



Central Coast Council  
Business Paper  
Extraordinary Council Meeting  
**3 February 2021**





# COMMUNITY STRATEGIC PLAN 2018-2028

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

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

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

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

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

## RESPONSIBLE

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

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

 **Good governance and great partnerships**

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

There are 5 themes, 12 focus areas and 48 objectives

### COMMUNITY STRATEGIC PLAN 2018-2028 FRAMEWORK

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



# Meeting Notice

**The Extraordinary Council Meeting  
of Central Coast Council  
will be held in the Council Chamber,  
Level 1, 49 Mann Street, Gosford on  
Wednesday 3 February 2021 at 6.30 pm,  
for the transaction of the business listed below:**

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New Amenities Building
- 6.2 Kibbleplex Parking Station Lease.
- 6.3 Peninsula Leisure Centre Heating, Ventilation and Air Conditioning  
Replacement

Rik Hart

**Acting Chief Executive Officer**

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

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3 February 2021 Extraordinary Council Meeting

Trim Reference: F2021/00035 - D14457360

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

Section 451 of the LG Act states:

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

## 1.1 Disclosures of Interest (contd)

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

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

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

### **Recommendation**

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

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

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3 February 2021 Extraordinary Council Meeting

Trim Reference: F2021/00035 - D14457368

### **Summary**

Confirmation of minutes of the Ordinary Meeting of Council held on 14 December 2020 and the Extraordinary Meeting of Council held on 18 December 2020.

### **Recommendation**

*That Council confirm the minutes of the Ordinary Meeting of Council held on the 14 December 2020 and the Extraordinary Meeting of Council held on the 18 December 2020.*

### **Attachments**

- |          |  |                               |           |
|----------|--|-------------------------------|-----------|
| <b>1</b> | Minutes - Ordinary Meeting - 14 December 2020      | Provided Under Separate Cover | D14390541 |
| <b>2</b> | Minutes - Extraordinary Meeting – 18 December 2020 | Provided Under Separate Cover | D14416124 |



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

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3 February 2021 Extraordinary Council Meeting

Trim Reference: F2021/00035 - D14457382

## 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) of the Local Government Act 1993 for the following reasons:*

Item 6.1 – CPA/3220 – Tender Evaluation – Adelaide Street Oval, Killarney Vale – New Amenities Building

*Reason for considering in closed session:*

*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 Attachments 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*

Item 6.2 – Kibbleplex Parking Station Lease

*Reason for considering in closed session:*

*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 attachments 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.*

Item 6.3 – Peninsula Leisure Centre Heating, Ventilation and Airconditioning Replacement

*Reason for considering in closed session:*

- 2(c) *contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,*

*That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report and attachments remain confidential in accordance with section 10A(2)(c) of the Local Government Act as it contains commercial information that would if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business 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.*
- 2(i) alleged contraventions of any code of conduct requirements applicable under section 440.*

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

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

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

### **Attachments**

Nil



**Item No:** 2.1  
**Title:** Working Together Staying Strong COVID Grants - September 2020  
**Department:** Community and Recreation Services

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3 February 2021 Extraordinary Council Meeting

Reference: F2021/00035 - D14457391  
Author: Stuart Slough, Team Leader, Community Planning and Funding  
Manager: Glenn Cannard, Unit Manager, Community Partnerships  
Executive: Julie Vaughan, Director Community and Recreation Services

### **Report purpose**

To provide an update on the Working Together Staying Strong Grant Program for applications funded in September 2020.

### **Executive Summary**

This report provides information on the Working Together Staying Strong Grant Program applications received in September 2020, in accordance with the grant program process resolved by Council on 27 April 2020.

The Working Together Staying Strong Grants Program closed on 30 September 2020. Over the program period of 1 May to 30 September 2020 sixty-three applications were received and twenty-four were funded for a total of \$153,823.52 from the \$300,000.00 program budget allocation.

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

*That Council receive the report on Working Together Staying Strong COVID Grants - September 2020 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:

- 331/20 *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.*
  
- 332/20 *That Council receive a monthly information report providing an update on the program and details on funded applicants.*

## 2.1 Working Together Staying Strong COVID Grants - September 2020 (contd)

This report provides a monthly update to Council on the applications received, and funds granted during September 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 at-risk 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.

**Table one: Working Together Staying Strong Grant Program**

<b>Program</b>	<b>Budget</b>	<b>Opening Period</b>	<b>2019/2020 allocation to date (ex GST)</b>	<b>Allocation within this report (ex GST)</b>	<b>Allocation to date + Funding within report (ex GST)</b>
Working Together Staying Strong Grant Program	\$300,000	1 May – 30 September 2020	\$133,952.25	\$19,871.27	\$153,823.52
<b>TOTAL</b>			<b>\$133,952.25</b>	<b>\$19,871.27</b>	<b>\$153,823.52</b>

Seventeen applications were received and assessed between 1 and 30 September 2020 with three 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.

The Working Together Staying Strong Grants Program closed on 30 September 2020. Over the program period of 1 May to 30 September 2020 sixty-three applications were received and twenty-four were funding for a total of \$153,823.52 from the \$300,000.00 program budget allocation. Declined applications have been recommended to consider submitting in other Council grant programs where appropriate and with the guidance of Council's Grants Officers.

## 2.1 Working Together Staying Strong COVID Grants - September 2020 (contd)

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### Financial Considerations

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

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

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

Approved budget is available within the current Community Partnerships Unit 2020/21 operational budget to fund the successful applications outlined within this report.

### 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

<b>1</b>	Working Together Staying Strong Funding Recommended	Provided Under Separate Cover	D14435549
<b>2</b>	Working Together Staying Strong Funding Not Recommended	Provided Under Separate Cover	D14435550



**Item No:** 2.2  
**Title:** Chain Valley Colliery/Delta Coal Community Funding Program - 2020  
**Department:** Community and Recreation Services

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3 February 2021 Extraordinary Council Meeting

Reference: F2021/00035 - D14457409  
Author: Kerrie Forrest, Section Manager, Community Planning and Services  
Manager: Glenn Cannard, Unit Manager, Community Partnerships  
Executive: Julie Vaughan, Director Community and Recreation Services

### **Report purpose**

To consider the applications and recommendations for the 2020 Chain Valley Colliery Community Funding Program as agreed on by the Community Assessment Panel on 15 October 2020.

### **Executive Summary**

The Chain Valley Colliery Community Funding Program is part of the Voluntary Planning Agreement with Delta Coal Pty Ltd which provides external funds for worthwhile community projects within the communities of Summerland Point, Gwandalan, Chain Valley Bay and Mannering Park via a competitive grant program.

Grant rounds are run annually and assessed by a Community Advisory Panel with recommendations made to Council. The Community Advisory Panel's assessment of the sixteen applications to 2020 Chain Valley Colliery Community Funding Program is provided in this report, with six applications recommended for approval.

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

- 1 *That Council resolve, for the purposes of s.11(3) of the Local Government Act 1993, that Attachment 1 is to be treated and remain as confidential under S.10A(2)(c) as it contains information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposing to conduct) business and consideration of the matter in open Council would, on balance, be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.*
- 2 *That Council allocate \$80,467.82 (exclusive of GST) from the 2020 Chain Valley Colliery Community Funding Program as outlined in the following report and attached tables.*

## **Background**

The Chain Valley Colliery Community Funding Program was established between Delta Coal Pty Ltd (formerly Lake Coal Pty Ltd) and Central Coast Council as part of the Voluntary Planning Agreement (Confidential Attachment 1) which was developed in response to condition 11 and 12 of the development consent. The initiative is to provide funding for projects undertaken for the purpose of improving public infrastructure or the provision of community projects for the following communities:

- Summerland Point
- Gwandalan
- Chain Valley Bay
- Mannering Park

As part of the Voluntary Planning Agreement the following conditions were imposed:

- Condition 12 of Schedule 2 of the Development Consent requires Delta Coal Pty Ltd to pay contributions to Council at a rate of \$0.035 for each tonne of coal produced.

As part of the Funding Deed between Council and Delta Coal Pty Ltd the following conditions were imposed:

- The establishment and administration of the Community Advisory Panel which is to make recommendations to Council as to the specific community projects to which the contributions should be applied in order to improve public infrastructure.
- The Community Advisory Panel will be comprised of representatives from Council, Delta Coal Pty Ltd and the local community.
- Council will hold the contributions made by Delta Coal Pty Ltd under the Voluntary Planning Agreement.
- Expenditure of the Contributions may only be made in accordance with recommendations made by the Community Advisory Panel.

Council will use its reasonable endeavours to expend the Contributions within a reasonable period of the Contributions being paid to Council; or if required to achieve the recommendations of the Advisory Panel, Council will pool the Contributions until such time as there are sufficient funds to implement a particular community project.

## **Current Status**

The 2020 round of the Chain Valley Colliery Community Funding Program opened on the 17 August and closed on the 25 September 2020. Funding of up to \$30,000 per project was available for projects which met the Program Guidelines (Attachment 4) and an eligibility check and rating of each application against the criteria was undertaken by staff. The

## **2.2 Chain Valley Colliery/Delta Coal Community Funding Program - 2020 (contd)**

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Community Advisory Panel met on 15 October 2020 to assess the applications and provide recommendations to Council.

This Panel included the following members:

### **Central Coast Council delegate**

Glenn Cannard, Unit Manager Community Partnerships

### **Delta Coal representative**

Steve Gurney - Company Secretary Delta Coal

### **Community representatives**

John Oakes

Andrew Whitbourne

Laurie Williams

### **Assessment**

Sixteen applications were received for the Chain Valley Colliery Community Funding Program 2020 with a total of \$299,263.97 in requests. A total of six applications are recommended for funding with a combined amount of \$80,467.82 (exclusive of GST).

### **Consultation**

Information on the Chain Valley Colliery Community Funding Program was available on Council's Grants and Sponsorship Program web page and was advertised in the Wyong Regional Chronicle newspaper prior to the funding program opening.

An e-mail was sent to the Community Partnerships database advising of the opening and closing dates of Chain Valley Colliery Community Funding Program. Further promotion of the Program was placed on Council's social media platforms including Facebook and Twitter.

Council's Community Grants Officer held three online information sessions throughout the opening period.

Council also offered information and individual appointments throughout the times the grant was open.

The Community Advisory Panel is comprised of representatives from Council, Delta Coal Pty Ltd and the local community. The Community Advisory Panel was formed, as part of the Funding Deed between Council and Delta Coal Pty Ltd (formerly Lake Coal Pty Ltd), to make recommendations to Council as to the specific community projects to which the contributions should be applied in order to improve public infrastructure.



### **Financial Considerations**

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

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

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

There are no financial implications associated with the adoption of the proposed recommendations for the Chain Valley Colliery Community Funding Program.

The total available funds held by Council for the 2020 round is \$83,159.08 with an amount of \$80,467.82 being recommended by the Community Advisory Panel to be allocated to recommended projects. The remaining funds will be held over into the 2021 Chain Valley Colliery Community Funding Program.

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

Theme 1: Belonging

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

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

### **Options**

- 1 Approval of recommended applications as submitted will provide a community benefit to residents of the Summerland Point, Gwandalan, Chain Valley Bay and Mannering Park communities.
- 2 Non approval of some or all applications, as recommended, may result in projects not being undertaken. In the instance of non-approval, Council will be required to abide by 4.2 of the Voluntary Planning Agreement.

### **Critical Dates or Timeframes**

Many of these grant applications are dependent upon support via this funding program. Should decisions be delayed or not supported, projects may not be undertaken.

**2.2 Chain Valley Colliery/Delta Coal Community Funding Program - 2020  
(contd)**

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**Attachments**

<b>1</b>	CONFIDENTIAL Chain Valley Colliery Voluntary Planning Agreement -		D13718863
<b>2</b>	Chain Valley Colliery Community Assessment Panel Meeting Minutes	Provided Under Separate Cover	D14435468
<b>3</b>	2020 Chain Valley Colliery Community Fund Recommended for Funding	Provided Under Separate Cover	D14435465
<b>4</b>	Chain Valley Colliery Fund Guidelines	Provided Under Separate Cover	D14435463



**Item No:** 3.1  
**Title:** Business Recovery Plan  
**Department:** Corporate Affairs

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3 February 2021 Extraordinary Council Meeting

Reference: F2021/00035 - D14457421  
Author: Michael Ross, Unit Manager, Procurement and Projects  
Executive: Natalia Cowley, Acting Director, Corporate Affairs

### **Report Purpose**

The purpose of this report is to provide an overview summary of Council's financial position, progress against the adopted Business Recovery Plan (formerly the 100 Day Recovery Action Plan), progress of the Forensic Audit, and details of progress against any strategies or performance improvement orders that are in place.

While this report is not confidential, it does relate to a confidential matter. Administrator and staff are reminded of their obligation under the Code of Conduct to appropriately manage confidential information. It is noted that Administrator received legal advice regarding this issue. Should Councillors wish to discuss this matter, including confidential information provided it is recommended that Council resolves as follows:

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

*2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*

*And because consideration of the advice received in open Council would on balance be contrary to the public interest as it would affect Council's ability to manage legal matters effectively and in the best interests of Central Coast community.*

### **Corporate Affairs Recommendation**

That Council receive the report "Business Recovery Plan – Status Report".

### **Context**

At its Ordinary meeting held 26 October 2020, the Council resolved as follows:

- 1081/20 *Each (fortnightly) Council meeting during the next 12 months will receive a report that details;*
- i. the financial position of council at that time*
  - ii. progress against the Business Recovery Plan*

### 3.1 Business Recovery Plan (contd)

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- iii. *progress of the Forensic Audit, until completed*
- iv. *an outline of any other relevant strategy in response to the Financial Crisis and progress against those strategies*
- v. *progress against any Performance Improvement Order that is in place.*

#### **Financial Position of Council**

Council is continuing to closely monitor, track and reconcile its cash position daily. Progress has been made on identifying and mitigating the key causes for the situation that Council finds itself in. Senior management are focused on closing off the actions below.

On 18 December 2020, Council received the final \$100m tranche of the commercial credit facility necessary to support Council's Business Recovery Plan. This loan was received from one of the four major Australian banks for a fixed 3 year loan amortizing over 15 years.

#### **Progress Against the Business Recovery Plan**

Stage 2 actions for the business recovery plan are grouped under the key categories of Governance, Finance, Operations and Assets. The following shows a breakdown of completed tasks in response to Council's financial situation:

Governance	97% complete – 33 of 34 tasks complete
Finance	71% complete – 34 of 48 tasks complete
Operations	50% complete – 14 of 28 tasks complete
Assets	48% complete – 11 of 23 tasks complete

**Governance Closed Tasks Summary** - The tasks pertaining to formalities and structure on project management, identification of key roles, appropriate flow of information, stakeholder engagement, and compliance are completed. The remaining outstanding task is record keeping which will be ongoing until the Business Recovery Plan is concluded.

**Financial Closed Tasks Summary** – Definition and securing additional funds for working capital, development of a long-term financial plan that set targets to ensure sustainability of Council into the future, also used for Council to achieve a commercial loan, development of a restructure plan, improved cash reporting mechanisms, amendments to payment terms for creditors, internal cost reviews were all completed. Remaining tasks include the completion of the 2020-2021 financial year end process and audit, and the 2021-2022 financial year budget process.

**Operations Closed Tasks Summary** - Completion of the high-level service level review to inform critical services and potential areas for efficiency, workforce review including voluntary redundancy criterion and revenue streams reviewed with opportunities identified to increase. Remaining tasks include the special rate variation process, redefinition of services, workforce needs, and service levels post the outcome of the special rate variation and the restructure are known.

Assets Close Tasks Summary - The establishment of the capital expenditure (capex) framework, endorsed and communicated to the business for the preparation of the 2021/2022 budget, review of capital projects and identified opportunities to defer projects. Capex processes and framework for prioritisation of capital works reviewed, including approximately \$40M reduction in capex and significant redirection of funds from general fund. Remaining tasks include the review of developer contributions plans, further reviews of underperforming assets and the consideration of a Project Management Office.

Forensic Audit update – a first draft was received of the work-in-progress of the forensic audit. This draft provided a review of Council's accounting procedures and apportionment model and delivered some draft findings from their sample review. Further work is necessary to quantify the findings, document the recommendations and finalise the report.

During this process Council acknowledges the input from union representatives which has ensured there is a collaborative approach to Council's business recovery actions, including the review of the expressions of interest for the completed Voluntary Redundancy Program, making sure that staff impacts are of the highest consideration.

Refer to attachment 1 – Business Recovery Plan Tasks Update - 21012021 for detailed information regarding the completed tasks.

#### **Outline of any other relevant strategy in response to the Financial Crisis and progress against those strategies**

During the Council meeting dated 30 November 2020 it was resolved to sell a number of underperforming assets. One of the resolutions was:

*1262/20 That the Chief Executive Officer establish a Property Advisory Committee consisting of two or three appropriately skilled and experienced external people to provide advice to achieve the best result for Council and provide probity advice.*

In response to this item Council has developed the Property and Asset Sales Governance Framework, including Terms of Reference for the Project Control Group, Independent Advisory Group and Project Team which are attached for reference.

Independent property development experts Michael Filo and Steve Rowe have been engaged to execute the functions of the Independent Advisory Group. Michael Filo and Steve Rowe possess extensive experience in the public sector providing support and oversight for property, asset and development transactions with their most recent relevant engagement being members on the Major Projects Advisory Committee for City of Parramatta Council.

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

Theme 4: Responsible

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

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

**Attachments**

<b>1</b>	Business Recovery Plan Tasks Update - 21012021	Provided Under Separate Cover	D14453047
<b>2</b>	Property and Asset Sales Governance Framework	Provided Under Separate Cover	D14453040
<b>3</b>	Property and Asset Sales Independent Advisory Group Terms of Reference	Provided Under Separate Cover	D14453048
<b>4</b>	Property and Asset Sales Project Control Group Terms of Reference	Provided Under Separate Cover	D14453049
<b>5</b>	Property and Asset Sales Project Team Terms of Reference	Provided Under Separate Cover	D14453052
<b>6</b>	Michael Filo CV	Provided Under Separate Cover	D14453054
<b>7</b>	Steve Rowe CV	Provided Under Separate Cover	D14453057



**Item No:** 3.2  
**Title:** Amendments to Policy for Investment Management - November 2020  
**Department:** Corporate Affairs

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3 February 2021 Extraordinary Council Meeting

Reference: F2004/06604 - D14457471  
Author: Devini Susindran, Financial Accountant Treasury and Taxation  
Manager: Peter Correy, Acting Unit Manager Financial Performance  
Executive: Natalia Cowley, Acting Director, Corporate Affairs

### **Report purpose**

The purpose of this report is for Council to consider the Policy for Investment Management.

This report recommends adoption of the Amended Policy for Investment Management – November 2020.

### **Corporate Affairs Recommendation**

*That Council adopt the Amendments to Policy for Investment Management - November 2020*

### **Context**

Legislation requires Council to maintain an Investment Policy that complies with the *Local Government Act 1993, Local Government (General) Regulation 2005, Ministerial Investment Order of 12 January 2011* as advised by way of *OLG Circular 11-01 17 February 2011* and *Investment Policy Guidelines*, issued by the Office of Local Government.

Central Coast Council's Policy for Investment Management articulates how we will manage Council's cash and investment portfolio. The policy is designed to safeguard Council's cash and investments, achieve appropriate earnings and manage cash resources to ensure sufficient liquidity to meet business objectives over the short, medium and long term.

### **Current Status**

The annual review of the Policy for Investment Management – November 2020 was presented at the December 2020 Audit Risk and Improvement Committee (ARIC) for review and to provide a report to Council. The Policy was adopted by Council on 14 December 2020.

The individual institutional limits in the current Policy carry lower maximum exposure limits in A- (when compared to A+ and A) and BBB and BBB- (when compared to BBB+) rated

### 3.2 Amendments to Policy for Investment Management - November 2020 (contd)

institutions. For the purposes of optimising Council's interest-earning capacity and achieving trading consistency across the major category bands, the maximum exposure differentiation between the individual category bands has been removed.

The amendments to the Policy for Investment Management – November 2020 is limited to Table 2 of the Policy related to individual institutional limits and shown in the table below:

**Table 2 – Counter Party Risk**

Individual Institutions Limits		Individual Institutions Limits	
Current policy		Proposed amendment	
Long Term Credit Ratings	Maximum Exposure	Long Term Credit Ratings	Maximum Exposure
AAA Category*	100%	AAA Category*	100%
AA Category*	100%	AA Category*	100%
A+ to A Category	30%	A Category	30%
A- Category	20%		
BBB+ Category	10%	BBB Category	10%
BBB- to BBB Category	5%		
Unrated Category	0%	Unrated Category	0%

*\*The limit may be exceeded temporarily to the extent that the excess represents funds held on deposit awaiting reinvestment.*

It is expected that the changes will provide greater flexibility in diversifying Council's Investment Portfolio

#### **Proposal**

The proposal is to amend the Policy for Investment Management in accordance with the changes listed above

#### **Consultation**

Consultation occurred with external broker institutions and benchmarking against other Councils

#### **Financial Considerations**

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

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



### **3.2 Amendments to Policy for Investment Management - November 2020 (contd)**

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

There are no additional costs associated with this Policy amendment.

#### **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.

#### **Risk Management**

Staff will continue to review:

- Credit worthiness of the financial institutions it has placed investments with;
- Policy for Investment Management to ensure Council complies with all regulatory requirements.

#### **Attachments**

<b>1</b>	Amended Policy for Investment Management - November 2020	Provided Under Separate Cover	D14429986
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**Item No:** 3.3  
**Title:** Meeting Records of Advisory Group and Committee meetings held in November and December 2020  
**Department:** Corporate Affairs

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### 3 February 2021 Extraordinary Council Meeting

Reference: F2018/00220 - D14457498  
Author: Zoie Magann, Advisory Group Support Officer  
Manager: James Taylor, Section Manager Governance  
Shane Sullivan, Unit Manager Governance and Business Services  
Executive: James Taylor, Section Manager Governance

### Report purpose

To note Meeting Records of the Advisory Group and Committee meetings held in November and December 2020, which include no recommendations for Council and are reported for information only.

### Executive Summary

The below Advisory Groups and Committees met in November and December 2020. The associated Meeting Records were approved by the respective Convenors and Chairs, and were circulated to members via email. It is noted that Meeting Records are confirmed by Advisory Groups and Committees at their next ordinary committee meeting.

Links to each Meeting Record on Council's website are included below for the information of Council.

- [Audit Risk and Improvement Committee meeting held 6 November 2020](#) (adopted at 10 December 2020 ARIC Meeting)
- [Town Centre Advisory Committee meeting held 18 November 2020](#)
- [Water Management Advisory Committee meeting held 19 November 2020](#)
- [Status of Women Advisory Group meeting held 19 November 2020](#)
- [Terrigal Water Quality Sub-Committee meeting held 24 November 2020](#)
- [Employment and Economic Development Committee meeting held 25 November 2020](#)
- [Companion Animals Advisory Committee meeting held 26 November 2020](#)
- [Coastal Open Space System \(COSS\) Committee meeting held 1 December 2020](#)
- [Gosford CBD and Waterfront Advisory Committee meeting held 3 December 2020](#)

### **3.3 Meeting Records of Advisory Group and Committee meetings held in November and December 2020 (contd)**

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- [Pedestrian Access and Mobility Advisory Committee meeting held 8 December 2020](#)
- [Social Inclusion Advisory Committee meeting held 10 December 2020](#)
- [Audit Risk and Improvement Committee meeting held 10 December 2020](#)

It is noted there were also Catchments and Coast Committee meetings held for [Brisbane Water and Gosford Lagoons on 24 November 2020](#) and for [Tuggerah Lakes on 9 December 2020](#), as well as a [Tourism Advisory Committee meeting on 15 December 2020](#), however those Meeting Records include recommendations to Council and will be reported separately to provide further commentary.

#### **Corporate Affairs Recommendation**

*That Council receive the report on Meeting Records of Advisory Group and Committee meetings held in November and December 2020.*

#### **Background**

Meeting Records from Advisory Group meetings were previously reported to Council individually for noting by the respective Convenor.

This process has been further refined to ensure suitable use of Council's resources in that staff will now prepare a Council report every second month to note Meeting Records from Advisory Group and Committee meetings held in the preceding two months. This timing allows for the Meeting Records to be approved and circulated, and the associated one Council Report to be drafted which will reduce the number of Council Reports overall while not impacting content.

If a Meeting Record includes a recommendation to Council and requires further commentary from Convenor as subject matter expert, a separate Council report will be submitted from the relevant Directorate.

Meeting Records will also no longer be included as attachments to Council Reports unless specifically required. Links to the Meeting Records on [Council's website](#) will instead be included in the report's Executive Summary as set out in this report.

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

Theme 4: Responsible

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

### **3.3 Meeting Records of Advisory Group and Committee meetings held in November and December 2020 (contd)**

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

#### **Attachments**

Nil



**Item No:** 3.4  
**Title:** Investment Report for December 2020  
**Department:** Corporate Affairs

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3 February 2021 Extraordinary Council Meeting

Reference: F2004/06604 - D14457508  
Author: Peter Correy, Acting Unit Manager Financial Performance  
Executive: Natalia Cowley, Acting Director, Corporate Affairs

### **Report purpose**

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

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

### **Executive Summary**

This report details Council's investments as at 31 December 2020.

### **Corporate Affairs Recommendation**

*That Council receive the Investment Report for December 2020.*

### **Background**

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 14 December 2020, Ministerial Investment Order issued February 2011 and Division of Local Government (as it was then known) Investment Policy Guidelines published in May 2010.

### 3.4 Investment Report for December 2020 (contd)

#### Current Status

Council's current cash and investment portfolio totals \$488.15 million at 31 December 2020.

Source of Funds	Dec 2020 (\$'000)
Investment Portfolio	\$371,131
Cash in hand and Transactional accounts per bank statements	\$117,020
<b>Total</b>	<b>\$488,151</b>

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

Total net return on the portfolio for Council, in December was \$338K, comprising entirely of interest earned. The total value of Council's investment portfolio as at 31 December 2020 is outlined in Table 1 below.

**Table 1 – Portfolio Movement**

Description	2019-20 Financial Year \$'000	Jul-Sep Qtr 2020/21 \$'000	Oct-20 2020/21 \$'000	Nov-20 2020/21 \$'000	Dec-20 2020/21 \$'000	FYTD 2020/21 \$'000
<b>Opening Balance</b>	445,661	348,210	299,678	319,801	387,802	348,210
Movement for the period	-97,451	-48,531	20,123	68,001	-16,671	22,922
<b>Closing Balance</b>	348,210	299,678	319,801	387,802	371,131	371,131
Interest earnings	8,547	1,152	344	330	338	2,164

The market value of Council's investment portfolio at 31 December is \$371 million.

At the end of December Council secured \$100 million in borrowings. These funds have been progressively invested during January. This has contributed to the net cash inflow of \$72.27 million for the month.

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

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

**Table 2 - Investment Maturities as at 30 December 2020**

Time Horizon	Percentage Holdings	Maturity on or before	Value \$'000
<b>At Call</b>	15.75%	Immediate	58,437
<b>Investments</b>			
0 - 3 months	21.83%	Mar-2021	81,000
4 - 6 months	22.61%	Jun-2021	83,905
7 - 12 months	13.21%	Dec-2021	49,016
1 - 2 years	9.75%	Dec-2022	36,198
2 - 3 years	3.51%	Dec-2023	13,025
3 - 4 years	5.39%	Dec-2024	20,000
4 - 5 years	7.96%	Dec-2025	29,550
<b>Total Investments</b>	<b>84.25%</b>		<b>312,694</b>
<b>Total Portfolio</b>	<b>100.00%</b>		<b>371,131</b>

The investment portfolio is concentrated in AA above (59.8%), A (35.9%), BBB (4.1%) and Unrated (0.3%).

The investments in AA are of a higher credit rating and BBB represented the best returns at the time of investment within Policy guidelines.

Council holds one term deposit parcels that is “grandfathered” investment in the unrated category. The investment is within Council’s Investment Policy which is 2% - as per Attachment 4. The value of unrated investments has reduced due to changes in Investment Policy adopted on 14 December 2020. The investment with Unity bank was made as part of meeting community expectations to invest in the LGA and offers Council a higher level of interest rate return, which will be lost if the investment is closed prior to maturity and on that basis, it is recommended that it is kept to maturity.

Start Date	Institution	Product	Rating	Maturity Date	Amount
15/02/2020	Unity Bank*	Term Deposit	Unrated	15/02/2021	\$1,000,000

\*\* Unity Bank is a local credit union and this is a historical rolling investment from pre- amalgamation Wyong Council

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

The current spread of investments and counterparty exposure for December 2020 are shown in Graphs 1 and 2 respectively in Attachment 3.

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

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

Council currently holds 7.96% or \$29.55 million in ESG investments as at 31 December 2020.

### **Portfolio Return**

Interest rates on investments in the month, ranged from 0.33% to 3.18%, all of which exceeded the monthly Bank Bill Swap Rate (BBSW) benchmark of 0.02%.

The annualised financial year to date return for December of 1.15% for Central Coast Council is favourable compared to benchmark bank bill swap (BBSW) *financial year to date* Calculated Bank Bill Index of 1.02% as shown in Graph 3 - Portfolio Returns in Attachment 3.

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

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

<b>Source of Funds</b>	<b>December 2020 (\$'000)</b>
Investment Portfolio	\$371,131
Transactional accounts and cash in hand	\$117,020
<b>Total</b>	<b>\$488,151</b>
Restrictions as at 31 December 2020	\$445,218
Unrestricted Funds as at 30 December 2020	\$42,933

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

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

### **Financial Considerations**

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



### **3.4 Investment Report for December 2020 (contd)**

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

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

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

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

Theme 4: Responsible

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

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

#### **Attachments**

<b>1</b>	Summary of Investments as at 31 December 2020 D14448916	D14448916
<b>2</b>	Summary of Restrictions as at 31 December 2020	D14448922
<b>3</b>	Investment Report for December 2020 - Graph 1, 2 and 3 D14449119	D14449119
<b>4</b>	Treasury Direct Portfolio Report December 2020 D14448925	D14448925
<b>5</b>	Treasury Direct Trading Limit Report December 2020 D14448927	D14448927



**Item No:** 4.1  
**Title:** Meeting Records of the Catchments and Coast Committee meetings held 24 November 2020 and 9 December 2020  
**Department:** Environment and Planning

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3 February 2021 Extraordinary Council Meeting

Reference: F2018/00097 - D14457620  
Manager: Luke Sulkowski, Unit Manager, Environmental Management  
Executive: Scott Cox, Director Environment and Planning

### **Report purpose**

To note the Meeting Records of the Catchments and Coast Committee meetings held for Brisbane Water and Gosford Lagoons (BWGL) on 24 November 2020 and Tuggerah Lakes (TL) on 9 December 2020, and to consider recommendations made by the Advisory Groups and staff comments on these recommendations.

### **Executive Summary**

The [Catchments and Coast Committee Brisbane Water and Gosford Lagoons met on 24 November 2020](#) and the [Catchments and Coast Committee Tuggerah Lakes met on 9 December 2020](#). The Meeting Records from those meetings are published on Council's website and have been hyperlinked above for the information of Council.

### **Environment and Planning Recommendation**

- 1 *That Council note the Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held 24 November 2020.*
- 2 *That Council note the Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held 9 December 2020.*
- 3 *That Council note the Catchments and Coast Committee Brisbane Water and Gosford Lagoons considered inviting affected Wamberal Beach residents to meetings in accordance with Resolution 718/20, but believes this action is superseded by the function of the Wamberal Seawall Advisory Taskforce, and that as a result, Council instead endorse retention of the current committee membership and not call for additional representation at this time.*
- 4 *That Council note an investigation of the potential flooding impacts of the Kangy Angy Rail Facility has been completed as per Resolution 404/20, and no issues have been found that warrant further flood modelling investigation.*

#### 4.1 Meeting Records of the Catchments and Coast Committee meetings held 24 November 2020 and 9 December 2020 (contd)

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##### Background

The [Catchments and Coast Committee Brisbane Water and Gosford Lagoons held a meeting on 24 November 2020](#). The Meeting Record of that meeting was approved by the Convenor and Chair, and placed on Council's website as hyperlinked above.

At this meeting the Advisory Group discussed the Wamberal Beach erosion event with regard to the following Council Resolution from the [Ordinary Council Meeting held 27 July 2020](#).

*798/20 That Council invite expressions of interest from affected residents to be considered to join the Coast and Catchments Committee (Brisbane Waters).*

It was noted there is a Wamberal Seawall Advisory Taskforce which meets monthly to progress outcomes for Wamberal Beach and that extensive community engagement will be undertaken as part of this project and that all members of the community had the opportunity to nominate and be considered as a committee representative at the time that the committees were formed. As a result, the Advisory Group agreed it was preferable to maintain the existing membership of the committee given there is already community consultation specifically in regards to Wamberal occurring as part of an existing project.

The [Catchments and Coast Committee Tuggerah Lakes also held a meeting on 9 December 2020](#). The Meeting Record of that meeting was approved by the Convenor and Chair, and placed on Council's website as hyperlinked above. At this meeting the Advisory Group discussed the Kangy Angy Rail Facility with regard to the following Council Resolution from the [Ordinary Council Meeting held 25 May 2020](#).

*447/20 That Council adopt the draft Ourimbah Creek Catchment Floodplain Risk Management Study and Plan from the original report to Council dated 28 October 2019, subject to the following amendment;*

- That an additional action be included in the plan to investigate the potential flooding impacts of the completed Kangy Angy rail facility with particular reference to the February 2020 floods and noted as a high priority with timing of 1 year to be completed.*

The Advisory Group noted that investigations regarding flooding impacts were undertaken, as well as a review of flood studies completed by Transport for NSW. It was agreed that no further flood modelling investigation would be necessary given the investigations revealed no significant flooding impacts, and the facility likely did not contribute to impacts from the February 2020 flood event.

## 4.1 Meeting Records of the Catchments and Coast Committee meetings held 24 November 2020 and 9 December 2020 (contd)

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### Financial Considerations

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

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

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

There are no financial implications associated with the recommendations made in this report.

### Link to Community Strategic Plan

Theme 4: Responsible

### Goal G: Good governance and great partnerships

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

### Attachments

Nil



**Item No:** 4.2  
**Title:** Request for Amendment - Planning Proposal  
RZ/3/2019 - 45 Mulloway Road Chain Valley Bay  
**Department:** Environment and Planning

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3 February 2021 Extraordinary Council Meeting

Reference: RZ/3/2019 - D14457744  
Author: Rodney Mergan, Senior Strategic Planner  
Scott Duncan, Section Manager, Land Use and Policy  
Manager: Shari Driver, Unit Manager, Strategic Planning  
Executive: Scott Cox, Director Environment and Planning

### **Report purpose**

To enable Council to consider an amendment to an endorsed Planning Proposal.

### **Executive Summary**

This report provides an assessment of the merits of amending a Planning Proposal endorsed by Council 23 March 2020 relating to 45 Mulloway Road Chain Valley Bay.

This Planning Proposal seeks to rezone the site from E3 Environmental Management to part RE2 Private Recreation and part E2 Environmental Conservation to permit the construction of a Manufactured Housing Estate (MHE) and provide for the conservation of environmentally significant land.

Negotiations between the applicant and the landowner have been complicated by the landowner's wish to retain the ownership of the existing dwelling house on the northern part of the site. The proposal currently seeks to rezone the majority of the site, including the existing dwelling and surrounds, to the RE2 Private Recreation and retain the current 40Ha minimum lot size.

It is proposed to amend the Planning Proposal to apply the R2 Low Density Residential Zone over approximately 1 Ha at the northernmost end of the site and reduce the area of the site to be rezoned RE2 accordingly. No change to the area of land to be rezoned E2 is proposed.

This modification to the Planning Proposal requires an amended Council resolution and Gateway Determination. The proposed variation to the original Planning Proposal will provide for a better balance of housing choice and that opportunities to manage any land uses conflicts can readily be addressed by good subdivision design and layout.

### **Environment and Planning Recommendation**

## **4.2 Request for Amendment - Planning Proposal RZ/3/2019 - 45 Mulloway Road Chain Valley Bay (contd)**

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- 1 *That the Planning Proposal endorsed under Resolutions 288/20 to 295/20 be modified to rezone the subject sites from E3 Environmental Management to RE2 Private Recreation, E2 Environmental Conservation and R2 Low Density Residential by amending the Wyong Local Environmental Plan 2013 (or Central Coast Local Environmental Plan), whichever is in effect at the time.*
- 2 *That Council request an amendment to the current Gateway Determination from the Department of Planning, Industry and Environment (DPIE) to include the R2 Low Density Residential Zone.*

### **Background**

Refer to Attachment 1 - Report to Council 23 March 2020.

Following consultation with Council, DPIE and external consultation authorities, the applicant is currently preparing additional studies and information required for public exhibition

### **Report**

The applicant has provided amended information indicating how the R2 land can be subdivided and serviced in the future (Attachment 2). It is also proposed that a minimum lot size of 450m<sup>2</sup> be applied to the R2 zone.

The proposed addition of the R2 zone to this Planning Proposal increases the potential for a variety of residential land uses possible on the subject site. In issuing a Gateway Determination, the DPIE encouraged Council to investigate the use of the R2 zone on the site. DPIE have been made aware of the proposed change to this Planning Proposal and have indicated they will consider a request for an amended Gateway Determination.

### **Consultation**

The Gateway Determination lists external authorities to be consulted during the public exhibition of the planning proposal. Preliminary consultation with these authorities has already occurred and is helping to guide information required for public exhibition. These authorities will be further consulted, as required, during the public exhibition phase. If the proposed amendment is supported, this consultation information will include a revised Planning Proposal which will include amended and additional information as required and a revised zoning and minimum lot size map to support the proposed R2 zone.

### **Financial Considerations**

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

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

## 4.2 Request for Amendment - Planning Proposal RZ/3/2019 - 45 Mulloway Road Chain Valley Bay (contd)

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

Planning Proposals are identified under Council's Fees and Charges and staff time is charged at an hourly rate. Any additional work required to complete this Planning Proposal as a result of this variation will be at no cost to Council.

### Link to Community Strategic Plan

Theme 4: Responsible

### Goal I: Balanced and sustainable development

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

### Risk Management

There have been no risks identified to the natural and built environment associated with the proposed amendment.

### Options

- 1 Adopt as per the recommendations of the report. **Recommended**
- 2 Allow the Planning Proposal to continue as endorsed by Council 23 March 2020. **Not Recommended** as without a resolution of issues between the landowner and the applicant, the current Planning Proposal is unlikely to be completed.
- 3 The option of applying other land use zonings or controls could be explored. **Not Recommended** as has previously been explored and could not appropriately accommodate retaining the dwelling house permissibility, MHE construction and subdivision.

### Critical Dates or Timeframes

There are no identified critical dates or timeframes.

### Attachments

1	Planning Proposal Application - RZ/3/2019 - 45 Mulloway Road Chain Valley Bay - Report	Provided Under Separate Cover	D13749206
2	Proposed Subdivision Layout and Preliminary Assessment	Provided Under Separate Cover	D14435476



**Item No:** 4.3  
**Title:** Outcomes of consultation the draft Smoke-free Outdoor Public Places Policy  
**Department:** Environment and Planning

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3 February 2021 Extraordinary Council Meeting

Reference: F2020/02983 - D14457793  
Author: Larry Melican, Section Manager Emergency Protection Natural Assets  
Manager: Luke Sulkowski, Unit Manager, Environmental Management  
Executive: Scott Cox, Director Environment and Planning

### **Report purpose**

To consider the outcomes of the community consultation undertaken on the draft Smoke-free Outdoor Public Places Policy.

### **Executive Summary**

This report provides an analysis of the feedback received as a result of the public consultation of the draft Smoke-free Outdoor Public Places Policy exhibited between 14 September and 29 October 2020.

- A total of six submissions were received with all submissions being supportive of the intent of the policy.
- Two submissions believed that smoke-free distances in the *Smoke-free Environment Act 2000* should be extended to 10 metres
- One submission was supportive of sportsgrounds and recreation areas being smoke-free at all times
- One submission wanted all outdoor dining areas to be smoke-free
- One submission wanted the policy to apply to beaches, lagoons and waterways, and within 10 metres of sportsground clubhouses and canteens.

The draft policy has been revised to reflect the intent of community submissions particularly to confirm that it applies to beaches. This report recommends that Council adopt the draft policy revised in response to community feedback.

### **Environment and Planning Recommendation**

*That Council adopt the amended draft Smoke-free Outdoor Public Places Policy (attachment 2 to this report) which contains the following amendments:*

- a) under Section 6a. Natural Areas the words 'including bushland, beaches, waterways, wetlands and foreshores' have been added; and*
- b) under Section 6e General Community Use the words 'including beaches' have been added.*



### 4.3 Outcomes of consultation the draft Smoke-free Outdoor Public Places Policy (contd)

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#### Context

The *Smoke-free Environment Act 2000* designates smoke-free environment areas in New South Wales. While the Act lists several smoke-free outdoor public places, the development of a Council policy is proposed to identify Council's open space areas as smoke-free at all times.

This Policy review forms part of the ongoing program to review the former Wyong Shire Council or Gosford City Council policies as a single Central Coast Council policy.

#### Current Status

The draft Central Coast Council Smoke-free Outdoor Public Places Policy has been revised where appropriate to reflect community feedback.

#### Report

As part of Council's alignment of policies from the two former Councils, five draft policies (including the draft Smoke-free Outdoor Public Places Policy) were placed on exhibition via the Your Voice Our Coast site between 14 September 2020 and 29 October 2020.

The *Smoke-free Environment Act 2000* identifies smoke-free environments that apply across New South Wales. The smoke-free outdoor public places identified in the Act include swimming pool complexes; areas set aside or being used by spectators to watch an organised sporting event; and commercial outdoor dining areas. This draft policy aligns with the legislation by establishing Council land classified as Community under the *Local Government Act 1993*, as smoke-free. Under the Council policy the smoke-free status will apply to Community classified land at all times.

The categories of Community land that policy applies to are:

- 1 Natural Areas (e.g. bushland, foreshores)
- 2 Sportsgrounds
- 3 Parks
- 4 Areas of Cultural Significance
- 5 General Community Use

Six submissions were received on the draft Smoke-free Outdoor Public Places Policy. The submissions that requested an increase of the smoke-free distances from bus stops and entrances to buildings, as identified in the Act, are relevant to future reviews of the legislation and not the draft policy. There was support in the submissions for the smoke-free status applying 24 hours per day, which is a key element of the draft policy.

The submissions also included a request to include beaches, lagoons and waterways. The sub-categories of natural area include watercourses and wetlands which apply to lagoon

### 4.3 Outcomes of consultation the draft Smoke-free Outdoor Public Places Policy (contd)

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environments. Beaches however are currently not subject to classification or categorisation under the *Local Government Act 1993*. Council is undertaking a legislated process to apply Local Government Act categories to Crown reserves including beaches. This is anticipated to result in General Community Use or Natural Area categories being applied to beaches.

The draft policy has been revised to incorporate specific reference to beaches to minimise misunderstanding about the applicability of the policy on beaches.

#### Consultation

The draft Smoke-free Outdoor Public Places Policy was placed on public exhibition for a period of 42 days between Monday 14 September 2020 and Thursday 29 October 2020. The draft Strategy was exhibited online on Council's community consultation hub, Your Voice Our Coast. Promotion of the consultation period provided the opportunity for the community to provide feedback. A total of 6 submissions were received and are discussed in Attachment 1.

#### Options

1. Council adopted the amended draft Smoke-free Outdoor Public Places Policy.  
**Recommended**
2. Council adopt the draft Smoke-free Outdoor Public Policy without changes made in response to community feedback. **Not recommended as outlined in this report.**

#### Financial Considerations

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

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

Adoption of the policy in its own right has no financial implications on the business, but instead sets a policy position for the organisation to work towards in regard to the management of its land. Subsequent enforcement of the policy will however require further investment in relation to signage (for regulatory purposes) and education. This has not been considered in the development of the policy itself.

In contrast, successful regulatory action in response to the policy may derive income for Council and offset costs associated with the installation of signage and associated education programs.

In a practical sense, where there are significant issues reported and observed with smoking in the smoke-free areas covered by this policy, consideration could be given by staff to the installation of appropriate signage within available budgets to support targeted regulatory action.

## 4.3 Outcomes of consultation the draft Smoke-free Outdoor Public Places Policy (contd)

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### Link to Community Strategic Plan

Theme 5: Liveable

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

L-L1: Promote healthy living and ensure sport, leisure, recreation and aquatic facilities and open spaces are well maintained and activated.

### Attachments

1	Submissions - Smoke free outdoor public places policy	Provided Under Separate Cover	D14320838
2	Draft Smoke-Free Outdoor Places Policy highlighted changes	Provided Under Separate Cover	D14320847



**Item No:** 4.4  
**Title:** Cost of Emergency Works at Wamberal Beach and The Entrance North Beach  
**Department:** Environment and Planning

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3 February 2021 Extraordinary Council Meeting

Reference: F2021/00035 - D14457856  
Author: Ben Fullagar, Section Manager, Coastal Protection  
Manager: Peter Ham, Unit Manager, Waterways and Coastal Protection  
Executive: Scott Cox, Director Environment and Planning

### **Report purpose**

To provide an outline of costs incurred by Council as a result of the emergency works at Wamberal Beach and The Entrance North Beach under the direction of the Local Emergency Operations Controller (LEOCON) in response to a Council resolution.

### **Executive Summary**

This report provides an overview of the costs of the emergency works and progress for recovering those costs from the NSW Government. The cost of constructing the emergency toe protection works at Wamberal Beach and The Entrance North Beach has totalled \$2,886,640. On the 19 November 2020, Council received advice that the funding application for Wamberal had been successful with up to \$992,501 of funding made available. Council also received advice on the same day that the application for The Entrance North had been unsuccessful. Further approaches to the state government are being made to identify how Council can be reimbursed for the full costs associated with the event.

### **Environment and Planning Recommendation**

- 1 *That Council receive and note the report on Cost of Emergency Works at Wamberal Beach and The Entrance North Beach.*
- 2 *That Council acknowledge the recent commitment from the NSW State Government to partially reimburse Council to the value of \$992,501 for emergency works that were undertaken at Wamberal at the direction of the Local Emergency Operations Controller.*
- 3 *That the Administrator write to the NSW Premier seeking reimbursement of the total cost of works undertaken at the direction of the Local Emergency Operations Controller at an estimated total cost of \$2,886,640.*
- 4 *That should a full reimbursement not be provided, that the money spent by Council in undertaking the works be acknowledged as a credit in any funding model developed for a long-term solution at each respective location.*

#### 4.4 Cost of Emergency Works at Wamberal Beach and The Entrance North Beach (contd)

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##### Background

At its ordinary meeting on 28 September 2020 Council resolved:

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

This report addresses resolution 958/20.

Following the July 2020 coastal erosion event, the Local Emergency Operations Controller (LEOCON) under the local emergency plan assumed control of the response. The LEOCON subsequently issued a direction under section 61 of the *State Emergency and Rescue Management Act 1989* requiring Council to construct emergency toe protection works.

##### Current Status

##### The Costs of Emergency Works

The cost of constructing the emergency toe protection works at Wamberal Beach and The Entrance North Beach is outlined below in Table 1.

Table 1: Costs of Emergency Works

<b>Location</b>	<b>Total Cost</b>
Wamberal Beach	\$2,071,918
The Entrance North Beach	\$814,722
Total	\$2,886,640

##### Reimbursement of Costs from the NSW Government

Council staff lodged grant applications for both Wamberal and The Entrance North under the NSW Coast and Estuary grant program seeking fifty percent reimbursement (the maximum

#### **4.4 Cost of Emergency Works at Wamberal Beach and The Entrance North Beach (contd)**

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available) initially on the 29 September 2020 and then as updated applications on the 20 October 2020.

On 19 November 2020, Council received advice that the application for Wamberal had been successful with up to \$992,501 of funding made available and that the application for The Entrance North had been unsuccessful. In reference to The Entrance North, Council was advised that: *"The Entrance North is ineligible for funding, as there is not a certified plan in place for this area...For emergency work to be eligible for funding through the Coastal and Estuary Grants Program the work must be identified in a certified coastal zone management plan, emergency action sub plan or coastal management program for the area."* (Attachment 1 and 2)

Council also received advice from Resilience NSW on the 10 December 2020, that they were not aware of any other State or Commonwealth funding available under the Emergency Management Arrangements for reimbursement of the costs to implement the LEOCON's direction.

#### **Consultation**

Consultation was undertaken with staff from NSW DPIE regarding the coastal and estuary grant program and applications. The report was also prepared based on the knowledge and expertise of the appropriate Council staff from the Environment and Planning Directorate with assistance from Legal Services.

#### **Financial Considerations**

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

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

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

The projected \$2,886,640 cost impact of the recent coastal erosion event was not budgeted for upon adoption of the 2020/21 operational plan. Recent 1st quarter budget reviews have incorporated budgets for the coastal erosion events.

Council received advice that the application for Wamberal had been successful with up to \$992,501 of funding made available leaving \$1,894,139 remaining unfunded and presently to be incurred at the cost of Council. A variation request to recoup additional costs associated with the Wamberal works is being prepared. This variation has the potential to yield an additional \$43,458. A further claim has been prepared to try and recover the balance of costs from the NSW Public Works Advisory. Beyond this, further opportunities for partial cost recovery may still be available in accordance with provisions within section 61 of the *State*

#### 4.4 Cost of Emergency Works at Wamberal Beach and The Entrance North Beach (contd)

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*Emergency and Rescue Management Act 1989.* These opportunities will be further considered following determination of other claims made to the NSW Public Works Advisory.

Ongoing operating costs associated with depreciation in value of the Wamberal structure are estimated to be approximately \$30,000 per annum over the projected life of the asset. The works at The Entrance North were an operational rather than a capital expense and will therefore not have an ongoing impact on Council's operating budget via depreciation.

#### Link to Community Strategic Plan

Theme 3: Green

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

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

#### Risk Management

The financial risk has been addressed under 'Financial Considerations' section above. Staff are attempting to manage the risk by seeking further reimbursement of the costs.

#### Options

- 1 That the Administrator write to the NSW Premier seeking reimbursement of the total cost of works undertaken. **Recommended**
- 2 That the Administrator not write to the NSW Premier. **Not recommended due to the financial impact outlined in the report.**

#### Critical Dates or Timeframes

There are no critical dates or timeframes arising from the recommendations of this report.

#### Attachments

- |   |   |                               |           |
|---|---|-------------------------------|-----------|
| 1 | Letter from DPIE Emergency Coastal Works Grant - Wamberal           | Provided Under Separate Cover | D14311668 |
| 2 | Letter from DPIE Emergency Coastal Works Grant - The Entrance North | Provided Under Separate Cover | D14311666 |



**Item No:** 4.5  
**Title:** Request to Prepare a Planning Proposal for Jilliby Stage 2 Rural-Residential Area  
**Department:** Environment and Planning

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3 February 2021 Extraordinary Council Meeting

Reference: RZ/2/2020 - D14457869  
Author: Scott Duncan, Section Manager, Land Use and Policy  
Peter Kavanagh, Senior Strategic Planner  
Manager: Shari Driver, Unit Manager, Strategic Planning  
Executive: Scott Duncan, Section Manager, Land Use and Policy

### **Report Purpose**

The purpose of this report is for Council to consider a request to prepare a Planning Proposal to enable rural-residential subdivision of various lots off Sandra Street, Jilliby.

### **Executive Summary**

This Planning Proposal seeks to rezone part of the land from RU2 Rural Landscape to E4 Environmental Living, to enable rural residential development together with a 2 Ha minimum lot area applying within the E4 zone. The remaining land would be zoned E3 Environmental Management. It is expected that the rezoning will yield approximately 19 rural-residential lots. Land to the south (often referred to as Jilliby Stage 1) has a similar rural-residential character and lot size.

This rezoning proposal originally formed part of a much larger Planning Proposal which was withdrawn. The original proposal included land with significant biodiversity, odour and noise constraints (from the operation of Buttonderry Waste Facility). Most of the constrained land has been removed from the planning proposal. However the remaining land is underlain by coal, which will be extracted by the operators of the Wallarah 2 Mine, and raises the risk of potential subsidence as a planning matter. The proponents have reached agreement with the mine owners regarding potential impacts on surface development being impacted by the mine workings hence enabling consideration of this proposal to proceed with that constraint resolved.

The Planning Proposal was referred to the Local Planning Panel on the 10 December 2020 which resolved:

- 1 The Panel agrees with the conclusion of the report and that the Planning Proposal has strategic merit.
- 2 The Panel recommends that prior to exhibition, an updated ecology report be prepared on the subject land, including an analysis of the likely impact of bush



#### **4.5 Request to Prepare a Planning Proposal for Jilliby Stage 2 Rural-Residential Area (contd)**

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fire protection measures and access, together with utility service provision to potential dwelling sites.

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

#### **Environment and Planning Recommendation:**

- 1 *That Council prepare a Planning Proposal to amend the Wyong Local Environmental Plan 2013 (WLEP 2013), or draft Central Coast Council Local Environmental Plan (if in effect), by the rezoning of the subject lands as follows:*
  - *Lot 2 DP 246727, 40 Sandra Street - Proposed E4 Environmental Living;*
  - *Lot 3 DP 246727, 50 Sandra Street - Proposed E4 Environmental Living;*
  - *Lot 4 DP 246727, 60 Sandra Street – Proposed E3 Environmental Management;*
  - *Lot 11 DP 613648, 70 Sandra Street – Proposed E3 Environmental Management;*
  - *Lot 10 DP 613648, 80 Sandra Street - Proposed E4 Environmental Living; and*
  - *Lot 11 DP 258965, 11 Cottesloe Road - Proposed E4 Environmental Living*
- 2 *That Council 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.*
- 4 *That Council authorise the Chief Executive Officer (or delegate) to enter into a Planning Agreement (PA), and to negotiate and execute all documentation in relation to the finalisation of the PA (if required).*
- 5 *That if required Council prepare and exhibit an amendment to the relevant Section 7.11 Development Contributions Plan and Development Control Plan to support the development of the land subject to this planning proposal.*
- 6 *That Council undertake public authority and community consultation in accordance with the Gateway Determination requirements, including the concurrent exhibition of the draft Voluntary Planning Agreement, draft Development Control Plan amendment and the draft Section 7.11 Development Contributions Plan amendment (if required).*

#### **Current Status**

The proposal has been amended and designed to enable dwellings to be located outside likely noise and odour affected areas, and to be constructed incorporating appropriate noise attenuation and mine subsidence treatments. On 17 November 2020, the Administrator and

## **4.5 Request to Prepare a Planning Proposal for Jilliby Stage 2 Rural-Residential Area (contd)**

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staff undertook a site inspection, and the matter was reviewed by the Local Planning Panel at its meeting of 10 December 2020.

### **Report**

The request to rezone part of the subject land to E3 Environmental Management and the remainder of the land to E4 Environmental Living for rural-residential development is considered to have strategic merit subject to 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.

### **Consultation**

Government agency and public consultation requirements will be detailed in the Gateway Determination and conducted accordingly such as those listed in Attachment 1.

### **Financial Considerations**

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

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

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

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

### **Central Coast Community Strategic Plan**

Theme 4: Responsible

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

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

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

**4.5 Request to Prepare a Planning Proposal for Jilliby Stage 2 Rural-Residential Area (contd)**

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R-12: Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport.

## **4.5 Request to Prepare a Planning Proposal for Jilliby Stage 2 Rural-Residential Area (contd)**

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

The Central Coast Interim Local Strategic Planning Statement (LSPS) came into effect on 21 August 2020, after adoption by Council on 29 June 2020. The LSPS aims to identify important agricultural and resource lands and minimise rural-residential sprawl, while supporting rural tourism. See Attachments 1 and 2. This land is not classified as an important agricultural land resource (other than the underground mining) hence expansion with rural residential development is considered appropriate in this case.

### **Risk Management**

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

### **Options**

- 1 Support the Recommendation as the Planning Proposal has strategic merit.
- 2 Refuse to support the Request for a Planning Proposal.

### **Critical Dates or Timeframes**

Nil.

### **Conclusion**

The request to rezone part of the subject land to E3 Environmental Management and the remainder of the land to E4 Environmental Living for rural-residential development is considered to have strategic merit, subject to confirmation 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**

<b>1</b>	RZ_2_2020_Planning Proposal Assessment	Provided Under Separate Cover	D14303322
<b>2</b>	RZ_2_2020_Strategic Assessment	Provided Under Separate Cover	D14295257



**Item No:** 4.6  
**Title:** Policy for Development Application Functions  
**Department:** Environment and Planning

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3 February 2021 Extraordinary Council Meeting

Reference: F2009/00055 - D14457878  
Author: Andrew Roach, Unit Manager, Development Assessment  
Executive: Scott Cox, Director Environment and Planning

### **Report purpose**

To present a Draft *Policy on the Assessment of Development Applications* to Council for the purposes of community consultation.

### **Executive Summary**

Council has previously noted the importance of timely and efficient Development Assessment functions. To ensure development application assessment is undertaken in a consistent, efficient and timely manner, the Draft *Policy on Assessment of Development Applications* has been prepared for consideration (Attachment 1). The draft policy aims to assist in reducing development assessment turnaround times and to provide certainty to the community on Councils' approach to the assessment of Development Applications.

### **Environment and Planning Recommendation**

*That Council endorse the draft Policy on Assessment of Development Applications (Attachment 1) for the purposes of a 28 day consultation period.*

### **Background**

Central Coast Council processes more development applications than any other local authority in NSW. Last financial year more than 3,150 applications were considered, having a value of more than \$825 million.

In recognition of the key role of development and construction sectors to the local economy, at the Ordinary Meeting of the Council on 26 October 2020, the following resolution was made:

*1105/20 That Council via the Chief Executive Officer now investigate and report back to Council, measures to assist in the fast tracking of DA assessments, including allocating additional resources to the planning department, in order to reduce DA assessment turnaround times.*

The draft policy which is the subject of this report, forms part of the response that resolution, and aims to assist in reducing development assessment turnaround times and to provide certainty to the community on Councils' approach to development assessment functions.

### **Context**

The NSW Government's *'Development Assessment Best Practice Guide'* (2017) promotes best practice principles that assist in the timely determination of development applications. It recognises that that lodgement of 'assessment ready' applications provides for more efficient use of resources in development assessment functions of local government

More recently, as part of its response to economic impacts of Covid19, the NSW Department of Planning Industry & Environment has released the *'Planning System Acceleration Program'*. Part of the program (the Council Accelerated Assessment Program) aims to support Councils and planning panels in fast-tracking assessment for Development Applications.

The adoption of the *Policy on the Assessment of Development Applications* aims to assist in the delivery of a consistent, equitable and efficient development assessment service, which is only possible when applications are submitted with the required information so an informed, proper and timely assessment can be made on the application, without delay.

The draft Policy is included in full at *Attachment 1*.

### **Financial Impact**

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

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

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

The adoption of the policy will have no direct financial implications. The Policy is aimed at assisting in more streamlined and responsive development assessment functions which will improve efficiency.

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

Theme 5: Liveable

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

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

**Options**

The broad options available are:

- Not to endorse the draft Policy – this is not recommended
- Endorse the draft Policy for community consultation – as recommended by this report

**Critical Dates or Timeframes**

There are no critical dates or timeframes

**Attachments**

<b>1</b>	Policy on Assessment of Development Applications	Provided Under Separate Cover	D14421423
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**Item No:** 4.7  
**Title:** Revocation of Council Policies  
**Department:** Environment and Planning

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3 February 2021 Extraordinary Council Meeting

Reference: F2009/00055 - D14457898  
Author: Andrew Roach, Unit Manager, Development Assessment  
Executive: Scott Cox, Director Environment and Planning

### **Report purpose**

To recommend that the following policies be revoked:

- *Section 149 Certificate - Natural and Other Hazards Encoding Policy*
- *Setbacks Policy for Creeks, Rivers & Lagoons*

### **Executive Summary**

This report presents a review of two Council policies and recommends that the policies be revoked for the following reasons:

- The *Section 149 Certificate: Natural and Other Hazards Encoding Policy* adds additional complexity, duplication and also uses terminology not consistent with legislative requirements. Legal advice supports the revocation of this policy, and
- The *Setback Policy for Creeks, Rivers & Lagoons* is no longer required because controlled activities are carried out in, on or under waterfront land now fall under the jurisdiction of the Natural Resources Access Regulator (NRAR) under the *Water Management Act 2000*. The NRAR administers the *Water Management Act 2000* and their Guidelines over-ride this policy.

### **Environment and Planning Recommendation**

*That Council resolve:*

- *To revoke the Section 149 Certificate - Natural and Other Hazards Encoding Policy; and*
- *To revoke the Setbacks Policy for Creeks, Rivers & Lagoons; and*
- *Resolve, pursuant to 11(3) of the Local Government Act 1993, that Attachment 4 (legal advice) to the report be treated as confidential because it relates to 10A(2)(g) Advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*



## Background

Upon amalgamation a number of policies of the former local government authorities were carried over to Central Coast Council. Reviews have been underway to consolidate all policies. Where policies are found to have ongoing relevance, they are updated and consolidated to ensure a single policy exists for the Local Government Area. Where policies are outdated or are a duplicate of current legislation, it is recommended that they be revoked. Following a Councillor workshop on 19 June 2020, the revocation of a number of policies was considered at the Ordinary Meeting of 24 August 2020. At that meeting it was resolved that:

883/20      *That Council refer the following policies to relevant Advisory Committee for their consideration:*

- *Section 149 Certificate - Natural and Other Hazards Encoding Policy*
- *Setbacks Policy for Creeks, Rivers & Lagoons*

The policies were mentioned at the Catchment & Coast Committee meeting on 25 August 2020, with subsequent written comment received from some Committee members. The Catchment & Coast Committee were further consulted by email on 21 December 2020 for any final comments. A review of the comments of the Catchment & Coast Committee are included as *Attachment 3*.

### **Context - Section 149 Certificate: Natural and Other Hazards Encoding Policy**

This is a former Gosford City Council Policy initially adopted in August 1995. The main area of focus of the policy (from the opening paragraph) is: '*...land slip, bushfire, flooding, tidal inundation, subsidence, coastal erosion or other hazard*'. A copy of the Policy is included as *Attachment 1*.

Planning Certificates (formerly referred to as 'Section 149 Certificates'). Are issued in accordance with the requirements of the *Environmental Planning & Assessment Act 1979* (EP & A Act). The content requirements of the Planning Certificate set out in Schedule 4 of the *Environmental Planning & Assessment Regulation 2000* (E&P Regulations). There is also a planning circular that details how coastal hazards are noted on Planning Certificates.

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

External legal advice was sought following Councillor questions regarding the recommended revocation of this policy. The legal advice recommends that the policy be revoked. It notes that there is a risk in keeping the policy as it is currently worded, and that there is no benefit in retaining the policy. A copy of this legal advice is included as confidential *Attachment 4*.

**Context - Setback Policy for Creeks, Rivers and Lagoons**

This is a former Gosford City Council Policy initially adopted in July 1992. A copy of the Policy is included as *Attachment 2*.

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

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

This policy is inconsistent with guidance issued by the NRAR, uses different terminology and includes requirements for setbacks which vary from other legislative requirements.

**Consultation**

A Councillor workshop on revocation and amendments to various policies (including the two policies that are subject to this report) was held on 19 June 2020. The matter was previously considered, and deferred, at the Ordinary Meeting of Council on 24 August 2020. The Catchment and Coast Advisory Committee has been consulted on the policy revocation.

**Financial Impact**

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

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

The revocation of the policies will have no financial implications.

**Link to Community Strategic Plan**

Theme 5: Liveable

**Goal I: Balanced and sustainable development**

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

**Options**

The broad options available are:

- Retain the policies– **(Not recommended)** for the reasons as outlined in this report and that the policies do not align with current legislative requirements.
- Revoke the policies as outlined in the report –**(Recommended)**.

**Critical Dates or Timeframes**

There are no critical dates or timeframes

**Attachments**

<b>1</b>	Section 149 Certificate Natural and Other Hazards Encoding - Revocation of Council Policies	Provided Under Separate Cover	D14421048
<b>2</b>	Setback Policy Creeks Rivers Lagoons - Revocation of Council Policies	Provided Under Separate Cover	D14421052
<b>3</b>	Summary of Comments from Advisory Committee - Revocation of Council Policies	Provided Under Separate Cover	D14421053
<b>4</b>	CONFIDENTIAL - Legal Advice Planning Certificates - Revocation of Council Policies -		D14421056



**Item No:** 5.1  
**Title:** Central Coast Stadium Final Strategy Report  
**Department:** Infrastructure

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3 February 2021 Extraordinary Council Meeting

Reference: F2017/00116 - D14457922  
Author: Kath Casey, Stadium Manager  
Manager: Janine McKenzie, Unit Manager, Business Enterprise  
Executive: Boris Bolgoff, Director Infrastructure

### **Executive Summary**

At Council's meeting on 10 August 2020, Council endorsed the draft Stadium Strategy for the purposes of public exhibition. The strategy was placed on public exhibition from 31 August 2020 for a period of 30 days. A total of 17 submissions were received.

This report recommends that Council consider the submissions received during the public exhibition period and adopt the final Central Coast Stadium Strategy Report (Attachment 1) and approve the Strategy with some minor amendments.

### **Infrastructure Recommendation**

- 1 *That Council accept the consultation report and endorse findings from public comment (Attachment 2).*
- 2 *That Council adopt the Stadium Strategy and make it available on Council's website (Attachment 1).*
- 3 *That Council delegate authority to the Chief Executive Officer to make final editorial amendments to the Stadium Strategy document (Attachment 1) without changing its intent.*

### **Consultation**

The strategy was placed on public exhibition from 31 August 2020 for a period of 30 days. A total of 17 submissions were received.

Exhibition promotion included:

- Advertisement in local print media
- Advertisement on Stadium external LED billboard
- 3 social media posts
- Media release 31 August 2020

- Stakeholder database email 31 August 2020

A total of 17 submissions were received via [Your Voice Our Coast](#) website. There were 696 visits to this page during consultation.

**Submission Analysis**

Most submissions addressed their concerns around content, specifically surrounding comments in the media at the time of publication that the Central Coast Mariners were looking to leave the Coast.

The six key themes raised were:

- The future of the Mariners and the relationship between club and Council
- Ideas/suggestions for additional/new content
- Pricing and variety of food and beverage options
- Parking options and access to Stadium
- Creation of a precinct surrounding the Stadium for pre and post-match activities
- Closer analysis of potential threats to Stadium livelihood

A summary of the submissions and actions taken are presented in the Attachment 2 and below. As a result of the consultation, it is recommended that two changes are made to the final report.

Key issues raised	Summary	Response
Theme 1: The future of Central Coast Mariners and the relationship between Club and Council		
<ul style="list-style-type: none"> <li>□ Council should ‘partner’ with the Mariners to promote the game and club</li> <li>□ Council should provide ‘full support’ to the Mariners to ensure they stay on the Coast</li> <li>□ Council should not create an agreement with Mr Charlesworth</li> <li>□ The Stadium should be sold to the Mariners</li> <li>□ Council should not be relying solely on the relationship and success of the Mariners</li> </ul>	<p>Page 16 of the Strategy clearly highlights that the Central Coast Mariners are our sole permanent tenant and the financial stability of the Stadium does rely on the success of the Mariners. Recent comments in the media of the team being sold or moved to another location has meant that a lot of the submissions voiced their opinions on this matter.</p>	<p><b>It is recommended that the ‘Challenges’ section on Page 13 of the Strategy be updated.</b></p> <p><b>Council will continue to work with the Mariners on game day promotional activities and social media platforms.</b></p>

Key issues raised	Summary	Response
Theme 2: Ideas/suggestions for additional/new content		
<ul style="list-style-type: none"> <li>□ Enthusiasm to hold local finals to engage with the community</li> <li>□ Suggestions of non-sporting events, such as markets, carnivals and live music/concerts</li> <li>□ Suggestions for conferences and other corporate functions</li> <li>□ Insistence on more NRL content, and team, and to incentivise these clubs</li> <li>□ Suggestion to convert the rectangular oval to accommodate cricket and AFL</li> </ul>	<p>The community would like to see more local, community and non-sporting events held at the Stadium.</p>	<p><b>As outlined in the Strategy Priority 1.2 an Event Strategy will be developed by November 2021.</b></p> <p><b>This plan will see Council continue to actively bid for varied content including markets, live music / concerts and encourage more non-sporting hirers to utilise our facility.</b></p>
Theme 3: Pricing and variety of food and beverage options		
<ul style="list-style-type: none"> <li>□ General belief that food and beverage is too expensive for families</li> <li>□ Catering is seen to be limited in variety, with no healthy alternatives</li> </ul>	<p>The community are requesting a broader range of food and beverage options that are also affordable for families.</p>	<p><b>Stadium Management identified limited variety in our food and beverage offerings in the challenges section as outlined on page 13 of the Strategy.</b></p> <p><b>We are restricted in our offerings and pricing due to the lack of a commercial kitchen and external catering contract.</b></p> <p><b>Stadium staff will continue to work with the contracted caterer to deliver on a more diverse food offering that includes healthier menu options and engaging</b></p>

Key issues raised	Summary	Response
		with mobile food vendors.
Theme 4: Parking options and access to Stadium		
<ul style="list-style-type: none"> <li>□ Concern regarding limited parking options, and the access to stadium for senior citizens</li> <li>□ Request for parking station behind stadium</li> <li>□ Request for parking maps</li> </ul>	<p>The community are calling for more parking options closer to the Stadium.</p>	<p><b>Stadium Management identified limited spectator parking in the Challenges section as outlined on page 13 of the Strategy.</b></p> <p><b>Within Strategic Priority 3.1 (page 31), parking is outlined within the development of a master precinct plan.</b></p> <p><b>Stadium staff to also ensure that the community are aware of all the free parking options available around the Stadium, including Gosford City car park.</b></p> <p><b>This plan is set to be completed by December 2023.</b></p>
Theme 5: Creation of a precinct surrounding the Stadium for pre and post-match		
<ul style="list-style-type: none"> <li>□ Suggestion to create a 'community area with eateries &amp; bars on game day'</li> <li>□ Desire to have 'an activation on the foreshore on the Western side of the Stadium' to extend the game day experience</li> </ul>	<p>The community have identified the need for more activations and attractions around the Stadium to extend and enhance the game day experience.</p>	<p><b>Within Strategic Priority 3.1 (page 31) a new precinct master plan is proposed within the development of a master precinct plan.</b></p> <p><b>Our recommendation is that Council delivers a master precinct plan that improves the connectivity between the CBD waterfront and the</b></p>

Key issues raised	Summary	Response
		<b>Stadium and enhances the game day experience. This plan is set by completed by December 2023.</b>
Theme 6: Closer analysis of potential threats to Stadium livelihood		
<ul style="list-style-type: none"> <li>□ Financial impact of the Mariners of local economy</li> <li>□ Financial impact of naming rights partner</li> <li>□ Financial impact of management rights partner</li> </ul>	<p>The community have identified that there are financial implications that not only affect the Stadium but have a knock-on effect onto the local tourism industry.</p>	<p><b>Council have reviewed the financial benefits of selling the naming rights and outsourcing the management rights as outlined in the Strategy on page 17.</b></p> <p><b>Under Strategic Priority 5.2 an outcome on these decisions must be made by January 2022.</b></p> <p><b>Page 13 of the Strategy identifies the financial impact of the Mariners on the community.</b></p>

## Response

The Stadium staff responded to all survey participants on 20 October 2020:

*Thank you for your submission on the Central Coast Stadium Strategy. We greatly appreciate that you took the time to give your valuable feedback.*

*We're currently reviewing all the submissions we have received.*

*We will be in touch when we progress this document to its next stage.*

## Revisions

- Page 5 – include 'football' as the first 'major event' listed. This was previously omitted.
- Page 13 – Update the 'Challenges' section to include the potential ramifications if the Central Coast Mariners were to fold or move their base.
- Page 29-34 -Update the timeline for strategy deliverables in line with the submittal of Council report.



- Page 32 – Update 5.1 to reference the postpone of the 20<sup>th</sup> anniversary promotional program with inclusion of a 21<sup>st</sup> birthday campaign.

**Link to Community Strategic Plan**

Theme 1: Belonging

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

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

**Attachments**

<b>1</b>	Central Coast Stadium Strategy - Consultation Report	Provided Under Separate Cover	D14393655
<b>2</b>	Central Coast Stadium Strategy Final	Provided Under Separate Cover	D14385164



**Item No:** 5.2  
**Title:** Kincumber Waste Management Facility Closure  
**Department:** Infrastructure

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3 February 2021 Extraordinary Council Meeting

Reference: F2019/02063 - D14457933  
Author: Joanna Murray, Personal Assistant to Unit Manager, Waste and Business  
Manager: Andrew Pearce, Unit Manager, Development Assessment  
Executive: Boris Bolgoff, Director Infrastructure

### **Report purpose**

To provide information to Council in response to resolutions from its' Ordinary Meeting of 14 September 2020 for item Notice of Motion – The Future of Kincumber Waste Transfer Facility.

### **Executive Summary**

Central Coast Council has until recently operated three different public waste management facilities over seven days per week. These include major facilities located at opposing northern and southern ends of the Local Government Area, which operate modern purpose-built public drop off infrastructure in addition to offering a wide range of landfilling and resource recovery services.

In late March 2020, in response to the evolving situation with COVID-19, Council took measured precautions to keep our staff and community safe and temporarily closed the third site, the Kincumber Waste Management Facility (KWMF). Since 2009, the KWMF has operated solely as a waste transfer facility for residents in neighboring suburbs whereby all material delivered by residents to the site is reloaded and transported to other facilities, including the Woy Woy Waste Management Facility located only 17.8km away. The Kincumber facility does not support Council's domestic waste management service and offers limited infrastructure and services.

With the evolving organisational financial situation developing and the adoption of Council's Central Coast Resource Management Strategy 2020-2030, a decision was made to continue with the closure of the KWMF, whilst Council undertook a wider review of the history, options, and opportunities for the site. Council also resolved on 14 September 2020 to undertake a detailed review of options for the site. The following report provides a response to this resolution and recommends that a further review and assessment of options and opportunities is completed to inform future decisions in the best interests of the broader community.

### Infrastructure Recommendation

- 1 *That Council note the report in relation to the current closure, status and options for the Kincumber Waste Management Facility.*
- 2 *That the Kincumber Waste Management Facility remain closed with further reviews for future opportunities at the site to be undertaken.*
- 3 *That Council communicates the decision to maintain the closure of the Kincumber Waste Management Facility and promote the range of existing alternative options available to those local residents impacted by its current closure.*

### Background

The KWMF, also historically referred to as the Kincumber landfill, Kincumber tip and Kincumber Waste Transfer Facility, has operated over recent years as a waste transfer facility for residents and businesses self-hauling waste. Since 2009, there has been no onsite disposal and limited waste sorting undertaken onsite, with all waste being reloaded and bulk transported on a daily basis to other waste management facilities, including Council's Woy Woy Waste Management Facility located 17.8 kilometres away by road.

In late March 2020, in response to the evolving situation with COVID-19, Council took measured precautions to keep our staff and community safe, including the temporary closure of many non-essential service-based facilities in line with public health orders issued by the NSW Government relating to non-essential travel. The KWMF was one of these sites and was closed on 27 March 2020. Other service-based facilities have since reopened to the public, including the Woy Woy and Buttonderry Waste Management Facilities.

Unlike Council's other two existing waste management facilities, the KWMF does not contribute to the delivery of Council's essential domestic waste collection and associated services as Council's waste collection trucks deliver direct to Council's other facilities, where waste disposal and resource recovery activities are conducted. Large volume commercial waste collection contractors servicing businesses such as industrial premises, restaurants, clubs and shopping centers similarly do not use KWMF as a disposal point due to the limitations with the infrastructure and types of waste accepted.

During the closure, Council also took the opportunity to complete various minor maintenance works to further improve long term environmental and safety performance of the KWMF irrespective of future uses of the site, which had otherwise been difficult to complete whilst the site was open seven days per week.

Prior to a reopening of the KWMF, Council would need to recruit vacant staff positions and renew a range of external period-based contracts, which have since expired. This included public tendering of a contract for the daily transport of waste from the KWMF to Council's other waste facilities.

## 5.2 Kincumber Waste Management Facility Closure (contd)

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With the evolving organisational financial situation developing a decision was made to initiate a review of the history of the site, the operational and financial impacts of the closure and undertake a preliminary review of future opportunities for the site.

At the Ordinary Meeting of Council on 14 September 2020, as part of the consideration of a Notice of Motion in relation to the Kincumber Waste Transfer Facility Council subsequently resolved:

- 884/20 *That Council note the amount of illegal dumping since and possibly directly related to the temporary closure of the Kincumber Waste Transfer Station Facility.*
- 885/20 *That Council note the number of interested residents seeking the re-opening of this facility.*
- 886/20 *That Council notes the opportunity that the temporary closure has presented for maintenance of the facility.*
- 887/20 *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.*
- 888/20 *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.*
- 889/20 *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.*

The following report provides a report in relation this resolution and makes recommendation for the future of the KWMF.

### **Current Status**

The KWMF remains closed pending the outcome of this review and the future reinstatement of appropriate resources, budget and staffing for future operations. During this time Council's Buttonderry and Woy Woy Waste Management Facilities have continued to operate uninterrupted seven days per week offering their broader range of infrastructure and services.

As a result of the closure of KWMF, Council has realised operational savings through reduced employee costs, materials and contracts. These savings formed part of the organisational budget savings realised as part of the organisational Q1 budget review.

Many residents and businesses in the suburbs surrounding Kincumber, who wish to self-haul waste have lost the convenience of a former service. The service itself is however retained by utilising one of Council's two other operational waste facilities, including the Woy Woy Waste Management facility. Residential customers also have the opportunity of using Council's comprehensive domestic waste bulk kerbside collection service, which is provided as part of the domestic waste management charge. Alternatively, there is a range of private service providers, including commercial waste collection and skip bin services.

### **Report**

#### *Site History*

The KWMF is located at 60 and 110 Cullens Road, Kincumber (Lot 1 DP124237 and Lot 64 DP755234).

The KWMF was initially acquired by Council for the purposes of a quarry in 1958 and in 1977, it changed its use to a waste disposal depot focused on the landfilling of waste. Landfilling operations continued onsite over the years and operated concurrently with the Woy Woy waste disposal facility.

In the 1990's a tip shop known as Junktastic Park was established on a portion of the site operating under a license arrangement. The operators received items both from customers or through scavenging upon the landfill at their discretion with the intention to sell items of value back to the public. The nature and operation of the facility led to the stockpiling of materials, non-compliance with the Council's Environmental Protection License, public liability claims and work health and safety concerns. The proprietor voluntarily closed the business in 2003 and Council incurred costs for the site's cleanup.

In 2004 a landfill closure plan was developed by the former Gosford City Council based on the limited void space remaining and difficulties in operating a landfill site adjacent to residential properties. Operations focused on landfilling only putrescible waste from local domestic waste collections to meet final levels over proceeding years. Non putrescible wastes were transferred to appropriately licensed private landfills for disposal under contract.

A relative low-cost hardstand waste transfer facility was also constructed in 2004, by sacrificing an area of future landfill space (whilst retaining the void space as a future landfill contingency). The location of the waste transfer operations inside a void of residual landfilling area also shielded operations from amenity impacts to neighboring residential properties.

Final landform levels were achieved and landfilling ceased around 2009. Since this time the site has operated as a waste transfer station, whereby waste and recovered resources are delivered by the community and transferred offsite daily to other sites for sorting, processing or landfilling. Mixed waste materials for example, the largest proportion of materials delivered to the site, prior to the closure were being loaded throughout the day into large walking floor trucks, and then transported to the Woy Woy Waste Management Facility.

## 5.2 Kincumber Waste Management Facility Closure (contd)

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The site continues to hold an active Environmental Protection Licence (EPL 6052) under the *Protection of the Environment Operations Act 1997* for the scheduled activities of Waste Disposal (application to land) for up to 100,000 tonnes per annum of:

- General Solid Waste (non-putrescible)
- General Solid Waste (putrescible)
- Asbestos Waste
- Waste Tyres
- Any other waste that is below licensing thresholds in Schedule 1 of the POEO Act

Central Coast Council has continued to meet the specific operating conditions of its environmental protection license and there has been no environmental incidents.

### *Land use Planning Considerations*

The majority of the site is currently zoned SP1 – Special Activities Waste or Resource Facility, under the provisions of the Gosford Local Environmental Plan 2014, with a small part of the site zoned RE1 - Public Recreation.

The objectives of the *SP1 – Special Activities* are:

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

Permissible uses in the SP1 zone include Aquaculture and the purpose shown on the [Land Zoning Map](#) (waste or management resource facility as identified in the map below), including any development that is ordinarily incidental or ancillary to development for that purpose.

The objectives of *RE1 – Public Recreation* zone are:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To identify areas suitable for development for recreation, leisure and cultural purposes.
- To ensure that development is compatible with the desired future character of the zone.



Figure 1 Extract from Gosford Local Environmental Plan Zoning Map



Figure 2 Extract of Council's Geocortex Mapping

The following additional information is relevant to future land use considerations at the KWMF:

- The site is identified as operational land under the Local Government Act 1993.
- The land is bushfire prone.
- The land is subject to potential contamination originating from its past use as a landfill which significantly limits any future land use activities on the site. Leachate and landfill gas collections are in place and the site undergoes quarterly monitoring in accord with its Environmental protection Licence. Public access to former landfilling areas is managed through exclusion fencing. Long term remediation works by way of regrading and capping works on the site would be required prior to allowing any future public access to the site.
- The land is flood prone and is subject to the Kincumber Overland Flow Study.
- The southern part of the site contains Kincumber Scribbly Gum Ecologically Endangered Community vegetation (EEC).
- Residential properties are located immediately adjacent to the north east, north and west of the KWMF.

### *Illegal Dumping*

Consultation with Council's Compliance Officers (rangers), environmental compliance section, and the Regional Illegal Dumping Squad has found there to be no evidence of increased illegal dumping post the closure of the KWMF. Instances of illegal dumping will continue to be monitored and appropriate investigation and enforcement action undertaken.

### *Future land use opportunities for the land occupied by the KWMF*

There are several constraints and considerations to any future changes in land use at the site currently occupied by the KWMF, as outlined in the previous section. Future land use options for the site include:

### 1 *Continued use of the site as a waste transfer facility*

The site could reopen as a fulltime waste transfer facility consistent with the operations conducted between 2009 and 2020.

This is not currently recommended due to:

- Council continues to operate two other waste management facilities at opposing ends of the Local Government Area, which manage significantly larger volumes of waste (achieving economies of scale) and offer an improved range of infrastructure and services. Unlike the KWMF, these sites offer long term opportunities for future expansion of activities and have established buffers from conflicting land uses.
- The KWMF facility operates at a financial operating loss unlike Council's other waste management facilities which continue to be profitable enterprises and provide long term strategic opportunities (see further details in the financial considerations section below).
- The requirement to recruit staff to resource facility operations.
- The need to re-establish a range of external contracts to operate the facility, including a major haulage contract to transport waste from the KWMF to Council's other waste facilities where landfilling and resource recovery is conducted.
- Council provides a comprehensive on-call domestic bulk waste collection service to its residents funded through the domestic waste management charge. This allows resident to have six booked services.
- In addition to Council's existing waste management facilities and domestic waste collection services, there is a wide range of private waste management providers in the market including building recyclers, concrete crushing, skip bin companies and commercial waste collections.
- Undertaking due diligence with respect to ensuring the site has appropriate environmental planning approvals for all proposed activities conducted on the site.

There is an opportunity to reduce the operating hours of the facility to the higher utilisation weekends or a reduced spread of hours on weekdays. Many of the issues above are also relevant for a part time operation and Council would still incur many of the key operating costs attributable to fulltime operations. This includes onsite availability of a functional weighbridge, availability of multiple items of plant (a loader, excavator, watercart), and various contracts.

### 2 *Recommence use of the site as a landfill*

Council could choose to consume the remaining void space at the KWMF. It is estimated there could be up to 400,000m<sup>3</sup> of landfill space available through vertical expansion on previously landfilled areas (Council currently consumes approximately 300,000 m<sup>3</sup> annually



across its two existing landfills). The continuation of landfilling onsite is however not recommended on the following basis:

- Council already operates two landfill sites with offer substantial medium to long term void space.
- The existing hardstand public transfer area would need to be demolished to make way for landfill expansion.
- There would be significant costs associated with the demolition of the existing transfer station infrastructure and installation of new landfill infrastructure which meets contemporary environmental and engineering standards. This would include the installation of a newly engineered piggyback landfill liner over the old landfilling areas, which were built to less onerous standards of the day and the installation of new leachate / gas collection infrastructure.
- Increased operating costs – staffing, materials and contracts.
- The likely operational impacts of litter, noise and odour on nearby sensitive residential receptors, including 17 residential properties within 300 metres of the remaining landfilling area.
- The need to import all required operational material to construct cell walls, complete intermediate capping, and complete the final capping at significant cost due to associated NSW waste levy liabilities.

### 3 *Development of a tip/reuse shop onsite*

Council's Central Coast Waste Resource Management Strategy 2020-2030, adopted by Council in September 2020, identifies a range of objectives and actions. Strategy action 2.3 is to assess targeted recovery options for a broader range of household items, including salvage from kerbside collection and waste dropped off at landfills and the viability of a resale or hire shop.

Please see link for further information:

[https://cdn.centralcoast.nsw.gov.au/sites/default/files/Council/Strategies/Central\\_Coast\\_Resource\\_Management\\_Strategy\\_-\\_Final.pdf](https://cdn.centralcoast.nsw.gov.au/sites/default/files/Council/Strategies/Central_Coast_Resource_Management_Strategy_-_Final.pdf)

Establishment of a tip/reuse shop at the KWMF facility is not recommended at this time. This action would require capital works funding for the construction of appropriate infrastructure and there are practical difficulties and inefficiencies with operating such a facility separately to an active waste disposal or transfer facility, where items can be recovered onsite for repair and/or repurposing.

### 4 *Development of a soil and aggregate resource recovery facility*

Council internally produces an estimated 90,000 tonnes of unused soils and gravels as part of its service delivery programs, which offers significant resource recovery and cost saving opportunities. Examples include solid and aggregates excavated from road and open space

construction projects and materials from Council's general maintenance activities including street sweepings, road patching, and drain maintenance.

Some opportunities are currently available for resource recovery of homogenous soils and gravels which have been classified as Virgin Excavated Natural Material, Excavated Natural Materials, or Recovered Aggregates as defined by Protection of the Environment Operations (Waste) Regulation 2005 under the *Protection of the Environment Operations Act 1997*. Often these materials are required to be stockpiled and analytically tested to determine their resource recovery classification prior to legal reuse. Furthermore, the timing between the generation of these materials and their reuse are not often aligned and there are limitations with obtaining suitable storage space in such areas as road reserves in residential areas results in the need undertake temporary stockpiling.

Resource recovery of soils and aggregates from Council's operational activities accordingly requires the availability of a processing area from where different materials can be segregated, sorted, tested and stockpiled for reuse on Council projects and residual material removed offsite for disposal. Council's operational depots have insufficient space to conduct these activities and statutory requirements limit the ability to conduct such activities as Waste Storage and Resource Recovery at these locations.

The KWMF provides significant opportunity to develop a resource recovery facility focused on materials from civil construction and maintenance operations, with key benefits including:

- Increased optimisation and efficiency across Council's operations into the future.
- Reduction in the quantity of material being landfilled and associated cost savings (including reduction in NSW Waste Levy).
- Reduce demands on virgin natural resources through reuse of material.
- Better alignment with the sustainability and financial goals identified within the Central Coast Community Strategic Plan and the Central Coast Council's Waste Resource Management Strategy.
- This land use is consistent with the sites current zoning,
- Existing infrastructure, including sealed access roads, weighbridge, site security, hardstand areas and individual bays are available onsite. It is estimated the capital costs to establish the required infrastructure on an alternative site elsewhere would be \$2-3 million.
- There is strategic value in retaining this site for future waste management needs subject to relevant approvals. For example, use of the site as a temporary waste storage area following natural disaster events.
- The opportunity to consecutively undertake the remediation of the site over time to ultimately remove the remediation liability from Council's financial statements and to meet final landforms consistent with a broader community end use in the long term. For example, the development of a future recreational park.

Further investigation of this option is recommended, given the financial and sustainability benefits to Council for relatively small capital investment. It is recommended that further analysis of this option be pursued. This should include developing the business case, which

## 5.2 Kincumber Waste Management Facility Closure (contd)

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includes demand analysis, analysis of material flows, analysis of technology options and an appraisal of financial, procurement and management options. An assessment of any additional statutory approvals would also be required.

### 5 Establishment of community recreation activities on the site

The majority of the site is contaminated as a result of its historical land use as a landfill site. The site would require significant remediation work to be completed and receive validation from an accredited contaminated site auditor prior to enabling any future public access for such purposes as recreation. Key hazards include exposure to buried waste materials, leachate, landfill gas containing high concentrations of flammable methane gas, ongoing subsidence of the landform due to decomposing waste and steep gradients.

### Consultation / Customer Enquiries

Council has received various formal requests from the community in relation to the reopening of the KWMF and has sought to responded to all written and telephone enquiries. These requests have generally been from residents and businesses located in the coastal suburbs within and adjoining Kincumber, that it is not convenient to travel to Woy Woy Waste Management Facility due to the increased travelling time of up to approximately 42 minutes for a round trip. The following table details number of requests for information received, during the period of closure from the Community, Members of Parliament and Councillors.

Community	Members of Parliament	Councillor
33	3	6

In addition, Council receives daily interest and enquires in relation to the reopening date of KWMF from customers visiting Council's Buttonderry and Woy Woy Waste Management Facilities.

The community has been provided with notification of a temporary closure of this facility only. There is likely to be localized increased community interest if Kincumber was to permanently cease operating as a local waste transfer Facility.

### Financial Considerations

The KWMF has operated under its own cost centre, whereby income and expenditure attributable to the operations is budgeted and accounted for.

The primary source of income for the KWMF was user gate fees. The gate fees charged for the disposal of waste at the KWMF are the same as those fees charged at Council's two other waste facilities. The cost to Council for each tonne of waste delivered to Kincumber is however higher than waste delivered direct to Council's other facilities due to the additional cost of handling and transporting the same waste streams across two different sites.

## 5.2 Kincumber Waste Management Facility Closure (contd)

Key operational expenditure items at the KWMF include employee costs associated with staffing the weighbridge and transfer area seven days per week, plant and equipment costs (e.g. a loader, excavator and water cart), waste haulage contract costs to transport and dispose of waste to other waste management facilities (including the NSW Waste Levy where applicable), cash handling, weighbridge hardware and software and environmental compliance costs.

For the period 2020/21 the KWMF budgeted an operating loss of \$875,000. This contrasts with the Buttonderry and Woy Woy Waste Management Facilities, that generate multiple revenue streams across the broad range of activities carried out at these sites and they deliver substantial commercial returns to Council's general fund.

Given Council's current financial position, Council is currently reviewing all its operations, including KWMF, to assess its ongoing financial viability.

Average daily vehicle numbers crossing the weighbridges of Council waste facilities were assessed over a three year period to identify any differences in the number of customers post the closure of KWMF. The below table details an increase in traffic volumes at both Buttonderry and Woy Woy facilities post closure of the KWMF, however the total volume has marginally reduced post the closure of KWMF. This is indicative that not all customers of the former Kincumber facility have chosen to travel the extra distance to Council's alternate facilities and have either reduced their waste consumption or looked at alternative disposal options.

It should be noted that the total numbers of vehicles attending the sites in a given year may also be influenced by numerous variables unrelated to the closure of KWMF. This includes the impacts of COVID on customer behavior and seasonal variations due to such factors as favorable growing seasons and storms.

Year	Average vehicles per day Buttonderry Waste Management Facility	Average vehicles per day Woy Woy Waste Management Facility	Average vehicles per day Kincumber Waste Management Facility	Total average vehicles Per Day
2018/19	327	202	207	736
2019/20	350	204	233	787
2020/21	394	328	0	722

Staff have also assessed to determine if there has been any increase in bulk kerbside collection services as a result of the closure of KWMF. Whilst there has been an approximately 10% increase in the uptake of domestic waste kerbside collection services (funded through the internally restricted domestic waste management charge), in the

suburbs surrounding the KWMF during 2020/21, this trend is however consistent with that experienced across the broader Local Government Area.

It should also be noted that the public transfer area at KWMF was constructed in 2005 as a temporary low-cost solution comprising an asphalt surface and movable concrete blocks built upon a landfilled area that continues to experience differential settlement of the ground surface. Council will need fund ongoing maintenance and renewal works to the pavements and storage bays to maintain safe site operations at this site into the future. In contrast the public waste transfer area at the Woy Woy Waste Management Facility has been purpose designed and underwent a multimillion-dollar redevelopment in 2015, consisting of such infrastructure as a fully engineered permanent concrete pavements and storage bays constructed with due regard to appropriate traffic management planning. A similar purpose-built modern public transfer area was also built at the Buttonderry Waste Management Facility in 2005.

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

Theme 4: Responsible

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

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

### **Risk Management**

Identified risks from the recommendations this report include localised community dissatisfaction due to a loss of convenience of a long-standing service to residents located in a portion of the local government area as outlined previously in the report.

### **Options**

A range of options in relation to the future use of the site occupied by the KWMF have been discussed within the main content of this report. These include:

- Option 1 - Recommence use of the site as a waste transfer facility.
- Option 2 - Recommence use of the site as a landfill
- Option 3 - Develop a tip/reuse shop onsite.
- Option 4 - Development of a soil and aggregate resource recovery facility.
- Option 5 - Establishment of alternate community recreation activities on site.
- Option 6 – Recommended – Maintain the current closure of the site pending further analysis of opportunities.

**Critical Dates or Timeframes**

There are no critical dates or timeframes arising from the recommendations of this report.

**Attachments**

Nil