for local use	Spot
NL	Budgewoi	Fair	Local	Short term: Monitor condition, continue ongoing maintenance, replace at end of life Long term: Retain as local facility	Local
WY	Wyong	Fair	District	Short term: Monitor condition, continue ongoing maintenance, replace at end of life Long term: Consideration for additions subject to ongoing use	District
WY	Wyong	Poor	Spot	Short term: Monitor condition, minor repairs required to minimise safety concerns, replace at end of life Long term: Retain as spot facility for local use	Spot
NL	Budgewoi	N/A	Nil	Local facility under development	Local
NL	Wyong	N/A	Nil	Future Hilltop Park development- potential district level pump track	District
MV	Gosford West	Poor	Local	Short term: Monitor condition, minor repairs required to minimise safety concerns, replace at end of life Long term: Retain as local facility and seek new location on site	Local
	NL NL NL NL NL NL NL NL NL	NL Budgewoi NL Budgewoi NL Budgewoi NL Budgewoi WY Wyong WY Wyong UT NL Budgewoi NL Budgewoi UT NL Budgewoi UT NL Budgewoi UT NL Wyong	NL Budgewoi Fair NL Budgewoi Poor NL Budgewoi Fair NL Budgewoi Fair WY Wyong Fair WY Wyong Poor NL Budgewoi N/A	NLBudgewoiFairLocalNLBudgewoiPoorLocalNLBudgewoiFairSpotNLBudgewoiFairLocalWYWyongFairDistrictWYWyongPoorSpotNLBudgewoiN/ANilWYWyongN/ANilNLBudgewoiN/ANil	NL         Budgewoi         Fair         Local         Short term: Monitor condition, continue ongoing maintenance, replace at end of life Long term: Retain as local facility and seek new location on site           NL         Budgewoi         Poor         Local         Short term: Monitor condition, minor repairs required to minor repairs required to ongoing use           NL         Budgewoi         Poor         Local         Short term: Monitor condition, minor repairs required to ongoing use           NL         Budgewoi         Fair         Spot         Short term: Monitor condition, continue ongoing maintenance, replace at end of life Long term: Retain as spot facility for local use           NL         Budgewoi         Fair         Local         Short term: Monitor condition, continue ongoing maintenance, replace at end of life Long term: Retain as spot facility           WY         Wyong         Fair         District         Short term: Monitor condition, continue ongoing maintenance, replace at end of life Long term: Retain as local facility           WY         Wyong         Poor         Spot         Short term: Monitor condition, continue ongoing maintenance, replace at end of life Long term: Retain as local facility for local use           NU         Budgewoi         N/A         Nil         Short term: Monitor condition, minor repairs required to minor repairs requ





Existing Type and Condition Map





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AUGUST 2020

Item No:	3.9	
Title:	Biodiversity Strategy	
Department	: Environment and Planning	
28 September 2020 Ordinary Council Meeting		
Reference:	F2020/02155 - D14119565	
Author:	ochelle Lawson, Senior Ecologist	
Manager:	ike Sulkowski, Unit Manager, Environmental Management	
Executive:	Scott Cox, Director Environment and Planning	



# Summary

The purpose of this report is to present the Central Coast Council Biodiversity Strategy for Council's consideration for adoption. The draft Biodiversity Strategy, which was revised in response to community feedback following the public exhibition period in late 2019, was considered by Council on 22 June 2020. Further revisions were made to the draft Biodiversity Strategy following the Council resolution of 22 June 2020 and the meeting with interested Councillors held on 29 July 2020.

# Recommendation

# 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.*

# Context

At its ordinary meeting on 22 June 2020, Council resolved in part:

- 570/20 That Council amend the draft Central Coast Biodiversity Strategy to include an additional Theme: Protect and expand the Coastal Open Space System (COSS) that includes, but is not limited to the following:
  - Brief history of COSS

- Explanation of the mechanisms that identified and enabled COSS including, but not limited to, Bonus Lot Provision, COSS Levy, COSS Committee and voluntary acquisition process
- Actions related to expanding COSS, protection of COSS lands and funding options that are independent of a reliance on Offsetting
- 571/20 That Council request that the Chief Executive Officer provide an opportunity for interested Councillors to meet via audio visual link with relevant staff in July, 2020 at Gosford Administration building to review the draft Strategy and discuss any further amendments and receive further information about costings.
- 572/20 That Council request the Chief Executive Officer provide a further report at the first meeting in September, 2020 for the adoption of the draft Central Coast Biodiversity Strategy.

In accordance with the Council resolution 570/20 the revised draft strategy has been amended to now include an additional theme "Protect and Expand the Coastal Open Space System (COSS)" in the Biodiversity Strategy. This additional theme includes a brief history of the COSS; an explanation of the mechanisms that identified and enabled the COSS: and actions relating to expanding COSS, protect of COSS lands and funding options that are independent of a reliance on offsetting.

In accordance with resolution 571/20 a meeting of interested Councillors was held on 29 July 2020 to review the draft Biodiversity Strategy, to discuss any further amendments to the draft Strategy and to receive further information about costings. The proposed structure of the additional theme, and an outline of the proposed text as well as identifying the reference documents to inform the additional theme were presented to the 29 July 2020 meeting for discussion. Additional information about costings to implement the Biodiversity Strategy actions was provided to the Councillors including the existing and proposed sources of funds.

As requested by Councillors, a copy of the presentation from the meeting with Councillors on 29 July 2020 was made available on the Councillor Hub on 14 August 2020.

The requested amendments have been incorporated into the draft Biodiversity Strategy, which is presented to Council for adoption as the Central Coast Council Biodiversity Strategy.

# **Financial Impact**

The Implementation Plan within the Strategy has indicative costings associated with individual actions. Once adopted, the Strategy will form part of a business case and / or development of future Council operational plans and budgets in order to develop the relevant policies and plans and implement the identified actions set out in the Strategy. The strategy itself does not commit Council to spending funds but rather identifies priority actions where biodiversity investment should occur.

There is the potential for other actions identified in the implementation plan to be funded via other sources and mechanisms. The acquisition of environmental lands, for example, can be funded by existing restricted reserve funds available for the acquisition of Coastal Open Space System (COSS) lands and Clause 14 environmental land acquisition. Approximately \$9 million is available in these two restricted funds.

The NSW Government's Biodiversity Offset Scheme provides the potential for considerable funding from a source external to Council. The scale and timing of the implementation of many of the actions are adaptive and can be aligned to the availability of funding and staff resources. In addition, many of Strategy actions can be delivered by staff through existing programs and require no additional funding. The objective of the strategy is that it is cost neutral over time.

# Link to Community Strategic Plan

Theme 3: Green

3.9

# **Goal F: Cherished and protected natural beauty**

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).

# Attachments

1	Central Coast Council Biodiversity Strategy 2020	Provided Under	D14125405
	Summary	Separate Cover	
2	Central Coast Council Biodiversity Strategy 2020	Provided Under	D14120892
		Separate Cover	
3	Outcomes of consultation the draft Central Coast	Provided Under	D13771043
	Council Biodiversity Strategy	Separate Cover	

Item No:	3.10	
Title:	Meeting Record of the Companion Animals Advisory Committee held 28 July 2020	
Department	: Environment and Planning	
28 Septembe	er 2020 Ordinary Council Meeting	
Reference:	F2019/00998 - D14127802	
Manager:	an Jones, Unit Manager, Environment and Certification	
Executive:	ott Cox, Director Environment and Planning	



# Summary

To note the Meeting Record of the Companion Animals Advisory Committee meeting held on 28 July 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 Companion Animals Advisory Committee meeting held on 28 July 2020.
- 2 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.

# Context

The Companion Animals Advisory Committee held a meeting on 28 July 2020. The Meeting Record of that meeting is Attachment 1 to this report. It is noted that quorum was lost during this meeting due to insufficient Councillor representatives. The Meeting Record is being reported to Council in accordance with the relevant Terms of Reference.

# 3.10 Meeting Record of the Companion Animals Advisory Committee held 28 July 2020 (contd)

# **Committee Recommendation:**

The Advisory Group recommends that Council acknowledge the letter received from NSW Office of Local Government regarding cat controls and request that they pursue further amendments to the Companion Animals Act to impose restrictions on cats to ensure they stay on the property in a similar manner to dogs.

# **Staff Comment:**

The response from Office of Local Government outlines a number of strategies Council may take in an effort to control cats. It does not, however, respond to Council's request for amendments to the *Companion Animals Act 1998* to require cats are to be kept on the owners property in a similar manner to dogs.

The Committee's recommendation to write again to the Office of Local Government to pursue amendments to the *Companion Animals Act 1998* is supported.

# **Recommendation to Council:**

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.

# **Committee Recommendation:**

The Advisory Group recommends that Council complete a submission into the Federal Inquiry into Domestic and Feral Cats.

# **Staff Comment:**

Following the meeting it was identified there was inadequate time available to prepare a submission before the submission period closed.

# **Recommendation to Council:**

That Council take no action on the Committee Recommendation.

# 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

1Companion Animals Advisory Committee Meeting Record - 28 JulyD1412362020202020

# Companion Animals Advisory Committee Meeting Record 28 July 2020



Location:	Zoom Meeting	
Date:	28 July 2020	
Time	Started at: 2.18pm	Closed at: 3.12pm
Chair	Councillor Greg Best	
File Ref	F2019/00998	

#### Present:

Councillor Greg Best, Clr Jilly Pilon (left 3.12pm), Allan Benson, Louise Harding, Velma Harris, Greg Kelman, Te're Melrose

#### External Representative present:

Marilyn Jurlina – SOCARES Animal Care Facility Charmhaven, Deanna Walton – Central Coast Animal Care Facility

#### Council Staff present:

Beth Burgess – Unit Manager Libraries Learning and Education, Brian Jones – Unit Manager Environment and Certification, Grant Foster – Section Manager Community Safety, Warren Murphy – Section Manager Contracts and Projects, Jen Desrosiers – Team Leader Community Education, Jen East – Community Education Officer, Kelly Drover – Advisory Group Support Officer

#### Item 1 Welcome, Acknowledgement of Country and Apologies

Apologies received: Councillor Jillian Hogan, Councillor Jeff Sundstrom, Terrie Lynn

The Chairperson, Councillor Greg Best declared the meeting open and completed an Acknowledgement of Country and Connection to Land Statement.

#### Item 2 Disclosures of Interest

The Chair called for any Disclosures of Interest.

No disclosures were received.

#### Item 3 Confirmation of Previous Meeting Record

The Advisory Group confirmed the Meeting Record from 28 May 2020 with an amendment that Allan Benson was listed as an apology however he was in attendance at the meeting.

Companion Animals Advisory Committee Meeting Record 28 July 2020



#### Item 4 Educational Programs

This item was held off till last and the presentation was provided after quorum was lost, therefore staff provided an informal presentation to the Advisory Group and no minutes or actions were recorded.

#### Item 5 Update on Cat Control Methods

Brian Jones (Unit Manager Environment and Certification) discussed the response dated 3 July 2020 from NSW Office of Local Government regarding cat controls.

**Recommendation:** The Advisory Group recommends that Council acknowledge the letter received from NSW Office of Local Government regarding cat controls and request that they pursue further amendments to the Companion Animals Act to impose restrictions on cats to ensure they stay on the property in a similar manner to dogs.

#### Item 6 Draft Central Coast Council Policy for Keeping of Animals

Brian Jones (Unit Manager Environment and Certification) gave an update on the Draft Central Coast Council Policy for Keeping of Animals and the Community Consultation process to be undertaken.

#### Item 7 Animal Foster Care Programs

Warren Murphy (Section Manager Contracts and Projects) discussed the briefing note that had been circulated to the Advisory Group on Animal Foster Care Programs.

In regard to the following comment in the briefing note, Velma Harris would like it noted that this is incorrect, it was actually a scared little puppy.

On 28 May 2020, the Companion Animal Advisory Committee was provided a photograph of an animal enclosure at the Erina facility that had a visual barrier attached to the gate. The visual barriers are on all enclosures to reduce agitation and stress on animals due to the activities of managing the facility. The photograph was on a dangerous/aggressive dog enclosure and has the impact of calming an otherwise aggressive animal.

The Advisory Group discussed concerns regarding the Erina Facility and a dog which recently died following a C-Section. There was a Council Investigation and RSPCA investigation and the facility was cleared.

The Advisory Group discussed the need for an educated team of foster carers to be available for both the Erina and Charmhaven facilities

Warren provided the following statistics for the two facilities in 2019:

	Animals rehomed	Animals transferred from council to Contractors
Erina	772	22
Charmhaven	457	383

Companion Animals Advisory Committee Meeting Record 28 July 2020



**Action:** Staff to provide a report at a future meeting on what Animal Fostering looks like on the Central Coast, what is been done now, what needs to happen in the future and options for resourcing that.

#### Item 8 General Business and Close

The Advisory Group discussed the Federal Government Inquiry into Domestic and Feral Cats. Allan Benson advised he has put a submission in. The closing date is 14 August 2020. Brian and Allan to discuss further.

**Recommendation:** The Advisory Group recommend that Council complete a submission into the Federal Inquiry into Domestic and Feral Cats.

The Advisory Group discussed concerns around stray cats and the pounds not accepting cats.

**Action:** Staff to bring a report back to the next meeting on impounding requirements and reasonable expectations under the Companion Animals Act and Council responsibilities of a Council run facility.

**Action:** Community Education Staff to arrange for a Communication Pack to be sent to all Advisory Group Members including animal care facilities.

Action: The following items to be included on the next agenda:

- What is the definition of a feral cat?
- Upper House Inquiry Prevention of Cruelty to Animal Act 1979 (POCTA Act)
- Resourcing of current facilities and status of Regional Facility
- Clarification on Council's responsibilities and duties in regard to roaming and nuisance dogs.

With the departure of Councillor Pilon at 3.12pm, in accordance with Section Three of the Terms of Reference, there were insufficient voting members present and the meeting could not proceed due to a lack of quorum.

All items except Item 4 had been discussed. The Advisory Group decided to remain online and receive an informal presentation from staff on this item.

The meeting closed at 3.12pm

Next Meeting: Thursday 29 October 2020 4.30pm – 6.30pm Location TBC

ltem No: Title:	4.1 Meeting Record of the Coastal Open Space System (COSS) Committee Extraordinary Meeting held on 18 August 2020	Central Coast Council
Department	: Environment and Planning	Countem
28 September 2020 Ordinary Council Meeting		
Reference:F2018/00099 - D14160918Manager:Luke Sulkowski, Unit Manager, Environmental Management		

# Summary

Executive:

The purpose of this report is for Council to note the Meeting Record of the Coastal Open Space System (COSS) Extraordinary Meeting held on 18 August 2020.

Scott Cox, Director Environment and Planning

# Recommendation

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

# Background

The Coastal Open Space System (COSS) Committee held an Extraordinary meeting on 18 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 meangingful dialogue and demonstrate how community participation is being used to inform decisions.

# Attachments

**1** Extraordinary COSS Committee Meeting Record - 18 August 2020 D14158307

# Coastal Open Space System (COSS) Committee Extraordinary Meeting Record 18 August 2020



Location:	Zoom Meeting	C coastal open space system
Date:	18 August 2020	
Time	Started at: 1.07pm	Closed at: 2pm
Chair	Councillor Jane Smith	
File Ref	F2018/00099	

#### Present:

Councillor Chris Holstein, Councillor Jane Smith, Councillor Jeff Sundstrom, Deb Holloman, Paul Links, Douglas Williamson (joined 1.17pm), Barbara Wills, Gary Chestnut (non-voting)

#### **External Representatives present:**

Steve Atkins – NPWS Central Coast Area Manager, David Green – Local Land Services (Greater Sydney), Rod McKelvey – Chairperson Coffs Coast Regional Park

#### Council Staff present:

Luke Sulkowski – Unit Manager Environmental Management, Larry Melican – Section Manager Natural Assets and Biodiversity, Brent Evans – Project Officer Natural Assets and Biodiversity, Kelly Drover – Advisory Group Support Officer

#### Item 1 Welcome, Apologies and Acknowledgement of Country

Apologies received: John Andrews, David Holland, Scott Cox – Director Environment and Planning

The Chairperson, Councillor Jane Smith declared the meeting open and completed an Acknowledgement of Country and Connection to Land Statement.

#### Item 2 Disclosures of Interest

The Chair called for any declarations of interest.

No disclosures were received.

#### Item 3 Winney Bay Clifftop Walk Preliminary Designs Presentation

This item was discussed after Item 4.

Coastal Open Space System (COSS) Committee Extraordinary Meeting Record 18 August 2020



Brent Evans (Project Officer Natural Assets and Biodiversity) provided the Advisory Group with a presentation on Winney Bay Reserve including an overview of the concepts for plans A, B and C for the Winney Bay Cliff Top Walk – Stage 2 and Captain Cook Lookout.

Further presentations will be given to other groups and Council will then go out for public exhibition in September.

Action: Advisory Group Support Officer to circulate presentation to Advisory Group Members.

**Action**: Advisory Group Support Officer to include the Winney Bay Clifftop Walk on the agenda for the next meeting.

#### Item 4 Presentation on Coffs Regional Park Model

This item was brought forward and was discussed before Item 3.

Rod McKelvey (Chairperson Coffs Coast Regional Park) provided the Advisory Group with an overview of the Coffs Regional Park Model which is a collaboration between the Government and community providing numerous recreational opportunities for locals and tourists and providing protection for the coastal environment.

Rod discussed the following key points:

- Coffs Coast Regional Park has been in existence for 16 years and comprises 562 hectares of coastal lands stretching over 27 kilometres from Coffs Harbour to Corindi.
- Management of the park involves a partnership between Coffs Harbour City Council, National Parks and the Community through a Trust. The Trust Board is responsible for the care, control and management of the park in accordance with the *National Parks and Wildlife Act 1974*.
- Board Meetings are held 4 times a year. Board Members are appointed by the Minister and include Coffs Harbour City Councillors and representatives from National Parks and Wildlife Service (NPWS), the local Aboriginal community and the general community.
- The park is managed under a memorandum of understanding between the Council and NPWS.
- NPWS is primarily responsible for native vegetation, Aboriginal heritage, threatened species, native wildlife, pest species and fire management.
- The Council is primarily responsible for all park facilities and infrastructure (picnic areas and playgrounds), beach access, public toilets and secretarial services to the Trust.
- The Trust fund received contributions from OEH from 2003 through to 2007 totalling \$1.368million. The National Parks current funding averages \$65,000 per year. Council provides support through developer contributions and annual works programs.

Coastal Open Space System (COSS) Committee Extraordinary Meeting Record 18 August 2020



- The current works program will expend the remaining money by the end of this financial year. The Local Member and National Parks Regional Manager are working to try and obtain additional funding.
- There are 18 Landcare groups that volunteer over the 27km (13 of which are regularly active). These groups put in approximately 1200 volunteer hours in the park each year. Coffs Harbour Regional Landcare fund about 600 hours of bush regeneration over the park annually (this is funded by the Coffs Harbour City Council Environmental Levy). In addition, there are about 3000 hours of bush regeneration work completed annually by National Parks staff.
- A lot of the work undertaken is broken up into precincts and is reported to the community via letterbox drops, door knocks, local meetings and workshops.

**Action:** Advisory Group members to send any questions they have regarding the Coffs Harbour Regional Park Model to the Advisory Group Support Officer by CoB Friday 28 August 2020 – to be compiled and forwarded to Rod.

#### Item 5 General Business and Close

Prior to the meeting Doug Williamson had raised the issue of demands for unrestricted access to COSS lands by the Mountain Biking community. Councillor Smith will speak with Doug regarding any specific questions or information to be requested from staff.

**Action:** Advisory Group to consider this matter (access to COSS lands by Mountain Biking community) at the next COSS meeting, including any information provided by staff

The meeting closed at 2pm

Next Meeting: Tuesday 20 October 2020 3pm – 5pm Location TBC

Item No:	4.2	
Title:Meeting Record of the Playspaces AdviCommittee Meeting held on 5 August		
Department	: Environment and Planning	
28 Septembe	er 2020 Ordinary Council Meeting	
Reference:	2019/01087 - D14161786	
Manager:	rett Sherar, Unit Manager, Open Space and Recreation	

Scott Cox, Director Environment and Planning



# Summary

Executive:

To note the Meeting Record of the Playspaces Advisory Committee Meeting held on 5 August 2020.

# Recommendation

# That Council receive the report on Meeting Record of the Playspaces Advisory Committee Meeting held on 5 August 2020.

# Background

The Playspaces Advisory Committee held a meeting on 5 August 2020. The Meeting Record of that meeting is Attachment 1 to this report.

There are no actions recommended to Council therefore the Meeting Record is being reported for information only.

# Link to Community Strategic Plan

Theme 4: Responsible

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

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

# Attachments

**1** Playspaces Advisory Committee Meeting Record - 5 August 2020 D14161776

# Playspaces Advisory Committee Meeting Record 5 August 2020



Location:	Zoom Meeting	
Date:	5 August 2020	
Time	Started at: 4.03pm	Closed at: 4.46pm
Chair	Councillor Jillian Hogan	
File Ref	F2019/00998	

#### Present:

Councillor Jillian Hogan, Councillor Chris Holstein, Susan Donoghue, Ted Edwards, Briohny Kennedy, Danielle Leete, Katie Stokes

#### Council Staff present:

Phil Cantillon – Unit Manager Leisure and Lifestyle, Brett Sherar – Unit Manager Open Space and Recreation, Karen Tucker – Unit Manager Project Management Environment and Planning, Katherine Simmons – Recreation Planner Open Space and Recreation, Kelly Drover – Advisory Group Support Officer

#### Item 1 Welcome, Acknowledgement of Country and Apologies

Apologies received: Mayor Lisa Matthews, Councillor Rebecca Gale, Councillor Kyle MacGregor, Scott Cox – Director Environment and Planning

The Chairperson, Councillor Jillian Hogan, declared the meeting open and completed an Acknowledgement of Country and Connection to Land statement.

#### Item 2 Disclosures of Interest

The Chair called for any declarations of interest.

No disclosures were received.

#### Item 3 Confirmation of Previous Meeting Record

The Advisory Group confirmed the Meeting Record from 6 May 2020.

The Advisory Group reviewed the Action Log.

Central

Council

Coast

Playspaces Advisory Committee Meeting Record 5 August 2020

#### Item 4 Overview of Aquatic Playspace at Peninsula Recreation Precinct (Action 15)

Phil Cantillon (Unit Manager Leisure and Lifestyle) provided the Advisory Group with an update on the water play park project at Peninsula Leisure Centre Woy Woy. The project has been completed but is not open to the public as yet. Scheduled to open in September dependant on COVID.

The Advisory Group discussed the need for accessibility options and suggested the wheelchairs that are available at some of our beaches.

#### Item 5 Update on Parks and Playspaces Works Program (Standing Item)

Brett Sherar (Unit Manager Open Space and Recreation) advised of a change to the structure recently. Brett's position is now purely operational and manages the maintenance of Playspaces. Karen Tucker (Unit Manager Project Management Environment and Planning) will be managing the planning and construction of all playspaces.

Karen Tucker provided the Advisory Group with an update on the list of playspace projects completed in 2019/20, continuing projects, 2020/21 playspace works program and the Leagues Club Field Destination Playspace which is due for completion in November with a grand opening hopefully mid-December.

The Advisory Group discussed the possibility of having an opportunity to have an early view of the Leagues Club Field as the project nears completion.

#### Item 6 Update on Playspaces Strategy Community Comms

Katherine Simmons (Recreation Planner Open Space and Recreation) provided the Advisory Group with an update on the Playspace Strategy which is currently on exhibition till 14 August 2020 and is available on www.yourvoiceourcoast.com. To date 13 submissions have been received through the website and 5 through <u>ask@centralcoast.nsw.gov.au</u>.

#### Item 7 General Business and Close

No General Business.

The meeting closed at 4.46pm.

Next Meeting: Wednesday 4 November 2020 4pm – 6pm Location TBC

Item No:	4.3			
Title:	Working Together Staying Strong COVID Grants - August 2020			
Department	Connected Communities			
28 September 2020 Ordinary Council Meeting				
Reference:	F2020/00039 - D14171921			

Stuart Slough, Team Leader, Community Planning and Funding

Glenn Cannard, Unit Manager, Community Partnerships

Phil Cantillon, Acting Director, Connected Communities



# Summary

Author:

Manager:

Executive:

This report provides an update on the Working Together Staying Strong Grant Program for applications funded in August 2020.

#### Recommendation

# 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.

# Background

Council, at its Ordinary Meeting on 27 April 2020 resolved part thereof the following:

- 341/20 That Council authorise the Chief Executive Officer (or their delegate) through delegated authority to make final determination and allocation of funding on each application based on staff assessment to ensure quick allocation of funds.
- 342/20 That Council receive a monthly report provide an update on the program and details on funded applicants

This report provides a monthly update to Council on the applications received, and funds granted during August 2020.

The Working Together Staying Strong grant program has been developed in response to the increased local demand on critical support services due to the COVID-19 situation. The aim of this program is to assist organisations, which deliver essential support to vulnerable and atrisk groups, during the COVID-19 pandemic.

It is a time-limited, rapid response funding program for service providers who are currently facing increased demand and/or operational difficulties supporting vulnerable and at-risk

Central Coast community members. This grant program also allows service providers to adjust their delivery methodologies so they can still support their clients while complying with social distancing requirements.

The Working Together Staying Strong Grant Program provides a combined budget of \$300,000 between 1 May and 30 September 2020 as detailed in table one below.

Program	Budget	Opening Period	2019/2020 allocation to date	Allocation within this report	Allocation to date + Funding within report
Working	\$300,000	1 May – 30	\$142,932.90	\$1,450.00	\$144,382.90
Together		September 2020			
Staying Strong					
Grant Program					
TOTAL			\$142,932.90	\$1,450.00	\$144,382.90

Five applications were received and assessed between 1 and 31 August with one granted funding.

The Working Together Staying Strong grant program applications were assessed by Council's Unit Manager Community Partnerships and the Community Planning and Funding Team, against the Working Together Staying Strong Grant Program guidelines. The final determination and allocation of funding has been made by the Director Connected Communities.

# Link to Community Strategic Plan

Theme 1: Belonging

# Goal A: Our community spirit is our strength

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

# Attachments

- Working Together Staying Strong– August 2020 Recommended for D14191290 Funding
   Working Together Staying Strong– August 2020 - Not Percommended D14191312
- 2 Working Together Staying Strong– August 2020 Not Recommended D14191312 for Funding

# **Recommended for Funding August 2020**

Organisation Name	Project Title and	Staff Funding	Staff Assessment
	Summary	Recommendation	
4 Hope Community	4 Hope Community	\$1,450.00	Recommended for part funding
Outreach	Outreach – Fridge,		for fridge and freezer as the
	freezer and office		project meets the program
	equipment for		requirements.
	outreach service to		
	meet increased		
	demand		
TOTAL		\$1,450.00	

# Not Recommended for Funding August 2020

Organisation Name	Project Title and Summary	Staff Funding Recommendation	Staff Assessment
Samaritans Foundation	Safe, delightful and engaging sensory spaces - To assist group homes support residents with disabilities live quality lives within distancing requirements	\$0.00	Not recommended for funding as the application is not suited to this grant program. Recommendation is for the applicant to liaise with Council Grants Officers and identify more suitable funding programs.
Umina Surf Life Saving Club Inc	Covid-19 Safe Nipper Activity – Equipment to assist implementing a COVID Safe Plan	\$0.00	Not recommended for funding as the application is not suited to this grant program. Recommendation is for the applicant to liaise with Council Grants Officers and identify more suitable funding programs.
San Remo Neighbourhood Centre Inc	Epicentre on the Move-Car Purchase - the purchase of a small vehicle to deliver hampers, activity packs, vouchers and material	\$0.00	Not recommended for funding as the application is not suited to this grant program. Recommendation is for the applicant to liaise with Council Grants Officers and identify more suitable funding programs.
Ngaruki Gulgul Limited	Standing Strong Counselling - Counselling for our rapidly increasing number of already at-risk young people and their relations and carers	\$0.00	Not recommended for funding as the application is not suited to this grant program. Recommendation is for the applicant to liaise with Council Grants Officers and identify more suitable funding programs.

**Item No:** 5.1

Title: Questions with Notice

**Department:** Governance

28 September 2020 Ordinary Council Meeting Reference: F2020/00039 - D14174158

# **Questions with Notice**

14 September 2020

The following question was submitted by Councillor MacGregor at the Ordinary Meeting 14 September 2020:

Central Coast Council

# Adherence to Council's budgeted operational plan in the previous 12 months:

Can Council staff please provide an update on the following,

- 1 a list of total projects by directorate that were included in the previous years operational plan,
- *2* how many of these projects by directorate came in either over or under budget,
- *a table or appropriate format to clearly identify this information in the business paper?*

Response provided by the Executive Manager, Innovation and Futures:

This is a complex question requiring research and resources to provide an appropriate response. As a result it is not possible to provide a response for this Council meeting and it is proposed to provide the response for inclusion an upcoming Business Paper.

The following questions were submitted by Councillor Hogan:

# San Remo BMX park

San Remo BMX park is a state of the art track which attracts riders from across the Coast, neighbouring Councils and interstate. It is a real credit to Council and the community in having the confidence to drive the development of this project and to witness the successes. Due to the size of the park land, there is also the potential to further develop the park for other sporting codes or activities.

- 1 What is the status of grant funding for the 'Pump Track'?
- 2 Could staff please investigate the feasibility of other sporting activities utilising the site within any future design? For example, radio control cars or Mountain Biking practice training?

The response will be provided by the Director Environment and Planning on or before the 28 September 2020 meeting.

# Attachments

Nil

Item No:	6.1		
Title:	Notice of Motion - Additional Motion to LGNSW Annual Conference - Legislative Reform		
Department:	Councillor		
28 September 2020 Ordinary Council Meeting			

F2020/00039 - D14199692

Louise Greenaway, Councillor



Councillor Greenaway has given notice that at the Ordinary Council Meeting to be held on 28 September 2020 she will move the following motion:

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)

Reference:

Author:

- 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

# **Councillor's Note**

6.1

To *publish content* means, to disseminate or provide access to the public or a section of the public by means of radio, television, the Internet, newspapers, or other media.

Examples of online or Internet publishing might include:

- sending abusive messages or images through mobile phones and on the internet
- sending emails that vilify, demean or cause humiliation to a person or group
- setting up hate websites and blogs to vilify someone
- using chat rooms, instant messaging and gaming areas to harass someone.

# Attachments

Nil.

ltem No: Title:	6.2 Notice of Motion - Extreme Risks and Lease Liabilities	Cer
Department	: Councillor	Col
28 September 2020 Ordinary Council Meeting		
Reference:	F2020/00039 - D14199998	
Author:	Greg Best, Councillor	

Rebecca Gale, Councillor Bruce McLachlan, Councillor Troy Marquart, Councillor

Councillors Best, Gale, McLachlan and Marquart have given notice that at the Ordinary Council Meeting to be held on 28 September 2020 they will move the following motion:

- 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 Emergency Medical Evacuation Aircraft / AirMed from accessing the Airport along with other Emergency Service Providers such as RFS 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 Lease Agreement due to possible implications that will now arise from the re-identification of the Airport to an ALA, reportably through no consultation.

# **Councillors Note**

Councillors, clearly there are going to be policy, legal and governance issues around this Resolution.

However, the time for talk is over. No business I have ever been involved in would allow such risks to persist, particularly when they can so simply be removed.

So concerned am I on this issue, that I have taken some preliminary legal advice around the level of risk / 'extreme' risk that exists here. Make no mistake & rest assured that the full weight of the law will descend upon this Council & very possibly individuals. If an aircraft clips trees and we have fatalities on the runway, this Council will in my view be extinct, careers and lives will be lost, and finger pointing will commence. What I am about is avoiding this, it is called 'Risk Minimisation' and we owe it to our Ratepayers not to expose them to millions of dollars of liability if an aircraft is lost. Not to mention the tragedy that will be around the loss of life.

We have three extremely eminently qualified organisations/agencies highlighting a clear and present danger and yet we do little. While I am not a Lawyer, I can only imagine how harshly the Courts and for that matter the State Government will be forced to act against such a dereliction of duty.

# **Chief Executive Officer Response**

The Chief Executive Officer considers that this notice of motion has legal, strategic, financial or policy implications which should be taken into consideration by the meeting. As a result, the Chief Executive Officer will provide a report in relation to the notice of motion. This report will be provided as a late item and will be made available by close of business on the Friday prior to the council meeting.

# Attachments

Nil.

ltem No: Title:	6.3 Notice of Motion - Leveraging Jobs Hub off \$250M State Government Rail Investment at Kangy Angy	Centra Coas
Department	t: Councillor	Counc
28 Septemb	er 2020 Ordinary Council Meeting	
Reference:	F2020/00039 - D14200089	
Author:	Greg Best, Councillor	
	Rebecca Gale, Councillor	
	Bruce McLachlan, Councillor	
	Troy Marquart, Councillor	

Councillors Best, Gale, McLachlan and Marquart have given notice that at the Ordinary Council Meeting to be held on 28 September 2020 they will move the following motion:

- 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 jobgenerating 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.

# **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.



6.3









# **Chief Executive Officer Response**

The Chief Executive Officer considers that this notice of motion has legal, strategic, financial or policy implications which should be taken into consideration by the meeting. As a result, the Chief Executive Officer will provide a report in relation to the notice of motion. This report will be provided as a late item and will be made available by close of business on the Friday prior to the council meeting.

# Attachments

Nil.

Item No:6.4Title:Notice of Motion - Wamberal TaskforceDepartment:Councillor28 September 2020 Ordinary Council MeetingReference:F2020/00039 - D14200402

Jane Smith, Councillor



Councillor Smith has given notice that at the Ordinary Council Meeting to be held on 28 September 2020 she will move the following motion:

- 1 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.
- 2 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*

# Attachments

Nil.

Author: