



Central Coast Council  
Business Paper  
Ordinary Council Meeting  
**13 July 2020**





# COMMUNITY STRATEGIC PLAN 2018-2028

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

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

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

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

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

## RESPONSIBLE

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

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

 **Good governance and great partnerships**

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

There are 5 themes, 12 focus areas and 48 objectives

### COMMUNITY STRATEGIC PLAN 2018-2028 FRAMEWORK

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



# Meeting Notice

**The Ordinary Council Meeting  
of Central Coast Council  
will be held remotely - online  
Monday 13 July 2020 at 6.30 pm,  
for the transaction of the business listed below:**

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7.1 Warnervale Town Centre Contract

Gary Murphy  
**Chief Executive Officer**



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

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13 July 2020 Ordinary Council Meeting

Trim Reference: F2020/00039 - D14028337

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

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

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13 July 2020 Ordinary Council Meeting

Trim Reference: F2020/00039 - D14028369

### **Summary**

Confirmation of minutes of the Ordinary Meeting of Council held on 22 June 2020 and the Extraordinary Meeting of the Council held on 29 June 2020.

### **Recommendation**

***That Council confirm the minutes of the Ordinary Meeting of Council held on the 22 June 2020 and the Extraordinary Meeting of the Council held on 29 June 2020.***

### **Attachments**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Minutes of the Ordinary Meeting of 22 June 2020      | D14029149 |
| <b>2</b> | Minutes of the Extraordinary Meeting of 29 June 2020 | D14050029 |



## Central Coast Council

Minutes of the  
**Ordinary Meeting of Council**  
Held remotely - online  
on 22 June 2020

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### Present

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

### In Attendance

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

The Mayor, Lisa Matthews, declared the meeting open at 6.30pm.

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

Councillor Greenaway left the meeting at 6.33pm and returned at 6.35pm.

The reports are recorded in their correct agenda sequence.

### Apologies

**Moved:** **Councillor MacGregor**

**Seconded:** **Councillor Burke**

### Resolved

**523/20 That Council accept the apologies received from Councillors Pilon and Gale.**

**524/20 That Council grant the following leaves of absence;**

- Councillor Pilon until 30 June 2020 and**
- Councillor Marquart for the 13 July 2020 Ordinary Meeting**

**For:**  
**Unanimous**

**Procedural Motion – Observation of Minutes Silence**

**Moved:**           **Councillor Smith**  
**Seconded:**       **Councillor Holstein**

**Resolved**

**525/20     That Council observe a minutes silence as a mark of respect for the late former Councillor and Mayor of Gosford City Council, Mr Malcolm Brooks OAM.**

**For:**  
**Unanimous**

Councillors Smith, Burke, Holstein and MacGregor spoke briefing in commemoration of Mr Malcolm Brooks OAM.

**1.1           Disclosures of Interest**

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**Item 2.7 – Terrigal Trojans Rugby Club - Outstanding Loan Repayment**

Councillor Burke declared a less than significant non pecuniary interest in the matter as his company used to sponsor a team. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as he knows some of the Directors on board of the Terrigal Trojans Rugby Club. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows someone on the board of the Terrigal Trojans Rugby Club. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

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

**Resolved**

**526/20     That Council receive the report on Disclosure of Interest and note advice of disclosures.**

**For:**  
**Unanimous**

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

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**Moved:** Councillor Smith  
**Seconded:** Councillor Hogan

**Resolved**

**527/20 That Council confirm the minutes of the Ordinary Meeting of Council held on the 9 June 2020.**

**For:**  
**Unanimous**

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

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**Moved:** Councillor MacGregor  
**Seconded:** Councillor Hogan

**Resolved**

**528/20 That Council receive the report and note that no matters have been tabled to deal with in a closed session.**

**For:**  
**Unanimous**

### **Procedural Motion – Exception**

**Moved:** Councillor Vincent  
**Seconded:** Councillor Holstein

**Resolved**

**529/20 That Council adopt the following items as a group and in accordance with the report recommendations:**

<b>Item #</b>	<b>Item Title</b>
<b>2.3</b>	<b>Classification of Land, Lot 29 DP 1261745 – 10 Virginia Road Hamlyn Terrace</b>
<b>2.10</b>	<b>LEP Amendment (Planning Proposal 105) Lot 30 DP 1172696 (356) Manns Road West Gosford</b>



<b>Item #</b>	<b>Item Title</b>
<b>3.1</b>	<b>Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 29 April 2020</b>
<b>3.2</b>	<b>Meeting Record of the Coastal Open Space Systems (COSS) held on 30 April 2020</b>
<b>3.3</b>	<b>Meeting Record of the Playspaces Advisory Committee held on 6 May 2020</b>
<b>3.4</b>	<b>Investment Report for May 2020</b>

**530/20 That Council discuss the following items individually:**

<b>Item #</b>	<b>Item Title</b>
<b>2.1</b>	<b>Adoption of Social Media Policy</b>
<b>2.2</b>	<b>Council Meeting Dates and Locations</b>
<b>2.4</b>	<b>Classification of Land at 40 Fairmont Boulevard, Lot 97 DP 1261646, Hamlyn Terrace</b>
<b>2.5</b>	<b>Making and Fixing of 2020-21 Rates and Charges</b>
<b>2.6</b>	<b>Draft Drinking Water Quality and Recycled Water Quality Policies for Public Exhibition</b>
<b>2.7</b>	<b>Terrigal Trojans Rugby Club - Outstanding Loan Repayment</b>
<b>2.8</b>	<b>Out of Round Sponsorship Program Round 2 2019-20</b>
<b>2.9</b>	<b>Outcomes of consultation the draft Central Coast Council Biodiversity Strategy</b>
<b>5.1</b>	<b>Notice of Motion - Soap in Public Toilets</b>
<b>5.2</b>	<b>Notice of Motion - Airport Employment Hub Community Consultation</b>

**For:**

**Unanimous**

### **2.1 Adoption of Social Media Policy**

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Councillor Sundstrom left the meeting at 6.52pm and returned at 6.53pm.

**Moved: Councillor Smith**

**Seconded: Councillor MacGregor**

**Resolved**

**531/20 That Council note there is currently an existing Social Media Policy that applies to Council staff.**

- 532/20 That Council notes that social media is still an emerging area for community engagement.**
- 533/20 That Council adopt the Central Coast Council Policy for Social Media as set out in Attachment 1 to this report.**
- 534/20 That Council request the Chief Executive Officer provide a further report in June 2021 that reviews the application of the Policy and any relevant issues.**

**For:**

**Mayor Matthews, Councillors Greenaway, Hogan, Holstein, MacGregor, Marquart, Smith, Sundstrom and Vincent**

**Against:**

**Councillors Best, Burke, McLachlan and Mehrtens**

## **2.2 Council Meeting Dates and Locations**

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Moved: Councillor Marquart

Seconded: Councillor Smith

- 1 *That Council adopt the proposed Ordinary Council Meeting dates for the remainder of 2020.*
- 2 *That Council resolve to amend the Code of Meeting Practice to provide for the conduct of Council Meetings at 2 Hely Street, Wyong, noting the identified variations to schedule within the report.*
- 3 *That Council resolve that once meetings are able to be conducted in person and still unable to allow a public gallery (and should it be prior to the completion of works at Wyong Chambers) that the Council meetings be conducted at Gosford.*
- 4 *That Council request the Chief Executive Officer to continue to investigate the capability to have Council Meetings effectively and efficiently at Gosford Chambers, or identify a suitable alternate location in the vicinity, in order to meet community expectation that Council conduct its meetings in both Gosford and Wyong as originally intended under the amalgamation.*
- 5 *That Council request the Chief Executive Officer to investigate and report back to Council before the end of September 2020 on options for the establishment of Committees under Part 20 of the Code of Meeting Practice for the purpose of conducting meetings on specific items in locations relevant to the topic being considered.*
- 6 *That Council resolve to conduct Councillor briefings at Mann Street, Gosford with a requirement that Councillors attend in person, however, allow remote participation (video conference) for non-confidential briefings only where the Councillor has sought leave for a briefing for a specific reason (aligned with standard leave provisions) and in advance.*

- 7 *That Council, in accordance with clause 232 of the NSW Local Government (General) Regulation 2005, publish the 2020 Ordinary Council Meeting dates in the local newspaper.*
- 8 *That in accordance with section 361 of the Local Government Act that a draft Code of Meeting Practice that provides for the conduct of Council Meetings at 2 Hely Street, Wyong be placed on public exhibition for a period of not less than 28 days, with submissions accepted for a period of not less than 42 days.*
- 9 *That in accordance with section 362 of the Local Government Act a further report be provided to Council in September following the conduct of the public exhibition period.*

*Amendment Moved: Councillor Vincent*

*Amendment Seconded: Councillor McLachlan*

- 1 *That Council adopt the proposed Ordinary Council Meeting dates for the remainder of 2020.*
- 2 *That Council resolve to amend the Code of Meeting Practice to provide for the conduct of Council Meetings at 2 Hely Street, Wyong, noting the identified variations to schedule within the report.*
- 3 *That Council resolve that once meetings are able to be conducted in person and still unable to allow a public gallery (and should it be prior to the completion of works at Wyong Chambers) that the Council meetings be conducted at Gosford.*
- 4 *That Council request the Chief Executive Officer to continue to investigate the capability to have Council Meetings effectively and efficiently at Gosford Chambers, or identify a suitable alternate location in the vicinity, in order to meet community expectation that Council conduct its meetings in both Gosford and Wyong as originally intended under the amalgamation.*
- 5 *That Council request the Chief Executive Officer to investigate and report back to Council before the end of September 2020 on options for the establishment of Committees under Part 20 of the Code of Meeting Practice for the purpose of conducting meetings on specific items in locations relevant to the topic being considered.*
- 6 *That Council resolve to conduct Councillor briefings at Mann Street, Gosford with a preference that Councillors attend in person, however, allow remote participation (video conference) for non-confidential briefings.*
- 7 *That Council, in accordance with clause 232 of the NSW Local Government (General) Regulation 2005, publish the 2020 Ordinary Council Meeting dates in the local newspaper.*
- 8 *That in accordance with section 361 of the Local Government Act that a draft Code of Meeting Practice that provides for the conduct of Council Meetings at 2 Hely Street,*

*Wyong be placed on public exhibition for a period of not less than 28 days, with submissions accepted for a period of not less than 42 days.*

- 9 *That in accordance with section 362 of the Local Government Act a further report be provided to Council in September following the conduct of the public exhibition period.*

For:

*Unanimous*

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

**Moved: Councillor Vincent**

**Seconded: Councillor McLachlan**

**Resolved**

**535/20 That Council adopt the proposed Ordinary Council Meeting dates for the remainder of 2020.**

**536/20 That Council resolve to amend the Code of Meeting Practice to provide for the conduct of Council Meetings at 2 Hely Street, Wyong, noting the identified variations to schedule within the report.**

**537/20 That Council resolve that once meetings are able to be conducted in person and still unable to allow a public gallery (and should it be prior to the completion of works at Wyong Chambers) that the Council meetings be conducted at Gosford.**

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

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

**540/20 That Council resolve to conduct Councillor briefings at Mann Street, Gosford with a preference that Councillors attend in person, however, allow remote participation (video conference) for non-confidential briefings.**

**541/20 That Council, in accordance with clause 232 of the NSW Local Government (General) Regulation 2005, publish the 2020 Ordinary Council Meeting dates in the local newspaper.**

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

**543/20** *That in accordance with section 362 of the Local Government Act a further report be provided to Council in September following the conduct of the public exhibition period.*

**For:**  
**Unanimous**

**2.3 Classification of Land, Lot 29 DP 1261745 - 10 Virginia Road Hamlyn Terrace**

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This item was resolved by the exception method.

**Moved:** **Councillor Vincent**  
**Seconded:** **Councillor Holstein**

**Resolved**

**544/20** *That Council adopt the classification of the land known as Lot 29 DP 1261745 at 10 Virginia Road Hamlyn Terrace as Operational Land.*

**545/20** *That Council note that:*

- a Nothing in the above resolution authorises the sale of the subject land (section 377(1)(h) of the Local Government Act 1993 provides that any sale of land can only be by resolution of Council).*
- b Section 31 (3) of the Local Government Act 1993 provides that Council must not resolve that land be classified as operational land if the resolution is inconsistent with the terms of any trust applying to the land.*

**For:**  
**Unanimous**

**2.4 Classification of Land at 40 Fairmont Boulevard, Lot 97 DP 1261646, Hamlyn Terrace**

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**Moved:** **Councillor Smith**  
**Seconded:** **Councillor Greenaway**

*That Council classify the land known as Lot 97 DP 126146 No 40 Fairmont Boulevard, Hamlyn Terrace as Community Land pursuant to the Local Government Act 1993.*

Amendment Moved: Councillor Best  
Amended Seconded: Mayor Matthews

*That Council defer consideration of this item to allow a further report to be provided setting out the reasons for which the categorisation is recommended with an emphasis of the benefits and ramifications of either option – operational or community.*

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

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

**Moved: Councillor Best**  
**Seconded: Mayor Matthews**

**Resolved**

**546/20** *That Council defer consideration of this item to allow a further report to be provided setting out the reasons for which the categorisation is recommended with an emphasis of the benefits and ramifications of either option – operational or community.*

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

**2.5 Making and Fixing of 2020-21 Rates and Charges**

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Councillor Best left the meeting at 8.17pm and returned at 8.19pm.  
Councillor Greenaway left the meeting at 8.21pm and returned at 8.23pm.

Moved: Councillor Best  
Seconded: Councillor Marquart

*That Council not levy the 2.6% increase and that the ad valorem rates be adjusted accordingly and reported back to Council for final determination.*

For: Councillors Best, Burke, Marquart and McLachlan  
Against: Mayor Matthews, Councillors Greenaway, Hogan, Holstein, MacGregor, Mehrstens, Smith and Sundstrom

Abstained: Councillor Vincent



The Motion was put to the vote and declared LOST.

**Moved:** Councillor MacGregor

**Seconded:** Councillor Mehrtens

**Resolved**

**547/20 That Council note rate and charge rebates to pensioners are prescribed by s. 575 of the Local Government Act 1993.**

**548/20 That Council is of the opinion that all rateable land that is used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 will derive benefit from the provision of certain facilities, services and activities contributing to business and tourism development that are funded in part or whole by a Business/Tourism Development Special Rate (as set out in attachment 1).**

**549/20 That Council is of the opinion that the following rateable land will derive benefit from the activities that are funded in part or whole by the Gosford Parking Special Rate and/or funded in whole or in part by the Gosford Central Business District Special Rate, which (respectively) fund the operation and maintenance of the Baker Street Parking Station and the provision of facilities, services and activities that contribute to business and tourism development in the area:**

**a Rateable land within Registered Plan 97/6.**

**b Rateable land within the area indicated in the Gosford Central Business District Improvement and Parking Area map (as set out in attachment 2):**

**i. Commencing west of Mann Street, at Lot 1 DP 156665, bounded by Etna, Hills, Watt and Faunce Streets; and**

**ii. From Henry Parry Drive to Allotment 1, Section 96, Town of Gosford to the intersection of Erina Street, north to Donnison Street, west of Henry Parry Drive to Georgiana Terrace to include unnamed lane in DP 13734; and**

**iii. Then from Allotment 4, Section 9, Town of Gosford to its intersection with the centre line of the Great Northern Railway bounded by Henry Parry, Mann Street, Georgiana Terrace, Dane Drive to the railway line and back to the point of commencement.**

**550/20 That Council is of the opinion that the following rateable land will derive benefit from the activities that are funded in part or whole by The Entrance Area Special Rate, which promotes the economic development, marketing and development of The Entrance area and provides for the organisation and management of promotional events within and around**

***The Entrance area for the purpose of improving the market penetration of The Entrance area and its traders (as set out in attachment 3):***

- a All rateable land used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 in the suburb known as The Entrance; and***
- b All rateable land in the suburbs of Magenta, The Entrance, North, The Entrance, Blue Bay, Long Jetty, Toowoan Bay, Shelly Beach and Bateau Bay used predominately for any of the following purposes, as those terms are defined in the Wyong Local Environmental Plan 2013 or the former Wyong Council's "Retail Centres Strategy":***
  - i. Amusement centres,***
  - ii. Camping grounds,***
  - iii. Caravan parks,***
  - iv. Eco-tourist facilities,***
  - v. Pubs,***
  - vi. Registered clubs, or***
  - vii. Service stations,***
  - viii. Tourist and visitor accommodation***

***551/20 That Council is of the opinion that all rateable land in the suburbs known as Toukley, Canton Beach, Noraville and Norah Head that is used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 will derive benefit from the activities that are funded in part or whole by the Toukley Area Special Rate, which markets and promotes the economic development of the Toukley area (as set out in attachment 4).***

***552/20 That Council is of the opinion that the following rateable land will derive benefit from the activities that are funded in part or whole by the Wyong Area Special Rate, which is used to market and promote the economic development of the Wyong area within which this special rate applies (as set out in attachment 5):***

- a All land used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 in the suburb known as Watanobbi.***
- b All land used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 in the suburb known as Wyong, bounded by the following:***
  - i. North of the Wyong River from Tacoma in the east to the M1 Freeway in the west;***
  - ii. East of the M1 Freeway from the Wyong River to the suburb boundary between Wyong and Warnervale but to exclude Lot 32 DP 814964;***

- iii. **South of the northern Wyong boundary to its intersection with the Pacific Highway and then south of the Pacific Highway to the intersection of Pollock Avenue, but to include the land known as Lot 400 DP 1114793 (being to the north of the Pacific Highway);**
- iv. **The eastern boundary of the suburb of Wyong from Johns Road to Wyong River.**

**553/20 That Council resolve to make, in respect of land within the former Gosford Local Government Area, the following ordinary rates for the 2020-21 rating and financial year where such rates consist of an ad valorem amount and subject to a minimum amount, pursuant to ss. 492-494, 497-498, 533-535 and 543 (inclusive) of the Local Government Act 1993:**

<b>Ordinary Rate Category Section 493</b>	<b>Ordinary Rate Sub Category Section 529</b>	<b>Ad Valorem Amount (cents in the \$)</b>	<b>Minimum Rate Amount</b>
<b>Farmland</b>	-	<b>0.119365</b>	<b>\$554.00</b>
<b>Residential</b>	-	<b>0.235395</b>	<b>\$554.00</b>
<b>Residential</b>	<b>Flood</b>	<b>0.271689</b>	<b>\$283.00</b>
<b>Business</b>	-	<b>0.417268</b>	<b>\$554.00</b>

**554/20 That Council resolve to make, in respect of land within the former Wyong Local Government Area, the following ordinary rates for the 2020-21 rating and financial year consisting of an ad valorem amount and subject to a minimum amount, pursuant to sections 492-494, 497-498, 533-535 and 543 (inclusive) of the Local Government Act 1993 (refer attachment 6):**

<b>Ordinary Rate Category Section 493</b>	<b>Ordinary Rate Sub Category Section 529</b>	<b>Ad Valorem Amount (cents in the \$)</b>	<b>Minimum Rate Amount</b>
<b>Farmland</b>	-	<b>0.245081</b>	<b>\$300.00</b>
<b>Residential</b>	-	<b>0.386287</b>	<b>\$300.00</b>
<b>Mining</b>	-	<b>14.874325</b>	<b>\$300.00</b>
<b>Business</b>	-	<b>0.842029</b>	<b>\$300.00</b>
<b>Business</b>	<b>Business Major Retail</b>	<b>1.266792</b>	<b>\$300.00</b>
<b>Business</b>	<b>Business Local Retail</b>	<b>1.055717</b>	<b>\$300.00</b>

**555/20 That Council resolve to make, the following special rates for the 2020-21 rating and financial year consisting of an ad valorem amount, pursuant to ss. 492, 495, 497-500, 535-538 and 543 (inclusive) of the Local Government Act 1993 where those special rates are to apply only to and be levied on only the rateable land identified in the table below:**

<b>Special Rate</b>	<b>Base Amount</b>	<b>Ad Valorem Amount (cents in the \$)</b>	<b>Special rate applies to the following rateable land</b>
<b>Business/Tourism Development</b>	-	<b>0.044161</b>	<b>All rateable land identified in resolution 1</b>
<b>Gosford Parking</b>	-	<b>0.119652</b>	<b>All rateable land identified in resolution 2</b>
<b>Gosford Central Business District Improvement</b>	-	<b>0.312151</b>	<b>All rateable land identified in resolution 2</b>
<b>The Entrance Area</b>	<b>\$95.00</b>	<b>0.321766</b>	<b>All rateable land identified in resolution 3</b>
<b>Toukley Area</b>	<b>\$95.00</b>	<b>0.236237</b>	<b>All rateable land identified in resolution 4</b>
<b>Wyong Area</b>	<b>\$95.00</b>	<b>0.086428</b>	<b>All rateable land identified in resolution 5</b>

**556/20** That Council apply land valuations, with a base date 1 July 2019, for rating purposes in the 2020-21 rating and financial year.

**557/20** That Council resolve to make, the following annual domestic waste management service charges for the 2020-21 rating and financial year, pursuant to ss. 496 and 535 of the Local Government Act 1993 (refer attachment 7):

<b>Name</b>	<b>Charge Amount</b>
<b>Domestic Waste Management - Availability Charge</b>	<b>\$71.00</b>
<b>Domestic Waste Management Service – Eastern Area</b>	<b>\$512.00</b>
<b>Domestic Waste Management Service – Western Area</b>	<b>\$454.00</b>
<b>Domestic Waste Management Service – 140 litre to 240 litre Waste Upgrade</b>	<b>\$136.00</b>
<b>Domestic Waste Management Service – 140 litre to 360 litre Waste Upgrade</b>	<b>\$272.00</b>
<b>Domestic Waste Management Service – Additional 140 litre Waste Bin Service</b>	<b>\$269.00</b>
<b>Domestic Waste Management Service – Additional 240 litre Waste Bin Service</b>	<b>\$407.00</b>
<b>Domestic Waste Management Service – Additional 360 litre Waste Bin Service</b>	<b>\$544.00</b>
<b>Domestic Waste Management Service – Additional 240 litre Recycling Bin Service</b>	<b>\$102.00</b>
<b>Domestic Waste Management Service – Additional 360 litre Recycling Bin Service</b>	<b>\$136.00</b>
<b>Domestic Waste Management Service – Additional 240 litre Vegetation Bin Service</b>	<b>\$110.00</b>

<b>Domestic Waste Management Service – Additional Short Term Extra Service – 140 litre Waste Bin - price per service</b>	<b>\$18.65</b>
<b>Domestic Waste Management Service – Additional Short Term Extra Service – 240 litre Waste Bin - price per service</b>	<b>\$19.85</b>
<b>Domestic Waste Management Service – Additional Short Term Extra Service – 360 litre Waste Bin - price per service</b>	<b>\$21.05</b>
<b>Domestic Waste Management Service – Additional Short Term Extra Service – 660 litre Waste Bin - price per service</b>	<b>\$38.60</b>
<b>Domestic Waste Management Service – Additional Short Term Extra Service – 1.1 cubic meter Waste Bin - price per service</b>	<b>\$64.30</b>
<b>Domestic Waste Management Service – Additional Short Term Extra Service – 1.5 cubic meter Waste Bin - price per service</b>	<b>\$87.70</b>
<b>Domestic Waste Management Service – Additional Short Term Extra Service – 240 litre Recycling Bin - price per service</b>	<b>\$19.85</b>
<b>Domestic Waste Management Service – Additional Short Term Extra Service – 360 litre Recycling Bin - price per service</b>	<b>\$21.05</b>
<b>Domestic Waste Management Service – Additional Short Term Extra Service – 660 litre Recycling Bin - price per service</b>	<b>\$38.60</b>
<b>Domestic Waste Management Service – Additional Short Term Extra Service – 1.1 cubic meter Recycling Bin - price per service</b>	<b>\$64.30</b>
<b>Domestic Waste Management Service – Additional Short Term Extra Service – 1.5 cubic meter Recycling Bin - price per service</b>	<b>\$87.70</b>
<b>Domestic Waste Management Service – Additional Short Term Extra Service – 240 litre Vegetation Bin - price per service</b>	<b>\$19.85</b>

**558/20** *That Council provide domestic waste management services only to parcels of land which have current Council consent or approval for a residential building.*

**559/20** *That Council resolve to make, the changes set out in the adopted Delivery Program and Operational Plan for the 2020-21 financial year including but not limited to the following waste management charges for the 2020-21 rating and financial year, pursuant to ss. 501 and 535 of the Local Government Act 1993:*

<b>Name</b>	<b>Charge Amount</b>
<b>Waste Management Service – 140 litre Waste Bin Service</b>	<b>\$381.00</b>
<b>Waste Management Service – 240 litre Waste Bin Service</b>	<b>\$509.00</b>
<b>Waste Management Service - 360 litre Waste Bin Service</b>	<b>\$627.00</b>
<b>Waste Management Service - 660 litre Waste Bin Service</b>	<b>\$2,173.00</b>
<b>Waste Management Service - 1.1 cubic metre Waste Bin Service</b>	<b>\$3,033.00</b>
<b>Waste Management Service - 1.5 cubic metre Waste Bin Service</b>	<b>\$4,085.00</b>
<b>Waste Management Service – 240 litre Recycling Bin Service</b>	<b>\$102.00</b>
<b>Waste Management Service – 360 litre Recycling Bin Service</b>	<b>\$136.00</b>
<b>Waste Management Service – 660 litre Recycling Bin Service</b>	<b>\$281.00</b>
<b>Waste Management Service – 1.1 cubic meter Recycling Bin Service</b>	<b>\$467.00</b>
<b>Waste Management Service – 1.5 cubic meter Recycling Bin Service</b>	<b>\$638.00</b>
<b>Waste Management Service –240 litre Vegetation Bin Service</b>	<b>\$110.00</b>

**560/20** *That Council apply, a proportional charge adjustment, calculated on a daily basis, where domestic waste management services or waste management services commence or cease during the 2020-21 rating year.*

**561/20** *That, for the period between 1 July 2020 and 30 June 2021 in respect to overdue rates and charges, Council charge the lesser of the following:*

- a the maximum rate of interest as determined by the Minister for Local Government under s. 566(3) of the Local Government Act 1993, being 0% per annum for the period 1 July to December 2020 and 7% for the period 1 January to 30 June 2021; or*
- b the maximum rate of interest payable on overdue rates and charges under s. 356 of the Water Management Act 2000, being the rate applicable on an unpaid judgment of the Supreme Court;*
- c and this interest to be calculated on a daily basis using the simple interest method in accordance with s. 566 of the Local Government Act 1993.*

**For:**  
**Mayor Matthews, Councillors Greenaway, Holstein, MacGregor, Mehrtens, Smith and Sundstrom**

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

**Abstained: Councillors Hogan and Vincent**



The meeting adjourned at 8.32pm and resumed at 8.43pm.

## **2.6 Draft Drinking Water Quality and Recycled Water Quality Policies for Public Exhibition**

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Councillor Greenaway left the meeting at 8.43pm and returned at 8.44pm.

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

### **Resolved**

**562/20 That Council endorse the following draft policies for the purpose of community consultation:**

- i. Drinking Water Quality Policy**
- ii. Recycled Water Quality Policy**

**563/20 That Council place the above draft policies on public exhibition for a period of 28 days.**

**564/20 That Council also refer the draft policies to the Water Advisory Committee for their review and input.**

**565/20 That Council request the Chief Executive Officer provide a further report back to Council on the outcomes of the public exhibitions.**

**For:**  
**Unanimous**

## **2.7 Terrigal Trojans Rugby Club - Outstanding Loan Repayment**

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Councillor Burke declared a less than significant non pecuniary interest in the matter as his company used to sponsor a team. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as he knows some of the Directors on board of the Terrigal Trojans Rugby Club. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows someone on the board of the Terrigal Trojans Rugby Club. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

Councillor Greenaway left the meeting at 9.24pm and returned at 9.25pm.

Moved: Councillor Burke  
Seconded: Councillor Marquart

- 1 That Council receive the report on Terrigal Trojans Rugby Club – Outstanding Loan Repayment.
- 2 That Council acknowledge that Terrigal Trojans Rugby Club Pty Ltd have contributed a total amount of \$727,854, by way of cash and capital grants contributions directly toward the building.
- 3 That Council apply the total contribution of \$727,854, to the current outstanding amount owed by Terrigal Trojans (\$554,014.45) to Central Coast Council, and it be determined that the loan has been satisfied entirely, superseding any previous resolution relating to the loan repayment.

Amendment Moved: Councillor Holstein  
Amendment Seconded: Councillor Best

- 1 That Council require the Terrigal Trojans Rugby Club Pty Ltd to give evidence over the next 12 months and show their community contribution and diversity of that contribution to the community for the Councils consideration to the balance of the loan.
- 2 That Council apply the Terrigal Trojans Rugby Club Pty Ltd cash contributions only (\$318,504.00) be used toward the loan and exclude any grants contributions.
- 3 That Council note Terrigal Trojan's would have an outstanding loan balance of \$235,960.45, which would need to be reflected in a new Load Repayment Deed.

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

The Amendment was put to the vote and declared LOST.

Moved: Councillor Burke  
Seconded: Councillor Marquart

- 1 That Council receive the report on Terrigal Trojans Rugby Club – Outstanding Loan Repayment.
- 2 That Council acknowledge that Terrigal Trojans Rugby Club Pty Ltd have contributed a total amount of \$727,854, by way of cash and capital grants contributions directly toward the building.

- 3 That Council apply the total contribution of \$727,854, to the current outstanding amount owed by Terrigal Trojans (\$554,014.45) to Central Coast Council, and it be determined that the loan has been satisfied entirely, superseding any previous resolution relating to the loan repayment.

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

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

The Motion was put to the vote and declared LOST.

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**2.8 Out of Round Sponsorship Program Round 2 2019-20**

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

**Resolved**

**566/20 That Council allocate \$44,150.00 from the sponsorship budget, to be paid within the 2019-20 financial year to the Central Coast Academy of Sport.**

**567/20 That Council request the Chief Executive Officer to contact the Central Coast Academy of Sport to request a briefing be provided to Councillors on their activities and future plans.**

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

**Abstained:**  
Councillor Greenaway

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**2.9 Outcomes of Consultation the Draft Central Coast Council Biodiversity Strategy**

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Councillor Hogan left the meeting at 9.46pm and returned at 9.50pm.

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

**Resolved**

**568/20 That Council note Action 12.4 in the NSW Government's Central Coast Regional Plan 2036: "Strengthen the Coastal Open Space System by expanding its links and extending new corridors to balance growth in the north of the region and protect the network of natural areas across the region".**

- 569/20** *That Council note Council's Community Strategic Plan 2018-2028 Objective F2: "Promote greening and ensure the wellbeing of communities through the protection of local bushland, urban trees, tree canopies and expansion of the Coastal Open Space System (COSS)".*
- 570/20** *That Council amend the draft Central Coast Biodiversity Strategy to include an additional Theme: Protect and expand the Coastal Open Space System (COSS) that includes, but is not limited to the following:*
- Brief history of COSS*
  - Explanation of the mechanisms that identified and enabled COSS including, but not limited to, Bonus Lot Provision, COSS Levy, COSS Committee and voluntary acquisition process*
  - Actions related to expanding COSS, protection of COSS lands and funding options that are independent of a reliance on Offsetting*
- 571/20** *That Council request that the Chief Executive Officer provide an opportunity for interested Councillors to meet via audio visual link with relevant staff in July, 2020 at Gosford Administration building to review the draft Strategy and discuss any further amendments and receive further information about costings.*
- 572/20** *That Council request the Chief Executive Officer provide a further report at the first meeting in September, 2020 for the adoption of the draft Central Coast Biodiversity Strategy.*

**For:**

**Unanimous**

**2.10 LEP Amendment (Planning Proposal 105) Lot 30 DP 1172696 (356) Manns Road West Gosford**

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This item was resolved by the exception method.

**Moved:** **Councillor Vincent**

**Seconded:** **Councillor Holstein**

**Resolved**

- 573/20** *That Council support the Planning Proposal as exhibited to increase the current permissible floor area for 'specialised retail premises' from 12,000 square metres to 16,000 square metres within Schedule 1 – Additional Permitted Uses Clause 10(2) of Gosford Local Environmental Plan 2014;*
- 574/20** *That Council request the Chief Executive Officer to exercise the delegation issued by the Department of Planning, Industry and Environment for*

***Planning Proposal (RZ/105/2019; PP\_2019\_CCOAS\_001\_00) to proceed with the steps for drafting and making of Amendment No. 39 to Gosford Local Environmental Plan 2014.***

***For:***  
***Unanimous***

**3.1 Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 29 April 2020**

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This item was resolved by the exception method.

***Moved:***           ***Councillor Vincent***  
***Seconded:***       ***Councillor Holstein***

***Resolved***

***575/20 That Council receive the report on Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 29 April 2020.***

***For:***  
***Unanimous***

**3.2 Meeting Record of the Coastal Open Space Systems (COSS) held on 30 April 2020**

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This item was resolved by the exception method.

***Moved:***           ***Councillor Vincent***  
***Seconded:***       ***Councillor Holstein***

***Resolved***

***576/20 That Council receive the report on Meeting Record of the Coastal Open Space Systems (COSS) held on 30 April 2020.***

***For:***  
***Unanimous***

**3.3 Meeting Record of the Playspaces Advisory Committee held on 6 May 2020**

---

This item was resolved by the exception method.

***Moved:***           ***Councillor Vincent***

**Seconded:** Councillor Holstein

**Resolved**

**577/20 That Council receive the report on Meeting Record of the Playspaces Advisory Committee held on 6 May 2020.**

**For:**  
**Unanimous**

### **3.4 Investment Report for May 2020**

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This item was resolved by the exception method.

**Moved:** Councillor Vincent  
**Seconded:** Councillor Holstein

**Resolved**

**578/20 That Council receive the Investment Report for May 2020.**

**For:**  
**Unanimous**

### **5.1 Notice of Motion - Soap in Public Toilets**

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**Moved:** Councillor Greenaway  
**Seconded:** Councillor Vincent

**Resolved**

**579/20 That Council acknowledges that the number 1 recommendation in Australian government guidelines for Good hygiene for coronavirus (COVID-19) is to wash your hands often with soap and water. The second recommendation is to use alcohol-based hand sanitisers when you can't use soap and water. <https://www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert/how-to-protect-yourself-and-others-from-coronavirus-covid-19/good-hygiene-for-coronavirus-covid-19>**

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

- i. The number of Council run public toilet/amenities blocks**
- ii. The reasons for the removal of soap from public toilets (on the Central Coast and generally throughout NSW/Australia if known)**



- iii. The cost of reintroducing soap to Council's Public Toilet blocks including the cost of materials, servicing and anticipated costs of slip and fall incidents**

**581/20 That Council note that the Public Toilet Strategy is currently being undertaken and request that this strategy include at least preliminary information on the matters raised in paragraph 2 above.**

**582/20 That Council request that the Chief Executive Officer, in the interim, make inquiries in an effort to source vandal-resistant soap dispensers or brackets or other innovations to give best effect to protecting soap installations should they be recommended. That this be included as part of the report in item 2 above.**

**For:  
Unanimous**

#### **Procedural Motion**

**Moved: Councillor Best  
Seconded: Councillor McLachlan**

*That Council defer consideration of item 5.2 - Notice of Motion - Airport Employment Hub Community Consultation until the 13 July 2020 Ordinary Meeting.*

**Amendment Moved: Councillor Smith  
Amendment Seconded: Councillor Greenaway**

*That Council extend the meeting for a period of 30 minutes to consider item 5.2 - Notice of Motion - Airport Employment Hub Community Consultation the time being 10.37pm.*

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

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

**Moved: Councillor Smith  
Seconded: Councillor Greenaway**

#### **Resolved**

**583/20 That Council extend the meeting for a period of 30 minutes to consider item 5.2 - Notice of Motion - Airport Employment Hub Community Consultation the time being 10.37pm.**

**For:**  
**Councillors Greenaway, Hogan,  
MacGregor, Mehrrens, Smith, Sundstrom  
and Vincent**

**Against:**  
**Mayor Matthews, Councillors Best,  
Burke, Holstein, Marquart and  
McLachlan**

The Mayor vacated the Chair and left the meeting.

The Deputy Mayor, Councillor Smith assumed the Chair at 10.37pm.

The Mayor resumed the Chair at 10.41pm.

### **Procedural Motion – Extension of Time**

**Moved: Councillor McLachlan**  
**Seconded: Councillor Best**

#### **Resolved**

**584/20 That Council extend the meeting for a period of 30 minutes to further consider item 5.2 – Notice of Motion - Airport Employment Hub Community Consultation the time being 11.05pm.**

**For:**  
**Councillors Best, Burke, Greenaway,  
Holstein, Marquart, McLachlan, Smith and  
Vincent**

**Against:**  
**Mayor Matthews, Councillors Hogan,  
MacGregor, Mehrrens and Sundstrom**

### **5.2 Notice of Motion - Airport Employment Hub Community Consultation**

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**Moved: Councillor Best**  
**Seconded: Councillor McLachlan**

- 1 *That Council now recognises in the wake of COVID 19 and the recent announcement of recession, employment opportunities and the economic drivers that underpin them have now become of critical importance.*
- 2 *That Council further notes that many similar sister regions have significantly benefited through anchoring and activating their employment precincts utilising Airport Employment Hubs.*
- 3 *That it is with this understanding (2 above) and in keeping with Council's 'well worn' mantra of openness and transparency that Council now provides our community with the formal opportunity to review and finally participate in the Central Coast Airport Employment Hub planning process.*
- 4 *That Council thank staff for their extraordinary efforts over many years now in developing this cutting edge, \$450,000.00 Employment Master Plan for the Central Coast Aero Hub.*

- 5 That Council now formally consult with our community through the 'formal' release of the Central Coast Airport Master Plan stages 1 to 5.

Amendment Moved: Councillor Hogan

Amendment Seconded: Mayor Matthews

- 1 That Council now recognises in the wake of COVID 19 and the recent announcement of recession, employment opportunities and the economic drivers that underpin them have now become of critical importance.
- 2 That Council notes that Council has established a Warnervale Working Group to progress employment opportunities in the Warnervale Employment Area.
- 3 That Council notes that we have engaged an independent consultant to undertake an audit of the key decisions made regarding the development of Central Coast Airport and associated projects.
- 4 That Council also notes that we have not received the outcome from the review of the WAR Act from the state government.
- 5 That Council acknowledge the costs associated with public exhibitions and it would be irresponsible of us to impose such costs on our ratepayers during these challenging financial times.
- 6 That the Chief Executive Officer please ask staff to direct Councillors and residents to the Council website for information on the airport: <https://cdn.centralcoast.nsw.gov.au/sites/default/files/proactiverelaseWEZ-261118.pdf>
- 7 That given the community interest in this topic and the desire for openness and transparency, Council request the Chief Executive Officer to write to the Liberal State Government and request that they publicly release the findings of their 2017 Review into the Warnervale Airport Restrictions Act which ultimately saw the retention of the Act and the then Minister Anthony Roberts stating that the government would consider whether in fact additional controls on future development at Warnervale airport might be needed.

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

Against:  
Councillors Best, Burke, Holstein, Marquart  
and McLachlan

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

**Moved: Councillor Hogan**

**Seconded: Mayor Matthews**

- 585/20 That Council now recognises in the wake of COVID 19 and the recent announcement of recession, employment opportunities and the economic drivers that underpin them have now become of critical importance.**

- 586/20** *That Council notes that Council has established a Warnervale Working Group to progress employment opportunities in the Warnervale Employment Area.*
- 587/20** *That Council notes that we have engaged an independent consultant to undertake an audit of the key decisions made regarding the development of Central Coast Airport and associated projects.*
- 588/20** *That Council also notes that we have not received the outcome from the review of the WAR Act from the state government.*
- 589/20** *That Council acknowledge the costs associated with public exhibitions and it would be irresponsible of us to impose such costs on our ratepayers during these challenging financial times.*
- 590/20** *That the Chief Executive Officer please ask staff to direct Councillors and residents to the Council website for information on the airport: <https://cdn.centralcoast.nsw.gov.au/sites/default/files/proactiverelaseWEZ-261118.pdf>*
- 591/20** *That given the community interest in this topic and the desire for openness and transparency, Council request the Chief Executive Officer to write to the Liberal State Government and request that they publicly release the findings of their 2017 Review into the Warnervale Airport Restrictions Act which ultimately saw the retention of the Act and the then Minister Anthony Roberts stating that the government would consider whether in fact additional controls on future development at Warnervale airport might be needed.*

**For:**

**Mayor Matthews, Councillors Greenaway, Hogan, MacGregor, Mehrrens, Smith, Sundstrom and Vincent**

**Against:**

**Councillors Best, Burke, Holstein, Marquart and McLachlan**

**The Meeting** closed at 11.17 pm.



## Central Coast Council

Minutes of the  
**Extraordinary Meeting of Council**  
Held remotely - online  
on 29 June 2020

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### Present

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

### In Attendance

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

The Mayor, Lisa Matthews, declared the meeting open at 6.36pm.

Councillor Best left the meeting at 6.38pm and returned 6.38pm.

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

The reports are recorded in their correct agenda sequence.

### Apologies

**Moved:**            **Councillor Gale**  
**Seconded:**      **Councillor Smith**

### Resolved

**592/20**      ***That Council note the leave of absence granted to Councillor Pilon until 30 June 2020.***

**593/20**      ***That Council accept the apologies from Councillors Vincent and Marquart.***

**For:**

**Unanimous**

**1.1 Disclosures of Interest**

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**Item 3.1 – Update on Operational Plan 2020-21**

Councillor Hogan declared a pecuniary interest in the fees and charges part of matter as her employer occupies Council community facilities. Councillor Hogan left the meeting at 7.43pm, returned at 7.56pm and did not participate in discussion on this matter.

Mayor Matthews declared a pecuniary interest in the fees and charges part of matter as her relative operates a business and one of the fees to be determined impacts that business. Mayor Matthews left the meeting at 7.43pm, returned at 7.56pm and did not participate in discussion on this matter.

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

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she has family members who utilise the sporting facilities on the Central Coast. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

Councillor Holstein declared a less than significant non pecuniary interest in the matter as he works in a casual capacity with organisations that lease premises through Council. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he has played club sport on the Central Coast previously. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as he his business orders certificates through Council. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

Councillor Smith declared a less than significant non pecuniary interest in the matter as she works for the Department of Education who currently lease a premises from Council. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

**Moved: Councillor Gale**

**Seconded: Councillor MacGregor**

**Resolved**

**594/20** *That Council receive the report on Disclosure of Interest and note advice of disclosures.*

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

**Abstained:**  
**Councillor Greenaway**

## **2.1 Adoption of the Central Coast Local Strategic Planning Statement**

**Moved:** **Councillor Smith**  
**Seconded:** **Councillor Sundstrom**

**595/20** *The Council note the outcomes of public exhibition and Councillor Workshop conducted on 22 June 2020 in accordance with the Council resolution of 9 June 2020;*

**596/20** *That Council note that a request for an extension of the exhibition period was made to the Department of Planning, Industry and Environment (DPIE) due to the significant impact of COVID-19 on community consultation and that this request was refused;*

**597/20** *That Council note the resolution of Council on 9 June 2020 in relation to the Local Strategic Planning Statement as follows:*

**457/20** *That Council request the Chief Executive Officer to amend the draft LSPS with initial changes as outlined below including corresponding changes to subsidiary text to reflect the amendments;*

- a** *Replace the term "growth" (or variations of it) with "sustainable development" (or variations of it), unless the context is conflicting*
- b** *Include a "Mayor's Message" in the final document*
- c** *Delete page 26 "Our Engagement" and page 27 "What We've Heard So Far" (as per the original draft document) and that the content of these pages not appear anywhere else in the document*
- d** *Correction of maps that appear to misrepresent information due to scale issues*
- e** *Amend CENTRES & CORRIDORS to "Planning Priority 02 - Prioritise sustainable development in existing centres"*

**f** **Page 58 -59, add the following priorities / descriptors for "Gosford The Capital of the Central Coast";**

- **Regional city nestled in a narrow valley, providing views to the surrounding ridgelines from public spaces within the city centre.**
- **Focus on increase in residential development within the city to increase amenity, urban lifestyles and cultural life of the city.**
- **Encourage Gosford City as an education hub.**
- **Long term evolution of transport to reduce dependence on cars, increase public transport, cycle and pedestrian movement around the city.**

**FUNCTION – ADD:**

**It will respond to its surrounding environment by ensuring that the built form does not dominate the landscape and that views to ridgelines are available from public spaces within the city and mid-distances.**

**AMENITIES – Amend to:**

**Built Form: A built form that does not dominate the landscape, responds to context and character of the surrounding bushland setting and ensures clear views to the ridgelines from public spaces within the city, and mid-distances.**

**g** **Change Terrigal from "Town Centre" to "Local Centre" and amend the priorities as follows;**

- **Delete "Increased residential densities as part of the mixed use centre providing housing options."**
- **Delete "A 24-hour Main Street destination for locals and visitors"**

**h** **Add a new category for the Centres Hierarchy "Villages" with the following descriptors;**

- **Protect unique characteristics of these areas including natural areas and character**



- **Support local business sustainable and retain the existing amenity**
  
- i Amend Housing – Planning Priority 01 to: - Provide well designed housing with high standards of sustainability features.**
  
- j Amend Economics – Planning Priority 01 to: - Facilitate Emerging Logistics, Warehousing, Manufacturing, Innovative and Green Economy Enterprises.**
  
- k Amend Environmental – Planning Priority 01 – Transformative Idea to add: Reviewing planning controls to require high standards of design and construction including energy and water efficiency, liveability measures, waste minimisation and emissions reduction.**
  
- l Amend Environment - Planning Priority 03 to: – Protect and expand the Coastal Open Space System (COSS) in addition to a Biodiversity Strategy that maps, protects, and cherishes natural areas and ecosystems.**
  
- m Amend Agriculture – Planning Priority 01 - Protect agricultural lands as an economic resource and for local sustainability.**
  
- n Amend Open Space - Planning Priority 2 - Ensure a strategy that supports neighbourhood “pocket parks” accessible to local communities within walking distance in addition to larger recreational multi-use open space destinations.**
  
- o Amend Water & Sewer – Planning Priority 01 – Planning Priority 1 - Protect the security of our water supply catchments;**

**TRANSFORMATIVE IDEA:**

**Through planning instruments provide strong legal protection for our water supply catchments including, but not limited to;**

- **a “neutral or beneficial” test for all activities in these catchments.**
  
- **modelling and decision making to ensure that population growth on the Central Coast does not**

**exceed the capacity of the Central Coast Water Supply to provide for our region**

**598/20 That Council further amend the draft Central Coast Local Strategic Planning Statement as specifically amended;**

- a Inclusion of Ward Based chapters.**
- b Inclusion of Indigenous Communities section.**
- c Removal of the 'Built Form' section in the centres hierarchy**
- d Amend the Open Space Map to include COSS land and acknowledge Council's role in protecting beaches and waterways**
- e Inclusion of statement to emphasize the importance of ensuring that resource extraction does not impact on water resources or environmental lands**
- f Inclusion of a disclaimer on the Forecast Mapping noting that the mapping utilizes Australian Bureau of Statistics data and statistical boundaries and is an average across the total area. The mapping will also note information is indicative only and will not be used for assessment purposes**
- g Inclusion of new and amended actions provided in Attachment 2: LSPS Priorities and Actions Table as follows:**

<b>Action</b>	<b>Proposed Changes:</b>
<b>2</b>	<b>Prioritise sustainable development in our Regional City Centre and existing centres</b>  <b>Undertake a region wide review of existing centres and develop a Centres Hierarchy and Strategy to inform future sustainable development in our centres</b>
	<b>Work with the State Government in implementing the Urban Design Framework for Gosford City Centre as appropriate.</b>
<b>4</b>	<b>Add</b> <b>Review of the Entrance Planning Strategy and Masterplan.</b> <b>Prepare a sustainable transport study for the Entrance Peninsula, as part of the review of the Entrance Planning Strategy and Masterplan.</b> <b>Review of the Toukley Planning Strategy.</b> <b>Review of the Bateau Bay Masterplan to investigate possibility of creating a "lifestyle precinct"</b>

- 
- Develop sustainable transport strategies as part of corridor strategies and other plans to reduce reliance on private vehicle use and support sustainable transport objectives, including supporting infrastructure such as bus stops, shuttle buses, existing pathways and pedestrian access***
- 
- 7** ***Provide well designed housing with high standards of sustainability features.***
- 
- 8** ***Prepare Housing Strategy for the Central Coast to provide a clear vision and strategic direction to accommodate the population growth envisaged for the region in a sustainable manner***
- 
- 9** ***Add***  
***Prepare a Master Plan for the Lake Munmorah Local Centre, in consultation with the landowner and incorporate outcomes into the site specific Development Control Plan.***  
***Prepare a Public Domain Plan for the Lake Munmorah Neighbourhood Centre.***  
***Undertake a review and update of the Northern Districts Contributions Plan.***
- 
- 10** ***Prepare a suite of strategies to support new land use planning controls (including sustainable built form) as part of the Comprehensive Local Environmental Plan and Development Control Plan.***
- 
- 11** ***Facilitate Emerging Logistics, Warehousing, Manufacturing and Innovative and Green Economy Enterprises***
- 
- 12** ***Develop Activity Hubs within Centre Structure Plans, as the heart of key Centres, providing core elements such as a transport interchange, education facilities, business centres, Wifi connectivity, smart hubs, fresh food markets, health and medical services, library and childcare options, creating dynamic urban environments that encourage the exchange of ideas, opportunities for creativity and an appealing lifestyle.***
- 
- 13** ***Add***  
***Develop a Tourism Opportunity and Evening Economy Plan for the Entrance. This includes enhancing our public open spaces and infrastructure to support and increase existing and future tourism opportunities.***
- 
- 14** ***Add***
-

- 
- Prepare the Central Coast Economic Development Strategy to support growth and investment in the region.**
- 
- 15 Add**  
**Increase the provision of quality and sustainable recreation opportunities through provision of multiuse facilities to support the growing population in the NWSSP urban release precincts.**  
**Improve and develop shared pathway linkages to connect isolated communities in the NWSSP urban release precincts.**
- 
- 17 Undertake a strategic assessment of our open space assets that supports neighbourhood "pocket parks" accessible to local communities within walking distance in addition to larger recreational multi-use open space**  
**Add:**  
**As part of the Active Lifestyles Strategy, undertake an audit of our open space assets (using place based consultations) to determine the recreational needs of the community, including locally accessible neighbourhood "pocket parks" to multi-use regional facilities. The audit will provide an evidence base for the appropriate provision and location of parks.**
- 
- 19 Investigate Public Private Partnerships**  
  
**Develop a Policy regarding Public Private Partnerships**  
  
**Continue to seek opportunities and provide incentives for private sector investment in the planning and delivery of our community facilities and programs in accordance with a PPP Policy.**
- 
- 22 Protect and minimise land use impacts on the region's drinking water catchments and lagoons by ensuring water quality objectives are included in Council's planning controls.**
- 
- 24 Prepare and implement the Central Coast Biodiversity Strategy, including land use planning principles to protect and manage natural areas and ecosystems of high biodiversity value and the Coastal Open Space System.**  
  
**Add**  
**Protect and expand the Coastal Open Space System (COSS) including consideration of funding mechanisms**
-

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**25** *Prepare / review the Coastal Management Programs, Flood Studies, Flood Risk Management Plans and Bushfire Prone Lands Mapping for the Central Coast.*

**Add:**

*Prepare the Tuggerah Lakes Coastal Management Program to manage flooding and water quality*

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**27** *Prepare a Rural Lands Study and Strategy having regard to the region's biophysical, infrastructure, and socio-economic factors and with a focus on protecting the Central Coast's viable agricultural lands.*

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**33** **Add:**

*Protect and minimise land use impacts on the region's drinking water catchments by ensuring water quality objectives are included in Council's planning controls.*

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- 599/20** *That Council note that the Report to Council on 27 April, 2020 regarding Item 4.9 Local Strategic Planning Statement identified that Council could consider the draft LSPS as an interim document to meet the 1 July 2020 deadline and that a further review could then be undertaken.*
- 600/20** *That Council note that due to the short timeframes imposed by the State government, that Councillors have not had an opportunity to view a final version of the complete document with amendments finalised.*
- 601/20** *That Council endorse the amended Central Coast Local Strategic Planning Statement including the interim Ward Chapters as an interim document and request publication on the NSW Planning Portal.*
- 602/20** *That Council seek endorsement of the Central Coast Local Strategic Planning Statement by the Department of Planning, Industry and Environment, and request publication on the NSW Planning Portal;*
- 603/20** *That Council grant delegation to the Chief Executive Officer to make minor amendments or alterations in accordance with the intent of Council to the Central Coast Local Strategic Planning Statement prior to endorsement by the NSW Department of Planning, Industry and Environment.*
- 604/20** *That Council request the Chief Executive Officer distribute the document to Councillors once submitted to DPIE with any subsequent changes shown using track changes.*
- 605/20** *That Council request the Chief Executive Officer to convene a workshop with interested Councillors to further review the Ward Chapters, LSPS Priorities and Actions Table and any other relevant matters in the Interim LSPS*

**606/20 That Council request the Chief Executive Officer provide a further report by the end of October, 2020 with a final Central Coast Local Strategic Planning Statement, including Ward Chapters, to be published by end November 2020.**

**For:**

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

**Against:**

**Councillors Best, Burke, Gale and McLachlan**

### **Procedural Motion**

**Moved: Mayor Matthews**

**Seconded: Councillor Hogan**

### **Resolved**

**607/20 That in considering Item 3.1 – Update on Operation Plan 2020-21, that Council consider the ongoing operation under the Operational Plan 2019-20 including the approval of the grant funded projects separately from the determination as to Fees and Charges 2020/21.**

**For:**

**Mayor Matthews, Councillors Best, Gale, Greenaway, Hogan, Holstein, MacGregor, McLachlan, Mehrstens, Smith and Sundstrom**

**Abstained:**

**Councillor Burke**

### **3.1 Update on Operational Plan 2020-21**

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Councillor Hogan declared a pecuniary interest in the fees and charges part of matter as her employer occupies Council community facilities. Councillor Hogan left the meeting at 7.43pm, returned at 7.56pm and did not participate in discussion on this matter.

Mayor Matthews declared a pecuniary interest in the fees and charges part of matter as her relative operates a business and one of the fees to be determined impacts that business. Mayor Matthews left the meeting at 7.43pm, returned at 7.56pm and did not participate in discussion on this matter.

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

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she has family members who utilise the sporting facilities on the Central Coast. She

chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

Councillor Holstein declared a less than significant non pecuniary interest in the matter as he works in a casual capacity with organisations that lease premises through Council. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he has played club sport on the Central Coast previously. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as he his business orders certificates through Council. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

Councillor Smith declared a less than significant non pecuniary interest in the matter as she works for the Department of Education who currently lease a premises from Council. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

Councillor Greenaway left the meeting at 7.25pm and returned to the meeting at 7.26pm.

Councillor Greenaway left the meeting at 7.47pm and returned at 7.49pm.

Councillor Gale left the meeting at 7.54pm and returned at 7.55pm.

**Moved: Mayor Matthews**

**Seconded: Councillor Hogan**

**Resolved**

**608/20 That Council consider submissions and final adoption of the Operational Plan 2020-21, at the meeting of Council to be held on 27 July 2020.**

**609/20 That Council continue to operate under the Operational Plan 2019-20, until such time as the Operational Plan 2020-21 is adopted in July 2020.**

**610/20 That Council approve the Grant Funded projects to commence from 1 July 2020 as per Attachment 5.**

**For:**

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

**Against:**

**Councillors Best, Burke, Gale and McLachlan**

The Mayor vacated the Chair and left the meeting.

The Deputy Mayor, Councillor Smith assumed the Chair at 7.43pm.

**Moved:** **Councillor MacGregor**

**Seconded:** **Councillor Mehrtens**

**Resolved**

**611/20** ***That Council note the proposed amendments to draft Fees and Charges 2020-21 as outlined in Attachment 2, Attachment 3 and Attachment 4.***

**612/20** ***That Council adopt the Fees and Charges 2020-21 as per Attachment 1 noting the following;***

- That Council continue with the 2019/20 fees and charges for sporting groups and ground hire into the 2020/21 financial year.***

**For:**

***Councillors Burke, Holstein, MacGregor, Mehrtens, Smith and Sundstrom***

**Against:**

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

The Mayor resumed the chair at 7.56pm

**The Meeting** closed at 7.57 pm.



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

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13 July 2020 Ordinary Council Meeting

Trim Reference: F2020/00039 - D14028401

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

### **Item 7.1 – Warnervale Town Centre Contract**

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

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

***(ii) confer a commercial advantage on a competitor of the Council***

***That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report and Attachment 1 remain confidential in accordance with section 10A(2)(d)(ii) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Council's ability to obtain value for money services for the Central Coast community..***

## **Context**

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

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

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

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

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

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

#### **Attachments**

Nil



**Item No:** 2.1  
**Title:** Agency Consultation Submission - Planning Proposal - 250 Reeves Street, Somersby  
**Department:** Environment and Planning

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13 July 2020 Ordinary Council Meeting

Reference: F2020/00041 - D14013864  
Author: Lucy Larkins, Senior Strategic Planner  
Manager: Scott Duncan, Section Manager, Land Use and Policy  
Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

The purpose of this report is for Council to consider a draft submission in response to a request from the Department of Planning, Industry and Environment to provide comment on a planning proposal related to lands at 250 Reeves Street, Somersby, Lot 481 DP 1184693.

This report also seeks endorsement of Council's submission on the proposal.

### **Recommendation**

- 1 That Council endorse the Agency Consultation Submission for the Planning Proposal at 250 Reeves Street, Somersby (refer to Attachments 3 and 4); and**
- 2 That Council request the Chief Executive Officer forward the submission to the Department of Planning, Industry and Environment for consideration.**

### **Background**

In February 2019 the (then) Minister for Planning released a suite of planning mechanisms to enable improved governance, empowerment, strategic planning and more efficient land use for land holdings in the ownership of Local Aboriginal Land Councils (LALCs) across NSW.

The suite of legislation includes alternative approval process pathways for Planning Proposal requests lodged by or on behalf of a LALC. This extends to an opportunity for LALC's to seek an independent proposal review through the Regional Planning Panel (RPP). For a site to be eligible for this opportunity, the land must be identified within a Development Delivery Plan (DDP) or Interim DDP.

A briefing was provided to Council on 4 November 2019, outlining that the alternate approval pathways could apply to development proposals on land owned by the Darkinjung Local Aboriginal Land Council (DLALC) within the Central Coast Local Government Area (LGA).

## 2.1 Agency Consultation Submission - Planning Proposal - 250 Reeves Street, Somersby (contd)

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The DLALC have utilised this alternate process and sought an independent review of a Planning Proposal request for land at 250 Reeves Street, Somersby. The RPP supported the preparation of a Planning Proposal with the view to seeking a Gateway Determination to proceed with the Local Environmental Plan (LEP) amendment process.

Council provided comment on the independent review on 14 August 2019 (refer to Attachments 1 and 2). Council outlined concerns with the proposal as presented to the independent review in summary as follows:

- Impacts on regional biodiversity corridor
- Biocertification
- Potential COSS status
- Development within the proposed E2 Environmental Conservation lands

Through this process, Council was consulted as to whether it wished to retain the role of Planning Authority (PA) for this proposal, should a Gateway Determination be issued. At its Council meeting of the 11 November 2019, Council resolved not to undertake the role of PA for the subject land and an additional site at Kariiong.

Subsequently, a Planning Proposal was prepared for land at 250 Reeves Street, Somersby and submitted to the Department of Planning, Industry and Environment (DPIE) for consideration. A request for a Gateway Determination was also sought, which was issued on 20 May 2020.

At its meeting of the 11 November 2019, Council also resolved the following:

*1084/19 That the Chief Executive Officer ensures that there is a Councillor briefing and a report to Council before a submission is finalised.*

Councillors were briefed on the submitted proposal and the main planning issues which would be covered in Council's submission by way of a podcast presentation which was circulated to Councillors in 6 July 2020.

This report and Council's submission seek to address in full the above resolution of Council in relation to the land at 250 Reeves Street, Somersby (see Attachments 3 and 4).

### **The Proposal**

The Planning Proposal seeks to amend the *Gosford Local Environmental Plan 2014* (GLEP 2014) or draft *Central Coast Local Environmental Plan* (CCLEP) (if in affect) as follows:

- Rezoning of the northern portion of the site from RU2 Rural Landscape to E3 Environmental Management
- Rezone the southern portion of the site to E2 Environmental Conservation.

## 2.1 Agency Consultation Submission - Planning Proposal - 250 Reeves Street, Somersby (contd)

- Amend the minimum lot size control to facilitate the development of up to 14 lots. The proponent is seeking a minimum lot size of 2h with the inclusion of a lot averaging requirement.

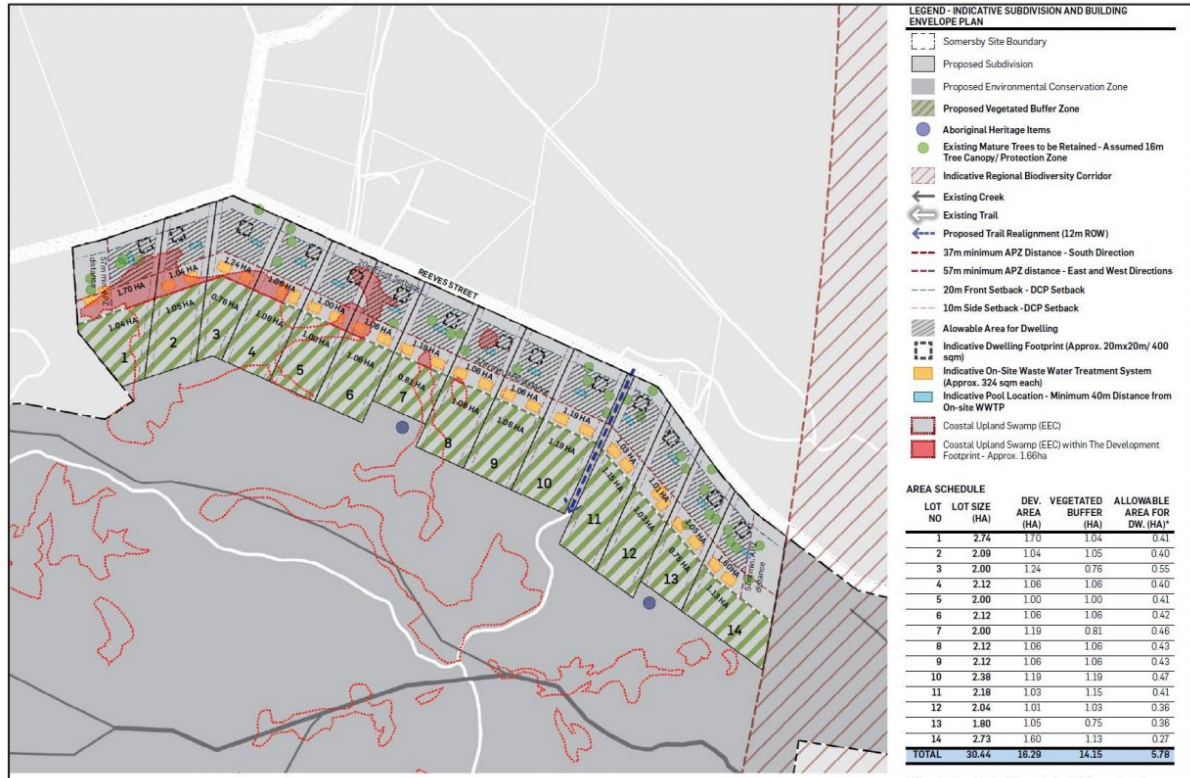


Figure 1 Planning Proposal Indicative Concept Plan

### Assessment

The proposal lodged for an Independent review was subject to comment by Council staff. These comments outlined some amendments that should be made before a Gateway Determination was sought. The proponent has generally revised the proposal in accordance with Council's recommendations.

Notwithstanding the above, a review of the current proposal raises concerns with the mechanisms proposed to achieve subdivision of the proposed E3 Environmental Management zoned area. Council's submission (refer to Attachments 3 and 4) requests DPIE consult further with Council to determine the appropriate legislative mechanism to make an amendment to the operational Local Environmental Plan to implement the proposal and enable orderly development of the land.

There are several other matters raised in this submission to promote an improved planning outcome in the locality. These include, but not limited to:

- Drafting of a Development Control Chapter

## **2.1 Agency Consultation Submission - Planning Proposal - 250 Reeves Street, Somersby (contd)**

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- Management of 'none build' area within E3 Environmental Management zone. These matters should be resolved to ensure that relevant strategic and legislative obligations and requirements can be satisfied.

### **Consultation**

Consultation with relevant internal staff has been undertaken on the proposal which has informed the submission. The following sections of Environment and Planning were consulted:

- Development Assessment
- Environmental Strategies (Ecology)
- Local Planning and Policy (Non-indigenous and Indigenous Heritage)
- Natural Resources Unit (Coastal Open Space System and bushfire planning)

### **Financial Impact**

There are no likely financial impacts for 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 are no risks associated with submitting the attached submission.

### **Critical Dates or Timeframes**

Council was requested to provide comment on the proposal on 1 June 2020. A 21-day timeframe for response was outlined within the request.

A request was sent to DPIE seeking an extension to timeframe to comply with the resolution as made by Council on 11 November 2019. No time extension was granted.

## **2.1 Agency Consultation Submission - Planning Proposal - 250 Reeves Street, Somersby (contd)**

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### **Conclusion**

This report has been presented to Council in accordance with 11 November 2019 Council resolution 1084/19.

Endorsement of the attached submission is requested so that it may be forwarded to the DPIE for further consideration in accordance with its request dated 1 June 2020.

### **Attachments**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Cover letter-Independent Review proposal related to lands at 250 Reeves St Somersby dated 14 August 2019          | D14040486 |
| <b>2</b> | Council submission Planning Proposal 250 Reeves St Somersby dated 14 August 2019                                  | D13681383 |
| <b>3</b> | Cover letter related to Planning Proposal for 250 Reeves St Somersby dated June 2020.                             | D14040491 |
| <b>4</b> | Submission as attachment for cover letter related to Planning Proposal for 250 Reeves St Somersby dated June 2020 | D14040493 |



14 August 2019

Greg Sullivan  
Central Coast and Hunter Planning and Assessment  
PO Box 1148  
GOSFORD NSW 2250

Dear Mr Sullivan,

**Independent Review - Reeves Street, Somersby**

Thank you for the opportunity to comment on the independent proposal review for the Darkinjung Local Aboriginal Land Council (DLALC) site at Reeves Street, Somersby.

Council generally supports the intended outcome of the proposal, i.e. to rezone the subject site from RU2 Rural Landscape and E2 Environmental Conservation to E3 Environmental Management and E2 Environmental Conservation under *Gosford Local Environmental Plan 2014 (GLEP 2014)*.

Council does not support the proposed additional use of both Dwelling House in conjunction with Community Facility on the site.

Council has several concerns which have not been addressed by the available information. Primarily, these concerns relate to impacts on threatened species habitat and endangered ecological communities and regional biodiversity corridors.

These concerns, and others are further detailed in the Attachment to this letter.

Should you require further information relating to this response, please contact me on 02 4350 5547 or email [Scott.Duncan@centralcoast.nsw.gov.au](mailto:Scott.Duncan@centralcoast.nsw.gov.au).

Yours faithfully

A handwritten signature in black ink, appearing to read "S. Duncan", enclosed in a rectangular box.

Scott Duncan  
**Section Manager**  
**LOCAL PLANNING & POLICY**

LL / Lucy Larkins  
Your Reference: DOC19/626763

**Attachment**

1. Council Response – DLALC Proposal – Reeves Street, Somersby



**Wyong Office:** 2 Hely St / PO Box 20 Wyong NSW 2259 | P 02 4350 5555  
**Gosford Office:** 49 Mann St / PO Box 21 Gosford NSW 2250 | P 02 4325 8222  
E [ask@centralcoast.nsw.gov.au](mailto:ask@centralcoast.nsw.gov.au) | W [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au) | ABN 73 149 644 003



**Central Coast Council Submission**

*Darkinjung Local Aboriginal Land Council (DLALC) Proposal – Reeves Street, Somersby*

**1. Instrument to be amended**

The proposal seeks to amend *Gosford Local Environmental Plan 2014 (GLEP 2014)*. As identified however, Council has exhibited a draft Central Coast Local Environmental Plan (CCLEP), which consolidates the existing and deemed Environmental Planning Instruments applicable across the Local Government Area (LGA), inclusive of GLEP 2014.

**Council recommends:**

- a) that in the event a gateway determination be issued for the proposal, the determination should seek an amendment to either GLEP 2014 or CCLEP, depending on which instrument is in effect at the time of plan finalisation.

**2. Threatened Species and Endangered Ecological Communities**

The comprises native vegetation which provides suitable habitat for a number of threatened and non-threatened flora and fauna species as well as Endangered Ecological Communities (EECs).

A number of threatened fauna species have been recorded from the site (including but not limited to) the Giant burrowing Frog, Red-crowned Toadlet, Long-nosed Potoroo, Eastern Pygmy-possum, Varied Sittella, Eastern False Pipistrelle, Little Bentwing-bat and Eastern Bentwing-bat.

In addition, a number of threatened flora species have been recorded from the site (including but not limited to) *Darwinia glaucophylla*, *Eucalyptus camfieldii*, *Hibbertia procumbens* and *Prostanthera junonis*.

Lot 481 DP 1184693 is identified under the approved Recovery Plan for *Prostanthera junonis* as Population 3 – Reeves Road. Duffy's Forest EEC, Sandstone Hanging Swamp EEC and Coastal Upland Forest EEC have also been mapped as occurring within Lot 481. The Saving Our Species Program has a site within Lot 481 to improve and enhance the *Prostanthera junonis* Population 3 – Reeves Road.

Whilst the proposed rezoning of RU2 Rural Landscape to E3 Environmental Management (28.5 ha) and E2 Environmental Conservation (150 ha) for environmental conservation provides a positive environmental outcome, Biocertification of the site in its entirety should be a consideration. This will streamline the assessment of future development applications on the site.

**Council recommends:**

- a) The site in its entirety be Biocertified in accordance with the provisions of the *Biodiversity Conservation Act, 2016*.

**3. Proposed E3 Environmental Management Zone**

The proposed E3 Environmental Management intends to accommodate between eight and 14 rural residential allotments. This would result in a net loss of approximately 15% of the native vegetation within Lot 481.



**Wyong Office:** 2 Hely St / PO Box 20 Wyong NSW 2259 | P 02 4350 5555

**Gosford Office:** 49 Mann St / PO Box 21 Gosford NSW 2250 | P 02 4325 8222

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Central Coast Council Submission – DLALC Planning Proposal – Reeves Street, Somersby

The proposed rezoning document indicates that roughly half of the proposed E3 Environmental Management zone will be built upon with the remainder retained as a 'buffer zone'.

The majority of the vegetation within the proposed E3 Environmental Management buffer zone is known habitat for the threatened Eastern Pygmy Possum. There is very little habitat for this species within the site other than the vegetation along the northern boundary of the site. In addition, portions of the Sandstone Hanging Swamp EEC and Duffys Forest EEC are also located within this area.

The assessment submitted has not considered the impacts of vegetation removal required within the buffer zone to accommodate for the on-site sewage management systems (OSSMs), bush fire protection measures and the installation of services associated with future development within the front portion of the proposed E3 Environmental Management zone.

Additionally, the proposed minimum lot size in the proposed E3 Environmental Management zone has the potential to cause fragmentation and degradation of adjoining land.

**Council recommends:**

- a) that the full impacts of development are taken into consideration when assessing the likely impacts to biodiversity values and native vegetation, and
- b) that the proposed E3 Environmental Management zone be reduced in size, by a reduction to at most eight proposed rural residential lots.

**4. Regional Biodiversity Corridor**

The subject site adjoins a key regional biodiversity corridor that links Jilliby State Conservation Area through Strickland State Forest and DLALC holdings to Brisbane Water National Park.

the proposed E3 Environmental Management zone should be sited with consideration to the larger landscape scale context to ensure that the proposal does not undermine the regional biodiversity corridor. Furthermore, ensuring that the proposed E3 zone is outside of the regional biodiversity corridor would maintain viability and value of the corridor

**Council recommends:**

- a) that the proposed E3 Environmental Management zone boundary be repositioned away from the regional corridor to avoid edge effects on the corridor arising from development.

**5. Proposed E2 Environmental Conservation Zone**

The proposed E2 Environmental Conservation zone covering the remaining 150ha (85% of the site) has not been accurately described.

This figure does not include the proposed development of an additional dwelling and cultural centre in this zone, nor does it discuss the additional requirements for OSSM, services and bush fire protection measures including appropriate access and egress. Given that the proposed additional uses are proposed within a high bush fire hazard area, isolated from the main road and upslope from the hazard – the bush fire requirements needed to facilitate the development are likely to be substantial in terms of clearing.

The proposal seeks to enable additional permitted uses, inclusive of a dwelling and cultural centre, within the proposed E2 Environmental Conservation zone. Neither use is proposed as a permissible

Page 3

Central Coast Council Submission – DLALC Planning Proposal – Reeves Street, Somersby

land use within the draft CCEP within the E2 Environmental Conservation zone. Whilst a dwelling house is easily defined, the cultural centre may be defined as several land uses, the Community Facilities definition appears to be the most relevant:

*"means a building or place:*

*(a) owned or controlled by a public authority or non-profit community organisation, and*

*(b) used for the physical, social, cultural or intellectual development or welfare of the community,*

*but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.*

Council does not support land use terms including educational establishments, medical centres or seniors housing to achieve the intended outcome given the relative isolation of the site and potential scale of development.

Further, Council is not willing to support both land uses within the E2 Environmental Zone portion of the site given the potential cumulative impacts within a sensitive and constrained locality.

**Council recommends:**

- a) that the full impacts of development are taken into consideration when assessing the likely impacts to biodiversity values and native vegetation within the proposed E2 Environmental Conservation zone,
- b) that in the event biocertification of the site in its entirety is not pursued, the E2 Environmental Conservation zoned area of the site should be established as a Biodiversity Stewardship Site,
- c) That a "dwelling house" and "community facility" be supported as additional permitted uses within the proposed E2 Environmental Conservation zone, subject to only one use occurring within the E2 Environmental Zone.

**6. Cultural Heritage**

The Land and Environment Court have recognised the Landscape Cultural Values within Somersby, with a considerable number of culturally sensitive Aboriginal sites previously recorded within the subject site.

**Council recommends:**

- a) that additional Cultural Heritage investigations occur through the planning proposal process to identify cultural values on the subject site, with the view to refining the proposed rezoning and development footprints as necessary to avoid impacts to these values and sites

**7. Coastal Open Space System (COSS) Lands**

The site is identified for acquisition as part of Council's Coastal Open Space System (COSS) due to its significant environmental and cultural values.

**Council recommends:**

- a) this be further explored with relevant units of Council.

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Central Coast Council Submission – DLALC Planning Proposal – Reeves Street, Somersby

**8. Contamination Assessment**

The supporting documentation proposes to undertake an assessment of the potential likelihood of contamination of the site be undertaken following the receipt of a gateway determination. The proposal is likely to generate a change in class of potential land uses other than those permitted within the RU2 Rural Landscape zone.

**Council recommends:**

- a) that an assessment of the potential likelihood of contamination of the site be undertaken prior to any Gateway Request being considered.



14 July 2020

Mr Garry Hopkins  
Team Leader  
Strategic Planning  
Locked Bag 5022  
Parramatta NSW 2124

Dear Mr Hopkins,

**PP\_2020\_CCOAS\_001\_00-Reeves St, Somersby - Agency Consultation with Central Coast Council**

Reference is made to the above planning proposal and the recent request from the Hunter and Central Coast Regional Planning Panel to provide comment regarding the local provisions within the proposal as outlined within the Gateway Determination dated 21 May 2020.

It is considered that the proposal has been amended generally in accordance with Council's submission to the Regional Planning Panel (RPP) dated 14 August 2019. Council generally supports the proposed rezoning of the subject sites from RU2 Rural Landscape and E2 Environment Conservation to E3 Environmental Management and E2 Environmental Conservation.

Notwithstanding the above, Council has several concerns regarding the proposed instrument amendments and development controls measures presented. These matters are further detailed in the Attachment to this letter.

Council request further consultation be undertaken between the Department, the Applicant and Council to ensure the that an adequate mechanism is created to ensure the orderly and sustainable development of the proposed E3 Environmental Management zoned land.

Yours faithfully

A handwritten signature in black ink, appearing to read "S. Duncan", is enclosed in a white rectangular box with a dotted border.

Scott Duncan  
Section Manager



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Local Planning and Policy

LL/ Lucy Larkins

Your Reference: PP\_2020\_CCOAS\_001\_00-Reeves St, Somersby

**Attachments**

1. Central Coast Council Agency Consultation Submission

Central Coast Council- PP\_2020\_CCOAS\_001\_00



## 1. Threatened Species and Endangered Ecological Communities

The native vegetation provides suitable habitat for several threatened and non-threatened flora and fauna species as well as Endangered Ecological Communities (EEC's).

Several threatened fauna species have been recorded from the site (including but not limited to) the Giant burrowing frog, Red-crowned Toadlet, Long-nosed Potoroo, Eastern Pygmy Possum, Varied Sittela, Eastern False Pipistrelle, Little Bentwing-bat and Eastern Bentwing-bat.

In addition, several threatened flora species have been recorded from the site (including but not limited to) *Darwinia glaucophylla*, *Eucalyptus camfieldii*, *Hibbertia procumbens* and *Prostanthera junonis*.

Lot 481 DP 1184693 is identified under the approved recovery plan for *Prostanthera junonis* as Population 3- Reeves Road. Duffy's Forest EEC, Sandstone Hanging Swamp EEC and Coastal Forest EEC have also been mapped as occurring within Lot 48. The Save Our Species Program has a site within Lot 481 to improve and enhance the *Prostanthera junonis* Population 3- Reeves RD.

Whilst the proposed rezoning of the subject site from RU2 Rural Landscape to E3 Environmental Management (30.8ha) and E2 Environmental Conservation (124ha) provides a positive environmental outcome.

Biocertification of the site in its entirety should be considered. This will streamline the assessment of future development applications on the site.

### **Council recommends:**

- a) The site in its entirety be Biocertified in accordance with the provisions of the *Biodiversity Conservation Act 2016*.

## 2. Proposed amending mechanism for the Local Environmental Plan

It is understood that the land proposed to be zoned E3 Environmental Management is to be mapped with a 2 hectare (ha) Minimum Lot Size (MLS) on the relevant MLS map. It is also understood that the following is also sought/to be implemented:

- The ability to create a range of lot sizes (but no more than 14 lots in total), some of which may be less than the MLS as mapped;
- Designated "no build" areas for land within the E3 Environmental Management zone.



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There are a range of local Environmental Planning Instrument (EPI) clauses and maps which may be able to achieve the desired outcome, including (but not limited to) exclusionary zoning, lot averaging clauses, dwelling density maps, additional permitted uses (for example, Gosford Local Environmental Plan 2014, Schedule 14, Clause 14), Section 88B instruments and the like.

Given time constraints, full exploration by Council of the most appropriate mechanism to deliver the intended outcomes of the planning proposal has not been undertaken.

**Council recommends:**

- a) Further consultation is undertaken between Council, DPIE and the Applicant to determine the best mechanisms to developed orderly and sustainable development on the site consistent. As this will require an amendment to Part 2, Explanation of Provisions of the Planning Proposal, Council requests this matter is resolved prior to exhibition / community consultation occurring.

**3 Guidance for development of the E3 Environmental Management zone**

Under the scenario presented in the indicative structure plan it is likely there would be an erosion of the vegetation mapped within the 'No Build' area. The range of land uses permissible within the E3 Environmental Management zone and the acknowledged constraints of the site i.e. requirement for On-site Sewage Management (OSSM) disposal areas and establishment of Asset Protection Zones (APZs) could lead to clearing within this area.

**Council recommends:**

- a) Drafting of a Development Control Plan (DCP) to be inserted as a chapter within the Gosford DCP 2013 or the future draft Central Coast DCP (whichever is in effect at the time). Council's preference would be for this to be undertaken in consultation Council and prior to exhibition / community consultation occurring.





**Item No:** 3.1  
**Title:** Land Transaction Policy  
**Department:** Innovation and Futures

---

13 July 2020 Ordinary Council Meeting

Reference: F2019/02120 - D13950326  
Author: Joe O'Connor, Property Development Manager  
Manager: Jamie Barclay, Unit Manager, Economic Development and Project Delivery  
Executive: Ricardo Martello, Executive Manager Innovation and Futures

## **Summary**

This report seeks Council resolution to exhibit the draft Land Transaction Policy, which will replace the former City of Gosford and former Wyong Shire Councils' respective land and property transaction policies.

## **Recommendation**

- 1 That Council place the draft Central Coast Council Land Transaction Policy on public exhibition for 28 days.**
- 2 That Council consider a further report on the results of the public exhibition, if submissions are received.**
- 3 That Council adopt the draft Land Transaction Policy if no submissions are received following public exhibition.**
- 4 That Council revoke the following policies of the former Gosford City Council:**
  - a Land and Property Transactions Policy (to be replaced by Land Transaction Policy);**
  - b Acceptance of Care, Control & Management of Public lands acquired by other Authorities (to be replaced by Land Transaction Policy);**
  - c Citywide Business Improvement Districts (no longer needed);**
  - d Easements/Leases/Licences-Utilities, Authorities and Companies (no longer needed).**
- 5 That Council revoke the following policy of the former Wyong Shire Council:**
  - a Policy for Property Transactions – Sales and Acquisitions (to be replaced by Land Transaction Policy).**

#### Context

As part of the ongoing consolidation of the former Gosford City Council and Wyong Shire Council, it is an organisational priority that all legacy policies be updated by 30 June 2020 wherever possible. The Land Transaction Policy is one such policy requiring revision and consolidation in order to provide a consistent policy framework.

The purpose of the consolidated policy is to provide a framework for Council which will inform decisions and directions regarding Council's property portfolio in a consistent manner and in accordance with relevant legislation. The Land Transaction Policy is a strategic policy which will be read in conjunction with any operational-level procedures which guide the implementation of this Policy.

The draft Land Transaction Policy (refer **Attachment 1**) is proposed to replace the Land and Property Transactions Policy from the former Gosford City Council (refer **Attachment 2**) and the Policy for Property Transactions – Sales and Acquisitions from the former Wyong Shire Council (refer **Attachment 3**).

By way of comparison to demonstrate that the aims and objectives of the current policies have been adequately addressed in the draft Land Transaction Policy, **Attachment 7** provides these details.

Other policies which were also reviewed and incorporated into the Land Transaction Policy were the:

- 1 *Acceptance of Care, Control & Management of Public lands acquired by other Authorities.* This was a policy of the former Gosford City Council. The purpose of this policy was for detailing the circumstances under which Council will accept care, control and management of land for public purposes (refer to **Attachment 4**). This has been addressed and adequately provided for within the draft Land Transaction Policy.
- 2 *Easements/Leases/Licences-Utilities, Authorities and Companies.* This was a policy of the former Gosford City Council. The purpose of this policy was to assess the payment of compensation for easements granted to utilities, authorities and companies (refer to **Attachment 5**). This has been addressed and adequately provided for within the draft Land Transaction Policy.

As part of the ongoing consolidation process, the Citywide Business Improvement Districts policy was also reviewed (refer to **Attachment 6**). This policy from the former Gosford City Council was previously established in order to collect and redistribute levies to suitable businesses. The fund associated with the levies has since been expended and as businesses are supported through other Council mechanisms, it is considered that this policy is no longer required.

This report seeks Council recommendation to revoke these policies of the former Gosford City Council and Wyong Shire Council.

#### Consultation

An extensive consultation process has occurred in harmonising the two policies from the former Gosford City Council and former Wyong Shire Council. This included development of the draft policy initially with key staff who manage the day to day operation of Council's property portfolio. Once a complete draft was available, this was then circulated to all relevant internal stakeholders for their review and comments. Subsequently, these comments were reviewed and incorporated where appropriate.

Councillors were provided with advanced copies of the draft Land Transaction Policy and relevant attachments through the Councillor Support Update of 19 June 2020. The update sought Councillor feedback on the draft Policy, however no feedback was received before the due date.

Public consultation is proposed to take place, should Council endorse this draft Land Transaction Policy be placed on public exhibition, prior to considering the endorsement of a final Land Transaction Policy.

#### Options

##### Option 1:

That Council resolve that the draft Land Transaction Policy be placed on public exhibition for 28 days and subsequently approve the Policy should no relevant submissions be received.

Further, that Council revoke the following policies:

- a *Acceptance of Care, Control & Management of Public lands acquired by other Authorities;*
- b *Easements/Leases/Licences-Utilities, Authorities and Companies;*
- c *Citywide Business Improvement Districts.*

This is the preferred option that would allow Council to update the existing former policies and revoke other policies that are no longer required or relevant.

##### Option 2:

Do not exhibit, and/or approve the draft Land Transaction Policy, and do not revoke the following policies:

- a *Acceptance of Care, Control & Management of Public lands acquired by other Authorities;*
- b *Easements/Leases/Licences-Utilities, Authorities and Companies;*
- c *Citywide Business Improvement Districts.*

Should this option be put forward, then the Land and Property Transactions Policy from the former Gosford City Council (refer to **Attachment 2**) and the Policy for Property Transactions

### **3.1 Land Transaction Policy (contd)**

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– Sales and Acquisitions from the former Wyong Shire Council (refer to **Attachment 3**) should remain in use and not be replaced with the draft Land Transactions Policy.

This is not the preferred options and would not update and consolidate the existing policies to be current best practice. Consequently, the framework governing Council land transactions would differ between the former Wyong and the former Gosford local government areas and lack in consistency.

#### **Financial Impact**

It is not considered that there would be any financial impact through the implementation of Option 1.

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

Theme 4: Responsible

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

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

#### **Risk Management**

A chief tenet of this policy is to minimise Council's exposure to unnecessary risk in land sales, acquisitions, restrictions over Council's land, land swaps, dedications and donations of land. As such, this policy will assist in Council's risk management with relation to land transactions.

#### **Critical Dates**

It is a corporate initiative that all legacy policies be consolidated by 30 June 2020, while this deadline will not be met in this instance, significant progress has been made towards the consolidation of the policies. The draft policy will be exhibited for 28 days.

#### **Attachments**

<b>1</b>	Draft Land Transaction Policy	D14000177
<b>2</b>	Land and Property Transactions (former Gosford)	D14000959
<b>3</b>	Policy for Property Transactions – Sales and Acquisitions (former Wyong)	D14000961
<b>4</b>	Acceptance of Care, Control & Management of Public lands acquired by other Authorities (former Gosford)	D14000963
<b>5</b>	Easements, Leases, Licences-Utilities, Authorities and Companies (former Gosford)	D14000966
<b>6</b>	Citywide Business Improvement Districts (former Gosford)	D14000968

**7** Comparison Tables between former policies

D14039646



# Land Transaction Policy

June 2020

Policy No: CCC 057

Policy owner:	Innovation and Futures
Approved by:	Central Coast Council
Date of approval:	Day/Month/2020
Policy category:	Strategic
Content Manager No:	D14000177
Review date:	June 2024

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## Purpose

1. The purpose of the Land Transaction Policy is to provide a framework for Council which will inform decisions and directions in a consistent manner and in accordance with relevant legislation. The Land Transaction Policy is a strategic policy which should be read in conjunction with any operational-level procedures which guide the implementation of this Policy.

## Objectives

2. Central Coast Council is committed to:
  - a. ensuring Council retains or acquires ownership of land that is needed for its current and future service delivery;
  - b. ensuring that land is retained, acquired or sold to provide for the current and future needs of the community;
  - c. Council's land portfolio is managed strategically, having regard to the key themes in Council's Community Strategic Plan;
  - d. ensuring that land transactions include appropriate consultation with relevant stakeholders; and
  - e. ensuring that land transactions are undertaken in accordance with applicable laws.

## Scope

3. This Policy applies to the following transactions involving land owned by Central Coast Council (**Land Transactions**):
  - a. sales;
  - b. acquisitions;
  - c. the creation of easements or restrictions over Council's land;
  - d. land swaps;
  - e. dedications and donations of land;
  - f. transfer or vesting of land in Council by government agencies.
4. This Policy does not apply to:
  - a. the dedication of land to Council as a development contribution under the *Environmental Planning and Assessment Act 1979*;
  - b. leasing, licensing or hiring of land or facilities owned by Council or third parties; or



- c. transactions involving Crown land managed by Council.

## Principles

5. The following principles are provided to define duties and obligations of Council and Council staff. It should be noted that there will be occasions where an exception to the principle is required for the best outcome of all parties. Such exceptions require the Chief Executive Officer's approval.

### Acquisitions

6. Land acquisitions require a Council resolution to support the decision; the report to Council must include justification for the acquisition and details of the long-term maintenance costs, outcome of due diligence investigations, and an independent valuation where appropriate.

### Competitive sales process

7. Land sales should normally occur through a competitive open market process (for instance: expressions of interest, auction, or private treaty undertaken by an estate agent). Exceptions may occur only in special circumstances, such as sales to adjoining landowners of small lots that are not developable as stand-alone lots or that have little use or commercial appeal to the wider market, or where a competitive process is not appropriate or practical in the circumstances. Any proposal to sell land other than by a competitive open market process must be authorised by a Council resolution.

### Compulsory acquisition

8. Council may only acquire land by compulsory process if the land is needed for the purpose of carrying out any of its functions. Any compulsory acquisition must be done in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) and the Local Government Act 1993. Council will also comply with the NSW Government Property Acquisition Standards.

### Council resolutions

9. A Council resolution is required to authorise the compulsory acquisition, purchase, sale, exchange or surrender of any land, in accordance with Section 377(1)(h) of the *Local Government Act 1993*.

### Covenants and restrictions on Council land

10. Restrictions should not be imposed or agreed in relation to Council land unless there is a net tangible benefit to Council or the public and provided the restriction does not unreasonably impact service delivery or the future use or development potential of the land. The beneficiary of the restriction must compensate Council for any diminution in the market value of the land arising from the restriction, as assessed by Council's independent valuer. All costs associated

with the restriction including valuer costs should normally be paid for by the person benefitting from the restriction.

## **Dedications**

11. Land dedications must be treated in the same way as a land acquisition or sale by Council. In seeking Council resolution to support the decision, the report to Council must include details of the long-term maintenance costs, outcome of due diligence investigations, and an independent valuation where appropriate. Appropriate records should be kept detailing the purpose of the dedication and any conditions or restrictions of the dedication.

## **Due Diligence**

12. All land which Council proposes to acquire or sell requires thorough investigation through a due diligence process, ensuring a net tangible benefit to Council or the public in accordance with the Community Strategic Plan. As a minimum this process must include: preparing a business case or land transaction plan; assessing the strategic value of the land having regard to need, the geographic context, environmental values and applicable strategic plans; assessing opportunities to capture uplift in the land through value adding proposals if applicable; inspecting Council records relating to the land; carrying out appropriate site investigations; and for land owned by Council, confirming the land classification and the historical details of the acquisition.

## **Easements over Council owned land**

13. An easement should not normally be granted over Council land unless there is a net tangible benefit to Council or the public and provided the easement does not unreasonably limit service delivery or the future use or development potential of the land. The person or entity benefitting from the easement should pay full market value for the easement as assessed by Council's independent valuer. All costs associated with the easement including valuer costs should normally be paid for by the person benefitting from the easement. If the land is classified as community land, easements may not be granted other than for public utilities or if expressly authorised in a Plan of Management.

## **Land Classification**

14. Council may only sell land if it is classified as operational land under the *Local Government Act 1993* and provided the sale is not inconsistent with the terms of any trusts, conditions or restrictions that affect the land.

## **Land Swaps**

15. A land swap must be treated in the same way as a land acquisition and/ or sale by Council. The Council resolution which authorises the land swap must include justification for the land swap and details of the outcome of due diligence investigations, and an independent valuation where appropriate.

## Market Value

16. Land transactions should normally occur at market value, as assessed by a registered independent valuer appointed by Council. Council resolutions should allow scope for negotiation to ensure market value is secured.

## Review of land portfolio

17. A strategic review of Council's land portfolio needs be undertaken periodically by Council. This should consider the following:
  - a. Utilisation – whether assets are being optimally utilised in accordance with their intended use, opportunities for greater utilisation of the land (i.e. highest and best use), as well as to assist in planning priorities and expenditure for capital works;
  - b. Surplus Land – whether land is surplus to Council's current and future needs, in which case could be sold subject to undertaking the appropriate due-diligence and obtaining Council resolution;
  - c. Future Needs - identify additional land required for Council's future needs and as such appropriate due diligence and a Council resolution would be sought to support the requirement.

## Valuations

18. A valuation must be obtained for acquisitions, sales, land swaps, or easements by an independent registered valuer who is suitably qualified in the asset type and locality. An assessment of the value of land or easements may, however, be undertaken by Council staff if the land or easement is of low strategic or financial value, or a valuation has been recently undertaken and Council staff can confirm the validity of the previous valuation.

## Compliance, monitoring and review

19. Suspected breaches or misuse of this policy are to be reported to the Chief Executive Officer. Alleged breaches of this policy shall be dealt with by the processes outlined for breaches of the Code of Conduct, as detailed in the Code of Conduct and in the Procedures for the Administration of the Code of Conduct.
20. This policy will be reviewed every four years.

## Records management

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

## Related resources

22. Legislation:

- a. Local Government Act 1993 (NSW)
- b. Land Acquisition (Just Terms Compensation) Act 1991 (NSW)

23. Associated documents:

- a. Council's Code of Conduct
- b. NSW Government Property Acquisition Standards

## History of revisions

Amendment history	Details
<p><b>Original approval authority details</b></p>	<p>Chief Executive Officer / Council</p> <hr/> <p>&lt;remove as required &gt;</p> <hr/> <p>XX/XX/20XX &lt;insert Council Meeting date and minute number of resolution adopting the policy &lt;remove if not needed&gt;</p> <hr/> <p>This policy sets out principles that apply to land transactions of Central Coast Council, drawing where appropriate on former policies including:</p> <ul style="list-style-type: none"> <li>□ Policy for Property Transactions - Sales and Acquisitions (former Wyong Shire Council) and</li> <li>□ Land and Property Transactions policy (former Gosford City Council)</li> </ul> <p>The policy may be underpinned by operational procedures.</p> <hr/>
<p><b>Version # &lt;remove if not needed&gt;</b></p>	<p>XX/XX/20XX &lt;insert Council Meeting date and 'minute number' of resolution adopting the policy &lt;remove if not needed&gt;</p>

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CM document number

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*State reasons for amendments*

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*Note: delete lines or add in additional lines as required*



# LAND AND PROPERTY TRANSACTIONS



**LAND AND PROPERTY TRANSACTIONS**

**COMMUNITY GROWTH - PROPERTY & ECONOMIC DEVELOPMENT**

**POLICY OBJECTIVES**

- To maintain and coordinate expeditious negotiations on land and property transactions.
- To undertake land and property transactions transparently with consideration being given to efficiency and benefit to Council.
- To appoint real estate agents who are capable of aggressively selling Council real estate.
- To proceed to compulsory acquisition only in cases where the public interest would be disadvantaged by Council not acquiring the property.

**POLICY STATEMENT**

The Property Services Unit is responsible for co-ordinating Council's real estate activities, including acquisitions, sales, leases and development, as approved by Council.

**PROCEDURE**

The procedure (attached), being an administrative process, may be altered as necessary by the Chief Executive Officer.

(Min No 699/1996 - 24 September 1996 - Review of Policies)  
(Min No 43/1997 - 4 February 1997)  
(Min No 74/1999 – 13 April 1999)  
(Min No 239/2000 – 24 October 2000 – Review of Policies)  
(Min No 116/2001 – 22 May 2001)  
(Min No 122/2002 – 28 May 2002)  
(Min No 214/2005 - 8 March 2005 - Review of Policies)  
(Min No 311/2009 - 5 May 2009 - Review of Policies)  
(Min No 2013/388 - 16 July 2013 - Review of Policies)

**ATTACHMENT - PROCEDURE****LAND AND PROPERTY TRANSACTIONS****Acquisition of Real Estate**

Council approval will be obtained for the acquisition of all real estate (unless the transfer to Council is pursuant to a condition of development consent or other legislation). Responsibility to prepare the report seeking such approval rests with the program wishing to acquire the land or interest in land. The DRAFT report when prepared by the relevant program is to be referred to the Property Services Unit for vetting to ensure the recommendation is precise from a Real Estate perspective.

Classification procedures are to commence at an early stage.

Owners are to be notified and a sketch plan provided if applicable (ie part acquisition).

If required, a plan of survey is to be prepared as soon as practicable. In this regard the responsible program is afforded the opportunity to have the plan prepared by Council's registered Surveyor, or an outside firm of surveyors.

The owners are to be offered an amount of compensation based on advice received from a registered valuer.

If consideration is being given to the compulsory acquisition of the land, the Chief Executive Officer may vary the amount of compensation offered in an effort to resolve the matter.

The unreasonable refusal or neglect of any owner to concur will not impede the compulsory acquisition process.

Council approval is required before an application is made to the Minister for approval for publication of a Notice of Compulsory Acquisition.

Upon publication of a Notice of Compulsory Acquisition, the Chief Executive Officer is to do all things necessary to resolve the payment of compensation.

Before utilising the land acquisition accounts, it should be determined whether the acquisition can be funded from any of the precinct land development accounts and/or IDO 122 contributions.

"Community" land and land classified as "operational" and which complies with the requirements for a rates/charges exemption, shall be exempt from the payment of rates/charges from the date of acquisition.

**DISPOSAL OF REAL ESTATE**

Council approval will be obtained for the disposal of all real estate.

A minimum of three (3) local real estate agents are to be invited to make a submission on the disposal of Council owned real estate. The Chief Executive



Officer will appoint the real estate agent who offers the most appropriate marketing strategy and the best terms of sale.

Real estate agents will be assigned for a set period, or as the need arises, and will be selected following a competitive process including calling for expressions of interest.

The Chief Executive Officer is authorised to change real estate agents at the end of the agency agreement.

When selling real estate by public auction, a registered valuer is to be requested to recommend the reserve price. The reserve price is to be placed in two separate sealed envelopes, one marked 'Council', the other marked 'auctioneer'.

The Chief Executive Officer has authority to negotiate the sale of real estate and to allow a 10% reduction on the registered valuer's recommended reserve price.

Note that public auction may not always be the most appropriate method of sale.

When negotiating a sale by private treaty, the Chief Executive Officer has authority to negotiate the sale taking into consideration all valuation advice.

The Chief Executive Officer has authority to dispose of Council owned land if it is deemed the only possible purchaser is the adjoining owner and two (2) registered valuations have been obtained.

#### **VALUATION ADVICE**

When transferring real estate, two valuation reports are to be obtained. However, in the case of real estate with a value of less than \$50,000 only one (1) valuation report is required.

Unless there are compelling reasons to the contrary, all valuations are to be no more than three months old.

#### **LEASING OF "COMMUNITY" LAND**

Council approval is required for all proposed leases of "community" land for a period exceeding five (5) years.

Public notice must be given of any proposed lease of "community" land. Such notice must be placed on the land, in a local newspaper and sent to all adjoining land owners.

Chapter 6 Part 2 of the Local Government Act 1993 refers to "community" land, and Sections 46A, 47 and 47A refer in particular to leases and licences in respect of community land.

The sale of "community" land is prohibited under the Act.

#### **SHORT-TERM LEASING OF UNUSED PUBLIC ROADS**

Unused public roads may be leased for a period not exceeding five (5) years.

Public notice must be given of any proposed lease of the public road. Such notice must be placed on the land, in a local newspaper and sent to all adjoining land owners.

Part 10 Division 2 of the Roads Act 1993 applies to the short term lease of land comprising a public road to the owner of land adjoining the public road if the road is not being used by the public.

Market value is to be applied.

#### **OCCUPATION PRIOR TO ACQUISITION OF LAND**

Where the registered proprietor or owner allows pre-acquisition access to Council, the Chief Executive Officer should, wherever practical, obtain from the registered proprietor or owner of the land a Permit to Enter or a Deed which allows the Council such access. The Chief Executive Officer may settle such terms as deemed acceptable, including rent for occupation of the land.

#### **CLASSIFICATION**

In the case of acquiring land for community use, the report seeking Council's approval to acquire the land is to indicate that the land upon transfer to Council will be classified as "community" land.

Any land to be acquired by Council in association with a subdivisional consent or approval, whether determined by the Council or by delegation (except land to be dedicated as public reserve), will be deemed to be "operational" land and the proposal to classify the land will be the subject of a public notice.

If no representations are received, or a representation(s) is received and considered by the Chief Executive Officer to be trivial or frivolous, the land will be classified as "operational".

If representations are received objecting to the classification of the land as "operational", Council is required to determine the classification.

Council's land register will be as required by the Local Government Act 1993.

Until a regulation is made, or the Director-General of the Department of Local Government prescribes, the form of a certificate of classification of land will be as approved by the Chief Executive Officer.

The cost of a certificate of classification of land will be as determined by Council in its annual consideration of fees and charges.

If Council is advised by a Minister of the Crown or a Government Department that land will be transferred to Council, eg for water supply or sewerage needs, the Chief Executive Officer will give public notice in a local newspaper that such land will be classified as "operational".

If following public notification there is, in the opinion of the Chief Executive Officer, a bona fide objection to the classification, the Chief Executive Officer will report to Council and Council will be required to determine the classification.

This does not apply to land being transferred as "community" land, eg public reserve.

**THE COMMON SEAL OF COUNCIL**

Clause 48(4) of the Local Government (Meetings) Regulations 1999 states that 'the seal of a Council must not be affixed to a document unless the document relates to the business of the Council and the Council has resolved (by resolution specifically referring to the document) that the seal be so affixed'.

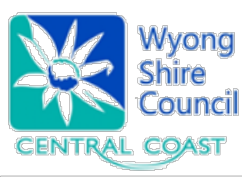
The Chief Executive Officer has directed that this regulation should be considered when preparing reports to Council if it is likely that a document will require the seal of Council.

The recommendation should read that "the Common Seal of Council be affixed to the documents if required".

**GENERAL**

The Director - Community Growth will provide a report to Council each six (6) months on the status of all of Council's land and property transactions.

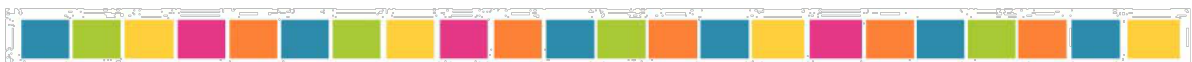
Policy for Property Transactions – Sales and Acquisitions



**POLICY NO: WSC123**

# **POLICY FOR PROPERTY TRANSACTIONS – SALES AND ACQUISITIONS**

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Policy for Property Transactions – Sales and Acquisitions



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**CERTIFIED A TRUE COPY OF POLICY ADOPTED BY COUNCIL**

<b>SIGNATURE</b>	
<b>COUNCIL RESOLUTION DATE</b>	<b>22/10/2014</b>

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1	16/4/2014	D06914286
2	22/10/2014	D11762460

Policy for Property Transactions – Sales and Acquisitions

**A. POLICY SUMMARY**

A1 The policy provides guidance in relation to all prospective property transactions in accordance with Council's strategic priorities, service delivery, operational and legislative requirements.

**B. POLICY BACKGROUND**

B1 This Policy has been prepared by Wyong Shire Council to provide guidance for staff members that are responsible for selling, acquiring or exchanging ownership of land.

B2 From time to time, land owned by Wyong Shire Council may be identified as surplus to operational requirements and be offered for sale. Similarly, Council may identify the need for new assets and resolve to acquire property.

B3 Council owned land is a valuable public asset owned by Council on behalf of ratepayers. The adoption of this policy will ensure the sale and acquisition of Council land (real property) with or without buildings or other improvements, and the granting of easements in land owned by Council, is transparent, consistent and has regard to Council's strategic aims and statutory responsibilities.

B4 The *Local Government Act 1993* ('Local Government Act') sets out specific legislative requirements in regard to the management and disposal of public land by Councils. This policy is intended to provide further guidance on property dealings in addition to the statutory obligations under the Local Government Act.

**C. DEFINITIONS**

C1 **Council** means Wyong Shire Council, being the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.

C2 **Property Transactions.** For the purpose of this Policy, 'Property Transactions' means the sale and acquisition of real property and the grant of easements.

**D. POLICY STATEMENTS**

**Jurisdiction**

D1 This Policy covers all elected members of Council, all personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council premises or facilities and all activities of the Council.

D2 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the General Manager.

Policy for Property Transactions – Sales and Acquisitions

## General

### OBJECTIVES

- D3 The objectives of this policy are to:
- Ensure property transactions comply with statutory obligations
  - Ensure property transactions are transparent, robust and aligned to Council's Strategic Plan
- D4 The following principles and practices will apply in governing the effective and efficient conduct of prospective property transactions.
1. **Principle: Strategic Resourcing**  
In accordance with the changing economic environment the transactions of land and buildings will be governed by the priorities outlined in the WSC Property Strategy and Strategic Plan.  
**Practice:**  
Property transactions will be conducted in accordance with this Policy for Property Transactions – Sales and Acquisitions.
  2. **Principle: Legislation Framework**  
All property transactions are to comply with relevant legislative requirements.  
**Practice**  
Applicable legislative requirements will be identified and managed during all contractual negotiations with prospective parties.
  3. **Principle: Basis of Property Transactions**  
All property transactions will be conducted in a fair and equitable basis in the overall interests of the Shire.  
**Practice**  
All real property should generally be transacted at market value including that transacted with private entities, government departments and agencies, unless there is a Council resolution that authorises the transaction to proceed at other than market value.
  4. **Councillors will be advised of any pending property transactions.**  
A report to Council relating to a property transaction should be considered in open Council, with commercially sensitive information contained in confidential attachments.

### ACQUISITION AND DISPOSAL OF REAL PROPERTY ASSETS

- D5 There must be a Council resolution for any land to be sold or acquired. Council officers may undertake preliminary enquiries and processing of applications for the closure of roads and sale or purchase of land prior to reporting to Council but cannot agree to the sale or purchase of any Council land in the absence of a Council resolution.

## Policy for Property Transactions – Sales and Acquisitions

**Classification**

- D6 Under the Local Government Act, land under Council's control, other than roads and crown land, must be classified as either "community land" or "operational land."
- D7 Council cannot sell, exchange or otherwise dispose of land classified as community land (s. 45 of the Local Government Act). Accordingly, where Council has resolved to dispose of property, it would first have to reclassify the land as operational land, which must be done by a Local Environmental Plan (LEP) and requires public exhibition of the proposed LEP, community consultation, a public hearing conducted by an independent chairperson and consent of the Minister.
- D8 Public land owned by Council and classified as operational land can be sold at the discretion of Council, subject to a resolution endorsing the sale.
- D9 Land acquired by Council must be designated as 'community' or 'operational' at the time of acquisition. All future land purchases by Council should generally be designated as operational land irrespective of the intended or existing use.
- D10 The Roads Act sets out some requirements for the formal and permanent closure of parts of public roads and lanes. Under s. 43(2) of the Roads Act land vested in a Council and forming part of a former public road is classified as operational land for the purpose of the Local Government Act, unless Council resolves before the land vests that it is to become community land.

**PROPERTY DIVESTMENT****General Principles**

- D11 All sales of land must comply with the provisions of the Local Government Act.
- D12 Sales should be conducted through a competitive public process (i.e. public auction, public tender or by registration of expressions of interest or advertising) unless circumstances exist that justify an alternative method of sale, such as sale or exchange of land by private treaty (for example where the only viable purchasers are the adjoining owners). Council must outline the reasoning which led to its decision to use an alternative method of sale in the interests of probity, public accountability and transparency.
- D13 Sales should be in the best interests of the community and provide the best result, both financial and non-financial, for the Council and the community.
- D14 Generally, all sales should occur at not less than the market value assessed by an independent valuer engaged by Council.



## Policy for Property Transactions – Sales and Acquisitions

- D15 The assessment of market value may be based on a market appraisal carried out by a Council officer with appropriate skills and experience who is independent from the Business Unit responsible for the property transaction, instead of an external valuation, if the land proposed to be sold:
- Is unimproved land; or
  - Is improved land with a market value likely to be less than \$300,000 (ex GST); or
  - An external valuation of the property was obtained by Council less than 3 years previously.
- D16 In the event that land is sold for less than the assessed market value, the Council should explain the circumstances, reasons or factors which led to the decision to accept a sale price that is less than market value.
- D17 Prior to being offered for sale, property should be appropriately zoned or arrangements made in preparation for re-zoning. This will ensure that the ultimate use of the land is determined by that zone and the highest possible sale price is achieved.
- D18 Where an opportunity exists to substantially increase the potential value of a site through development consent, Council should consider securing such consent prior to the sale of the land if appropriate in the circumstances.
- D19 Council policy is not to sell land which is used by the community as a public pedestrian thoroughfare, pathway, access way or the like, unless full details have been disclosed in the Report to Council recommending the sale, including potential impacts on the community.
- D20 Applications for the closure and sale of part of a lane or road are looked at individually. Amongst other things, Council's operational requirements are considered, effects on streetscape and access are considered, and any affected neighbours must be consulted.
- D21 Roads can only be closed by the Minister, even for roads owned by Council. Council can make the application to the Minister but cannot guarantee to any potential purchaser that such application will succeed.

**CATEGORIES**

- D22 There are three types of sales which are dealt with separately.
- **Section A** deals with the sale of stand-alone properties, that is properties that can be sold to any person (not just a neighbour) and can be used separately from neighbouring land.
  - **Section B** deals with sales to adjacent property owners without a public sales campaign of closed roads, drainage reserves and other small areas of land to be used and consolidated with the purchaser's existing property.
  - **Section C** deals with grants of rights of way and other easements over Council's land that benefit privately owned land

## Policy for Property Transactions – Sales and Acquisitions

**"Stand Alone" Properties**

- D23 Without limiting Council's powers under the Local Government Act, Council may sell operational land if that sale is to provide funds for future asset acquisition through the Property Reserve.
- D24 Prior to the sale of land, Council must:
- Determine the property to be surplus to requirements, or
  - Where it is commercial property, prepare a Business Case outlining the reason for divestment.
- D25 Reports to Council recommending a property sale must include, where relevant:
- i. a detailed description of the property, its address, size, improvements and brief history of use;
  - ii. details of why the property is deemed surplus to Council's current and future service delivery requirements;
  - iii. disclosure of current or estimated maintenance costs or requirements;
  - iv. assessment of alternatives to disposal including potential interim uses to which the property may be put and the likely revenue (if any) from such interim uses;
  - v. an indicative value for the property (to be confirmed by independent valuation or internal market appraisal);
  - vi. any proposal for use of the sale proceeds
- D26 In the absence of a specific resolution for other application, the sale proceeds are to be paid into the Property Reserve for reinvestment into other land or property assets. The sale proceeds are not to be used for Council's recurrent or operational expenses. This requirement does not apply to proceeds from the sale of former public roads, on the basis that section 43(4) Roads Act requires these proceeds to be used for acquiring land for public roads or carrying out roadwork on public roads.
- D27 Prior to sale, Council will obtain an assessment of the market value from an external registered valuer, or an internal market appraisal if permitted under Paragraph D15 of this Policy. This will be used to set the reserve price at auction and for any negotiations.
- D28 Council may appoint a licensed real estate agent to act on the sale.
- D29 Sales should be structured to obtain the highest price for the land.
- D30 Sales will generally be conducted through a public competitive process (tender, EOI, auction, advertising).
- D31 The sale will be advertised in accordance with usual industry practice for the sale of similar types of properties by private sellers. If the property is auctioned but does not reach the reserve price, Council may negotiate a sale to the highest bidder.
- D32 In rare cases, stand-alone properties will have only one potential purchaser and in that case, Council may negotiate a private treaty sale with that purchaser, for not less than the market price, in accordance with the valuation received, or an internal market appraisal if permitted under

Policy for Property Transactions – Sales and Acquisitions

Paragraph D15 of this Policy.

#### **Sales to Adjacent Property Owners**

- D33 In some cases, such as small lots created through road closures, surplus land may have little commercial appeal to the broader market. In such cases a sale may be negotiated directly with adjoining land owners.
- D34 The sale of Council owned property to the adjacent property owner may be instigated by either Council or by the adjacent property owner interested in purchasing.
- D35 Council may be willing to sell drainage reserves to adjacent property owners, provided there is no impact on service delivery.
- D36 Any sale of a drainage reserve will require the creation of a drainage easement in Council's favour over the land to be sold.
- D37 Where the purchase is not instigated by Council, the purchaser must pay all costs and expenses incurred by Council in connection with the road closure (if relevant), subdivision (if any) and sale including but not limited to:
- i. surveyor's fees (if a road closure or subdivision of a drainage reserve is involved and/or if a plan of consolidation is required), and registration fees for the plan/s of subdivision and/or consolidation;
  - ii. development application fees, or the fees of an external assessor of the development application for subdivision (if any);
  - iii. fees payable to any other authority, for example the road closure application fee to the Department of Lands;
  - iv. valuer's fees; and
  - v. legal fees incurred by Council in connection with the sale
- D38 Where the purchase is instigated by Council, Council may require the purchaser to pay some or all of the costs and expenses referred to above.
- D39 In all cases, the purchaser must pay:
- a. the sale price of the land being the amount assessed by an external registered valuer, or an internal market appraisal if permitted under Paragraph D15 of this Policy, having regard to the amount by which the addition of the land will increase the market value of the purchaser's existing property with which it is to be consolidated and used; and
  - b. the purchaser's own costs in connection with the sale including but not limited to surveyor's fees for any plan of consolidation of the land sold with the purchaser's existing property and solicitor's costs and disbursements.
- D40 Net proceeds from the sale of land (other than for former public roads) will be paid into Council's Property Reserve.

## Policy for Property Transactions – Sales and Acquisitions

**Grants of Easements**

- D41 An easement is a right burdening one parcel of land and benefitting another parcel of land owned by a different person. It allows the owner of the benefitted land to use part of the burdened land of another person for purposes which would not be permitted in the absence of the easement. For example, a right of way permits access over the burdened land to the benefitted land, which would otherwise be trespass without the easement. The easement is attached to the land and registered on the title of both properties, so that it automatically passes to purchasers of the land. It continues indefinitely unless and until, for example, it is expressly released by the owner of the benefitted land or extinguished by the Supreme Court on evidence that it is no longer used. It is a valuable interest in land.
- D42 Properties adjacent to Council owned land do not have a right to use the Council owned land for access to their private properties without a registered right of way, lease or licence agreement. Similarly, a private property owner does not have the right to run pipes or other services across, through or under Council owned land unless there is a legal registered easement allowing this. In this respect, Council owned land is no different from land owned by a private owner.
- D43 Council cannot grant rights of way over community land for access to private properties, and has very limited rights to grant easements for underground pipes under community land. Council can grant easements over its operational land the same as any private owner.
- D44 The grant of an easement over Council land reduces the value of that Council land. It also restricts the use of part of the Council land. Council cannot block any right of way and usually cannot build over the site of an easement for drainage or other services. The same restrictions would apply to any purchaser of Council land which is burdened by an easement and so reduces the sale value.
- D45 The grant of a right of way or other easement benefitting an adjacent or nearby private property increases the value of that property. It can give vehicular access to a property that otherwise does not have vehicular access. It can give rear access to a property that otherwise would not have rear access. It can allow development on that other property that may not otherwise be possible. It can allow increased development on that property because provision for access does not have to be made on that property to the road but only to the Council land and then along the right of way to the road. It can reduce the costs of development on that property if pipes can be taken under Council's land rather than on a longer route along the public road.
- D46 Any agreement by Council to create or grant an easement over Council land benefitting private land is on the basis that the grantee must pay:
- all costs and expenses in connection with creation of the right of way, including but not limited to survey, valuation, legal and registration fees; and
  - the consideration (sale price) for the easement being the amount assessed by an external registered valuer having regard to the amount by which the easement increases the market value of the benefitted land and the amount by which the easement reduces the market value of the burdened Council land.

## Policy for Property Transactions – Sales and Acquisitions

- D47 The consideration for the easement may be based on a market appraisal carried out by a Council officer with appropriate skills and experience who is independent from the Business Unit responsible for the property transaction, instead of an external valuation, if the easement proposed to be created or granted:
- Is over unimproved land only; or
  - The consideration for the grant of easement is likely to be less than \$50,000 (ex GST); or
  - An external valuation of the affected property was obtained by Council less than 3 years previously

**Compliance**

- D48 Purchasers of Council land are expected to comply with the terms and conditions of any formal agreement and contract for sale entered into by them, including as to the time for completion and amounts to be paid. Grantees of easements over Council's land are expected to comply with the registered terms of the easement. The obligations are not reduced and will not be waived because the vendor/grantor is Council rather than a private seller/grantor.

**E. POLICY IMPLEMENTATION - PROCEDURES**

- E1 This policy should be read in conjunction with the Wyong Council Code of Conduct.
- E2 It is the personal responsibility of all Council employees and agents thereof to have knowledge of, and to ensure compliance with this policy.

**PROCEDURE FOR THE SALE OF LAND****Preparation of land for sale**

- E3 Council should ensure that land is offered for sale in a manner that will ensure the maximum price is achieved while protecting both the Council and the public interest. Some examples of matters which should be addressed before offering land for sale include:
- The land proposed for sale being sold at its highest and best use and is zoned appropriately, or arrangements made for re-zoning.
  - Presentation of the land should expose its best attributes. Preparation for sale should include (where appropriate) repairs, cleaning, painting, clearing of vegetation, pegging of boundaries and associated works.
  - The optimum development potential of the land should be considered.
  - The need for any continuing interest in the land such as covenants, easements, leases, licenses, planning protections or controls and so on.
  - Is subdivision required?
  - Structural and engineering reports may be required.
  - Environmental reports should be obtained where there is possible contamination.
  - Land must be offered for sale with full disclosure of relevant information to enable a full and proper due diligence enquiry.

## Policy for Property Transactions – Sales and Acquisitions

- If land proposed for sale is contaminated, a strategy for its remediation (including the responsibility for and the funding of remediation works) needs to be developed.
- A site survey is to be commissioned if required to accurately define the asset being sold.

E4 As each sale is different, the above matters are only examples of the many potential matters that should be addressed before offering land for sale. In all cases, the preparation of land for sale should be cost-effective and be consistent with the nature of the land being proposed for sale as well as the circumstances which have led to the proposed sale.

**Appointment of consultants and real estate agents**

E5 Consultants may be appointed to give advice or to assist with the preparation of the land for sale. Consultants may include valuers, surveyors, engineers, environmental assessors (i.e. in relation to soil contamination and remediation), demolition specialists, town planners, legal advisers and so on.

E6 Consultants must be independent and not have any personal or pecuniary interest in the transaction. A written declaration or disclosure in this regard is essential.

E7 A consultant must not be appointed as valuer and selling agent for the same land. Careful selection of consultants will ensure best results are achieved. Consultants should be fully briefed on the scope of their engagement. Only those consultants who are adequately qualified, skilled and experienced should be invited to tender for the services to be performed. This will generally enable acceptance of the lowest quote or tender.

E8 Consultants must provide evidence of professional indemnity insurance.

**Instructions for Valuers**

E9 Valuers should receive unbiased instructions to carry out the valuation independently, free from influence or collusion with the selling real estate agent and Council officers, and in the case where land is being exchanged, with the owners of property which are the subject of the exchange. In appointing the valuer, the Council must ensure that the preferred valuer does not have any conflict of interest.

E10 Generally, valuers should be instructed to provide a valuation on the basis of highest and best use of the land proposed for sale. However, where land is proposed for sale for some purpose other than the highest and best use, the valuer should be instructed to provide a valuation on both bases. This will enable the Council to make an informed decision on the sale of this land. Further, the community can be fully informed of the value of any community service obligation that might arise as a result of the land being used for a purpose other than highest and best use.

## Policy for Property Transactions – Sales and Acquisitions

- E11 Generally, valuers should be instructed to provide a valuation on the basis of highest and best use of the land proposed for sale. However, where land is proposed for sale for some purpose other than the highest and best use, the valuer should be instructed to provide a valuation on both bases. This will enable the Council to make an informed decision on the sale of this land. Further, the community can be fully informed of the value of any community service obligation that might arise as a result of the land being used for a purpose other than highest and best use.
- E12 If the value of the land is high and/or the land is complex in nature, it would be prudent to have a second valuation done by an independently instructed valuer on the same instructions. If there is a difference of opinion in the valuation, a valuer's conference should be called to work out the differences and arrive at an agreed valuation. An impartial chairperson should preside over the conference.

**Instructions for Real Estate Agents**

- E13 Real estate agents should be required to provide a report, which outlines:
- details of the proposed marketing and advertising campaigns;
  - the expected selling price; and
  - details of any works required to be undertaken on the land being offered for sale
- E14 Where the sale is by auction, the real estate agent should nominate the auctioneer prior to the appointment.

**Method of Sale**Sale by public auction

- E15 Where the Council has decided that land is to be sold by public auction, the sale of this land before auction must not be permitted.
- E16 Sale of land by public auction should be conducted in the following manner:
- After the selection and appointment of a real estate agent, the date of auction should be set, allowing approximately four to six weeks for an advertising campaign. The period may need to be varied depending on the type of land. The agent should be required to submit a summary to the Council of the marketing campaign, enquiry rate and anticipated result seven days before the auction.
  - The advertising campaign should be conducted in a manner that adequately exposes the land to the market.
  - If an external valuation is required, the valuer(s) should provide valuations to the Council at least two to three weeks before the auction date. This will allow sufficient time to arrange a conference of valuers, or to confer with the valuer(s) if there is any concern about or disagreement over the valuations provided.
  - When the valuation(s) and the selling agent's report have been received, the Council should determine a reserve price. The reserve price should be not less than the market value, unless there is a Council resolution that authorises the transaction to proceed at

## Policy for Property Transactions – Sales and Acquisitions

other than market value. The reserve price must be set before the auction and must remain confidential at all times.

- Security must be maintained over documentation relating to the reserve price.

- E17 Documents such as valuations, agent's reports and related correspondence must be provided on a confidential basis and only to the Council representatives responsible for the transaction.
- The reserve price or valuation advice must not be disclosed, particularly to the selling agent, before the auction.
  - If the land fails to sell at auction, it is to be passed in for negotiation with the highest bidder and offered for sale to that person at not less than the reserve price, unless there is a Council resolution that authorises the transaction to proceed at other than at the reserve price or market value.
  - If the land remains unsold following negotiations after auction, it should be left on the market for private sale at not less than the reserve price, unless there is a Council resolution that authorises the transaction to proceed at other than market value, for an appropriate or reasonable period of time as determined by the Council.
  - If an offer is received which is lower than the market value and the Council is considering acceptance of the offer, it should be submitted to Council for consideration with an explanation as to why the lower value should be considered, unless there is a Council resolution that authorises the transaction to proceed at other than market value.

Sale by public tender

- E18 Where the Council has decided that land is to be sold by public tender, the sale of this land before the close of tenders must not be permitted.
- E19 Most of the procedures described in the conduct of a sale by public auction are relevant to a sale by public tender, and it is recommended that they be read in conjunction with this section.
- E20 Sale of land by public tender should be conducted in the following manner:
- Tender documents must be prepared which outline the process for the sale and all relevant timelines. The documents should also outline the broad objectives the Council wishes to achieve through the sale, how tenders will be received and assessed, and how any post tender negotiations will be conducted.
  - Where appropriate the Council should appoint a probity auditor to oversee the entirety of the sale process.
  - The reserve price must be set before the close of tenders and must remain confidential to ensure the integrity of the sale process. Tenders must not be opened until the reserve price is set (i.e. if a reserve price had not been set before the close of tenders).
  - Tenders must be lodged with the Council or its legal representative. Tenders must not be lodged with the selling agent. Tenders lodged with the selling agent should not be accepted. Tenders submitted by facsimile or by e-mail should also not be accepted.



## Policy for Property Transactions – Sales and Acquisitions

- Late tenders must not be accepted.
- Tenders should only be opened by a formally appointed panel comprising representatives of the Council and may include its legal representative and, if appointed, the probity auditor.
- The conforming tender that offers the best result, both financial and non-financial, for Council and the community, at or above the reserve price should be accepted. If no conforming tenders are received at or above the reserve price, the Council may commence post tender negotiations in accordance with its pre-determined strategy. This may involve negotiations with the highest tenderer or may involve inviting tenderers to consider increasing their offers for the property. Post tender negotiations should only be conducted for the duration allowed in the tender documentation. If the land remains unsold, it should be formally passed in and all tenderers must be advised. The land should continue to be marketed for an appropriate or reasonable period of time as determined by the Council.
- If an offer is received which is lower than the reserve price or market value and the Council is considering acceptance of the offer, then Council should disclose the reasons for its decision to sell the land for a price lower than valuation, unless there is a Council resolution that authorises the transaction to proceed at other than market value.

Sale by Public Registration or Expression of Interest

- E21 This method of sale is useful where the Council wishes to expose land to the market without the assistance of an agent. It can be used as a public marketing process that is an alternative to an auction or tender.
- E22 This method of sale is also appropriate in circumstances where, in addition to selling the land, a Council wishes to control the future use or development of the land.
- E23 Potential purchasers can be invited to provide details of a design concept or to make a commitment to enter into an agreement to develop the land in accordance with the Council's brief. Interested parties may also be required to provide details of their ability to perform and of their history of achievements.
- E24 Registration of expressions of interest may or may not be binding on either party.
- E25 The reserve price for the land should be set before the receipt of offers. Again, the reserve price must remain confidential to ensure the integrity of the sale process.
- E26 The marketing of the land should be conducted in the same manner as sales by auction or tender. If a Council has a desired development outcome for the land, the advertising campaign must include details of the proposal.

## Policy for Property Transactions – Sales and Acquisitions

Sale/Exchange by Private Treaty

- E27 There may be circumstances where it may be more appropriate to sell/exchange land by private treaty. Generally, it will be determined by:
- the nature of land that is proposed for sale/exchange; and
  - how the proposed sale/exchange is initiated, e.g. often it is an external person who has initiated discussions with the Council with regard to the sale/exchange of land, that will determine if a sale/exchange by private treaty is appropriate
- E28 The nature/type of land may include:
- rear laneways and rights-of-way;
  - disused/closed roads; and
  - small allotments from previous subdivisions
- E29 Prospective purchasers of this type of land may include:
- owners of adjacent properties;
  - developers;
  - community groups;
  - State/Commonwealth Government; and
  - other parties with a particular interest in that land
- E30 An important consideration is the value of land proposed for sale/exchange. The value of this land to the Council may be different (and in some cases, significantly different) to the value of land to the prospective purchaser. For example:
- The addition of small allotments or part of a laneway or disused/closed road to an adjoining owner's property may increase the value of the combined property.
  - The availability of the additional land could mean the difference between not being able to and being able to develop or subdivide the purchaser's property.
  - The sale/exchange of land to a developer could reap the developer a significant return on their investment.
- E31 Additionally, the sale/exchange of land may result in a loss of general public access to land which may become restricted as a consequence of the sale/exchange. Any change in public access needs to be balanced with the public/community benefit which may arise from the sale/exchange and managed properly.
- E32 Given the nature of land generally offered for sale/exchange, the differences in value of the land for the vendor and the prospective purchaser, and the likely public perceptions of the proposed transaction, the highest standards of probity and transparency must be applied and be seen to be applied.

Policy for Property Transactions – Sales and Acquisitions

#### **PROCEDURE FOR ACQUISITION OF LAND**

E33 At times Council will resolve to acquire new real property assets. These assets may be acquired to assist in current or future delivery of Council Services or to supplement Councils revenue – generating investment/development portfolio.

#### **General Principles**

E34 All property acquisitions must be supported by a Council resolution.

E35 New acquisitions should generally be classified as operational land.

E36 Purchases will be conducted through private treaty negotiation, tender or expressions of interest. Purchases through public auction should not be pursued.

E37 The purchase price should not be more than the market value as determined by an independent valuation, or an internal market appraisal if permitted under Paragraph D15 of this Policy, unless there is a Council resolution that authorises the transaction to proceed at other than market value. The valuation must be based on the current state, condition and zoning of the property and not the development potential of the site.

E38 Negotiations with potential vendors/owners of sites identified for acquisition can be conducted without a Council resolution, however, no binding offer to purchase can be made until a resolution supporting the acquisition has been pursued.

E39 Council must undertake detailed due diligence on the site including, but not limited to;

- Property and title searches
- Contamination
- Zoning development potential
- Registered interests (easement and rights of way, etc.)
- Structural/engineering reports
- Environmental constraints (flooding, EECs, etc.)
- Surveys.

#### **E40 Associated documents**

- Council Code of Conduct
- Local Government Act 1993
- Environmental Planning and Assessment Act 1979
- Crown Lands Act 1989
- Roads Act 1993



# ACCEPTANCE OF CARE, CONTROL AND MANAGEMENT OF PUBLIC LANDS ACQUIRED BY OTHER AUTHORITIES



**ACCEPTANCE OF CARE, CONTROL AND MANAGEMENT OF PUBLIC LANDS  
ACQUIRED BY OTHER AUTHORITIES**

COMMUNITY GROWTH - CULTURE

**POLICY OBJECTIVES**

To indicate the circumstances under which Council will accept care, control and management of land for public purposes.

**POLICY STATEMENT**

1. Any land owned or acquired by a public authority (e.g. Department of Primary Industries) in areas considered to be subject to coastal hazard, flooding risk or constituting a significant bushfire risk to adjacent properties shall be referred to Council for decision in respect to the acceptance of title or responsibility for the management of that land.
2. Land owned by state government agencies other than the Department of Primary Industries - Catchment and Lands or the Department of Planning and Infrastructure shall be referred to Council for decision in respect to the acceptance of title or responsibility for the management of that land.

(Min No 591/1984 - 21 August 1984)

(Min No 581/1996 - 23 July 1996 - Review of Policies)

(Min No 239/2000 – 24 October 2000 – Review of Policies – no changes)

(Min No 214/2005 - 8 March 2005 - Review of Policies)

(Min No 311/2009 - 5 May 2009 - Review of Policies)

(Min No 2013/388 - 16 July 2013 - Review of Policies)



# EASEMENTS/LEASES/LICENCES - UTILITIES, AUTHORITIES AND COMPANIES



**EASEMENTS/LEASES/LICENCES – UTILITIES, AUTHORITIES AND COMPANIES**

## COMMUNITY GROWTH - PROPERTY &amp; ECONOMIC DEVELOPMENT

**POLICY OBJECTIVES**

To assess the payment of compensation for easements granted to Utilities Authorities and Companies (hereinafter called a 'utility').

To establish rental for the granting of a lease/licence of City land or buildings to UA&C.

**POLICY STATEMENT****1 Licence/Lease  
Council Network - Customer**

1.1 Where the City Council grants to a utility, i.e. Energy Australia substation, a lease/licence, then the lease/licence consideration shall be market rental.

1.2 The utility is responsible for Council's legal costs.

1.3 The utility shall pay to the Council upon granting the lease/licence an administration fee as determined in Council's annual fees and charges (\$770 including GST for 2004/05) in addition to any rent or legal costs.

1.4 In this policy the lease area includes that part of the land referred to as easement ancillary to the principal area or building being the subject of the lease.

1.5 In regard to a network lease the market rental shall be reviewed every 5 years. If there is no agreement as to the market rental an arbitrator agreeable to the parties shall be appointed to assess the market rental. The decision of the arbitrator is binding on the parties.

1.6 If there is no agreement as to the arbitrator then either party may request the President of the Australian Property Institute to nominate a registered valuer to determine market rental. The party that appoints the arbitrator shall be responsible for his/her fees but may recover 50% of the arbitrators fees from the other party within 14 days upon written demand. The decision of the arbitrator is binding on the parties.

**2 Licence/Lease  
Council Sole Customer**

2.1 Where the Council is the sole customer benefiting from the service provided by the utility the rental be determined as agreed (usually 10 cents per annum payable upon demand).

2.2 Unless otherwise agreed each party shall be responsible for its own legal costs.

- 2.3 No administration fee is payable by the utility.
- 2.4 In this policy the lease area includes that part of the land referred to as easement ancillary to the principal area or building being the subject of the lease.
- 3 Easement**
- 3.1 Compensation will be assessed as required by the Land Acquisition (Just Terms Compensation) Act if by a State Statutory Body, or in accordance with the enabling legislation if not a Statutory Body.
- 3.2 Upon receipt of an offer of compensation it will be considered by a Council appointed Registered Real Estate Valuer.
- 3.3 The offer of compensation by the utility may be accepted in the following circumstances:
- a Where the offer is less than \$55,000 (includes GST) Council's valuation is less than the offer + 10%.
  - b Where the offer is \$55,000 (includes GST) or more, Council's valuation is less than the offer + \$5,500 (includes GST)
- 3.4 If the Council's valuer's assessment is above the values referred to in clause 3.3, the offer by the utility the matter will be considered by Council (compensation will be determined having reference to the legislation referred to in 3.1).
- 3.5 The utility will pay to the Council an administration fee as determined in Council's annual fees and charges (\$770 & GST for 2004/2005).
- 3.6 Council's legal costs and valuation fees will be paid by the utility.

(Min No 311/1982 - 13 April 1982)  
(Min Nos 830/1990 - 19 June 1990 and 1241/85 - 10 December 1985)  
(Min No 1283/1992 - 3 November 1992)  
(Min No 699/1996 - 24 September 1996 - Review of Policies)  
(Min No 239/2000 - 24 October 2000 – Review of Policies)  
(Min No 214/2005 - 8 March 2005 - Review of Policies)  
(Min No 311/2009 - 5 May 2009 - Review of Policies)  
(Min No 2013/388 - 16 July 2013 - Review of Policies)





# **CITYWIDE BUSINESS IMPROVEMENT DISTRICTS**

## **CITYWIDE BUSINESS IMPROVEMENT DISTRICTS**

### **COMMUNITY GROWTH - PROPERTY & ECONOMIC DEVELOPMENT**

#### **POLICY OBJECTIVES**

To support local businesses to maintain, promote and develop their commercial districts to encourage people to spend more time and money there.

#### **POLICY STATEMENT**

- 1 To implement Central Coast Regional Strategy recommendations for revitalising identified town centres and villages as a vital element in supporting job security and the creation of new jobs
- 2 To improve amenity in towns and villages to enhance the quality of life for residents and the visitor experience for visitors and tourists.
- 3 To provide a framework for seed funding for Business Improvement Districts.

#### **PROCEDURE**

This procedure, being an administrative process, may be altered as necessary by the Chief Executive Officer.

##### **Intent of the Procedure**

The Citywide Business Improvement District (BID) policy for Gosford provides a transparent and accountable procedure to deliver measurable benefits over the medium term. It is flexible to accommodate the specific characteristics of each town centre and village that chooses to avail itself of the policy and to recognise the limited resources available within the community and to Council to apply to the BIDs program.

##### **Funding**

Therefore, seed funding will be provided out of the Special Business and Tourism Levy at a rate of up to \$25,000 per individual BID for a period of up to 3 years. This levy is paid by all commercial properties in the LGA and is required to be invested in the development of tourism and business. Providing seed funding out of this levy is therefore in keeping with the "self-help" principle and spirit of BIDs.

It would be expected that BIDs would seek other sources of funding as appropriate.

It would be a condition of funding that the BID would implement a plan to become self-funding at the end of the seed funding period. A BID would need to demonstrate success during the period of seed funding to build wide support from the local business community so that it may proceed to seek funding from the commercial property owners through a special rate increase or other funding means, such as significant membership fees.

Council would only agree to consider sponsoring a ballot of commercial property owners within a district for any special compulsory levy after 3 years of operation, demonstrated success and demonstrated support from the business community of at least 75% of commercial property owners paying at least 75% of the aggregate of the levy.

### **Eligibility**

BIDs will only be recognised by Council and be eligible for seed funding if commercial property owners and business people within a commercial district establish a formal incorporated member-based non-profit association, similar to the Gosford Business Improvement District Association Inc or the Ettalong Beach Business Group Inc. All commercial property owners and business operators in the commercial district must be eligible to join the association as full members. Council would encourage each association to have an associate member category to enable interested community members and residents to join and help in the revitalisation process.

Council would expect a non-profit association to have been in existence for at least one year before it would be eligible for seed funding. This would demonstrate stability and commitment of businesses in the commercial centre.

Council will support only one BID per commercial district. It is proposed that a substantial number of eligible businesses should be members of the BID Association in order to qualify for seed funding and Council support. This would demonstrate broad business support for the BID. In the unlikely event that two groups from one centre proposed a BID, support would only be provided to that group which had membership of 75% of eligible businesses and commercial property owners.

The number of eligible businesses is to be agreed with Council, but generally they are to be within the footprint of the commercial district and based on the number of properties and of active retail and service outlets. If there is any dispute about this number, Council will make a determination.

Shopping malls will be included in a BID only if they are part of a larger association of businesses in a commercial district. Malls alone cannot be BIDs, and mall tenants should constitute less than 50% of BID association membership, unless there is a compelling reason to vary this requirement. Malls are excluded because they operate under a single 'centre' management which performs all the functions of a BID.

### **Consultation**

It will be required of BID proponents that they demonstrate they have meaningfully consulted the local business community and have a broad spread of support within the commercial district. At a minimum, Council would wish to see evidence that a public meeting has been held and that details of the BID proposal have been effectively communicated to the business community.

### **Transparency and Accountability**

Each BID Association must present a business plan each year that sets out anticipated activities for the year ahead, with agreed short term targets and key

performance indicators. The extent to which KPIs have been achieved will influence future support by Council. Within 3 months of the end of the financial year, the BID Association must produce an audited set of accounts.

Council will examine in particular any issues that may be, or be seen to be, in breach of probity during the seed funding period. These might include, for example, related party transactions that have not been through a robust procurement process. Should issues of accountability or transparency arise Council reserves the right to require a formal review.

### **Qualifying Commercial Districts**

The Central Coast Regional Strategy identifies Erina and Woy Woy as town centres (defined as having more than 50 shops), and Avoca Beach, East Gosford, Ettalong Beach, Kincumber, Lisarow, Niagara Park, Terrigal, Umina Beach, West Gosford and Wyoming as villages (defined as having between 11 and 50 shops). It is proposed that these centres, with the exceptions noted below, be eligible to establish a BID. It is considered there are too few shops and commercial premises in smaller centres for BIDs to be viable.

Given they are dominated by single-manager malls, West Gosford, Niagara Park and Lisarow would not be eligible. There would therefore be 8 qualifying centres, in addition to the City Centre.

### **BIDs' Key Performance Indicator**

Key performance indicators will be negotiated on a case by case basis with each BID proponent. These will in general be set so as to measure whether there has been an overall increase in the level of activity within the commercial district, as well as measuring the performance of the BID association itself.

### **Review**

Each Gosford LGA BID should demonstrate broad support for renewal/continuing after 5 years of self funding, if that funding is raised through a special levy, and further reviews to be undertaken after each subsequent 5 year period or a lesser period should exceptional circumstances arise. If the funding is raised through membership fees, no review period would be necessary.

### **Council Seed Funding Budget and Limits**

Council reserves the right to determine the timing of the provision of seed funding to new BID start-ups at its absolute discretion so as to ensure the integrity of its budget position.

A working guideline is that no more than 3 BIDs would receive seed funding at any one time. If there were more than 3 groups seeking BID support, the fourth and subsequent groups would be required to await the transitioning of an existing seed-funded group to self funding.

(Min 2010/496 - 6 July 2010)

(Min No 2013/388 - 16 July 2013 - Review of Policies)

<b>Former Gosford City Council</b>			
<b>"Land and Property Transactions Policy"</b>		<b>Equivalent in new policy Yes / No</b>	<b>Clause No. in draft Land Transaction Policy / Comment</b>
<b>Policy Objectives</b>		Yes	Clause 2
<b>Policy Statement</b>		Yes	Clause 1
<b>Procedure</b>		Yes	Principles have been described within the policy
	<i>Acquisition of Real Estate</i>	Yes	<i>Clauses 6, 9, 12, 15, &amp; 16 – further the draft policy calls for appropriate due-diligence.</i>
	<i>Disposal of Real Estate</i>	Yes	<i>Clauses 7, 9, 12, 15 &amp; 16</i>
	<i>Valuation Advice</i>	Yes	<i>Clause 16 – further the draft policy has signalled an opportunity for negotiations to occur which allow best price possible for Council.</i>
	<i>Leasing of "Community" Land</i>	No	<i>Leasing of land is excluded from the draft policy as this is covered by draft "Facilities Leasing and Licensing" Policy. This ensures consistency between policies.</i>
	<i>Short-Term Leasing of unused public roads</i>	No	<i>Leasing of land is excluded from the draft policy as this is covered by draft "Facilities Leasing and Licensing" Policy. This ensures consistency between policies.</i>
	<i>Occupation prior to acquisition of land</i>	No	<i>As this is an operational issue, which is negotiated at the time of entering into a contract, this has not been included in the draft policy.</i>
	<i>Classification</i>	Yes	Clause 14
	<i>The common seal of Council</i>	No	<i>New system of e-conveyancing common seal is not required.</i>

	<i>General</i>	<i>No</i>	<i>The purpose of this clause was regarding the reporting of transactions, these are covered by requirement for all transactions to be reported to Council, Clause 9 in the draft policy.</i>
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<b>Former Wyong Shire Council</b>			
<b>"Property Transactions - Sales &amp; Acquisitions"</b>		<b>Equivalent in new policy Yes / No</b>	<b>Clause No. in draft Land Transaction Policy / Comment</b>
<b>Policy Summary</b>		Yes	Clause 1
<b>Policy Background</b>		Yes	Clause 2 – the draft policy also refers to Council Community Strategic Plan 2018-2028.
<b>Definitions</b>		Yes	Covered in Clause 3, 4 and "Principles"
<b>Policy Statements</b>		Yes	Principles
	<i>Jurisdiction</i>	Yes	Clause 9 – the draft policy reinforces the importance that all transactions require Council resolutions.
	<i>General / Objectives</i>	Yes	Clause 2
	<i>Principle: Strategic Resourcing</i>	Yes	Clause 17
	<i>Principle: Legislative Framework</i>	Yes	Clauses 22 & 23 – a list of legislation has been reduced as this frequently changes, ensuring the policy maintains its currency / relevance.
	<i>Principle: Basis of Property Transactions</i>	Yes	Clause 2

	<i>Councillors will be advised of any pending transactions</i>	Yes	<i>Clause 9</i>
	<i>Acquisitions and Disposal of Real Property Assets</i>	Yes	<i>Clauses 6, 7, 9, 12, 15, &amp; 16 – draft policy considers various issues surrounding the acquisitions and disposals so as to not burden Council or reduce Council's current and future operations.</i>
	<i>Classification</i>	Yes	<i>Clause 14</i>
	<i>Property Divestment</i>	Yes	<i>Clauses 7, 9, 12, 15 &amp; 16</i>
	<i>Categories - :</i>	Yes	<i>Clauses 7, 9, 12, 15 &amp; 16</i>
	<i>Stand Alone Properties</i>	Yes	<i>Clause 7</i>
	<i>Sales to Adjacent Property Owners</i>	Yes	<i>Clause 7</i>
	<i>Grants of Easements</i>	Yes	<i>Clause 13</i>
	<i>Compliance</i>	Yes	<i>Clauses 19, 20 &amp; 21</i>
	<b><i>Policy Implementation - Procedures</i></b>	Yes / No	<i>Current CCC practice is to separate strategic policy and operational procedures. This is intended as a strategic level policy. However, the general principles have been addressed within this policy</i>
	<b><i>Procedure for the Sale of Land</i></b>	Yes	<i>Clauses 7, 9, 12, 15 &amp; 16</i>
	<i>Preparation of land for sale</i>	Yes	<i>Clauses 7, 9, 12, 15 &amp; 16</i>
	<i>Appointment of consultants and real estate agents</i>	Yes	<i>Clause 7 - greater detail to be provided in the procedural policy</i>
	<i>Instructions for Valuers</i>	Yes	<i>Clauses 12, 16 &amp; 18</i>

	<i>Instructions for Real Estate Agents</i>	Yes	<i>Clause 7 - greater detail to be provided in the procedural policy</i>
	<i>Method of Sale (Sale by public auction, Sale by public tender, Sale by Public Registration or Expression of Interest, Sale/Exchange by Private Treaty)</i>	Yes	<i>Clauses 7, 9, 12, 15 &amp; 16</i>
<b><i>Procedure for the Acquisition of Land</i></b>		Yes	<i>Clauses 6, 9, 12, 15, &amp; 16</i>
	<i>General Principles</i>	Yes	<i>Clauses 9, 12, &amp; 14 - greater detail to be provided in the procedural policy</i>
	<i>Associated documents</i>	Yes	<i>Clauses 21 - 23</i>





**Item No:** 3.2  
**Title:** Continuation of Level 1 Water Restrictions  
**Department:** Water and Sewer

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13 July 2020 Ordinary Council Meeting

Reference: F2018/01495 - D13991534  
Author: Luke Drury, Section Manager Water Services and Design  
Manager: Daniel Kemp, Unit Manager, Water Construction and Project Management  
Executive: Jamie Loader, Director Water and Sewer

### **Summary**

Storage levels within Mangrove Creek Dam (MCD) are approaching the current trigger level (55%) to cease Level 1 Water Restrictions and revert to Water Wise Rules. A decision is required whether to transition to Water Wise Rules or remain on Level 1 Water Restrictions.

### **Recommendation**

- 1 That Council endorse the Chief Executive Officer (CEO) to not transition to Water Wise Rules once Mangrove Creek Dam (MCD) reaches 55%, noting that a reassessment of the decision would occur at a suitable Council meeting in November 2020.**
- 2 That Council endorse the CEO to enact future increases in Water Restriction Levels (ie. Progressing from Water Wise Rules through to Level 5 Water Restrictions) in-line with the established triggers without a resolution from Council, noting a report to Council would be required if a trigger level were reached and the CEO did not enact the associated increase in Water Restriction Level.**
- 3 That Council require that any decision to decrease Water Restriction Levels (ie. Progressing from Level 5 Water Restrictions through to Water Wise Rules) or remain on the current Water Restriction Level is to be made by way of a Council Resolution within one month of the relevant Water Restriction Level being reached.**
- 4 That Council notes that future transitions between Water Wise Rules and Water Restriction Levels (up or down) will consider the storage-based trigger levels as a guide and decision point, and that staff will consider a broad range of factors influencing the security of the water supply and may make recommendations that differ from the storage-based triggers from time to time.**

**Context**

Level 1 Water Restrictions commenced on the Central Coast during February 2020 following Mangrove Creek Dam (MCD) dropping to 50% storage level. The 50% storage level trigger to commence Level 1 water restrictions was endorsed by Council on 11 February 2019, raised from the previous trigger level of 42%. The adjustment in trigger levels brought forward a previously planned increase to account for population growth (increased demand) based on emerging risks and uncertainty in system yield associated with:

- Proposed Wallarah 2 Coalmine impacts on catchment stream flow
- Increased understanding of underlying long-term climate variability
- Uncertainty in future population growth and increases in demand
- A changing regulatory environment.

New South Wales was subject to a significant rainfall event during February 2020 that resulted in high volumes of runoff within drinking water catchments across the Central Coast, Hunter and Sydney Regions. As of 22 June 2020, the level in MCD has risen to just below the current trigger (55%) to cease Level 1 Water Restrictions and transition back to Water Wise Rules. Figure 1 shows the Mangrove Creek Dam storage level trend.

**Mangrove Creek Dam Storage Level as on 22/06/2020**

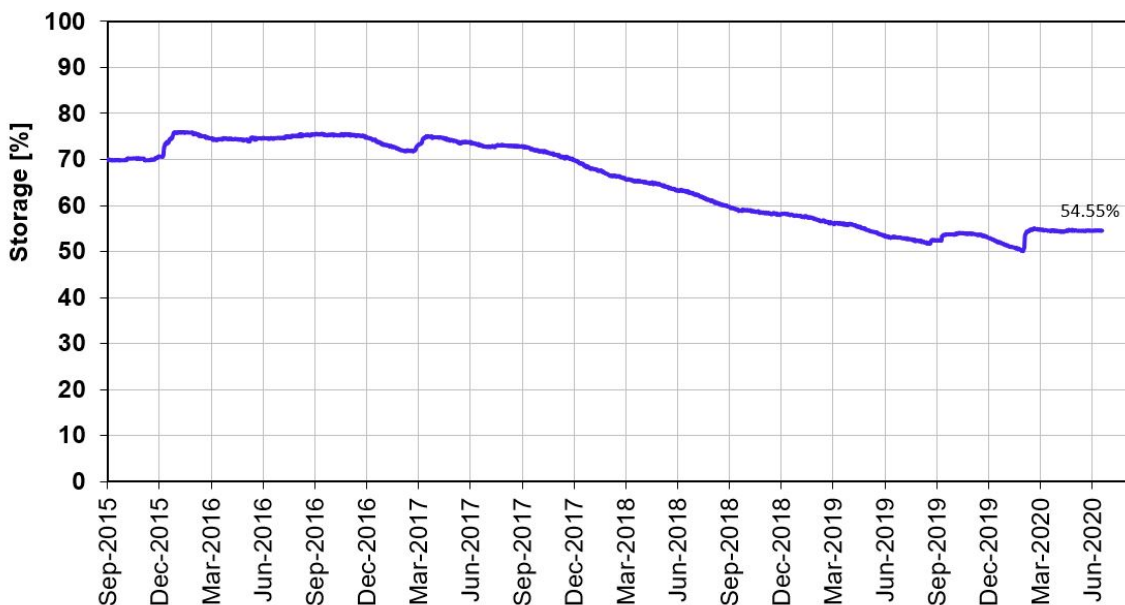


Figure 1 Mangrove Creek Dam Storage Level

It is noted that the recovery of the storage level in MCD following the February 2020 rainfall was impacted by a toxin-producing cyanobacteria (or blue green algae) event in Mardi Dam that limited extractions from Ourimbah Creek and Wyong River. Transfers from Mardi Dam to MCD were also impacted until the cyanobacteria event resolved itself in April 2020.

### 3.2 Continuation of Level 1 Water Restrictions (contd)

Current Water Restriction Level triggers are provided in Table 1.

**Table 1 Current Water Restriction Trigger Levels**

<b>Restriction Level</b>	<b>Initiate Restriction Level when Mangrove Creek Dam reduces to</b>	<b>Remove Restriction Level when Mangrove Creek Dam rises to</b>
Level 1	50%	55%
Level 2	40%	42%
Level 3	35%	37%
Level 4	30%	32%
Level 5	25%	27%

#### **Current Status**

The next meaningful rainfall event within the catchments in June-August 2020 will result in MCD reaching the current trigger (55%) to remove Level 1 water restrictions. It is not recommended to transition to water wise rules at the current time in consideration of the below key factors:

- It is not yet apparent if the rainfall received in February 2020 is just a short-wet period within a longer drought sequence, or the start of a resumption of average rainfall patterns.
- It is understood that the community is generally supportive of restrictions and that many people within the Central Coast already believed they were on water restrictions towards the end of 2019 due to the messaging within neighbouring regions where a large portion of the Central Coast work.
- It would be difficult to achieve effective cut through for new messaging on water restrictions during the current COVID 19 pandemic
- The impact of Level 1 restrictions compared to water wise rules as the community head into winter are minor.
- Remaining on restrictions would align with the current position of Hunter Water and Sydney Water who are remaining on water restrictions despite significant recovery of their total storage levels.

#### **Assessment of impact of Level 1 Water Restrictions to date**

Initial observations since the commencement of water restrictions in February 2020 have indicated that demand is currently higher than the same period last year and higher than forecasted demand given recent climatic conditions.

Additional investigation using periodic water meter readings is required to better understand these observations and variances across different customer types (residential and non-residential). There has likely been an impact on residential water consumption associated with increased working from home arrangements and increased hygiene practices associated with COVID-19.

### Consultation

Water restriction status within the Central Coast and Hunter Water area of operations were discussed at the Lower Hunter Water Drought Response Senior Officers Group (DRISOG) held 23 April 2020. Hunter Water is considering remaining on Level 1 restrictions if their total storage level recovers to their 70% trigger level (currently 69.5%).

Sydney Water also remain on Level 1 water restrictions despite their total storage currently sitting at 81% (peak of over 83% in mid-April 2020). The below message is currently provided on their water restrictions website:

*Due to increased dam levels, we've eased restrictions back to Level 1. It's still too early to tell if the recent rain is just temporary relief from drought or a sign that things are improving. We're constantly monitoring dam levels and we'll respond as needed to protect our water supplies.*

The consideration of transition to Water Wise Rules was discussed at the 27 May 2020 Water Management Advisory Committee (MWAC) meeting. The WMAC were generally supportive of the approach to not transition to water wise rules at the current time. The WMAC also supported the concept that the relevant restriction level should not always be triggered immediately upon reaching the relevant storage-based trigger, and that assessment by staff of a broader set of parameters was prudent.

### Options

- Option 1 No change and transition to Water Wise Rules once Mangrove Creek Dam reaches 55% which is likely following the next meaningful rain event. Future changes to Water Restriction Levels are implemented by the CEO in-line with the Restriction Trigger Levels in Table 1.
- Option 2 Seek Council endorsement to not transition to Water Wise Rules once MCD reaches 55%. Reassess the situation at a Council meeting in November 2020. CEO to require Council endorsement prior to increasing, decreasing or leaving Water Restriction Levels unchanged when the Restriction Level Triggers in Table 1 are reached.
- Option 3 Seek Council endorsement to not transition to Water Wise Rules once MCD reaches 55%. Reassess the situation at a Council meeting in November 2020. CEO to only require Council endorsement prior to decreasing or leaving levels unchanged when the Restriction Levels in Table 1 are reached **(Preferred)**.

Future decisions relating to the application of Water Restrictions need to consider both the prevailing water restriction trigger levels, as well as broader considerations that influence the security of supply as outlined below.

- The seasonal outlook (for stream flows, rainfall and temperature)

## **3.2 Continuation of Level 1 Water Restrictions (contd)**

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- Achievement of the current restriction target
- The operational status of key water supply assets and consideration of current or emerging risks to those assets
- The timing and risk associated with any contingency water supplies, and
- Any other relevant information

A further detailed assessment of the removal of Level 1 Water Restrictions would be prudent to be undertaken by Council's internal Water Resilience Committee ahead of the 2020/21 summer period. Further consultation would also occur with the Water Management Advisory Committee in its October 2020 meeting. A report would then come to Council during November 2020 to make a formal decision whether to transition to Water Wise Rules or remain on Level 1 Restrictions.

This will provide certainty to the community and consistency in communications for the remainder of 2020. The approach also allows staff to assess whether favourable long-range rainfall forecasts eventuate within the catchments (dependant on changes to major climate drivers e.g. El Niño–Southern Oscillation (ENSO) and Indian Ocean Dipole (IOD), whether unforeseen issues impact the ability of Council to harvest those available flows and the broader context of restrictions implementation by the neighbouring major water authorities.

### **Financial Impact**

Based on current available data, water restrictions are not having a material impact on water sales.

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

Theme 4: Responsible

### **Goal H: Delivering essential infrastructure**

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

We're a responsible Council and community, committed to building strong relationships and delivering a great customer experience in all our interactions.

It is recognised that a secure water supply is essential for economic development and a liveable community.

### **Attachments**

*Nil.*



**Item No:** 3.3  
**Title:** Response to Question with Notice - Big Prawn  
**Department:** Connected Communities

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13 July 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14031984  
Author: Glenn Cannard, Unit Manager, Community Partnerships  
Executive: Julie Vaughan, Director Connected Communities

## Summary

This report provides information following a Question with Notice that was presented at the 25 May 2020 Ordinary Meeting regarding the Big Prawn.

## Recommendation

- 1 That Council receive the report on the Big Prawn.**
- 2 That Council resolve to cease further investigations on the matter.**

## Context

The following Question with Notice was presented at the Ordinary Meeting of 25 May 2020;

*Could staff please investigate who owns the 'Big Prawn' which is situated at the old petrol station that was burnt down on the Pacific Highway?*

*Could staff please make enquiries as to whether the owner is prepared to sell or donate the 'Big Prawn' to Council and at what cost? The rationale is to relocate the 'Big Prawn' further south on the highway so it has residence as the gateway to the Central Coast coming in from the north.*

## Background

The "Big Prawn" is a fiberglass replica prawn currently located at 555 Pacific Highway, Crangan Bay, in the Lake Macquarie City Council Local Government Area.

**Current Status**

Council staff have been in recent contact with the owner of the "Big Prawn", who has indicated they will not donate the structure, however they would be open to offers from Central Coast Council to purchase it.

The current owner has indicated, as Council have approached them on the matter, Council needs "make an offer" and they (current owner) will not be nominating a price.

Further staff investigations have led to the conclusion that Council should not progress the matter further for several reasons.

- A detailed structural analysis will be required to ascertain the current condition of the structure, which is the only surviving piece of infrastructure on a site ravaged by bush fires a few years ago.
- A similar analysis would need be undertaken to investigate the viability of removing the structure and the costs/logistics related to its removal and temporary relocation/storage.
- Council do not currently have a suitable site identified for a structure of this nature, as such it would need be placed in temporary storage for an extended period while a suitable site was chosen and all relevant consents obtained.
- After the site selection was completed, and approval obtained, a further installation/commissioning project would need be established.

It is currently very difficult to accurately forecast the costs associated with all, or indeed any of the steps outlined above.

Given there are no current plans, or budget, to commission a work of this nature, nor current staff capacity to undertake further work on the matter, it is not deemed viable to continue further.

**Attachments**

*Nil.*



**Item No:** 3.4  
**Title:** Councillor Remuneration  
**Department:** Governance

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13 July 2020 Ordinary Council Meeting

Trim Reference: F2019/00041-004 - D13752664

Author: Sarah Georgiou, Section Manager, Councillor Support

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

Executive: Gary Murphy, Chief Executive Officer

## Report Purpose

To recommend fixing of annual fees to be paid to the Mayor, each Councillor, and to recommend the determination of an annual fee to be paid to the Deputy Mayor.

## Recommendation

- 1 That Council note the determination made by the Local Government Remuneration Tribunal made 10 June 2020 in respect of Councillor and Mayoral fees.**
- 2 That Council fix the annual fee to be paid to each Councillor at \$32,040 pursuant to s.248(2) of the Local Government Act 1993.**
- 3 That Council fix the annual fee to be paid to the Mayor at \$99,800 pursuant to s.249(3) of the Local Government Act 1993.**
- 4 That Council determine, pursuant to s.249(5) of the Local Government Act 1993, that an annual fee of \$9,980 be paid to the Deputy Mayor, with that fee to be deducted from the annual fee paid to the Mayor in accordance with resolution 3 above.**

## Context

Council is required to fix the annual fee to be paid to each Councillor, and the additional annual fee that is to be paid to the Mayor under section 248(2) and 249(3) of the *Local Government Act 1993* ('the Act'). The Tribunal is required to report to the Minister for Local Government by 1 May each year as to its determination of categories of Council and the amounts to be paid. In response to the COVID-19 Pandemic, the Minister made the *Local Government (General) Amendment (COVID-19) Regulation 2020* which extended the time for making the determination no later than 1 July.



#### **Categories**

Previously, Central Coast Council and Lake Macquarie Council were in the category of Regional Strategic Area.

Central Coast Council made a submission stating that Council is one of such size, scale and capacity that it would more appropriately be categorised with the largest and most populated Councils in NSW servicing a regional area such as Wollongong and Newcastle Councils. The submission also noted that Central Coast Council has the largest budget of all councils in NSW. Evidence supporting this was also provided.

In addition to the written submission, the Tribunal met with the Mayor and Chief Executive Officer in relation to Council's position.

Central Coast Council had sought to be re-categorised as Regional City. Council submitted that its characteristics are more like Newcastle and Wollongong (Regional City) and substantially different to Lake Macquarie (Regional Strategic Area).

The Tribunal in its 2020 determination concurred that the characteristics of the two Councils (Central Coast and Lake Macquarie) allocated to the Regional Strategic Area category were sufficiently different to warrant further differentiation.

However, the Tribunal did not agree with Council's submission that Central Coast Council meets the broader criteria applicable to other councils in the category of Major Regional City - being Newcastle and Wollongong.

As a result, the Tribunal determined to introduce a new category - Major Strategic Area. This category was created to recognise the scale and unique position of Central Coast Council to both the Sydney and Hunter regions.

Central Coast Council is now in the category of Major Strategic Area. It is noted that the remuneration span for this category is the same as for a Major Regional City.

#### **Fees**

The Tribunal has determined that there will be no increase in the minimum and maximum fees applicable to each existing category. For new categories, the Tribunal has determined the fees having regard to the relevant relativities.

Council must fix those annual fees in accordance with the determination made by the NSW Local Government Remuneration Tribunal, which was that the annual fee to be paid to each Councillor was to be between \$18,430 and \$32,040, and the annual fee to be paid to the Mayor was between \$39,160 and \$99,800 as provided in attachment 1 to this report.

### **3.4 Councillor Remuneration (contd)**

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It is noted that the determination of the new category for Central Coast Council has aligned the fees payable to those of a Major Regional City which reflects the representations made by Council in its submissions to the Tribunal.

Section 249 of the Act provides that Council may also determine that an annual fee be paid to the Deputy Mayor, with any annual fee to be paid to the Deputy Mayor to be deducted from the Mayor's annual fee. Council is under no obligation to determine that a fee be paid to the Deputy Mayor – it is entirely discretionary.

Annual fees paid to the Mayor, Deputy Mayor and Councillors are payable monthly in arrears for each month or part thereof that Councillor holds office, from the date of the declaration of the election poll as per section 250 of the Act.

A determination in July as to the amount of fees will apply from the month of July as fees are paid in arrears.

#### **Consultation**

The Local Government Remuneration Tribunal consults with the sector prior to making its determination. Central Coast Council made submissions to the Tribunal as it has every year since Central Coast Council was formed.

Council made a submission stating that Central Coast Council is one of such size, scale and capacity that it would now be more appropriately categorised with the largest and most populated councils in NSW servicing a regional area such as Wollongong and Newcastle Councils. The submission also noted that Central Coast Council has the largest budget of all councils in NSW. Evidence supporting this was also provided.

In its submission, Central Coast Council argued in the strongest possible terms that it is inappropriate to have Central Coast and Lake Macquarie Councils in the same category, given Central Coast Council's size, population growth, significant regional services, major industrial, commercial and residential centres and development corridors. It was stated that Central Coast Council has a sphere of economic influence and provides regional services considered to be equal at least to those councils categorised as a Regional City.

As the third largest Local Government Area by population in NSW, and by providing a full range of higher order services and activities along with arts, culture, recreation and entertainment facilities to service the wider community and broader region, Central Coast Council strongly argued that the "Regional Strategic Centre" category is unequivocally unsuitable.

Pleasingly, the Tribunal has now agreed with Council's position and established a new category to reflect the size, scale and scope of Central Coast Council.

### 3.4 Councillor Remuneration (contd)

#### Financial Impact

Funding for Mayoral and Councillors Fees has been allocated in the adopted Annual Plan (Budget) for the 2020/21 financial year. Should Council resolve to adopt the full increase as recommended an adjustment will be made as part of the first quarter Budget Review for an additional \$35,650.

Below is a summary of the increase as provided by the Tribunal Determination:

Category	Councillor Annual Fee		Mayoral Annual Fee (additional)	
	Minimum	Maximum	Minimum	Maximum
Regional Strategic Area (former category)	18,430	30,410	39,160	88,600
Major Strategic Area (new category)	18,430	32,040	39,160	99,800

It is recommended that Council determine the maximum amount payable under the determination. It is considered appropriate for a Council the size of Central Coast to remunerate Councillors at the higher level as provided by the Remuneration Tribunal.

While this represents an increase this needs to be considered in the light of the fact that Council has long held that it should be in a different category. Had the Tribunal agreed with this position on a previous occasion, the fees payable to Councillors would likely have been at the level that is recommended.

At every opportunity Council has made submissions to the Tribunal and now that the Tribunal has recognised the validity of Council's submission it is considered appropriate to apply the increase available.

#### Options

- 1 No change

Council may resolve not to apply the increase as a result of the re-categorisation. The fees currently paid are in accordance with the Tribunal determination. This is not recommended as Council has been making representations for a number of years regarding the categorisation of Central Coast Council. The Tribunal has now agreed with the position put forward by Council.

- 2 Apply increase in accordance with re-categorisation

For the reasons set out in this report, it is recommended that Council apply the full increase as provided by the re-categorisation by the Tribunal. It is noted that the change reflects the representations made by Council over a number of years and it is considered appropriate to adopt them.

3 Determine a reduction in fees payable in accordance with the determination

Given Council has made numerous representations as to re-categorisation, this is not recommended.

#### **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.

#### **Duties of disclosure**

The Model Code of Conduct Part 4 - Pecuniary Interests provides:

1.6 *You do not have to disclose the following interests for the purposes of this Part:*

- j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)*

The fixing of annual fees to each councillor and the Mayor, and determining the annual fee to be paid to the Deputy Mayor, is not a pecuniary interest for the purposes of Part 4 of the Model Code of Conduct, and so each Councillor, the Deputy Mayor and the Mayor have no obligation to disclose any interest to this ordinary meeting of Council and are entitled to participate in discussion and voting on the business set out in this paper.

#### **Attachments**

1 2020 Annual Determination      D14040674

**Local  
Government  
Remuneration  
Tribunal**

Annual Report and  
Determination

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*Annual report and determination under sections 239 and  
241 of the Local Government Act 1993*

**10 June  
2020**

[NSW Remuneration Tribunals website](#)

## Local Government Remuneration Tribunal

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## Local Government Remuneration Tribunal

# Executive Summary

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The *Local Government Act 1993* (the LG Act) requires the Local Government Remuneration Tribunal (the Tribunal) to report to the Minister for Local Government by 1 May each year as to its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

In response to the COVID-19 pandemic the Minister for Local Government, the Hon Shelley Hancock MP, made the *Local Government (General) Amendment (COVID-19) Regulation 2020* which extends the time for the making of this determination to no later than 1 July 2020.

### Categories

Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last undertook a significant review of the categories and the allocation of councils into each of those categories in 2017. In accordance with the LG Act the Tribunal undertook a review of the categories and allocation of councils into each of those categories as part of the 2020 review.

In reviewing the categories, the Tribunal examined a range of statistical and demographic data and considered the submissions of councils and Local Government NSW (LGNSW). Having regard to that information, the Tribunal has determined to retain a categorisation model which differentiates councils primarily on the basis of their geographic location, and the other factors including population, the sphere of the council's economic influence and the degree of regional servicing.

For the Metropolitan group the Tribunal has determined to retain the existing categories and has amended the population criteria applicable to Metropolitan Large and Metropolitan Medium. For the Non-Metropolitan group, the Tribunal has determined to: create two new categories - Major Strategic Area and Regional Centre; rename one category - Regional City to Major Regional City; and revise the criteria for some of the existing categories to account for the new categories.

In accordance with section 239 of the LG Act the categories of general purpose councils are determined as follows:

#### Metropolitan

- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

#### Non-metropolitan

- Major Regional City
- Major Strategic Area
- Regional Strategic Area
- Regional Centre
- Regional Rural
- Rural

**Local Government Remuneration Tribunal**

**Fees**

The Tribunal has determined that there will be no increase in the minimum and maximum fees applicable to each existing category. For the new categories, the Tribunal has determined fees having regard to relevant relativities.



## Local Government Remuneration Tribunal

# Section 1 Introduction

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1. Section 239 of the LG Act provides for the Tribunal to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.
2. Section 241 of the LG Act provides for the Tribunal to determine, not later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.
3. In response to the COVID-19 pandemic the Minister for Local Government, the Hon Shelley Hancock MP, made the *Local Government (General) Amendment (COVID-19) Regulation 2020* which extends the time for the making of this determination to no later than 1 July 2020.
4. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A (1) of the LG Act, to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission. The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.
5. The Tribunal is however able to determine that a council can be placed in another existing or a new category with a higher range of fees without breaching the Government's wage policy pursuant to section 242A (3) of the LG Act.
6. The Tribunal's determinations take effect from 1 July in each year.

# Section 2 2019 Determination

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7. The Tribunal considered ten requests for re-categorisation. At the time of making the determination the Tribunal had available to it the 30 June 2018 population data. In reviewing the submissions received the Tribunal applied a multi variable approach assessing each council against all the criteria (not only population) for the requested category and the

## Local Government Remuneration Tribunal

relativities within the categories.

8. The Tribunal found that the allocation of councils into the current categories was appropriate but again noted that some of those councils seeking to be moved were likely to meet the criteria for re-categorisation in future determinations.
9. The Tribunal's 2019 Determination was made on 15 April 2019 and provided a general increase of 2.5 per cent which was consistent with the Government's policy on wages.
10. The Tribunal's findings for North Sydney was not addressed in the 2019 Determination and is dealt with in Section 3 below.

## Section 3 Review of categories

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### Scope of review

11. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last reviewed the categories during the 2017 annual review.
12. In determining categories, the Tribunal is required to have regard to the following matters that are prescribed in section 240 of the LG Act:

*"240 (1)*

- *the size of areas*
- *the physical terrain of areas*
- *the population of areas and the distribution of the population*
- *the nature and volume of business dealt with by each Council*
- *the nature and extent of the development of areas*
- *the diversity of communities served*
- *the regional, national and international significance of the Council*
- *such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government*
- *such other matters as may be prescribed by the regulations."*

13. The Tribunal foreshadowed in the 2019 Determination of its intention to undertake a review of the categories in accordance with the LG Act:

## Local Government Remuneration Tribunal

*“12. A few submissions have suggested alternative categorisation models. The Tribunal will consider this in detail in the 2020 review. The Tribunal intends to commence the 2020 annual review earlier than usual to ensure there is time to review the existing model and to examine alternatives. The Tribunal is of the preliminary view that a case may exist to revise the number of categories, and their applicable criteria, particularly for regional and rural councils.”*

14. The Tribunal wrote to all mayors in October 2019 advising of the commencement of the 2020 review and invited submissions from councils on the following matters:

1. *Proposed classification model and criteria*
2. *Allocation in the proposed classification model*
3. *Range of fees payable in the proposed classification model*
4. *Other matters*

15. The Tribunal also wrote to the President of Local Government NSW (LGNSW) in similar terms, and subsequently met with the President and Chief Executive of LGNSW. The Tribunal thanks the President and Chief Executive for making the time to meet with the Tribunal.

16. The Tribunal also met with the Mayors and General Managers of Central Coast and Maitland Councils and the Tribunal thanks them for making the time to meet with the Tribunal.

### Submissions received - categorisation

17. The Tribunal received 38 submissions from individual councils, a submission from LGNSW and a submission from Regional Cities NSW. Most of the submissions addressed the Tribunal’s proposed categorisation model, the allocation of councils into those categories and fees. A summary of the matters raised, and the Tribunal’s consideration of those matters is outlined below.

#### Proposed classification model and criteria

18. Submissions from 20 councils and LGNSW supported the Tribunal’s proposal to create a new category of Regional Centre for the Non-Metropolitan group and were of the view

### Local Government Remuneration Tribunal

that the range of fees would be somewhere between Regional Strategic Area and Regional Rural.

19. Several submissions from Non-Metropolitan councils proposed alternative changes to the model such as, the merging of the Regional Rural and Rural categories, the creation of a new 'Regional' category and the renaming of Regional City to 'Gateway City' or 'Nationally Significant Regional City'.
20. Four submissions from Metropolitan councils sought the creation of a new Metropolitan category with the title of 'Metropolitan Large – Growth Area' or 'Metropolitan Major'.

#### Allocation in the proposed classification model

21. The Tribunal proposed to allocate 24 councils in the proposed new category of Regional Centre. Of these 24 councils, 14 provided a submission - 11 councils noted or supported their allocation as Regional Centre and 3 councils sought re-categorisation as Regional Strategic Area.
22. In addition to the 3 councils, another 17 councils sought re-categorisation into one of the categories included in the Tribunal's proposed model or into requested alternative new categories. The 20 re-categorisation requests are addressed in Section 3 – Allocation of councils into categories.

#### Findings - categorisation

23. The Tribunal acknowledges the significant number of submissions received this year and is grateful for the positive response and effort made in those submissions to comment on the proposed categorisation model and suggest alternatives for consideration.
24. There has been broad support to the Tribunal's proposal to create a new Non-Metropolitan category of Regional Centre and rename Regional City to Major Regional City. On that basis the Tribunal will determine the new category of Regional Centre and rename Regional City to Major Regional City. There have been some new criteria added to the category of Major Regional City to acknowledge the broader national and state focus of these cities which impact upon the operations of the council.
25. After considering the views in submissions the Tribunal re-examined the Non-Metropolitan category of Regional Strategic Area in terms of its criteria and the

## Local Government Remuneration Tribunal

characteristics of the councils allocated into it. The Tribunal concluded that the characteristics of the two councils allocated to this category – Central Coast and Lake Macquarie – were sufficiently different to warrant further differentiation. Central Coast has a population greater than 340,000 making it the third largest council by population in NSW and the sixth largest council by population in Australia. It also has the second largest revenue base of all councils in NSW. Central Coast is a significant contributor to the regional economy associated with proximity to and connections with Sydney and the Hunter Region. A new category has been created for Central Coast Council and is to be titled Major Strategic Area. The criteria for this category include local government areas with a minimum population of 300,000, and larger scale and scope to those categorised as Regional Strategic Area. There is no change to the population threshold for the category of Regional Strategic Area, however the other criteria have been amended to account for other changes in the Non-Metropolitan group.

26. The Tribunal's preliminary thinking was that no changes to the categories and criteria for Metropolitan and County Councils were warranted. In respect to the categories, the Tribunal continues to hold that view. In respect to the criteria, after considering submissions the Tribunal re-examined the population criteria for both the Metropolitan Medium and Metropolitan Large categories.
27. North Sydney and Willoughby councils again put forward cases for non-resident workers to be included in the population for Metropolitan Medium. To examine this claim more broadly the Tribunal reviewed non-resident working populations across all metropolitan councils. After careful consideration the Tribunal concluded there was a strong case to recognise the impact on councils of serving significant numbers of non-resident workers. The criteria now provide for councils with a non-resident working population of 50,000 or above to move to another category if their combined resident and non-resident working population exceeds the minimum population threshold. The criteria for Metropolitan Medium and Metropolitan Large have been amended as follows:

*Metropolitan Large*

*Councils may also be categorised as Metropolitan Large if their residential population combined with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.*

*Metropolitan Medium*

### Local Government Remuneration Tribunal

*Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000.*

*To satisfy this criteria the non-resident working population must exceed 50,000.*

28. In making this determination the Tribunal reviewed the criteria for other Metropolitan categories and found that the current population thresholds are appropriate.

29. The revised model which will form the basis of this determination is as follows:

Metropolitan	Non-Metropolitan
<ul style="list-style-type: none"> <li>• Principal CBD</li> <li>• Major CBD</li> <li>• Metropolitan Large</li> <li>• Metropolitan Medium</li> <li>• Metropolitan Small</li> </ul>	<ul style="list-style-type: none"> <li>• Major Regional City</li> <li>• Major Strategic Area</li> <li>• Regional Strategic Area</li> <li>• Regional Centre</li> <li>• Regional Rural</li> <li>• Rural</li> </ul>

30. The criteria for each of the categories are outlined at Appendix 1. Minor changes have been made to the criteria for some of the existing categories to account for the new categories. As with the previous categorisation model the predominant factor to guide categorisation is population. Other common features of councils within those categories are also broadly described. These criteria have relevance when population alone does not adequately reflect the status of one council compared to others with similar characteristics. In some instances, the additional criteria will be significant enough to warrant the categorisation of a council into a group with a higher population threshold.

31. There is no change to the categorisation of county councils.

### Allocation of councils into categories

32. In accordance with section 239 of the LG Act the Tribunal is required to allocate each of the councils into one of the categories. The allocation of councils is outlined in Determination No. 1 of Section 6.

33. Twenty (20) submissions received from councils requested re-categorisation and were considered having regard to the case put forward and the criteria for each category.

34. At the time of making the determination the Tribunal had available to it the 30 June 2019 population data released by the Australian Bureau of Statistics (ABS) on 25 March 2020.

### Local Government Remuneration Tribunal

35. A summary of the Tribunal's findings for each of the applications for re-categorisation is outlined in the following paragraphs.

#### Metropolitan Large Councils

36. Canterbury-Bankstown, Penrith and Blacktown have requested the creation of new categories into which they be re-categorised. Canterbury-Bankstown has requested a new category named 'Metropolitan Major'. Penrith and Blacktown have requested a new category named 'Metropolitan Large – Growth Centre'.
37. The Tribunal considers that Canterbury-Bankstown, Penrith and Blacktown are appropriately categorised as Metropolitan Large.

#### Metropolitan Medium Councils

38. Inner West has again sought to be re-categorised as Metropolitan Large. The Tribunal outlined in the 2019 determination that Inner West's June 2018 population of 198,024 was below the indicative population of other Metropolitan Large councils, but based on growth predictions it was likely Inner West would meet the minimum population threshold for inclusion in Metropolitan Large in 2020.
39. Inner West's June 2019 population is 200,811 and the council now meets the criteria to be categorised as Metropolitan Large.
40. Ryde has sought to be re-categorised as Metropolitan Large on the basis of the large non-resident working population in the Macquarie Park Business Park (MPBP) precinct, the economic output of the precinct and its array of significant regional services.
41. The Hills has requested the creation of a new category named 'Metropolitan Growth' and that it be categorised into it. Recognition is sought for councils experiencing significant growth. The submission also notes that while Ryde does not meet the residential population criteria for Metropolitan Large it meets the other relevant criteria.
42. As previously discussed, the Tribunal has reviewed the impact of large numbers of non-residents visitors and workers and revised the criteria for Metropolitan Large Councils. Ryde and The Hills have been assessed against the new revised criteria being - *Councils may also be categorised as Metropolitan Large if their residential population combined*

### Local Government Remuneration Tribunal

*with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.*

43. Both Ryde and The Hills have a non-resident working population of more than 50,000 and combined with their resident populations they meet the revised criteria for inclusion in the group of Metropolitan Large councils. Both councils also provide a sphere of economic influence and provide regional services considered akin to those of other metropolitan large councils.

#### Metropolitan Small Councils

44. Camden, Willoughby and North Sydney have sought to be re-categorised as Metropolitan Medium.
45. The Tribunal outlined in the 2019 determination that Camden's June 2018 population of 94,159 was below the indicative population of other Metropolitan Medium councils, but based on growth predictions it was likely Camden would meet the minimum population threshold for inclusion in Metropolitan Medium in 2020.
46. Camden's June 2019 population is 101,437 and the council now meets the criteria to be categorised as Metropolitan Medium.
47. The Tribunal has previously considered requests from Willoughby and North Sydney Councils to be re-categorised as Metropolitan Medium in 2018 and 2019. Both Councils have populations within the indicative population range for Metropolitan Small councils but well below that of Metropolitan Medium. Both Councils have argued that their scale of operations, degree of regional servicing and high number of non-resident visitors and workers more closely align with the characteristics of Metropolitan Medium Councils.
48. As previously discussed, the Tribunal has reviewed the impact of large numbers of non-resident workers and revised the criteria for Metropolitan Medium Councils. Willoughby and North Sydney have been assessed against the new revised criteria being - *Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000. To satisfy this criteria the non-resident working population must exceed 50,000.*
49. Both Willoughby and North Sydney have a non-resident working population of more than 50,000 and combined with their resident populations they meet the revised criteria for inclusion in the group of Metropolitan Medium councils. Both councils also meet the



### Local Government Remuneration Tribunal

other criteria having: a significant regional role as the third and fourth biggest CBDs in Sydney after Sydney City and Parramatta; strategic significance as either transport hubs, business, cultural or employment centres.

50. Both North Sydney and Willoughby meet the criteria for re-categorisation as Metropolitan Medium.

#### Regional City Councils

51. Newcastle and Wollongong have proposed new categories into which they have sought to be re-categorised. Newcastle has proposed a new category named 'Gateway City' and Wollongong a new category named 'Nationally Significant Regional City'.
52. The Tribunal's revised categorisation model re-named the existing category of Regional City to Major Regional City and found no case to adopt the new categories proposed by Newcastle and Wollongong. The Tribunal considers that both councils are appropriately categorised as Major Regional City.

#### Regional Strategic Area Councils

53. Central Coast has again sought to be re-categorised as Regional City. The council submits that its characteristics are more like Newcastle and Wollongong (Regional City) and substantially different to Lake Macquarie (Regional Strategic Area).
54. Central Coast does not meet the broader criteria applicable to other councils in the category of Major Regional City - being Newcastle and Wollongong. As previously discussed a new category - Major Strategic Area - has been created to recognise the scale and unique position of Central Coast Council to both the Sydney and Hunter regions.

## Local Government Remuneration Tribunal

### Regional Rural Councils

55. Bathurst, Maitland, and Shoalhaven noted that under the Tribunal's proposed allocation of councils they would be allocated to the new Regional Centre category, however the three councils sought to be re-categorised as Regional Strategic Area.
56. Bathurst's June 2019 population of 43,618, Maitland's June 2019 population of 85,166 and Shoalhaven's June 2019 population of 105,648 are below the indicative population of Regional Strategic Area councils. The Tribunal considers that Bathurst, Maitland and Shoalhaven are all appropriately categorised as Regional Centre.
57. Bega, Byron and Eurobodalla have sought to be re-categorised to the new Regional Centre category. Bega's June 2019 population of 34,476, Byron's June 2019 population of 35,081 and Eurobodalla's June 2019 population of 38,473 are significantly below the indicative population of Regional Centre councils. These councils have not demonstrated the additional criteria to warrant inclusion in the Regional Centre group.

### Rural Councils

58. Muswellbrook and Federation have again sought to be re-categorised as Regional Rural. Muswellbrook's June 2019 population of 16,377 and Federation's June 2019 population of 12,437 are well below the indicative population of Regional Rural councils. Both councils have not demonstrated the additional criteria to warrant inclusion in the Regional Rural group.

## Section 4 Fees

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59. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* (IR Act), when making or varying awards or orders relating to the conditions of employment of public sector employees.
60. The current policy on wages pursuant to section 146C(1)(a) of the IR Act is articulated in the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014* (IR Regulation 2014). When the Tribunal undertook the annual review the effect of the IR Regulation 2014

### Local Government Remuneration Tribunal

was that public sector wages could not increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.

61. The Tribunal received submissions for consideration during the annual review in late 2019. Those submissions were made prior to the pandemic and overwhelmingly supported a 2.5 per cent increase in the ranges of fees which was consistent with the Government's wages policy at the time. A summary of those submissions is outlined in the paragraphs 62 and 63.
62. The LGNSW submission requested that the Tribunal increase fees by the allowable maximum of 2.5 per cent. The submission also reiterated the long-held view that fees for mayors and councillors are well behind, the current fee structure fails to recognise the work of elected representatives and is inadequate to attract and retain individuals with the necessary skills and experience. Comparative information was again presented in respect to board fees, fees paid to mayors and councillors of councils in Queensland, and salaries for members of Parliament. The LGNSW submission also noted the Tribunal's previous observations that it does not have jurisdiction on the matter of non-payment of superannuation but again invited the Tribunal to make a recommendation to the NSW State Government for councillor remuneration to include a payment for superannuation equivalent to the Superannuation Guarantee.
63. Several submissions sought an increase to the allowable maximum of 2.5 per cent acknowledging the restrictions on the Tribunal from the Government's wages policy. Several submissions sought an increase greater than 2.5 per cent by requesting that fees be aligned to councillor fees in Victoria and Queensland or to NSW members of Parliament.
64. Since receiving and considering those submissions there have been a number of factors which have influenced the Tribunal's views in regard to the annual increase. These include the impact of the bushfires and the current COVID-19 pandemic on the state and federal economies and the wellbeing of our communities.
65. To ensure the Tribunal had sufficient time to consider the COVID-19 pandemic the Minister for Local Government, the Hon Shelley Hancock MP, made the *Local Government*

### Local Government Remuneration Tribunal

*(General) Amendment (COVID-19) Regulation 2020* which extends the time for the making of this determination to no later than 1 July 2020.

66. On 29 May 2020 the Premier, the Hon Gladys Berejiklian MP, made the *Industrial Relations (Public Sector Conditions of Employment) Amendment (Temporary Wages Policy) Regulation 2020*. That regulation amended the IR Regulation 2014 to implement a temporary wages policy, being a 12-month pause on wage increases for public sector employees covered by the IR Act.
67. On 2 June 2020 the amending regulation was disallowed by the Legislative Council. The effect of that disallowance is that the Government's wages policy which provides for increases of up to 2.5 per cent continues to apply.
68. While the Tribunal is required to give effect to the Government's wages policy in the making of this determination, it is open to the Tribunal to determine an increase of up to 2.5 per cent or no increase at all. Given the current economic and social circumstances, the Tribunal has determined that there be no increase in the minimum and maximum fees applicable to each existing category.
69. The minimum and maximum fees for the two new categories of Major Strategic Area and Regional Centre have been set having regard to relevant relativities. The new category of Major Strategic Area has equivalent annual fees to Major Regional City. The new category of Regional Centre has annual fees between those applicable to Regional Strategic Area and Regional Rural. In accordance with the LG Act councils can be placed in a new category with a higher range of fees without breaching the Government's wages policy.

## Section 5 Other matters

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70. The Tribunal addressed the matter of non-payment of superannuation in the 2019 Determination:

*"40. The submission from LGNSW and several councils have again raised the matter of the non-payment of superannuation. The Tribunal addressed this matter in the 2018 determination as outline below and will make no further comment:*

### Local Government Remuneration Tribunal

*“54. The matter of the non-payment of superannuation has been previously raised in submissions to the Tribunal and is not a matter for the Tribunal to determine. Section 251 of the LG Act confirms that councillors are not employees of the council and the fee paid does not constitute a salary under the Act. The Tribunal notes that the Australian Tax Office has made a definitive ruling (ATO ID 2007/205) that allows councillors to redirect their annual fees into superannuation on a pre-tax basis and is a matter for councils (Ref: Councillor Handbook, Oct 2017, Office of Local Government p.69).”*

71. By way of clarification, the amount redirected under this ruling is funded from the annual fees as determined by Tribunal – it is not an additional amount funded by the council.
72. The Tribunal notes that the Hon Shelly Hancock MP, Minister for Local Government released the *Councillor superannuation discussion paper* in March 2020, to seek the views of councils and their communities on whether councillors should receive superannuation payments. The deadline for submissions was Friday 8 May 2020.

### Conclusion

73. The Tribunal’s determinations have been made with the assistance of the two Assessors - Mr Brian Bell and Mr Tim Hurst. The allocation of councils into each of the categories, pursuant to section 239 of the LG Act, is outlined in Determination No. 1. The maximum and minimum fees paid to councillors and mayors and members and chairpersons of county councils, pursuant to section 241 of the LG Act, are outlined in Determination No. 2.

### The Local Government Remuneration Tribunal

*Signed*

**Dr Robert Lang**

**Dated: 10 June 2020**

## Local Government Remuneration Tribunal

## Section 6 Determinations

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### Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2020

**Table 1: General Purpose Councils - Metropolitan**

Principal CBD (1)	Major CBD (1)
Sydney	Parramatta

Metropolitan Large (11)	Metropolitan Medium (9)
Blacktown	Bayside
Canterbury-Bankstown	Campbelltown
Cumberland	Camden
Fairfield	Georges River
Inner West	Hornsby
Liverpool	Ku-ring-gai
Northern Beaches	North Sydney
Penrith	Randwick
Ryde	Willoughby
Sutherland	
The Hills	

Metropolitan Small (8)
Burwood
Canada Bay
Hunters Hill
Lane Cove
Mosman
Strathfield
Waverley
Woollahra

### Local Government Remuneration Tribunal

**Table 2: General Purpose Councils – Non-Metropolitan**

Major Regional City (2)	Major Strategic Area (1)	Regional Strategic Area (1)
Newcastle	Central Coast	Lake Macquarie
Wollongong		

Regional Centre (24)		Regional Rural (13)	
Albury	Mid-Coast	Bega	
Armidale	Orange	Broken Hill	
Ballina	Port Macquarie-Hastings	Byron	
Bathurst	Port Stephens	Eurobodalla	
Blue Mountains	Queanbeyan-Palerang	Goulburn Mulwaree	
Cessnock	Shellharbour	Griffith	
Clarence Valley	Shoalhaven	Kempsey	
Coffs Harbour	Tamworth	Kiama	
Dubbo	Tweed	Lithgow	
Hawkesbury	Wagga Wagga	Mid-Western	
Lismore	Wingecarribee	Richmond Valley Council	
Maitland	Wollondilly	Singleton	
		Snowy Monaro	

Rural (57)			
Balranald	Cootamundra-Gundagai	Junee	Oberon
Bellingen	Cowra	Kyogle	Parkes
Berrigan	Dungog	Lachlan	Snowy Valleys
Bland	Edward River	Leeton	Temora
Blayney	Federation	Liverpool Plains	Tenterfield
Bogan	Forbes	Lockhart	Upper Hunter
Bourke	Gilgandra	Moree Plains	Upper Lachlan
Brewarrina	Glen Innes Severn	Murray River	Uralla
Cabonne	Greater Hume	Murrumbidgee	Walcha
Carrathool	Gunnedah	Muswellbrook	Walgett
Central Darling	Gwydir	Nambucca	Warren
Cobar	Hay	Narrabri	Warrumbungle
Coolamon	Hilltops	Narrandera	Weddin
Coonamble	Inverell	Narromine	Wentworth
			Yass

**Table 3: County Councils**

Water (4)	Other (6)
Central Tablelands	Castlereagh-Macquarie
Goldenfields Water	Central Murray
Riverina Water	Hawkesbury River
Rous	New England Tablelands
	Upper Hunter
	Upper Macquarie

## Local Government Remuneration Tribunal

### Determination No. 2- Determination Pursuant to Section 241 of Fees for Councillors and Mayors

Pursuant to s.241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2020 are determined as follows:

**Table 4: Fees for General Purpose and County Councils**

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Principal CBD	27,640	40,530	169,100	222,510
	Major CBD	18,430	34,140	39,160	110,310
	Metropolitan Large	18,430	30,410	39,160	88,600
	Metropolitan Medium	13,820	25,790	29,360	68,530
	Metropolitan Small	9,190	20,280	19,580	44,230
General Purpose Councils - Non-metropolitan	Major Regional City	18,430	32,040	39,160	99,800
	Major Strategic Area	18,430	32,040	39,160	99,800
	Regional Strategic Area	18,430	30,410	39,160	88,600
	Regional Centre	13,820	24,320	28,750	60,080
	Regional Rural	9,190	20,280	19,580	44,250
	Rural	9,190	12,160	9,780	26,530
County Councils	Water	1,820	10,140	3,920	16,660
	Other	1,820	6,060	3,920	11,060

\*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

#### The Local Government Remuneration Tribunal

*Signed*

**Dr Robert Lang**

**Dated: 10 June 2020**



## Local Government Remuneration Tribunal

# Appendices

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### Appendix 1 Criteria that apply to categories

#### Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

#### Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety have been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

## Local Government Remuneration Tribunal

### Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum residential population of 200,000.

Councils may also be categorised as Metropolitan Large if their residential population combined with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

### Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000

Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000. To satisfy this criteria the non-resident working population must exceed 50,000

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

### Metropolitan Small

Councils categorised as Metropolitan Small will typically have a residential population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

## Local Government Remuneration Tribunal

### Major Regional City

Newcastle City Council and Wollongong City Councils are categorised as Major Regional City. These councils:

- are metropolitan in nature with major residential, commercial and industrial areas
- typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development
- provide a full range of higher order services and activities along with arts, culture, recreation, sporting and entertainment facilities to service the wider community and broader region
- have significant transport and freight infrastructure servicing international markets, the capital city and regional areas
- have significant natural and man-made assets to support diverse economic activity, trade and future investment
- typically contain ventures which have a broader State and national focus which impact upon the operations of the council.

### Major Strategic Area

Councils categorised as Major Strategic Area will have a minimum population of 300,000.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Central Coast Council meets the criteria to be categorised as a Major Strategic Area. Its population, predicted population growth, and scale of the Council's operations warrant that it be differentiated from other non-metropolitan councils. Central Coast Council is also a significant contributor to the regional economy associated with proximity to and connections with Sydney and the Hunter Region.

### Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Centre category on the basis of their significant population and will typically have a residential population above 200,000.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Lake Macquarie Council meets the criteria to be categorised as a Regional Strategic Area. Its population and overall scale of council operations will be greater than Regional Centre councils.

## Local Government Remuneration Tribunal

### Regional Centre

Councils categorised as Regional Centre will typically have a minimum residential population of 40,000.

Other features may include:

- a large city or town providing a significant proportion of the region's housing and employment
- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$100M per annum
- the highest rates of population growth in regional NSW
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

### Regional Rural

Councils categorised as Regional Rural will typically have a minimum residential population of 20,000.

Other features may include:

- a large urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages
- health services, tertiary education services and regional airports which service a regional community
- a broad range of industries including agricultural, educational, health, professional, government and retail services
- large visitor numbers to established tourism ventures and events.
- Councils in the category of Regional Rural provide a degree of regional servicing below that of a Regional Centre.

### Rural

Councils categorised as Rural will typically have a residential population less than 20,000.

Other features may include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

### County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

### County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Biosecurity Act 2015*.



**Item No:** 3.5  
**Title:** Meeting Record of the Gosford Foundation Trust Management Committee meeting held 26 May 2020  
**Department:** Connected Communities

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13 July 2020 Ordinary Council Meeting

Reference: F2018/00731 - D14035334  
Manager: Phil Cantillon, Unit Manager Leisure and Lifestyle  
Executive: Julie Vaughan, Director Connected Communities

### **Summary**

To note the Meeting Record of the Gosford Foundation Trust Management Committee held on 26 May 2020 and consider the recommendations to Council from the Committee, including staff comments on those recommendations.

### **Recommendation**

- 1 That Council note the Meeting Record of the Gosford Foundation Trust Management Committee held 26 May 2020 that is Attachment 1 to this report.**
- 2 That Council as Trustee approve the spend of \$910 per annum for the operation of a Gosford Foundation Trust website and that this be funded from the Fund.**

### **Context**

The Gosford Foundation Trust Management Committee held a meeting on 26 May 2020. The Meeting Record of that meeting is Attachment 1 to this report. The Meeting Record is being reported to Council in accordance with the relevant Terms of Reference.

At this meeting staff provided an update on the development of a stand-alone website for the Trust, as previously requested by the Committee. Annual funding is required to ensure ongoing operation of the website. The Committee thus recommended that money from the Fund be used for this purpose. This recommendation has been reviewed by staff and the following is now provided to Council.

### **Committee Recommendation:**

*The Committee recommend that Council as Trustee approve the spend of \$910 per annum for the operation of the website and that this be funded from the Fund.*

### **3.5 Meeting Record of the Gosford Foundation Trust Management Committee meeting held 26 May 2020 (contd)**

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#### **Staff Comment:**

The development of a stand-alone website will promote awareness of the Gosford Foundation Trust, and provide a single platform for individuals, groups and organisations to locate important information.

Staff support the recommendation made by the Committee.

It is noted a separate stand-alone website will also be maintained for the Protection of the Environment Trust.

#### **Recommendation to Council:**

That Council as Trustee approve the spend of \$910 per annum for the operation of the website and that this be funded from the Fund.

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

Theme 4: Responsible

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

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

#### **Attachments**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Gosford Foundation Trust Management Committee Meeting Record -<br>26 May 2020 | D14035325 |
|----------|---|-----------|

# Gosford Foundation Trust Management Committee Meeting Record 26 May 2020



Location:	Skype Meeting	
Date:	26 May 2020	
Time	Started at: 3.15pm	Closed at: 3.57pm
Chair	Councillor Jane Smith	
File Ref	F2018/00731	

**Present:**

Councillor Jane Smith, Gary Murphy – Chief Executive Officer, Clive Blunt, Barbara Wills

**Staff present:**

Phil Cantillon – Unit Manager Leisure and Lifestyle, Shane Sullivan – Unit Manager Governance and Business Services, Rebecca Cardy – Heritage Officer (left 3.43pm), Kelly Drover – Advisory Group Support Officer

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**Item 1 Welcome, Apologies and Acknowledgement of Country**


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Apologies received: Nil

The Chairperson, Councillor Jane Smith, declared the meeting open and completed an Acknowledgement of Country and Connection to Land statement.

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**Item 2 Disclosure of Interest**


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The Chair called for any declarations of interest.

No disclosures received.

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**Item 3 Confirmation of Previous Meeting Record**


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The Committee confirmed the Meeting Record from 25 February 2020.

The Committee discussed the Action Log.



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**Item 4 Potential Heritage Public Art and Conservation Projects (Action 33)**

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Rebecca Cardy (Heritage Officer) discussed the Heritage and Public Arts Projects list that had been circulated to the Committee.

It was noted that 4 of the projects were strongly associated with Rotary Clubs and it may be a good idea to speak to them about partnering, particularly the four Gosford clubs.

**Action:** Advisory Group Support Officer to email Committee members asking them to rank the list of projects.

**Action:** Top 3 ranked projects to be provided to Rebecca Cardy who will come back to the Committee with additional information on what is required including funding and any other potential interest groups.

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**Item 5 Update on stand-alone website for the Trusts (Actions 27 and 28)**

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Shane Sullivan (Unit Manager Governance and Business Services) provided an update on a stand-alone website for the Trust including the proposed design for the website.

The example which has been developed for Protection of the Environment Trust Management Committee was provided - <https://protectionoftheenvironmenttrust.org.au>, noting that the two Trusts will have their own stand-alone websites.

Finance staff have been working with Westpac to progress the payment method which is the main hurdle at this stage.

Shane is working with Phil Cantillon to obtain photos and content for the Gosford Foundation Trust website. It will be an 8 – 12 week lead time for completion of the website.

**Recommendation:** The Committee recommend that Council as Trustee approve the spend of \$910 per annum for the operation of the website and that this be funded from the Fund.

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**Item 6 Recommendations on professionals for philanthropy advice (Action 29)**

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The Committee discussed the report on philanthropy advice for the Trust.

The Committee discussed the idea of contacting the agencies to ask for a quote, however agreed that it is currently not the right economic climate to be spending money on this when we have a website that will be up and running soon and will hopefully help to make it easier for people to make contributions.

**Action:** That philanthropy support for the Trust be included on the agenda for the first Gosford Foundation Trust meeting of 2021.

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**Item 7 Finance Report (Standing Agenda item)**

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The Committee noted the Finance Report.



Gosford Foundation Trust Management Committee Meeting Record  
26 May 2020



The Chair noted discussions that had been held in the earlier PoET meeting regarding an audit of the PoET financial accounts and it was agreed that Gosford Foundation Trust should be included in this review.

**Action:** The Committee request Finance staff to complete an internal review of Gosford Foundation Trust financial accounts and provide advice on what factors could be used to trigger a routine audit of the Trust.

**Item 7                    General Business and Close**

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No General Business.

The meeting closed at 3.57pm

**Next Meeting:            Tuesday 18 August 2020**  
**3pm – 4pm**  
**Location TBA**



**Item No:** 3.6  
**Title:** Meeting Record of the Protection of the Environment Trust Management Committee meeting held on 26 May 2020  
**Department:** Governance

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13 July 2020 Ordinary Council Meeting

Reference: F2018/00732 - D14035037  
Manager: Shane Sullivan, Unit Manager, Governance and Business Services  
Executive: Gary Murphy, Chief Executive Officer

### **Summary**

To note the Meeting Record of the Protection of the Environment Trust Management Committee held on 26 May 2020 and consider the recommendations to Council from the Committee, including staff comments on those recommendations.

### **Recommendation**

- 1 That Council note the Meeting Record of the Protection of the Environment Trust Management Committee held on 26 May 2020 that is Attachment 1 to this report.**
- 2 That Council as Trustee approve the spend of \$910 per annum for the operation of the website and that this be funded from the Public Fund.**

### **Context**

The Protection of the Environment Trust Management (PoET) Committee held a meeting on 26 May 2020. The Meeting Record of that meeting is Attachment 1 to this report. The Meeting Record is being reported to Council in accordance with the relevant Terms of Reference.

At this meeting staff provided an update on the development of a stand-alone website for the Trust, as previously requested by the PoET Committee. Annual funding is required to ensure ongoing operation of the website. The PoET Committee thus recommended that money from the Public Fund be used for this purpose. This recommendation has been reviewed by staff and the following is now provided to Council.

### **Committee Recommendation:**

*The Committee recommend that Council as Trustee approve the spend of \$910 per annum for the operation of the website and that this be funded from the Public Fund.*

### **3.6 Meeting Record of the Protection of the Environment Trust Management Committee meeting held on 26 May 2020 (contd)**

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#### **Staff Comment:**

The Protection of the Environment Trust provides small amounts of financial support to individuals, groups and organisations in the community that are able to deliver projects and works that contribute to the stated purpose of the trust.

The development of a stand-alone website will promote awareness of the PoET, and provide a single platform for individuals, groups and organisations to locate important information.

Staff support the recommendation made by the Committee.

#### **Recommendation to Council:**

That Council as Trustee approve the spend of \$910 per annum for the operation of the website and that this be funded from the Public Fund.

#### **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**

- 1 POET Management Committee Meeting Record - 26 May 2020 D14034993

Protection of the Environment Trust (PoET)  
Management Committee Meeting Record  
26 May 2020



Location:	Skype Meeting	
Date:	26 May 2020	
Time	Started at: 2.02pm	Closed at: 3.10pm
Chair	Councillor Jane Smith	
File Ref	F2018/00732	

**Present:**

Councillor Jane Smith, Gary Murphy – Chief Executive Officer, Gary Chestnut, Joy Cooper, Barbara Wills

**Staff present:**

Luke Sulkowski – Unit Manager Natural and Environmental Assets, Shane Sullivan – Unit Manager Governance and Business Services, Larry Melican – Section Manager Natural Assets and Biodiversity, Kelly Drover – Advisory Group Support Officer

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**Item 1 Welcome, Apologies and Acknowledgement of Country**


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Apologies received: Nil

The Chairperson, Councillor Jane Smith, declared the meeting open and completed an Acknowledgement of Country and Connection to Land statement.

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**Item 2 Disclosure of Interest**


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The Chairperson called for any declarations of interest.

No disclosures were received.

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**Item 3 Confirmation of Previous Meeting Record and Action Log**


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The Committee confirmed the Meeting Record from 25 February 2020.

The Committee discussed the Action Log.

**Item 4 Update advice from Chartered Accountant (Action 74)**

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Shane Sullivan (Unit Manager Governance and Business Services) discussed the advice received from Beda Chartered Accountants regarding funding arrangements for the Trust.

- Donations received which form the Public Fund are to be identified and kept in a separate account.
- Interest earned from the \$1.5million (COSS Funds) be kept in a separate account as it constitutes the Trust Fund.
- Once this has been done that an audit be undertaken and reported to Council as Trustee.

Whilst the Committee had no objections to separating out line items, it was noted that at the 25 February 2020 PoET meeting it was agreed that the Committee will continue to operate as is current practice with some further clarification around the mechanisms of donations to the public fund. Clarification needs to be sought to confirm that separating these line items would not change the current practice of the Committee.

The Committee requested that Finance staff do an internal review of the Trust financial accounts.

**Action:** Shane Sullivan to seek confirmation from Finance that separating the accounts will not change the current practice of the Committee.

**Action:** The Committee request Finance staff to complete an internal review of Trust financial accounts and provide advice on what factors might trigger a routine audit of the Trust.

**Item 5 Update on stand-alone website for the Trusts (Actions 75 and 76)**

---

Shane Sullivan (Unit Manager Governance and Business Services) provided an update on a stand-alone website for the Trust including the proposed design for the website.

<https://protectionoftheenvironmenttrust.org.au/>

Finance staff have been working with Westpac to progress the payment method which is the main hurdle at this stage.

Information is being collated regarding previous grants and projects to be included as content on the website.

It was agreed that there should be a link to the Trust website on Council's main webpage and that the COSS logo be included on the Trust website.

It is expected that the website will be up and running by the end of financial year.

**Recommendation:** The Committee recommend that Council as Trustee approve the spend of \$910 per annum for the operation of the website and that this be funded from the Public Fund.



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**Item 6 Recommendations on professionals for philanthropy advice (Action 7)**

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The Committee discussed the report on philanthropy advice for the Trust.

The Committee discussed the idea of contacting the agencies to ask for a quote, however agreed that it is currently not the right economic climate to be spending money on this when we have a website that will be up and running soon and will hopefully help to make it easier for people to make contributions.

**Action:** That philanthropy support for the Trust be included on the agenda for the first PoET meeting of 2021.

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**Item 7 Update on Annual Strom Talk (Action 79)**

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The Annual Strom Talk is not able to occur as planned at this stage due to COVID-19. The intention is to hold the event in September if possible.

The Committee discussed two alternate options if the original style of event can't go ahead as planned, including a Webinar or an outdoor style activity like a bushwalk that would allow for social distancing.

**Action:** The Annual Strom Talk to be include on the agenda for the next meeting.

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**Item 8 Grants Program (Standing Agenda Item)**

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Larry Melican (Section Manager Natural Assets and Biodiversity) advised that they are working through the SmartyGrants program and updating the guidelines for Protection of the Environment Trust grants. This should be completed by the end of the week, at which point there will be a media release. Updates will be provided at each meeting on any grant applications received.

There have been some difficulties contacting the University of Sydney who last year were approved funding from PoET for their yellow-bellied glider project. It is believed the person who made the application no longer works at Sydney Uni and there are difficulties finding the appropriate person to deal with invoicing. This could lead to the \$11,806 not being paid out for this grant.

Councillor Smith updated the Committee on the Book of COSS project. At the 11 May 2020 Ordinary Council Meeting, Council resolved to release the \$8,200 subject to conditions which the Committee agreed to at the last meeting. A letter will be sent to Mr. Bell providing details of those conditions and advising that all actions need to be completed with evidence provided before any money is released.

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**Item 9 Finance Report**

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The Committee discussed the PoET Interest report in response to Action 81. It was noted that the interest declines over the years and what the reasons could be for this.

**Action:** The Committee request that a Finance Staff member attend the next meeting to clarify the following:

Protection of the Environment Trust Management Committee Meeting Record  
26 May 2020



- How interest is earned and allocated to the Trust.
- Why the April 2020 Finance report shows the Coastal Open Space (interest on \$1.5 million) as \$458,719.30 but the report provided showing interest since amalgamation and YTD up to April 2020 shows the figure as \$214,841.01.
- Where this money is invested as the finance report doesn't show which account it is in.

**Item 11            General Business and Close**

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No General Business.

The meeting closed at 3.10pm

**Next Meeting:        Tuesday 18 August 2020**  
**2pm – 3pm**  
**Location TBC**



**Item No:** 4.1  
**Title:** Meeting Record of the Water Management Advisory Committee meeting held 27 May 2020  
**Department:** Water and Sewer

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13 July 2020 Ordinary Council Meeting

Reference: F2019/01200 - D14034843  
Manager: Luke Drury, Section Manager Water Services and Design  
Executive: Jamie Loader, Director Water and Sewer

### **Summary**

To note the Meeting Record of the Water Management Committee meeting held on 27 May 2020.

### **Recommendation**

***That Council receive the report on Meeting Record of the Water Management Advisory Committee meeting held 27 May 2020.***

### **Background**

The Water Management Advisory Committee held a meeting on 27 May 2020. The Meeting Record of that meeting is Attachment 1 to this report.

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

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

Theme 4: Responsible

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

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

### **Attachments**

<b>1</b> Water Management Advisory Committee Meeting Record - 27 May 2020	D14034826
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# Water Management Advisory Committee Meeting Record 27 May 2020



Location:	Skype Meeting	
Date:	27 May 2020	
Time	Started at: 3.00pm	Closed at: 5.27pm
Chair	Councillor Jane Smith	
File Ref	F2019/01200	

**Present:**

Councillor Louise Greenaway, Councillor Chris Holstein, Councillor Jane Smith, Gary Murphy – Chief Executive Officer, John Asquith, Ken Brookes, Daryl Mann, Pamela McCann, Michael Redrup

**Council Staff present:**

Jamie Loader – Director Water and Sewer, Beth Burgess – Unit Manager Libraries Learning and Education, Luke Drury – Section Manager Water Services and Design, Greg Horvath – Water and Sewer Project Manager, Ashley Kelly – Team Leader Environmental Education, Satpal Singh – Senior Engineer Water Resource Planning, Donna Payne – Advisory Group Support Officer

**Item 1 Welcome, Acknowledgement of Country and Apologies**

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Apologies received: Councillor MacGregor

Councillor Smith welcomed the Advisory Group and completed an Acknowledgement of Country.

**Item 2 Disclosures of Interest**

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Councillor Smith declared a less than significant non-pecuniary interest as an employee of the Department of Education, in relation to Item 8 - Water Conservation Engagement Update.

**Item 3 Confirmation of Previous Meeting Record**

---

The Advisory Group confirmed the Meeting Record from 20 February 2020, pending a correction to Item 5. The second point in Item 5 should read "Level 1 Water Restrictions will be cut-off when Mangrove Dam reaches the recently revised trigger level of 55%".

The Advisory Group reviewed the Action Log.

**Item 4 Water Supply System Status Report – May 2020 (Standing Item)**

Satpal Singh (Senior Engineer Water Resource Planning) discussed the Water Supply System Status Report that was provided to the Advisory Group for review. The report provided Storage Dam Levels, Rainfall Statistics since February 2020 and a status of the important assets and what has impacted the system yield.

The following points were noted:

- River extraction: 4,700ML pumped to Mardi Dam after the February 2020 rainfall event.
- Hunter Water level is at 66.4% and they will remain on Level 1 Restrictions.
- Hunter Water has currently been supplying the Central Coast in 'Water Quality Mode' at a rate of 5ML/day over the last 4 weeks.
- Average weekly water demand since restrictions were imposed on 10 February 2020 has been 567ML.
- A Demand Tracking Model is being put in place that monitors Central Coast community usage and provides estimates based on climate/usage.

Concerns were raised about a water reduction shown on the CCC Website in 'Weekly Water Demand' (29/04/20 – 03/05/20) – queried whether this was residential or commercial. Staff clarified there was an inconsistency in the reporting period on the website, where it reduced from a 7-day time-frame to 2-3 day increments.

**Action:** Water and Sewer staff to adjust the reporting inconsistency on the CCC Website in relation to the Weekly Water Demand statistics over the late April 2020 to early May 2020 period.

**Item 5 Feedback on Draft Drought Management Plan Review (Action Item 11)**

Satpal Singh (Senior Engineer Water Resource Planning) discussed the Draft Drought Management Plan (DMP) that incorporates the feedback received from the Advisory Group members following the previous meeting. Water and Sewer staff have requested the Advisory Group review the revised document to ensure the feedback has been interpreted correctly and provide their final comments to Advisory Groups by COB Wednesday 3<sup>rd</sup> June 2020.

Need to identify the role of Councillors in a drought scenario within the DMP in line with community expectations. This may be through reporting mechanisms and trigger points for increased response / involvement of Councillors.

Discussion about timing of actions related to inactive recycled water schemes, storm-water harvesting and targeted rebate programs. Post meeting confirmation from staff is that refurbishment/recommissioning of viable recycled water and stormwater harvesting schemes should be part of 'business as usual' and the DMP will be updated to reflect this. Targeted rebate programs are being considered as part of the Integrated Water Resource Plan. Updates to Councillors during periods of drought will be facilitated via Councillor Briefings and Councillor Support Updates.

**Action:** Advisory Group members to provide their comments on the revised Draft Drought Management Plan to Advisory Group Support Officer by COD Wednesday 3<sup>rd</sup> June 2020.

**Action:** Councillor Smith to email Advisory Group Support Officer detailing further information sought on inactive recycled water schemes. Advisory Group Support Officer to forward to staff for review.

Water Management Advisory Committee Meeting Record  
27 May 2020



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**Item 6 Update Integrated Water Resource Plan (IWRP) Activities and Water Supply System Resilience Improvements (Action Item 18)**

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Luke Drury (Section Manager Water Services and Design) stated that the Briefing Note was shifted to the June 2020 Council Meeting Business Paper due to a broader re-prioritisation of agenda items for earlier Council meetings due to COVID 19 impacts.

The current 'Water Plan 2050' is being updated in collaboration with Hunter Water as part of their update of the Lower Hunter Water Plan. This includes the preparation of a joint headworks model to assess the performance of shortlisted options. The preparation of the IWRP will include an update of the recently prepared Drought Management Plan. The project is scheduled for completion in mid 2021.

Jamie Loader (Director Water and Sewer) advised that the Mardi to Warnervale Pipeline Project started the first connections to the existing network as of today (27 May 2020) which are required to occur during periods of low demand. Work is proceeding on the remainder of the pipeline on multiple fronts.

Pam McCann thanked Luke for his presentation and mentioned that she would be interested in following the Mangrove Creek Spillway Rectification works over the life of the Water Management Advisory Committee.

**Action:** Advisory Group Support Officer to provide the links that were in the Word Version IWRP Briefing Note to Advisory Group members.

**Action:** Staff to bring a summary of the short-listed options being considered by the plan to the next meeting.

**Action:** Staff to provide a table as a Standing Agenda Item, as presented in the Briefing Note on Water Resilience Works that lists each project and provides a brief status at each Water Management Committee Meeting.

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**Item 7 Water Restrictions / Water Wise Rules Considerations**

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Luke Drury (Section Manager Water Services and Design) stated that the Central Coast is approaching the trigger level for Level 1 restrictions to ease and revert back to Water Wise Rules.

Other points noted were:

- Recovery in Mangrove Creek Dam has been impacted by blue-green algae within Mardi Dam (now resolved).
- It is unclear if the February 2020 rainfall is just a short-wet period within a longer drought sequence or a return to average rainfall. This needs to be considered in relation to returning to Water Wise Rules.
- Hunter Water and Sydney Water are remaining on Level 1 Restrictions despite significant recovery of their storages since February 2020.
- A broader decision framework was required to support the established water restriction trigger levels that considers:
  - The seasonal outlook (for stream flows, rainfall and temperature)
  - Achievement of the current restriction target
  - The timing and risk associated with any contingency water supplies, and
  - Any other relevant information



The Advisory Group were asked to consider the options provided in the Briefing note:

- Option 1: Do nothing and transition to Water Wise Rules following the next meaningful rain event.
- Option 2: Remain on Level 1 Water Restrictions after MCD reaches 55%. Formalise a mechanism for the Council Executive Staff to make operational decisions considering both the current storage level and broader factors.

The consensus from the Advisory Group was to not transition to Water Wise Rules and defer that decision until the end of spring when more information regarding longer term rainfall and system response is available. Further review is required regarding the delegations to make decisions to deviate from the established restriction trigger levels.

### **Item 8 Water Conservation Engagement Update**

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Ashley Kelly (Team Leader Environmental Education) provided a program overview on the formal and informal education activities including environmental needs and community needs that Central Coast Council provide to the community.

Early Childhood Programs were conducted during National Water Week with 412 children engaged through libraries and Child Care Centres and 155 Resource Packs distributed to Child Care Centres for children to take home. Upcoming activities include Dr Hydro incursions, Water Audit and Parker Book.

There are 69 primary schools linked via the Stage 3 Learning Syllabus in Science & Technology, Maths and Geography, and 32 high schools in Stage 4 Geography syllabus (Water in the World), and Stage 4 Maths and Science.

School programs ready to commence once restrictions are lifted include:

- Virtual Tours / Mardi Dam Excursions
- Smart Water Data Logger Program (allows students portal access to their school's water data information, 7 schools registered to date)
- School Sustainability Leaders Forum (20 teachers attended)

Small Business Programs include:

- Instantaneous Water Usage to Owners (5 businesses registered)
- Plumber facilitated Water Audit

Community Programs in place:

- Budgewoi Lakes Festival (approx. 2000 people in attendance, 150 uses of water calculator tool)
- Australia Day Events (Woy Woy, The Entrance, Shelley Beach)
- Council Meeting December 2019 (packs given to 60 members of the community)
- Water Refill Stations for hire
- Water Catchment Tours (cancelled due to fires, storms and Covid. Bus Tours with Education Officers are ready to proceed once restrictions are lifted. They are booked out in advance).
- Water Saving Tips competition
- Smart Water Hospitality pack
- Love Water Website (over 45,000 users, 3,847 uses of water calculator)
- Communications via Social Media, E-News and Radio

Water Management Advisory Committee Meeting Record  
27 May 2020



The Advisory Group congratulated and thanked staff for the work put into their comprehensive presentation, in particular the engaging slogans used in the programs.

Staff advised they have been working with schools since August 2019 to capture data to track savings. It was noted that it would be interesting to quantify in 12 months.

**Action:** A copy of the Environmental Education Program Overview presentation to be provided to Advisory Group members for their information.

**Action:** An example Hospitality Package to be provided to Advisory Group members at the next meeting.

#### **Item 9 Update on Drought Response Desalination Readiness Assessment**

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Jamie Loader (Director Water and Sewer) advised that he is briefing the Executive Leadership Team within the next couple of weeks on the Drought Response Desalination Readiness Assessment. Once feedback is received, it will be forwarded to the Advisory Group for comment prior to a being presented at a Councillor Briefing.

#### **Item 10 General Business and Close**

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**Action:** Advisory Group Support Officer to forward possible dates for the next Water Management Advisory Committee Meeting to be held towards the end of June 2020.

The meeting closed at 5.27pm

**Next Meeting:** End of June 2020  
(Date to be confirmed)



**Item No:** 4.2  
**Title:** Meeting Record of the Gosford CBD and Waterfront Advisory Committee meeting held on 14 May 2020  
**Department:** Environment and Planning

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13 July 2020 Ordinary Council Meeting

Reference: F2018/00101 - D14027569

Executive: Scott Cox, Director Environment and Planning

### **Summary**

To note the Meeting Record of the Gosford CBD and Waterfront Advisory Committee meeting held on 14 May 2020.

### **Recommendation**

***That Council receive the report on Meeting Record of the Gosford CBD and Waterfront Advisory Committee meeting held on 14 May 2020.***

### **Background**

The Gosford CBD and Waterfront Advisory Committee held a meeting on 14 May 2020. The Meeting Record of that meeting is Attachment 1 to this report.

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

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

Theme 4: Responsible

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

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

### **Attachments**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Gosford CBD and Waterfront Advisory Committee Meeting Record - 14 May 2020 | D14026963 |
|----------|--|-----------|



# Gosford CBD and Waterfront Advisory Committee Meeting Record 14 May 2020



Location:	Skype Meeting	
Date:	14 May 2020	
Time	Started at: 4.02pm	Closed at: 5.37pm
Chair	Councillor Jane Smith	
File Ref	F2018/00101	

**Present:**

Councillor Louise Greenaway, Councillor Chris Holstein, Councillor Kyle MacGregor, Councillor Richard Mehrtens, Councillor Jane Smith, Michael Conroy, Joy Cooper, Rod Dever, Dianne Haydon, Chris Krogh

**External Representatives:**

Caine King – Urban Development Institute of Australia Central Coast Branch, Nicola Robinson – Central Coast Regional Development Corporation

**Council Staff present:**

Scott Cox – Director Environment and Planning, Ricardo Martello – Executive Manager Innovation and Futures, Julie Vaughan – Director Connected Communities, Jamie Barclay – Unit Manager Economic Development and Project Delivery, Glenn Cannard – Unit Manager Community Partnerships, Karen Tucker – Unit Manager Strategic Planning, Donna Payne – Advisory Group Support Officer

## **Item 1 Apologies and Acknowledgement of Country**

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Apologies received: Councillor Rebecca Gale, Edwina Nikora, Michael Papadopoulos – Roads and Maritime Services

The Chairperson, Councillor Jane Smith, completed an Acknowledgement of Country and Connection to Land statement.

## **Item 2 Disclosures of Interest**

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Caine King declared a less than significant non-pecuniary interest at Item 6 as he has been involved in some work on developments in North Gosford.

## **Item 3 Confirmation of Previous Meeting Record**

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The Advisory Group confirmed the Meeting Record from 03 March 2020.

The Advisory Group discussed the Action Log.

Gosford CBD and Waterfront Advisory Committee Meeting Record  
14 May 2020



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**Item 4 Government Architect Plan and Place Plan for Kibble Park (Action 23)**

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Glenn Cannard – Unit Manager Community Partnerships confirmed that an external consultant has been engaged and work will commence over the next week or two. There will be the opportunity for community consultation and for participation in online meetings/forums. The intent is to better activate the park by looking back on information that has been gathered in the past and consider previous comments (positive and negative) to gain an understanding on how people want to use the park.

**Action:** Glenn Cannard to dot-point the information provided in the update on the Government Architect Plan and Place Plan for Kibble Park and provide to Advisory Group Support Officer for circulation.

**Action:** Advisory Group Support Officer to liaise with Glenn Cannard to place 'Update of the Regional Library' on the agenda for a future meeting.

**Action:** An update on the Place Plan be included in a future meeting. Advisory Group Support Officer to check with Glenn Cannard when to include this as an agenda item.

---

**Item 5 Feedback on Integrity of Kibbleplex Buildings (Action 32)**

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Jamie Barclay – Unit Manager Economic Development and Project Delivery advised that Council is not involved with the building, as it is owned by a private group. There is no structural report or accurate records to talk on. The site is currently being used as a public carpark.

It was asked if the site is subject to contamination and whether further information can be obtained from the Council records surrounding this subject.

**Action:** Staff to investigate if there is further information available surrounding the possible contamination of the Kibbleplex site.

---

**Item 6 Current and Proposed Developments in Gosford CBD (standing item)**

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An update on the current and proposed developments in Gosford CBD was tabled to the Advisory Group providing the current status on the major applications in the Gosford City Centre.

It was noted that most developments are going to the Regional Planning Panel (RRP) with Council staff preparing reports to the panel.

A question was raised regarding the development stimulus offered due to COVID-19. The Minister's announcement was referred to and it was noted that this in relation to proposals that have already been exhibited and gone through the consultation phase.

Comments were raised surrounding visual amenities, placemaking and the look and feel of Gosford CBD. The topic of development around the Central Coast Leagues Club was also raised.

**Action:** Joy Cooper to email Advisory Group Support Officers identifying in particular what she would like to be discussed and included on the agenda for a future meeting. Advisory Group Support Officer to forward this information onto the Convenor and Chair.



Gosford CBD and Waterfront Advisory Committee Meeting Record  
14 May 2020



**Action:** Scott Cox to investigate if any application has been lodged with regards to development surrounding the Central Coast Leagues Club and advise the Advisory Group.

#### **Item 7 Notice of Motion – Gosford Waterfront Marina**

---

It was noted that the Resolution is slightly different to the NoM provided to the Advisory Group prior to the meeting. Once the report in the Business Paper has been finalised, it is to be forwarded to the Advisory Group members for their information and comments.

It was mentioned that there are more positives (than negatives) in activating the waterfront/foreshore area however, noted that each person may well have a different view about what “activation” means.

**Action:** The Advisory Group to review the previous Government Architect masterplans for the waterfront area and what changes there may have been to planning controls.

#### **Item 8 Report on Potential Soil Contamination (Action 26)**

---

Staff reported that Appendix F of the Brisbane Water Estuary Processes Study discusses heavy metal distribution and sediment quality in the estuary (Content Manager record number – ECMD10032483).

The report indicates that there is a strong gradient in the concentration of heavy metals in bed sediments from north to south i.e. there are higher levels in the northern end of the estuary around Gosford and Narara Creek in particular. Despite relatively high levels of all measured metals compared to the pre-European baseline, the risk of adverse effects on biota due to metallic contamination was considered to be very minor. Notwithstanding, the study showed that heavy metals were still being introduced to the Brisbane Water and more work is required at a finer scale to evaluate toxicity and bioavailability of heavy metals, particularly in the more contaminated, northern sections of the estuary.

#### **Item 9 Updates from Committee Members (if applicable)**

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Rod Dever from the Chamber of Commerce provided an update on the 'Bigger Backyard' project. There has been a \$17.5m pledge with the aim of doing business locally and to keep it local.

**Action:** Rod Dever to provide the Bigger Backyard link to the Advisory Group Support Officer who will forward onto the Advisory Group members.

It was asked if there is any indication of a time-frame when activities and events may be up and running again. Staff noted that Council are working to better understand the Stage 3 Trigger where restrictions are lifted to allow gatherings of 100 people. It is estimated that staff are at least four (4) weeks away of have any informed idea of a time-frame.

Rod Dever asked if the Advisory Group will be briefed on the draft Parking Strategy.

**Action:** Update on the draft Parking Strategy to be provided at the next Advisory Group meeting.

Councillor Holstein asked if an update could be provided on the Leagues Club Field project. Nicola Robinson confirmed that it is on-track to be opened before the end of the year.

Gosford CBD and Waterfront Advisory Committee Meeting Record  
14 May 2020



**Action:** Staff to explore facilitating a site inspection of Leagues Club Field for Advisory Group members.

**Item 10            General Business and Close**

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- a) Chris Krogh mentioned the University of Newcastle Medical Institute's progress with the first lot of students due through in 2021. The possibility of a 2<sup>nd</sup> campus in Gosford was also mentioned. He suggested that the Dean of Central Coast Campus, Dr Brok Glenn be invited to a future meeting to provide an update on the regional campuses.

**Action:** Dr Brok Glenn to be invited to a future meeting to provide an update on the regional campuses. Chris Krogh to provide contact details to the Advisory Group Support Officer who will liaise with staff for guidance on when to place on the agenda for a future meeting.

- b) The Warriors usage of the Central Coast Stadium was raised. It was confirmed that their visit is being controlled and governed by the NRL and the only link to Central Coast Council is being allowed to train at the stadium. It was noted that they will be accommodated at the Star of the Sea in Terrigal. The Advisory Group requested further information about precautionary measures put in place with regards to the Warriors visit.

**Action:** Further information on what measures have been put in place as a precaution while the New Zealand Warriors are in residence in the Central Coast Local Government Area to be provided.

- c) Councillor Greenaway requested that any public disclosures surrounding Gosford parking proposals that may be put in the business papers be circulated to the Advisory Group members.

The meeting closed at 5.37pm.

**Next Meeting:            Thursday 13 August 2020  
4pm - 6pm  
Location TBC**



**Item No:** 4.3  
**Title:** Meeting Record of the Companion Animals  
Advisory Committee meeting held 28 May 2020  
**Department:** Environment and Planning

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13 July 2020 Ordinary Council Meeting

Reference: F2019/00998 - D14034881  
Manager: Brian Jones, Unit Manager, Environment and Certification  
Executive: Scott Cox, Director Environment and Planning

### **Summary**

To note the Meeting Record of the Companion Animals Advisory Committee meeting held on 28 May 2020.

### **Recommendation**

***That Council receive the report on Meeting Record of the Companion Animals Advisory Committee meeting held 28 May 2020.***

### **Background**

The Companion Animals Advisory Committee (CAAC) held a meeting on 28 May 2020. The Meeting Record of that meeting is Attachment 1 to this report.

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

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

Theme 4: Responsible

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

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

### **Attachments**

**1** Companion Animals Advisory Committee Meeting Record - 28 May 2020 D14034874

# Companion Animals Advisory Committee Meeting Record 28 May 2020



Location:	Skype Meeting	
Date:	28 May 2020	
Time	Started at: 4.00pm	Closed at: 4.49pm
Chair	Councillor Greg Best	
File Ref	F2019/00998	

**Present:**

Councillor Greg Best, Councillor Jeff Sundstrom, Louise Harding, Velma Harris, Greg Kelman, Te're Melrose

**External Representative present:**

Marilyn Jurlina – SOCARES Animal Care Facility Charmhaven, Deanna Walton – Central Coast Animal Care Facility

**Council Staff present:**

Brian Jones – Unit Manager Environment and Certification, Grant Foster – Section Manager Community Safety, Warren Murphy – Section Manager Contracts and Projects, Boyd McMillan – Landscape and Recreation Planner Open Space Projects and Planning, Donna Payne – Advisory Group Support Officer

**Item 1 Welcome, Acknowledgement of Country and Apologies**

Apologies received: Councillor Jillian Hogan, Councillor Kyle MacGregor, Allan Benson, Terrie Lynn

Councillor Greg Best welcomed the Advisory Group and completed an Acknowledgement of Country.

**Item 2 Disclosures of Interest**

The Chairperson called for any disclosures of interest. No disclosures were received.

**Item 3 Confirmation of Previous Meeting Record**

The Advisory Group confirmed the Meeting Record of 27 February 2020.

The Action Log was reviewed.

Companion Animals Advisory Committee Meeting Record  
28 May 2020



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**Item 4                    Review of Fostering of Companion Animals Information (Action 11)**

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*This item was deferred to follow Item 7.*

The Advisory Group discussed information that was provided following the previous meeting on the research Velma Harris conducted on fostering of companion animals. It was noted that at the Charmhaven Facility there are fostering programs in place which target young animals (puppies and kittens), animals recovering from surgery and animals requiring palliative care.

Quorum was lost at 4.49pm in accordance with Section Three of the Terms of Reference, due to departure of a voting member. Informal discussion continued as agreed by Advisory Group members, but no minutes were recorded beyond this point.

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**Item 5                    Update on Cat Information (Actions 12 and 13)**

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*This item was not addressed due to loss of quorum in Item 4.*

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**Item 6                    Update on the Control of Cats**

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*This item was addressed as part of Item 8.*

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**Item 7                    Dog Parks and Dog Off-Leash Areas**

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*This item was moved forward to follow Item 8. It was followed by Item 4.*

Boyd McMillan (Landscape and Recreation Planner Open Space Projects and Planning) addressed the Advisory Group regarding dog parks and off-leash areas. It was advised that Council is currently reviewing the dog park/off-leash parks strategy. A revised strategy is expected to be available for community consultation before 30 December 2020.

The following points were noted:

- Central Coast region has 57 active dog exercise areas
- One of the largest sources of complaints to Council are open space areas (not necessarily animal areas)
- Council are looking at ranking areas and where other opportunities may be available.

**Action:** Boyd McMillan to provide in dot-point format the key points discussed in his update on dog parks and dog off-leash areas for circulation to Advisory Group members.

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**Item 8                    Control of Cats: Council Meeting 25 May 2020 Resolution**

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*This item was moved forward to follow Item 3. It was followed by Item 7*

The Advisory Group discussed the *Response to the Notice of Motion – Cat Curfew for the Central Coast* that was distributed to the Advisory Group prior to the meeting for review. This item came from the Council Meeting held 25 May 2020 and was referred to the Companion Animals Advisory Committee for input.



The related resolution of Council was as follows:

- 408/20**      ***That Council write to the NSW State Government requesting amendments to the Companion Animals Act 1998 so that cats have the same control requirements as dogs.***
- 409/20**      ***That Council investigate mechanisms available under relevant legislation that may provide for cat containment within new subdivisions noting that containment occurs in a number of suburbs in the ACT and is recommended by numerous cat welfare organisations.***
- 410/20**      ***That Council refer this item to the Companion Animals Committee for input.***

The consensus from the Advisory Group was:

- Resolution 408/20: Persuading the State Government to change the law under the Companion Animals Act may not be possible and that education towards responsible cat ownership is the best way forward. Acknowledged that staff would still be writing to the NSW State Government as determined by the Council resolution.
- Resolution 409/20: Investigating containment mechanisms is an option that could be worked with. This would benefit wildlife in the Central Coast region and also promotes a longer, healthier life for domestic cats.

Councillor Sundstrom provided a link to the [draft ACT Cat Plan](#) that provides an overview of the ACT Government's plan on cat management with regard to the health, welfare and safety of both cats and native animals.

**Action:** Advisory Group Support Officer to forward the ACT Cat Plan link to Advisory Group members for their information.

**Action:** Draft ACT Cat Plan to be reviewed by staff who will provide a briefing at the next meeting prior to any decision being made on any further course of action.

**Action:** Staff to make further enquiries on how the ACT Government measures control of cats and report back to Advisory Group.

*Quorum was lost in Item 4 so the meeting did not proceed beyond this point.*



**Item No:** 4.4  
**Title:** Meeting Record of the Town Centre Advisory Committee meeting held on 19 May 2020  
**Department:** Connected Communities

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13 July 2020 Ordinary Council Meeting

Reference: F2019/00505 - D14027821  
Manager: Glenn Cannard, Unit Manager, Community Partnerships  
Executive: Julie Vaughan, Director Connected Communities

### **Summary**

To note the Meeting Record of the Town Centre Advisory Committee meeting held on 19 May 2020.

### **Recommendation**

***That Council receive the report on Meeting Record of the Town Centre Advisory Committee meeting held on 19 May 2020.***

### **Background**

The Town Centre Advisory Committee held a meeting on 19 May 2020. The Meeting Record of that meeting is Attachment 1 to this report.

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

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

Theme 4: Responsible

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

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

### **Attachments**

**1** Town Centre Advisory Committee Meeting Record - 19 May 2020      D14027782



# Town Centre Advisory Committee Meeting Record 19 May 2020



Location:	Skype Meeting	
Date:	19 May 2020	
Time	Started at: 3.16pm	Closed at: 5.08pm
Chair	Mayor Lisa Matthews	
File Ref	F2019/00505	

**Present:**

Mayor Lisa Matthews, Councillor Chris Burke, Councillor Chris Holstein, Councillor Jane Smith, Robert Diaz, Matthew Hingerty, Matthew Lusted, Paula Martin, Brenton Pavier, Matthew Wales

**Council Staff present:**

Julie Vaughan – Director Connected Communities, Jamie Barclay – Unit Manager Economic Development and Project Delivery, Glenn Cannard – Unit Manager Community Partnerships, Jared Phillips – Section Manager City Planning and Design, Shari Young – Team Leader Enterprise and Activation, Donna Payne – Advisory Group Support Officer

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**Item 1 Welcome, Acknowledgement of Country and Apologies**


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Apologies received: Rod Dever, Juan Iocco, Deborah Warwick

Mayor Lisa Matthews welcomed the Advisory Group and completed an Acknowledgement of Country and Connection to Land Statement.

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**Item 2 Disclosures of Interest**


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

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**Item 3 Confirmation of Previous Meeting Record**


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The Advisory Group confirmed the Meeting Record from 29 October 2019.

The Advisory Group discussed the Action Log.

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**Item 4 Chamber of Commerce Updates (Standing Item)**


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Paula Martin – Regional Director Central Coast provided a presentation and update on the 'Bigger Backyard' program that was launched through the 'In Good Company' initiative.



Town Centre Advisory Committee Meeting Record  
19 May 2020



There is a three (3) month marketing campaign to help make the Central Coast community aware of the App associated with this initiative and its usability. The target audience will be different sectors of the community (e.g. restaurants, clubs etc) depending on how and what restrictions are being eased.

**Action:** A copy of the communications between the Chamber of Commerce and staff on the launch activities for this initiative be provided to Advisory Group members.

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**Item 5                    Update on Place Plans**

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Glenn Cannard – Unit Manager Community Partnerships advised that Place Plans have been significantly delayed due to COVID-19, with the launch now expected in approximately 1-2 week's time. There will be specific engagement sessions to allow for the Advisory Group members to provide comments. A further update will be given at the next meeting.

**Action:** Glenn Cannard to provide an update on Place Plans at the next meeting.

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**Item 6                    Strategic Planning Update**

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Jared Phillips – Section Manager City Planning and Design gave a presentation on the strategic planning approach to town centres including what urban design means, why it is important and what a typical urban design process looks like.

Four key centres were identified as current priorities, these being Erina, Woy Woy, East Gosford and West Gosford. It was noted that engagement with businesses and community groups will be conducted by stakeholder workshops.

**Action:** A copy of the strategic planning presentation to be provided to the Advisory Group members.

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**Item 7                    Transformational Town Centre Projects**

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Item to be deferred to the next meeting with a one hour time allocation to enable the topic to be workshopped.

**Action:** Advisory Group Support Officer to place 'Transformational Town Centre Projects' on the agenda for the next meeting.

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**Item 8                    General Business and Close**

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- a) Matthew Wales and Matthew Hingerty congratulated Council on the approval of the new hotel in Ettalong.
- b) Brenton Pavier appealed to the Councillors present at the meeting on the importance of water quality at The Entrance.

Town Centre Advisory Committee Meeting Record  
19 May 2020



- c) It was suggested that the Tourism Advisory Committee, Employment and Economic Development Committee and the Town Centre come together to create a forum for discussion on the rejuvenation of town centres.

The meeting closed at 5.08pm

**Next Meeting:           Wednesday 15 July 2020**  
**3pm – 5pm**  
**Location TBC**



**Item No:** 4.5  
**Title:** Meeting Record of the Status of Women Advisory Group meeting held 2 June 2020  
**Department:** Connected Communities

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13 July 2020 Ordinary Council Meeting

Reference: F2017/00176 - D14034935  
Manager: Glenn Cannard, Unit Manager, Community Partnerships  
Executive: Julie Vaughan, Director Connected Communities

### **Summary**

To note the Meeting Record of the Status of Women Advisory Group held on 2 June 2020.

### **Recommendation**

***That Council receive the report on Meeting Record of the Status of Women Advisory Group meeting held 2 June 2020.***

### **Background**

The Status of Women Advisory Group (SOWAG) held a meeting on 2 June 2020. The Meeting Record of that meeting is Attachment 1 to this report.

There are no actions recommended to Council. The Meeting Record is being reported for information only.

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

Theme 4: Responsible

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

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

### **Attachments**

1 SOWAG Meeting Record - 2 June 2020 D14034912

## Status of Women Advisory Group Meeting Record 2 June 2020



Location:	Zoom Meeting
Date:	2 June 2020
Time	Started at: 3.20pm    Closed at: 4.49pm
Chair	Mayor Lisa Matthews
File Ref	F2017/00176

### **Present**

Mayor Lisa Matthews, Councillor Chris Holstein, Sharryn Brownlee, Margot Castles, Danielle Habib, Sally Jope, Monique Tovo, Sharon Walsh, Julie Vaughan – Director Connected Communities

### **Council Staff present:**

Glenn Cannard – Unit Manager Community Partnerships Zoie Magann – Advisory Group Support Officer

### **Item 1            Welcome, Acknowledgement of Country, Apologies**

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Apologies received: Councillor Kyle MacGregor, Belinda Kimpton, Aliesha Carreno – Community Development Worker,

Mayor Lisa Matthews welcomed the Advisory Group and completed an Acknowledgement of Country.

### **Item 2            Disclosures of Interest**

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No disclosures were noted.

### **Item 3            Confirmation of Previous Meeting Record**

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The Advisory Group confirmed the Meeting Records from 14 April 2020.

The Advisory Group reviewed the Action Log.

It was noted that regular meetings have been held between key stakeholders (including local police and NSW Health) to address the current pandemic. A focus for police has been dealing with people being forced into isolation and adhering with restrictions. Police reports indicate that domestic violence (DV) report numbers are down, however it was acknowledged these stats may not be an accurate representation. Other organisations have seen a rise in DV report numbers during the pandemic, and noted these cases are not being referred by the police.

Status of Women Advisory Group Meeting Record  
2 June 2020



It was requested that hosting a march as part of IWD be considered for future planning. It was noted there are challenges in acquiring the relevant approvals with regard to street closures, but staff will follow up offline and the related action will remain pending for discussion.

#### **Item 4                    Consideration of Priorities and Action Plan for 12 Months**

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The Advisory Group were requested to consider their priorities for the next 12 months and identify focus for future meetings. It was noted that one suggestion had been shared via email in that a representative from The Glen be invited to a future face-to-face meeting to discuss the new women's drug and alcohol centre that is being built in Wyong.

Suggested future topics for focus were as follows:

- Scholarships and school education opportunities (note pending meeting with DoE as per Action 58).
- Information sharing and opportunities for women wishing to pursue role in government, in collaboration with ALGWA through women's forums.
- Alternative methods for meetings and distribution of info:
  - Round table discussion with leading community organisations who work with women (face-to-face meetings).
  - Hosting a series of workshops with specific themes e.g. working from home, impact of pandemic on women (professionals and full-time parents/carers), women in leadership, women in local government (consider aligning with Local Government elections in 2021).
  - Email notices regarding current plans/strategies on public exhibition, with view to encourage greater awareness and women's interest in key matters.
- Availability of free resources to support women (most require payment such as membership fee).
- Continue with IWD and Festival of Women as focus and consider areas for improvement.
- Promotion of group within Council as a valuable source of information given the various subject matter experts and organisations represented, and interest of group in reviewing policies/plans etc (noted there are resource and timing challenges with this and may not be appropriate for group).

It was also noted that a Social Taskforce has been developed which is currently considering the role of Council in the pandemic situation, including the level of comms and support systems offered.

**Action:** Joe Coyte from The Glen to be invited to a future face-to-face meeting to discuss the new women's drug and alcohol centre that is being built in Wyong.

**Action:** Community Engagement team to work with Advisory Group Support Officer to consider promoting awareness of items on public exhibition by issuing email notices to Advisory Group members.

**Action:** Mayor Lisa Matthews to follow up with ALGWA board regarding possibility of Central Coast Council hosting a women's forum in the future.

#### **Item 5                    Updates from Advisory Group Members**

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Each Advisory Group member was given the opportunity to share any updates or thoughts they have with the group. The below comments were captured:

Status of Women Advisory Group Meeting Record  
2 June 2020



- There is a renewed push for a standalone university on the Central Coast (as opposed to campus for University of Newcastle). Still only early days but is an area of interest with regard to autonomy.
- With regard to home-schooling during pandemic, more than 30% of student population did not engage with school at all during online learning. Identified factors include digital divide, lack of technology available, and tensions at home. There was a large push to get students back to school to foster wellbeing and offer escape for those potentially in danger.
- Concerns raised with regard to lease arrangements for groups who work in Council owned buildings – noted draft Facilities Leasing and Licencing Policy is currently on public exhibition at <https://www.yourvoiceourcoast.com/> until Tuesday 30 June 2020. Staff are open to meeting with groups to help understand individual circumstances and impacts of policy.
- Highlighted importance of availability of support resources for children and families (e.g. Camp Magic) and that there is a lack of such facilities on the Central Coast.
- Risk to women is increasing with regard to DV, as some perpetrators are being released from prison early due to pandemic. This is of great concern.
- Noted challenges with providing care to elderly family members during pandemic, and apparent inequity in aged care system.
- Good news story: while impact of pandemic has been large, Council has been able to diversify how programs are provided and improve access to resources. Driver safety, library story time, author talks, and environmental education series are all being offered online through Coast Connect YouTube channel. The Harvest Festival will also be altered this year to provide online workshops.
- There are some concerns about a potential second wave of COVID-19. It was noted that the social implications and effect on mental health are significant (particularly for young people). Important to continue showing support for local business and working together in these challenging times.

#### **Item 6                    General Business and Close**

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Advisory Group members said they would like to continue with Zoom meetings, even once the Council Administration Buildings open again, given the convenience with regard to travel/time and reduction in emissions. It was noted this would be taken into consideration as Council transitions back to the workplace.

The meeting closed at 4.49pm

**Next Meeting:            Tuesday 4 August 2020**  
**3pm – 5pm**  
**Location TBC**



**Item No:** 4.6  
**Title:** Meeting Record of the Tourism Advisory Committee meeting held 3 June 2020  
**Department:** Connected Communities

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13 July 2020 Ordinary Council Meeting

Reference: F2018/01648 - D14034965  
Manager: Sue Ledingham, Unit Manager Community Engagement  
Executive: Julie Vaughan, Director Connected Communities

### **Summary**

To note the Meeting Record of the Tourism Advisory Committee meeting held on 3 June 2020.

### **Recommendation**

***That Council receive the report on Meeting Record of the Tourism Advisory Committee meeting held 3 June 2020.***

### **Background**

The Tourism Advisory Committee held a meeting on 3 June 2020. The Meeting Record of that meeting is Attachment 1 to this report.

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

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

Theme 4: Responsible

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

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

### **Attachments**

**1** Tourism Advisory Committee Meeting Record - 3 June 2020      D14034956



# Tourism Advisory Committee Meeting Record 3 June 2020



Location:	Zoom Meeting	
Date:	3 June 2020	
Time	Started at: 3.02pm	Closed at: 5.10pm
Chair	Councillor Chris Holstein	
File Ref	F2018/01648	

**Present:**

Councillor Chris Holstein, Councillor Jane Smith, Robert Diaz, Bill Jackson, Nadia O'Connell, Emma Perham, Catharine Retter, Glenn Caldwell – Destination Sydney Surrounds North, David Jewell – Central Coast Tourism Inc, Russell Mills – Tourism Central Coast

**External representatives present:**

Carolyn Childs – My Travel Research (left 4.16pm), Penny Spoelder – TRC Tourism (left 4.16pm)

**Council Staff present:**

Julie Vaughan – Director Connected Communities, Sue Ledingham – Unit Manager Community Engagement, Jacqueline Svedas – Business and Economic Development Manager (left 4.41pm), Gemma Axford – Team Leader Marketing and Tourism, Zoie Magann – Advisory Group Support Officer

**Item 1 Welcome, Acknowledgement of Country and Apologies**

Apologies received: Councillor Jeff Sundstrom, Tim Faulkner

Councillor Chris Holstein welcomed the Advisory Group and completed an Acknowledgement of Country.

**Item 2 Disclosures of Interest**

Councillor Jane Smith declared a less than significant non-pecuniary interest as she had done so previously, as a member of the Marine Discovery Centre Trust Committee.

**Item 3 Confirmation of Previous Meeting Record**

The Advisory Group confirmed the Meeting Records from 19 February 2020.

The Advisory Group discussed the Action Log. It was noted that an update on waterways activation and the 2020/21 budget will be provided at the next meeting.





**Action:** Information on waterways activation to be circulated to Advisory Group members via email as soon as practicable.

#### **Item 4            Tourism Opportunity Plan Update (standing item)**

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Sue Ledingham (Unit Manager Community Engagement) provided the Advisory Group with an update on the Tourism Opportunity Plan (TOP) and other areas of interest.

The following key points were noted:

- Tourism Management Review: adopted by Council 11 May 2020. Recruitment will be undertaken to fill two tourism roles within Council, to allow progress towards the actions identified in the TOP. Procurement has also commenced for engagement of digital marketing and industry services to complement the model of work.
- Destination Brand campaign: Campaign artwork is being finalised, launch locally end of June early July and then external to region in August/September 2020.
- 'Love Local' campaign is continuing – this started amidst pandemic to generate support for local businesses and has been largely successful.
- 'Always On' campaign out of region is also continuing to encourage regional travel that is opening up.
- Good news story: Council had a segment on the Today Show on Monday 1 June in partnership with Destination NSW to promote the Central Coast region. There was limited time to prepare (less than 24 hours), but the team managed to pull together a package that reached ~200k viewers, ~300k people across social media, and generated ~\$120k for Central Coast tourism. Various businesses were highlighted as part of the segment and it was a huge win for the Central Coast.
- Staff have been working with the New Zealand Warriors NRL team to leverage marketing opportunities with hosting NRL games at Central Coast stadium. The first game was held Saturday 30 May 2020. Various opportunities are being explored to generate tourism for the region.
- The Harvest Festival will be running online this year via Council's YouTube channel and social media. It will focus on showcasing the hinterland region and operators, through provision of online talks and workshops.
- Destination Sydney Surrounds North (DSSN) campaign 'Now's the Time to Love NSW' is focused on regional destinations (including Central Coast) and highlights what is available in the areas. This is a good opportunity to leverage exposure for the Central Coast. There is a call for uniting and activating the market for Newcastle Airport to support this.
- Noted that some plans need adjustment considering COVID-19, and any highlights will be brought back to the group for their information.

Russell Mills (Tourism Central Coast) noted there is currently a \$50k match funding opportunity available to promote the region in partnership with Newcastle Airport, which is separate to the Love NSW campaign. It was highlighted this is a time sensitive matter and would need to be raised with Council staff formally to be considered. It was also noted there is a current Council Resolution regarding partnership with Newcastle Airport, so this is an area of interest for Council.

**Action:** Russell Mills to follow up with relevant stakeholders about submitting a formal request to Council staff about the match funding opportunity to promote the region in partnership with Newcastle Airport.

**Action:** Sue Ledingham to share highlights of Today Show segment.

**Item 5 Update on Current Tourism Studies Underway**

Penny Spoelder (TRC Tourism) provided an overview of the Eco and Rural Tourism study currently underway.

The following key points were noted:

- Study is two thirds (2/3) complete and examines opportunities for ecotourism/agritourism.
- Agritourism is hard to measure, but DSSN stats show that Central Coast has had significant (almost double) growth in stats for visitors coming to the region for food/wine in the past 5 years. This is consistent with growth seen across NSW.
- Water based activities are also seeing strong growth (about 76%), as is bushwalking (about 179%). This suggests demand is outweighing the supply of infrastructure.
- Survey is being conducted (closes Friday 5 June 2020) to complement study, and will guide recommendations to be provided in a subsequent report to the Small Business Commissioner.
- Two of the top priorities identified from the study are activating waterways and improving agritourism for operators. Challenges include marketing, meeting government regulations, public transport, and availability of infrastructure.
- Noted that agritourism is an emerging industry which is important to Central Coast hinterland – support is needed to establish a strong position in the developing market.
- Key finding of the study is that agricultural growth is essential to get the agritourism sector moving, as opposed to improvements needed in the tourism sector.
- Important to develop partnerships with other areas including Hunter Valley and Cessnock Shire Council, as well as supporting local farmers.
- It's also worthwhile to explore opportunities with Darkinjung Local Aboriginal Land Council (DLALC) and groups who represent Aboriginal and Torres Strait Islander people as Indigenous tourism experiences such as short interpretative walks are very valuable. National Parks and Wildlife Services (NPWS) are another key group to consult with.

**Action:** Penny Spoelder (TRC Tourism) to confirm when report to Small Business Commissioner is made publicly available and can be shared with the Advisory Group through Convenor.

Carolyn Childs (My Travel Research) provided an overview of the RV feasibility study currently underway.

The following key points were noted:

- Study examines opportunities for RV tourism and the provision of camping facilities.
- Stakeholder consultation is underway and draft frameworks are being developed. An initial report is expected mid-June to allow for feedback, with expected completion of final report for 30 June 2020.
- Study is being conducted in conjunction with Penny's ecotourism study to avoid overlap and share key information.
- Noted it's important to think about sector holistically to best understand opportunity because the distinction between free vs paid caravanners is blurred, and 'towables' still account for the majority of 'RV' production.
- Key finding of the study is that this sector has strong long-term growth, and is expected to be one of the first to recover post pandemic as restrictions ease (safety and security are key factors, particularly with regard to hygiene and management of space). Noted that sector will likely see reduction in over 60 age group following pandemic, given demographic vulnerability to virus and resonating concerns.
- Area provides opportunity for partnership with neighbouring LGAs (eg. Great Pacific Drive)

Tourism Advisory Committee Meeting Record  
3 June 2020



**Action:** Both presentations on tourism studies to be shared with Advisory Group members for their information and feedback.

**Action:** Staff to find out how many RV sites are on the Central Coast and how many of these are free, and report back to the Advisory Group.

#### **Item 6                    Update on Economic Taskforce re Tourism Sector**

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Jacqueline Svedas (Business and Economic Development Manager) provided a presentation on the Central Coast Economic Taskforce with regard to the tourism sector.

The following key points were noted:

- Australia is now in recession after the March quarter for the first time in 29 years.
- Estimated there have been ~12,600 job losses on Central Coast, resulting in 5.7% decrease in overall jobs and 4.9% decrease in total wages.
- A taskforce has been established to address the rapidly fluctuating economy and comprises of four working groups: enabling infrastructure, job growth, education, and visitor economy (last is of interest to this Advisory Group).
- Aim of the taskforce is to lessen impact of economic downturn and improve outcomes for Central Coast. It met for the first time one week ago.
- Noted there are over 24,000 registered businesses on the Central Coast – 97% of these have less than 15 employees and are classified as small businesses (e.g. small retail shops, restaurants, cafes, recreational facilities).
- Retail spending stats show that each town centre (Woy Woy, Umina, Terrigal, The Entrance, Tuggerah, Wyong, Erina and Gosford) all have different experiences and have been impacted in various ways with regard to pandemic.
- Tourism and marketing have key roles in boosting outcomes for Central Coast through visitor economy, particularly over the next 12 months.
- Local businesses are being promoted through avenues such as Bigger Backyard App and website, which was a partnership between Council, Business NSW and the six Chambers.
- Important to continue working across organisations to multiply efforts and avoid duplication (efficiency), in effort to provide economic support and uplift the Central Coast.

Advisory Group members suggested that a representative from Hotels industry be on the Visitor Economy Taskforce.

**Action:** Jacqueline Svedas review presentation on the Economic Taskforce and share applicable slides with Advisory Group members for their information.

**Action:** Sue Ledingham to raise Hotels Industry representation for the Taskforce with the Visitor Economy Taskforce convenor.

#### **Item 7                    Impact of COVID-19 on Tourism Sector (particularly on Central Coast)**

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Glenn Caldwell (Destination Sydney Surrounds North) provided the Advisory Group with an update on the tourism sector, with regard to impacts of COVID-19.

Tourism Advisory Committee Meeting Record  
3 June 2020



The following key points were noted:

- There has been a significant reduction in occupancy rates for May period with regard to accommodation. This data only represents the cluster of hotels that subscribe to database. Reduction results in ~84% loss of income.
- DSSN completed a state-wide survey to assess impact of COVID-19 on tourism sector. There were 1,000 responses received in total, with about 300 of these coming from the Sydney Surrounds North region. Noted that survey commenced in March when some restrictions were not yet in full force, so data varied.
- Around 80% of respondents indicated a reduction in turnover and staffing. More than 50% indicated they were impacted in terms of loss of revenue. One third (1/3) indicated loss of staff. Noted most of this data was expected, but DSSN were surprised that 45% of businesses reported receiving forward cancellations for significant periods of time (6 months in advance).
- Glenn commended the Community Engagement team for pulling together the Today Show package in such a short time and generating such positive exposure for Central Coast.
- It was noted that each region is at different stage of recovery with regard to pandemic and are facing various challenges – not 'one size fits all' approach. Council's economic recovery plan has been shared with other councils and was very well received.

It was commented there was a fact sheet generated by Tourism Australia in April 2020 and Central Coast wasn't included amongst suggested locations. It was suggested sites on the list are likely generated as default for international market and is limited. DSSN is undertaking an international study that considers how to get Central Coast on the map (e.g. need to increase number of international 'products' and exposure of these entities).

**Action:** Glenn Caldwell (DSSN) to provide the following for the Advisory Group's information: STR data, DSSN survey report, recovering marketing campaign.

#### **Item 8                    General Business and Close**

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- a) Impact of COVID-19: Advisory Group members were invited to share comments on how the pandemic has affected them/their organisation. The following points were noted:
- Florida Beach Bar will be opening in time for the long weekend although some restrictions are still in place (e.g. number of patrons). The hotel will officially open 1 July 2020, which is good timing for the school holidays.
  - Noted there was a notice in local newspaper that Council is taking tourism in-house. Staff advised this was a decision for Council following industry feedback and benchmarking.
  - Some local businesses have fared quite well during pandemic with shift to residents focusing on local adventure rather than leaving the region. Still unfortunate to see impact on others and that not all were this lucky.
  - Firescreek Winery has opened again. It's expected that winter will be challenging, but positive change is expected with September. Noted that 'silver market' may be impacted with suspected decline due to concerns for safety. Many weddings and events have been postponed which generates a loss.
  - Ettalong Diggers opens next Tuesday, and staff have been undertaking significant training in preparation.



Tourism Advisory Committee Meeting Record  
3 June 2020



- It was noted that Racing NSW announced owners will be allowed back on course shortly for metro racing. Numbers will still be restricted, but working towards accommodating groups for race meetings.
  - Planning for COVID-19 recovery was a requested action by the Advisory Group and this should be scheduled for next meeting or extraordinary meeting.
  - Coast Publishing launched Coast Online on Monday 1 June 2020, which has been a long-term goal further enabled by the shift to online working during COVID. The magazine is expected to be back in print for summer.
  - Tourism Central Coast have been holding a webinar series. The next webinar is 24 June 2020 and will give the industry a sneak preview of Council's Destination Brand Strategy.
- b) Zoom Meetings: the Advisory Group indicated they are interested in continuing to meet over Zoom moving forward. This will be further considered as the shift is made to working in office again.
- c) Destination Brand: Staff will liaise offline to organise an extraordinary meeting prior to the launch event, in accordance with Action 22.

**Action:** Update on changes to Operational Plan that affect Tourism Opportunity Plan actions to be provided at the next meeting. Key information and questions to be circulated to Advisory Group members prior to meeting for consideration. (**NB:** Council staff noted that Advisory Groups are a main stakeholder in the development of the Tourism planned activities and will be consulted in development of a 3-year Tourism Action Plan as per Council Resolution for Tourism Management Review on 11 May 2020.)

**Action:** Staff to share clips from Today Show segment with Advisory Group members when available.

The meeting closed at 5.10pm

**Next Meetings:**        **Thursday 6 August 2020**  
                                 **3pm – 5pm**  
                                 **Location TBC**



**Item No:** 4.7  
**Title:** Working Together Staying Strong COVID Grants – May 2020  
**Department:** Connected Communities

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13 July 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13969074  
Author: Stuart Slough, Team Leader, Community Planning and Funding  
Manager: Glenn Cannard, Unit Manager, Community Partnerships  
Executive: Julie Vaughan, Director Connected Communities

## Summary

This report provides an update on the Working Together Staying Strong Grant Program for applications funded in May 2020.

## Recommendation

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

## Background

Council, at its Ordinary Meeting on 27 April 2020 resolved the following, part thereof;

341/20 *That Council authorise the Chief Executive Officer (or their delegate) through delegated authority to make final determination and allocation of funding on each application based on staff assessment to ensure quick allocation of funds.*

342/20 *That Council receive a monthly report provide an update on the program and details on funded applicants*

This report provides a monthly update to Council on the applications assessed, and funds granted during May 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

#### 4.7 Working Together Staying Strong COVID Grants – May 2020 (contd)

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**

Program	Budget	Opening Period	2019/2020 allocation to date	Allocation within this report	Allocation to date + Funding within report
Working Together Staying Strong Grant Program	\$300,000	1 May – 30 September 2020	\$0.00	\$83,874.00	\$83,874.00
<b>TOTAL</b>			<b>\$0.00</b>	<b>\$83,874.00</b>	<b>\$83,874.00</b>

Of 22 applications received and assessed between 1 and 30 May, 11 were granted funding.

The Working Together Staying Strong grant program applications were assessed by Council's Unit Manager Community Partnerships and the Community Planning and Funding Team, against the Working Together Staying Strong Grant Program guidelines. The final determination and allocation of funding has been made by the Director Connected Communities.

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

Theme 1: Belonging

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

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

#### **Attachments**

- 1 Working Together, Staying Strong - May 2020 - Recommended for Funding D14046801
- 2 Working Together, Staying Strong - May 2020 - Not Recommended for Funding D14046812

## Recommended for Funding May 2020

Organisation Name	Project Title and Summary	Staff Funding Recommendation	Staff Assessment
Wyong Neighbourhood Centre	'Talk2Me' – extension of Counselling service to people who are experiencing trauma or hardship related to COVID-19	\$10,000.00	Recommended for funding as the project meets the program requirements
Southlake Marketplace	'Home Delivery Essentials' - to continue essential food pack deliveries during COVID-19. Grant to support the delivery and extra packs	\$8,190.00	Recommended for funding as the project meets the program requirements
Top Blokes	'Delivery online mental health support for Central Coast Young Males' - deliver online mental health support to young males who have not previously accessed mental health services. Targeted at males aged between 14-24 impacted by loss of work, self-isolation or studying at home	\$6,780.00	Recommended for funding as the project meets the program requirements
The Fathers Table	'The Fathers Table Outreach' - provide additional food hampers to the increasing number of people requiring help. Current increase is from 10-15 to 40-50 per week at this point.	\$6,500.00	Recommended for funding as the project meets the program requirements
The Entrance Public School P & C Association	'Community Food Hamper Project' - extension of the current program to support vulnerable families with food hampers delivered by volunteers	\$10,000.00	Recommended for funding as the project meets the program requirements
Meals on Wheels Central Coast Limited	'Food Hampers'-provide clients who are unable to shop with food hamper consisting of basic food and household needs	\$4,088.00	Recommended for part funding minus marketing and half of travel costs as the project meets the program requirements



Organisation Name	Project Title and Summary	Staff Funding Recommendation	Staff Assessment
St Vincent de Paul	'Vinnies Wyong Supporting the Homeless' - provide support for the most disadvantaged who are classed as homeless and/or rough sleepers with sleeping bags, blankets and food	\$7,500.00	Recommended for funding excluding back packs as the project meets the program requirements
We Care Connect Limited	'We Care COVID Winter' - provide winter clothing, bedding and other supplies for children in need	\$3,000.00	Recommended for part funding of \$3,000 for clothing and bedding purchases considered an essential service as the project meets the program requirements.
St Vincent de Paul	'Vinnie's # Keeping Safe #Emergency Accommodation' - urgent support for emergency accommodation in relation to Domestic Violence	\$10,000.00	Recommended for funding as the project meets the program requirements
Coast Shelter	'Coast Shelter-Connections' Community Hampers for Coasties - outreach delivery service to provide food hampers and conduct welfare checks to those homeless people unable to travel for their own and other safety	\$8,688.00	Recommended for funding as the project meets the program requirements
Central Coast Primary Care	'Outreach Essentials' - supply essential items for the homeless population on the Central Coast.	\$9,128.00	Recommended for funding as the project meets the program requirements
TOTAL		\$83,874.00	

## Not Recommended for Funding May 2020

Organisation Name	Project Title and Summary	Staff Funding Recommendation	Staff Assessment
Cancer Patients Foundation	'Look Good Feel Better'- delivery of virtual workshops of existing face to face program, volunteers supporting cancer patients with skin care, make up techniques and headwear to help them feel confident	\$0.00	Not recommended for funding as the application is not suited to this grant program. Recommendation is for the applicant to liaise with Council Grants Officers and identify more suitable funding programs.
Cerebral Palsy Alliance	'Technology to support people with a disability to access therapy online' - CPA is providing a Tele practice service to deliver therapy via the health direct video-conferencing platform	\$0.00	Not recommended for funding as the application is not suited to this grant program. Recommendation is for the applicant to liaise with Council Grants Officers and identify more suitable funding programs.
Cystic Fibrosis Community Care	'CF- Related Emergency Assistance Program'- provide children and adults with cystic fibrosis with emergency financial assistance for urgent CF-related needs at a time of crisis or following sudden changes in their health	\$0.00	Not recommended for funding as the application is not suited to this grant program. Recommendation is for the applicant to liaise with Council Grants Officers and identify more suitable funding programs.
St Vincent de Paul	'Vinnie's #stayingconnected #' Funding will be used to purchase 3 Ipads/tablets for local Wyong conference President and volunteers to cover the areas of Wyong, Gorokan and surrounding areas	\$0.00	Not recommended for funding as not suited to this program. Recommendation is for the applicant to liaise with Council Grants Officers to identify other suitable grant programs.

Organisation Name	Project Title and Summary	Staff Funding Recommendation	Staff Assessment
Justices Association Central Coast branch	'Learning management Training System' - training for local JP's to perform their duties through an audio-visual link due to COVID-19	\$0.00	Not recommended for funding as not suited to this program. Recommendation is for the applicant to liaise with Council Grants Officers to identify other suitable grant programs.
Rotary Club of Gosford North	'Saving Lives from Suicide in the Central Coast Community' – delivery of virtual training in suicide prevention programs	\$0.00	Not recommended for funding as not suited to this program. Recommendation is for the applicant to liaise with Council Grants Officers to identify other suitable grant programs.
Central Coast Kids in Need Incorporated	'Born to Live Program' - to assist families of seriously ill children on the Central Coast with high costs medications, specialised formula and quality of life	\$0.00	Not recommended for funding as the application is not suited to this grant program. Recommendation is for the applicant to liaise with Council Grants Officers and identify more suitable funding programs.
Sunnyfield	'Virtual learning and connection for people with disability' - purchase of two laptops to deliver virtual learning program to clients at home	\$0.00	Not recommended for funding as the application is not suited to this grant program. Recommendation is for the applicant to liaise with Council Grants Officers and identify more suitable funding programs.
Technical Aid to Disabled	'Solving Challenges and Reaching Goals in the Central Coast' - subsidising personalised equipment and technology for people living with a disability on the Central Coast	\$0.00	Not recommended for funding as the application is not suited to this grant program. Recommendation is for the applicant to liaise with Council Grants Officers and identify more suitable funding programs.

**Attachment 2****Working Together, Staying Strong - May 2020 - Not Recommended for Funding**

Organisation Name	Project Title and Summary	Staff Funding Recommendation	Staff Assessment
Umbrela Brasil	'Supporting Senior and Mature Citizens Health During the Pandemic' - mental health and chronic Health support through dance and TCM	\$0.00	Not recommended for funding as the application is not suited to this grant program. Recommendation is for the applicant to liaise with Council Grants Officers and identify more suitable funding programs.
Central Coast ARAFMI	'Me and Mind Safe' - demonstrating community safe and workplace safe behaviours and knowledge through education and mentoring whilst staying connected to those most vulnerable and emerging	\$0.00	Not recommended for funding as the application is not suited to this grant program. Recommendation is for the applicant to liaise with Council Grants Officers and identify more suitable funding programs.
TOTAL		\$0.00	

**Item No:** 5.1  
**Title:** Questions with Notice  
**Department:** Governance

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13 July 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14028581

### **Questions with Notice**

The following question was submitted by Councillor Gale:

#### **Audit of the Water and sewer infrastructure of Davistown**

*Can Council expediate a comprehensive audit of the water and sewer infrastructure of Davistown?*

*The basis for this request has come from Davistown Progress Association for the following reasons:*

- *The small size of some of the main outlets to Brisbane water are of insufficient size to take the water from surrounding tributary drains. Some outlets need to be like larger 'Monsoon' drains, sealed with concrete, waterproofing and have the appropriate one-way gate filters to stop clogging from debris of inward backflowing water.*
- *The current street drains are of insufficient size to take larger water volumes and overflow, many streets are unsealed and water floods numerous locations.*
- *The whole of Davistown's drains needs to be regularly, and systematically cleaned, and maintained to ensure efficiency of stormwater outflow.*
- *There needs to be a comprehensive smoking of all the drains in Davistown to locate any illegal stormwater connections to the sewer, which causes unhygienic overflow and street flooding following heavier rain.*
- *Recent flood studies have been undertaken, implement some of those findings. Or have a program to do this.*

Response provided by the Director Roads Transport Drainage and Waste:

*Can Council expediate a comprehensive audit of the water and sewer infrastructure of Davistown?*

This part of the question was previously answered by Director Water and Sewer under a separate Questions with Notice in the 27 July 2020 agenda.

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## 5.1 Questions with Notice (contd)

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*The basis for this request has come from Davistown Progress Association for the following reasons:*

*The small size of some of the main outlets to Brisbane water are of insufficient size to take the water from surrounding tributary drains.*

Drainage infrastructure in the Davistown area has been constructed and sized in line with the adopted drainage design specifications of the time. While drainage methods, materials and technology have changed over the years - drainage system design capacity has remained relatively consistent and is likely similar to the current capacity provided in the Davistown area. The level of service provided in the Davistown area is consistent with many other low lying areas in the Local Government Area where drainage system capacity may be impacted by topographic constraints i.e. very flat grades on drainage pipes and storm surge or tidal effects.

*Some outlets need to be like larger 'Monsoon' drains, sealed with concrete, waterproofing and have the appropriate one-way gate filters to stop clogging from debris of inward backflowing water.*

Council's Civil Works Specification requires the use of drainage pipes with rubber seals between each pipe segment. This has been Council and industry standard since the 1980's. Prior to this, drainage pipe systems were constructed with butt-jointed pipes which were not sealed and allowed surrounding soils to enter the drainage system and contribute to blockage. The sealing of older drainage pipe systems is undertaken as part of the planned replacement or upgrade of the drainage systems. While concrete drainage pipes can last over 100 years, replacement works are sometimes brought forward to address known maintenance or public safety issues i.e. blockages or dislocations in the system.

The use of one-way filters or 'floodgates' are strategically identified and installed in line with Council's Floodplain Risk Management Plans or via engineering investigations. The design and installation of floodgates needs to be carefully considered as they can make the flooding situation worse if they become blocked or the outlet is too low lying. There are currently no floodgates planned for installation in the Davistown area. If there is a specific location that the community thinks warrants consideration, they should contact Council and request investigation of the matter.

*The current street drains are of insufficient size to take larger water volumes and overflow, many streets are unsealed and water floods numerous locations.*

The upgrade or expansion of existing drainage systems is strategically prioritised via Council's Floodplain Risk Management Planning processes.

Whilst there are no drainage upgrade projects planned in the Davistown area in the 2020-21 financial year, works will continue on the upgrade of Davistown Road which includes drainage improvements associated with the road project. Council also has some capacity to undertake smaller local drainage improvements via the Minor Drainage Improvement

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## 5.1 Questions with Notice (contd)

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capital works budget. If there are any specific flooding locations that the community thinks warrants consideration, they should contact Council and request investigation of the matter. Residents may contact Council by emailing [ask@centralcoast.nsw.gov.au](mailto:ask@centralcoast.nsw.gov.au) or telephoning the Customer Service Centre on 1300 463 954.

*The whole of Davistown's drains needs to be regularly, and systematically cleaned, and maintained to ensure efficiency of stormwater outflow.*

Council's Maintenance staff undertake inspections of the drainage network in response to issues related to significant road and/or property flooding. As part of these inspections any defects are recorded with an appropriate action undertaken to schedule maintenance works. The cleaning of drains is considered as part of these maintenance works. The timing for undertaking works to address these identified defects is assessed on a risk basis.

*There needs to be a comprehensive smoking of all the drains in Davistown to locate any illegal stormwater connections to the sewer, which causes unhygienic overflow and street flooding following heavier rain.*

This part of the question was previously answered by Director Water and Sewer under a separate Questions with Notice in the 27 July 2020 agenda.

*Recent flood studies have been undertaken, implement some of those findings. Or have a program to do this.*

The upgrade or expansion of existing drainage systems is strategically prioritised via Council's Floodplain Risk Management Planning processes. This is a formal and regulated process whereby flood risks are modelled at a catchment level to identify priority locations for drainage upgrade or expansion. Once identified, the drainage upgrade or expansion projects are individually prioritised using set technical criteria to establish a project ranking which is used to inform future capital works programs. As Council's funding is limited, only the projects with the highest priority are programmed for delivery.

Whilst there are no drainage upgrade projects planned in the Davistown area in the 2020-21 financial year, works will continue on the upgrade of Davistown Road which includes drainage improvements associated with the road project.

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The following question was submitted by Councillor Gale:

*Did Council apply for the NSW Government Safer Pathways grant to complete the missing link shared pathway between Henderson Rd Saratoga along Malinya Rd to Coomal Ave Davistown?*

Response provided by the Director, Roads Transport Drainage and Waste:

The Streets as Shared Spaces Program opened around mid-year with Council receiving documentation including Program Guidelines, a Fact Sheet and Application Forms. Council Officers reviewed these documents to identify eligible projects for inclusion in a submission under this grant funding program which closed on 10 June 2020.

The Program Guidelines advised that this grant funding stream was available to provide one-off grant funding to support local councils to test and pilot new and innovative ideas for streets as safe, shared public spaces. An aim of the Program was to provide grant funding for projects which increased the amount of public space to allow pedestrians to maintain physical distancing requirements. Funding is available under two (2) categories: Category 1 is for quick response demonstration projects that test, pilot or incubate changes to streets up to a maximum of \$100,000, Category 2 is for medium term projects that improve or activate streets as shared public spaces up to a maximum of \$1,000,000. Council were able to submit one application for each category.

The Guidelines stated that eligible projects must provide improvements that are temporary or semi-permanent (not fixed and easily removed). Therefore, Council Officers considered that the provision of concrete shared pathway projects would be ineligible for consideration of funding under this grant funding program. This was confirmed in discussions with the Funding Program Co-ordinator. As such, no shared pathway projects including Malinya Road were submitted under the Streets as Shared Spaces Program.

Notwithstanding the above, Council Officers proactively identify grant funding programs and submit applicable projects. This project has been included in submissions seeking grant funding under State Government grant funding opportunities including Active Transport; Walking and Cycling; Stronger Country Communities; and Regional Communities Development; which may accelerate the delivery of this project.

To-date Council has been unsuccessful in securing grant funding, however will continue to seek financial assistance through suitable grant funding opportunities to deliver this missing link shared pathway.

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The following question was submitted by Councillor Gale:

**Council Reserve Umina**

*Residents on the Peninsula are requesting official permission from Council to be able to protect their properties and maintain Council Reserve.*

*The Council Reserve is Coastal Sand Swamp Forest and the area is currently being maintained by the residents.*

*Residents request official permission from Council to personally maintain a 20 metre Asset Protection Zone from rear boundaries at Yarrabin Road Umina which backs*



## 5.1 Questions with Notice (contd)

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*directly onto Kahiba Creek. Residents are committed to maintaining this Council Reserve at their own expense and risk through mowing the existing lawn and raking fallen branches and leaves. The resulting green litter is proposed to be disposed in the resident's green waste bin.*

Response provided by the Director Environment and Planning:

Bush fire risk management is a shared responsibility. Council has responsibilities for managing bush fire risk on land it manages under the Rural Fires Act 1997. Council is an active member of the Central Coast Bush Fire Management Committee and has responsibilities to deliver actions identified in the Rural Fire Service's Bush Fire Risk Management Plan.

Residents are best placed to prepare their homes prior to the bush fire season and are also best placed to prepare a bush fire survival plan so that the members of their household know in advance what they will do if bush fire threatens their area. The Rural Fire Service website provides advice to property owners about preparing their properties as well as preparing bush fire survival plans for their households.

The establishment and on-going management of the appropriate bush fire mitigation works on Council managed land is the responsibility of Council and delegating that responsibility to third parties presents unnecessary complexity and potential risks. Council has an evolving bush fire management program which currently delivers on its responsibilities under the Bush Fire Risk Management Plan including by managing approximately 250 asset protection zones and 210 fire trails.

Should residents have particular bush fire risk concerns they should complete a bush fire hazard form on the Rural Fire Service website. Council works closely with the Rural Fire Service in assessing reported bush fire hazards associated with Council managed land. Should an asset protection zone be recommended by the Rural Fire Service at the rear of the properties on Yarrabin Road, Umina Beach, its establishment and maintenance will be incorporated into Council's existing bush fire management program.

Council has a legal obligation to implement the principles of ecologically sustainable development and it is important that the bush fire risk mitigation measures in place are commensurate with the actual level of risk. Based on the most recent Draft Bush Fire Protection for Existing Development Guidelines produced by NSW RFS and an assessment of local vegetation type, effective slope and the short fire run as well as the separation distance of 10 metres between the hazard (i.e. the vegetation) and the external walls of the houses, in this case the requested APZ of 20 metres from the property boundary (which would result in a 60m separation distance for some houses with a large rear setback) is far in excess of what could be considered reasonable or necessary.

With the exception of the dwellings at numbers 50, 52 and 62 Yarrabin the recommended 10m separation distance from the external walls can be accommodated wholly within the

boundaries of private properties. For these houses extending the APZ onto Council land is not an option due to the proximity of the creek. Clearing of riparian vegetation will invariably lead to an increase in erosion, sedimentation and eutrophication and is specifically excluded under the Bush Fire Environmental Assessment Code. The only practicable means of improving the bushfire resilience of these homes is through building upgrades, property maintenance and implementing a robust bushfire emergency plan.

Council staff do not propose implementing additional bush fire hazard reduction activities on the land at the rear of these properties, or authorising private landowners to undertake these activities on Council's behalf.

The Environmental Volunteer Program Strategy prioritises the establishment of Conservation Groups, defined as 'those whose primary objective is to conserve and regenerate natural reserves...through controlling exotic weed species and native planting activities where required'. The works proposed by residents in this location are not consistent with the priorities of the strategy, and therefore inclusion of these residents in the program to undertake the activities proposed would not be supported.

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The following question was submitted by Councillor MacGregor:

**Staffing Levels**

*What were the combined staffing levels of Gosford and Wyong Councils in 2000, 2005, 2010 and 2015 and how does this compare to Central Coast Councils staffing levels in 2020?*

The response will be provided by the Executive Manager, People and Culture on or before the 13 July 2020 meeting.

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The following question was submitted by Councillor MacGregor:

**Cost Shifting**

*What has been the total cost to Council of cost shifting from the NSW Government to Central Coast Council in the period 2016 - 2020 and does this reflect trends illuminated in 2018 LGNSW report on cost shifting that revealed State Governments had shifted over 6.2 billion dollars worth of costs to local councils over the previous 10 years?*

The response will be provided by the Acting Chief Financial Officer on or before the 13 July 2020 meeting.

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The following question was submitted by Councillor McLachlan:

**Regional Tourism Destination Funding and Promotion**

*Can Councillors be advised if Central Coast Council applied for a NSW co funding Tourism Grant for Promotion of our Region, as a destination, similar to Port Stephens Council may have successfully done.*

*If not, then what plans do we have to capitalise of domestic Tourism opportunity Covid travel restrictions have presented the Coast Tourism industry.*

The response will be provided by the Executive Manager, Innovation and Futures on or before the 13 July 2020 meeting

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The following question was submitted by Councillor Hogan:

**Waste Levy**

*Cost shifting by the State Government is one of the most significant problems faced by our Council. Millions of dollars are lost because the NSW Government have not fully reinvested the waste levy, paid by councils, back into local government environmental programs.*

- 1 *What did we receive in waste levies and how much did we pay to the State in the last financial year.*
- 2 *What advocacy and lobbying has Council undertaken to address the inequity?*

The response will be provided by the Director Roads Transport Drainage and Waste on or before the 13 July 2020 meeting.

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**Attachments**

Nil



**Item No:** 6.1  
**Title:** Notice of Motion - Council request for Chief Executive Officer to investigate revenue options and modelling for Central Coast Council  
**Department:** Councillor

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13 July 2020 Ordinary Council Meeting

Reference: F2020/00019 - D14057537

Author: Kyle MacGregor, Councillor

Councillor MacGregor has given notice that at the Ordinary Council Meeting to be held on 13 July 2020 he will move the following motion:

- 1 That Council request the Chief Executive Officer to investigate new or alternative arrangements for increasing the revenue base for Central Coast Council.**
- 2 That Council requests the results of this investigation be reported back to Council within six to twelve months.**
- 3 That Council request the investigation include a review of current revenue sources and comparison with other comparable councils to compare our existing revenue base and model to other leading councils across NSW and Australia.**
- 4 That Council reject the fundamentally discredited right wing neo-liberal approach to revenue raising that results in the burden of costs on rate payers and individuals regardless of their capacity to pay additional costs. This model cost shifts income to residents and individuals rather than more effective revenue bases and options that are not only more equitable but effective at raising revenue. Ultimately resulting in the privatisation of community assets, loss of jobs and the more expensive options of contracting out jobs and services to the private sector, a reduction in service delivery and the unsustainability of suitable service delivery and functions of government organisations and the long term budget bottom line.**
- 5 That Council rule out additional paid parking for commuters and locals within town centres and CBD's across our region as part of this study.**
- 6 That Council rule out egregious rate rises for residents in the former Wyong Shire who have already suffered through the imposition of the infamous Wyong Shire Special Rate Variation of a cumulative rise of 30.59% over 4 years from 2013/14, which was over 17.6% above the then rate peg and equated to a rise in rates of roughly 3% each year from 2013/14.**
- 7 That Council fully consult with the community in the lead up to rates harmonisation with genuine and detailed community consultation offering a**

**6.1 Notice of Motion - Council request for Chief Executive Officer to investigate revenue options and modelling for Central Coast Council (contd)**

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*variety of models for rate harmonisation as part of the consultation process for rates harmonisation ie. model a,b,c as has been the case with taxation and revenue reform by government bodies in the past*

- 8** *That Council rules out the slashing of council services such as garbage pick ups, bulk curb side collections, libraries, childcare centres, sporting and recreation facilities, community facilities, community based and senior citizen programmes.*
- 9** *That Council investigate the possibility of special rate variations for specific purposes ie a small levy of one dollar per rate payer to pay for footpaths or similar community infrastructure as part of our submission and plans for rate harmonisation.*
- 10** *That Council review developer contributions that have already been received since 2012 and that these funds are being spent as intended in the areas they were collected for and further a review of whether these funds collected have been adequate to cover infrastructure and community development since their significant reductions over the past decade or more by former councils.*
- 11** *That Council investigate opportunities to create new revenue streams and models as well as reductions in current costs through existing and emerging opportunities such as the production and on sale of renewable energy and efficiencies around economies of scale created through the amalgamation process.*
- 12** *That Council investigate the potential for the delivery of affordable housing and direct provision of accommodation to meet the needs of a population projected to grow by up to 100,000 by 2036.*
- 13** *That Council explore opportunities that may exist through the financial sector regarding record low interest rates on loans that are currently available whilst rejecting the approach of the former Gosford City Council which invested in derivatives and other extremely risky financial options that led to the introduction of state legislation banning investments in such financial options.*
- 14** *That Council review our current revenue raising model within the framework of both section 8 of the Local Government Act 1998 which covers the revenue raising powers of council to see which aspects of the act we are currently utilising to raise revenue from and where other opportunities may exist to extend our revenue base and further that we investigate what other councils in other nations are doing to raise revenue which would be considered appropriate to consider for implementation by Central Coast Council within the confines of the Local Government Act 1998 or any other relevant state or federal legislation relevant to our revenue raising capacity.*

**6.1 Notice of Motion - Council request for Chief Executive Officer to investigate revenue options and modelling for Central Coast Council (contd)**

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- 15 *That Council have a briefing and workshop that discusses our revenue base and model and its relationship to expenditure within our organisation and is conducted subsequent to the investigation into revenue raising options and that prior to this Councillors have circulated to them the report and information considered as part of it.***

**Attachments**

Nil



**Item No:** 6.2  
**Title:** Notice of Motion - Ruling out rotting red bins  
**Department:** Councillor

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13 July 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14058901  
Author: Greg Best, Councillor  
Bruce McLachlan, Councillor  
Rebecca Gale, Councillor

Councillor Best has given notice that at the Ordinary Council Meeting to be held on 13 July 2020 he will move the following motion:

- 1 That Council notes with great concern that the recently exhibited Central Coast Waste Strategy makes numerous references encouraging the reduction of red bin pick up cycles as an environmental and cost saving device.**
- 2 That also Council notes under significant Green Group pressure a number of sister Councils have now already moved to withdraw services to a fortnightly red bin pick up.**
- 3 That further to Council recently voting to increase rates by a further \$4.4 million, lifting the annual total rate take to \$335.5 million dollars, Council now not reduce its services through RULING OUT reducing the red bin pick up by 50% to fortnightly.**
- 4 That Council recognises the COVID pressure that our Community is currently under and that this should not be magnified to escalating public health concerns through emissions from pungent red bins.**

#### **Councillors Note**

Councillors, you may recall that I sought to draw this very issue to Council's consideration on the 8 July 2019, prior to this Strategy going on exhibition, through my then Formal Notice of Motion "Ratepayer Red Bin Reduction."

Regrettably and surprisingly, this was voted down along Party Lines leaving the Community decidedly nervous about the future of their waste pick up services particularly on the back of the Community outrage that erupted when Lake Macquarie sought to carry out a similar reduction. As the only Independent Councillor representing the Budgewoi Ward, I speak without fear or favour, and I say on behalf of the good folk of the 'Forgotten North' that they will not in any way accept such behaviour from their Council! To put up Rates by more than \$4 million last week and now to leave open the prospect of a significant reduction in their Red Bin Services is an outrage. This cost cutting has no regard for the quality of life, respect for our Community or indeed in my view public health.

## **6.2 Notice of Motion - Ruling out rotting red bins (contd)**

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To assist Councillors I have reviewed the extensive and recently exhibited Waste Strategy and note that the seeds of Red Bin Reduction to fortnightly is referred to on numerous occasions (see below in yellow).

One may argue that these are simply references by individuals and Community Groups nevertheless, if Council is serious about maintaining and retaining our Service Delivery Levels, we should simply 'rule this out' now.

I can only imagine if a transparent and open question were crafted in a genuine poll to our Community asking them, "Would you be happy with Council reducing your Red Bin Pick Ups by 50% to fortnightly and providing you with a complimentary can of air freshener?" The answer would be outrage and an unequivocal 'NO!'

Irrespective of any argument that can be mounted in the Chamber, we should recognise that our Community, courtesy of COVID is under extraordinary pressure and we should not leave such 'a sleeping suggestion' active in this Strategic Document that's purpose is to craft our future direction.

The Options/questionnaires should be fair and square and upfront/transparent, not buried in bureaucratic speak, furthermore speeches, and malleable statistics.





# CENTRAL COAST WASTE RESOURCE MANAGEMENT STRATEGY

2020-2030



## Options

### Business as Usual (BAU)

The standard BAU service provided by Council consists of:

- Weekly collection and disposal of a 140L red lid general waste bin
- Fortnightly collection and processing of a 240L yellow lid recycling bin
- Fortnightly collection and processing of a 240L green lid garden organics bin, provided to the eastern area only
- Landfilling at Woy Woy and Buttonderry

### Food Organics and Garden Organics Collection and Processing (FOGO)

Introduction of a weekly FOGO service to co-collect food and garden organics, with a fortnightly red lid general waste bin collection, and development of a FOGO processing facility.

Introduction of a weekly FOGO service, with a weekly red lid general waste bin collection, and development of a FOGO processing facility.

### Improve kerbside recycling

- The following ideas from the community aim to reduce red lid general waste going to landfill:
  - Reduce the size of the red lid general waste bin to help residents think about the amount of waste they generate and encourage avoidance.
  - Change collection frequency to once a fortnight to promote waste avoidance

## Comparing results

To inform discussion of long-term waste management, the four waste service scenarios were defined and modelled to compare the costs and outcomes that each might deliver.

For each option, the cost to Council and diversion rate potential between 2020 and 2045 were compared in net present value terms. There are several models to investigate which include Council either investing Capital to construct required facilities, or seeking a third party contractor to build and operate the facilities.

### Business as Usual

Landfill is the most expensive option due to the significant costs associated with the landfill levy. If Council keeps the current services, costs will increase in line with levy increases, with no benefits in terms of improved resource recovery.

### FOGO System

FOGO delivers the lowest diversion given it only targets the organic fraction, resulting in landfill diversion rates of between 14-26%. It is the second most costly alternative scenario given collection costs increase and a significant volume is still sent to landfill, where it incurs the waste levy.

In addition, Council will need to determine whether to collect the organics-depleted red lid general waste bin either weekly or fortnightly. FOGO is most successful (high capture, low contamination rate) when the red lid bin is collected fortnightly, however community acceptance may be a challenge.

### Mixed Waste to EfW

Another option is to process general waste in some type of alternative waste treatment facility, including at Woy Woy Waste Management Facility or another location. Of these options, energy-from-waste treatment technologies offer the lowest cost per tonne and accept the widest range of wastes, including bulky waste.

## Diversion rates

Table 4 provides the indicative recovery rates of each scenario.

Table 4: Diversion rates under various service scenarios for red-lid general waste and overall domestic waste.

Description	Red Lid General Waste Diversion Rate	Overall Diversion
Business as usual	0%	41%
FOGO with fortnightly red bin	26%	54%
FOGO with weekly red bin	14%	49%
MBT producing compost	55%	67%
MBT producing RDF	85%	81%
EfW Combustion	34%	58%
EfW Combustion - FOGO, fortnightly red	90%	82%
EfW Combustion - FOGO, weekly red	88%	82%
EfW Gasification	32%	57%
EfW Gasification - FOGO, fortnightly red	86%	80%
EfW Gasification - FOGO, weekly red	84%	80%

## Attachments

Nil.

**Item No:** 6.3  
**Title:** Notice of Motion - Significant Tree Register  
**Department:** Councillor

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13 July 2020 Ordinary Council Meeting

Reference: F2020/00037 - D14059129  
Author: Louise Greenaway, Councillor  
Jillian Hogan, Councillor

Councillors Greenaway and Hogan have given notice that at the Ordinary Council Meeting to be held on 13 July 2020 they will move the following motion:

- 1 That Council acknowledges the valuable contribution of community members who nominate trees for the Significant Tree Register.***
- 2 That Council notes that the Significant Tree Register lists a range of trees; some are natives, but others are of historical or heritage value.***
- 3 That Council reinstates the position of not charging a fee for nominating trees to the Significant Tree Register, and in the interim requests the CEO to waive any fees associated with that Register should any nominations be received.***
- 4 That council request the CEO to investigate the opportunities for incorporating the Significant Tree Register in Council's Local Planning Instruments with the specific intention of providing long term protection to the Trees listed on the register.***

### **Chief Executive Officer Response**

The Chief Executive Officer considers that this Notice of Motion has legal, strategic, financial or policy implications which should be taken into consideration by the meeting. As a result, the Chief Executive Officer will provide a report in relation to the Notice of Motion. This report will be provided as a Late Item and will be made available by close of business on the Friday prior to the Council Meeting.

### **Attachments**

*Nil.*