



Central Coast Council  
Business Paper  
Ordinary Council Meeting  
**27 April 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 27 April 2020 at 6.30 pm,  
for the transaction of the business listed below:**

<b>1</b>	<b>Procedural Items</b>	
1.1	Disclosures of Interest .....	5
1.2	Confirmation of Minutes of Previous Meeting.....	7
1.3	Notice of Intention to Deal with Matters in Confidential Session .....	43
<b>2</b>	<b>Mayoral Minutes</b>	
2.1	Mayoral Minute - Call on NSW Government for Financial Assistance to Councils.....	45
<b>3</b>	<b>Planning Reports</b>	
3.1	DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House.....	53
3.2	Planning Proposal RZ/8/2015 North Road, Wyong .....	84
3.3	Planning Proposal Application - RZ/3/2019 - 45 Mulloway Road Chain Valley Bay .....	96
3.4	Greater Lake Munmorah Structure Plan - Results of public consultation.....	107
3.5	Supplementary Report - Proposed Residential and Conservation Zoning for 285-335 Pacific Highway Lake Munmorah .....	128
3.6	Supplementary Report - Amended Planning Proposal Request - Glenworth Valley.....	141
3.7	Planning Proposal - Doyalson Wyee RSL Club - Pacific Hwy, Doyalson .....	173
<b>4</b>	<b>General Reports</b>	
4.1	Update on Actions - Response to COVID-19.....	187
4.2	Amendment to Advisory Group Terms of Reference .....	188
4.3	Reappointment of Independent Audit Risk and Improvement Committee Members and provision of the 2019 ARIC Annual Report .....	191
4.4	Community Support Grant Program - February 2020.....	206
4.5	Borrowings 2020.....	213
4.6	Investment Report for February and March 2020.....	217
4.7	Dredging on the Central Coast .....	221
4.8	Central Coast 7.12 Developer Contributions Plan.....	230
<b>5</b>	<b>Information Reports</b>	
5.1	Update on Notice of Motion - Protection of Porters Creek Wetland .....	240
<b>6</b>	<b>Questions With Notice</b>	
6.1	Questions with Notice .....	250

**7 Notices Of Motion**

7.1	Deferred Item - Notice of Motion - Gosford Waterfront Marina.....	251
7.2	Deferred Item - Notice of Motion - Council request for Chief Executive Officer to investigate revenue options and modelling for Central Coast Council.....	255
7.3	Notice of Motion - Ourimbah Master Plan.....	265
7.4	Notice of Motion - Telecommunications Tower at Alan Davidson Oval Wyoming .....	270
7.5	Notice of Motion - Establishment of a Social Impact Taskforce .....	275

Gary Murphy  
**Chief Executive Officer**

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

---



27 April 2020 Ordinary Council Meeting

Trim Reference: F2020/00039 - D13864197

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

Section 451 of the LG Act states:

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

## 1.1 Disclosures of Interest (contd)

---

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

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

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

### **Recommendation**

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

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

---



27 April 2020 Ordinary Council Meeting

Trim Reference: F2020/00039 - D13864208

### **Summary**

Confirmation of minutes of the Ordinary Meeting of Council held on 9 March 2020 and the Extraordinary Meeting of the Council held on 23 March 2020.

### **Recommendation**

***That Council confirm the minutes of the Ordinary Meeting of Council held on the 9 March 2020 and the Extraordinary Meeting of Council held on 23 March 2020.***

### **Attachments**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Minutes - Ordinary Meeting - 9 March 2020       | D13859605 |
| <b>2</b> | Minutes - Extraordinary Meeting - 23 March 2020 | D13884908 |



## Central Coast Council

### Minutes of the Ordinary Council Meeting of Council

Held in the Council Chamber  
2 Hely Street, Wyong  
on 9 March 2020

---

#### **Present**

Mayor Lisa Matthews and Councillors Greg Best, Jillian Hogan, Kyle MacGregor, Doug Vincent, Troy Marquart, Chris Burke, Chris Holstein, Bruce McLachlan, Jilly Pilon, 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), Dr Liz Develin (Director Governance), Jamie Loader (Director Water and Sewer), Ricardo Martello (Executive Manager Innovation and Futures) and Craig Norman (Chief Finance Officer).

The Mayor, Lisa Matthews, declared the meeting open at 6.53pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Mayor, Lisa Matthews read an acknowledgement of country statement.

The reports are recorded in their correct agenda sequence.

#### **Apologies**

**Moved:**                **Councillor Gale**  
**Seconded:**        **Councillor Sundstrom**

#### **Resolved**

**159/20    That Council accept the leave of absence from Councillor Best for the Ordinary Meeting to be held on 23 March 2020.**

**For:**  
**Unanimous**



**1.1 Disclosures of Interest**

---

Councillor Gale left the chamber at 7.00pm and returned at 7.02pm. She was not present for voting of this item.

**Item 2.1 – Deferred Item - Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan**

Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he knows one of the speakers through Central Coast Cricket. He chose to stay in the chamber and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

Councillor Vincent declared a pecuniary interest for the item which was dealt with in seriatim as a community member presenting in the public forum had a perception that the Councillor had a conflict of interest in relation to her property and his employment. Councillor Vincent left the chamber during her address to Council in the public forum and left the chamber at 8.37pm and returned at 8.38pm for consideration of the item. He was not present for the relevant part and did not participate in voting on the relevant part.

**Item 3.3 – Community Facilities Review**

Councillor Hogan declared a pecuniary interest in the matter as her employer utilises a council building. She left the chamber at 8.52pm, returned at 9.05pm and did not participate in discussion or voting of the matter.

Councillor Gale declared a pecuniary interest in the matter as she was previously a board member at Coast Community Connections, is currently a member at the Peninsula Leisure Centre and her child will be attending a Council child centre in the near future. She left the chamber at 8.52pm, returned at 9.05pm and did not participate in discussion or voting of the matter.

**Item 8.1 – Local Preference Policy (Confidential)**

Councillor Marquart declared a pecuniary interest in the matter as he is the Managing Director of Shoreline Sports Floors which completes local work for the Central Coast Council. He left the chambers at 10.09pm, returned at 10.27pm and did not participate in discussion or voting.

Councillor Pilon declared a pecuniary interest in the matter as her business Trimlite may potentially do work for Central Coast Council. She left the chambers at 10.09pm, returned at 10.27pm and did not participate in discussion or voting.

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

**Seconded:** **Councillor Hogan**

**Resolved**

**160/20 That Council receive the report on Disclosure of Interest and note advice of disclosures.**

**For:  
Unanimous**

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

---

Councillor Gale left the chamber at 7.00pm and returned at 7.02pm. She was not present for consideration of this item.

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

**Resolved**

**161/20 That Council confirm the amended minutes of the Ordinary Meeting of Council held on 24 February 2020.**

**For:  
Unanimous**

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

---

Councillor Gale left the chamber at 7.00pm and returned at 7.02pm. She was not present for consideration of this item.

**Moved: Councillor Mehrtens  
Seconded: Councillor Smith**

**Resolved**

**162/20 That Council resolve that the following matters be dealt with in closed session, pursuant to s. 10A(2)(d)(i) of the Local Government Act 1993 for the following reasons:**

**Item 8.1- Local Preference Policy**

**Reason for considering in closed session:**

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

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

***That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report and the attachments to this report remain confidential in accordance with section 10A(2d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it.***

***For:***  
***Mayor Matthews, Holstein, Smith,***  
***Vincent, Sundstrom, Mehrstens, Hogan,***  
***MacGregor, McLachlan and Burke***

***Against:***  
***Councillors Best and Pilon***

***Abstained:***  
***Greenaway and Marquart***

#### **Procedural Motion – Exception**

***Moved:***           ***Councillor MacGregor***  
***Seconded:***      ***Councillor Gale***

***Resolved***

***163/20 That Council adopt the following items as a group and in accordance with the report recommendations:***

<b><i>Item #</i></b>	<b><i>Item Title</i></b>
<b><i>3.2</i></b>	<b><i>Fire Safety report 155 -157 The Entrance Road The Entrance</i></b>
<b><i>3.6</i></b>	<b><i>Grant Funding Update as at 31 December 2019</i></b>
<b><i>4.1</i></b>	<b><i>Meeting Record of the Employment and Economic Development Committee held on 17 December 2019</i></b>
<b><i>4.2</i></b>	<b><i>Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 18 December 2019</i></b>
<b><i>4.3</i></b>	<b><i>Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 19 December 2019</i></b>
<b><i>4.4</i></b>	<b><i>Meeting Record of the Social Inclusion Advisory Committee Meeting held on 13 February 2020</i></b>

***164/20 That with the exception of the reports listed below, Council adopt the recommendations contained in the reports listed above:***

<b><i>Item #</i></b>	<b><i>Item Title</i></b>
<b><i>1.4</i></b>	<b><i>Mayoral Minute - Request for State Funds for a Permanent Solution to The Entrance Channel</i></b>
<b><i>2.1</i></b>	<b><i>Deferred Item - Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan</i></b>

<b>Item #</b>	<b>Item Title</b>
<b>3.1</b>	<b>After Hours Call Centre Service - Alternative Service Delivery Models</b>
<b>3.3</b>	<b>Community Facilities Review</b>
<b>3.4</b>	<b>Presentation of Financial Reports and related Auditor's Reports for Central Coast Council and Central Coast Council Water Supply Authority for the period 1 July 2018 to 30 June 2019</b>
<b>3.5</b>	<b>2019 Election Commitments Update</b>
<b>3.7</b>	<b>Proposed Sale of 357A Ocean Beach Road, Umina Beach</b>
<b>3.8</b>	<b>2020 National General Assembly of Local Government</b>
<b>3.9</b>	<b>Urban Spatial Plan - Framework for a Local Strategic Planning Statement</b>
<b>6.2</b>	<b>Notice of Motion - Nine Million (\$9,000,000) Agency Agreements / Body Hire</b>
<b>6.3</b>	<b>Notice of Motion - Investigation of Newcastle Airport opportunities to benefit Central Coast</b>
<b>6.4</b>	<b>Notice of Motion - Gosford Waterfront Marina</b>
<b>6.5</b>	<b>Notice of Motion - Council request for Chief Executive Officer to investigate revenue options and modelling for Central Coast Council</b>
<b>7.1</b>	<b>Rescission Motion - Draft Aviation HUB</b>
<b>8.1</b>	<b>Local Preference Policy</b>

**165/20** *That Council note that Councillor Best has withdrawn item 6.1 – Notice of Motion – Notice of Motion - Trees in flight path - Council's liabilities due to advice from the Aero Club.*

**For:**  
**Unanimous**

#### **Procedural Motion – Adjournment of Meeting**

**Moved:** *Mayor Matthews*  
**Seconded:** *Councillor MacGregor*

**166/20** *That Council adjourn the meeting for a period of 30 mins the time being 7.06pm.*

**For:**  
**Unanimous**

The meeting resumed at 7.38pm.

---

**1.4 Mayoral Minute - Request for State Funds for a Permanent Solution to The Entrance Channel**

---

**Moved: Mayor Matthews**

**Resolved**

**167/20 That Council note the ongoing cleanup efforts by Council staff and community workers as a result of the recent floods on the Central Coast.**

**168/20 That Council note as of 27 February 2020, 4,200 tonnes of additional storm waste has been sent to Council waste facilities collected from affected properties, 2,500 tonnes of wrack has been cleared from our foreshores and over 1,200 tonnes of debris has been collected from our beaches, with more expected to be cleared over the coming weeks.**

**169/20 That Council request the State Government and the opposition leader to allocate \$50 million from the 2020-2021 state budget towards a permanent solution for The Entrance Channel (not limited to those solutions in the media article attached dated November 2013 and that is consistent with the state expert panel).**

**For:**

**Unanimous**

---

**2.1 Deferred Item - Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan**

---

Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he knows one of the speakers through Central Coast Cricket. He chose to stay in the chamber and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

**Moved: Councillor Smith**

**Seconded: Councillor Sundstrom**

**Resolved**

**170/20 That Council support the following changes to the draft CCLEP and CCDCP as follows:**

**Draft CCLEP**

- a Height of Building Map currently applying to the R2 Low Density Residential zone under Gosford Local Environmental Plan (GLEP 2014) will be retained and included in the CCLEP Height of Building Map.**

- b That the CCLEP retain the Minimum Lot size of 550 sq m for lands currently zoned R2 in the former Gosford LGA with a minimum lot size of 550 sq m through the use of an overlay map.***
- c Replace the proposed CCLEP Clause 4.1F with the Gosford LEP 2014 clause 4.1B.***
- d Amend the Dwelling Opportunity Map to only include land zoned E2 Environmental Conservation under GLEP 2014 immediately prior to the commencement of the CCLEP.***
- e Amend the Heritage Map to include Lot 1 DP 716236 Central Coast Hwy, West Gosford in Item 173 "Kendalls Glen" reserve, rock and memorial.***
- f Amend the Heritage Map to include Calga Aboriginal Cultural Landscape' on Lot 1 DP 1006218 38 Darkinjung Rd, Calga; Part Lot 40 DP 1087374 1 Darkinjung Rd, Calga; Part Lot 45 DP 1197008 Pacific Hwy, Calga; Part Lot 108 DP 755221 69 Cooks Rd, Glenworth Valley; Lot 1 DP 805358 2306 Peats Ridge Rd, Calga; Part Lot 2 DP 805358 2308 Peats Ridge Rd, Calga; Part Lot 235 DP 822125 1 Darkinjung Rd, Calga.***
- g Residential flat buildings, multi dwelling housing and serviced apartments be prohibited in the B6 Enterprise Corridor zone and Serviced apartments be prohibited in the B7 Business Park zone.***
- h Clause 7.14 be amended to ensure that the total gross floor area able to be used for shop top housing remains at 50% of the total gross floor area of that part of the building used only for shop top housing and ground floor business or retail premises.***
- i CCLEP Schedule 5 Item Number 173 'Kendalls Glen Memorial' be retitled "Kendalls Glen" reserve, rock and memorial and applied to Lot 1 DP 716236 Central Coast Hwy, West Gosford and road reserve.***
- j Include as an item of state heritage significance 'Calga Aboriginal Cultural Landscape' situated on Lot 1 DP 1006218 38 Darkinjung Rd, Calga; Part Lot 40 DP 1087374 1 Darkinjung Rd, Calga; Part Lot 45 DP 1197008 Pacific Hwy, Calga; Part Lot 108 DP 755221 69 Cooks Rd, Glenworth Valley; Lot 1 DP 805358 2306 Peats Ridge Rd, Calga; Part Lot 2 DP 805358 2308 Peats Ridge Rd, Calga; Part Lot 235 DP 822125 1 Darkinjung Rd, Calga as per the recent listing on the State Heritage Register.***
- k Clause 4.2A and 7.22 – insert the word 'house' which has been unintentionally omitted when referring to a 'dwelling house'.***
- l Lot 1 DP 394499 37 Althorp St, East Gosford be zoned R1 General Residential.***

- m Lot 27 DP 264579 26A Strand Ave, Narara be zoned E2 Environmental Conservation.**
- n Lot 1 DP 363605 165 Koolang Rd, Green Point and Lot 299 DP755234 150 Koolang Rd, Green Point be zoned SP1 Special Activities Sanitary Depot.**
- o Zone the GPSO portion of Lot 8 DP 802107 Central Coast Hwy, Karingong from 2(a) Residential to R2 Low Density Residential and 5E Arterial Road to E2 Environmental Management.**
- p Clause 7.22 be amended to apply only to land currently zoned E2 Environmental Conservation under the GLEP 2014.**
- q That Council introduce an additional provision to the CCLEP which does not alter the permissibility of Home Occupation (Sex Services) from the current WLEP 2013 and GLEP 2014 within the land that they currently apply.**

**CCDCP**

- r Amend the draft CCDCP to continue the current setbacks for the former Gosford LGA for Residential zones.**
- 171/20 That Council include the following as part of the consultation for the LSPS:**
- Drafting of character statements for the former Wyong LGA in a similar format to those of the former Gosford LGA**
  - Review the proposed permitted uses in zones**
- 172/20 That Council refer the changes proposed in the draft CCLEP / CCDCP to relevant Council Advisory Committees for their consideration (including but not limited to changes to permitted uses in zones).**
- 173/20 That Council;**
- a defer finalisation of the draft Consolidated LEP and Consolidated DCP until after the LSPS has been finalised**
  - b consider a further report to Council that aligns the draft Consolidated LEP / DCP with the adopted Local Strategic Planning Statement including;**
    - i any proposed changes to the CCLEP / CCDCP**
    - ii any further work necessary, if applicable**
    - iii outlining how the draft CCLEP / DCP aligns with each Action in Council's Community Strategic Plan**
- 174/20 That Council request that the Mayor seek a meeting with relevant staff from the Department of Planning, Interested Councillors, the Chief Executive Officer and Council staff to discuss and outline a process to take key strategic planning processes forward.**

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

**Against:**  
**Councillors Gale, Pilon, Burke and Marquart**

**Procedural Motion – Extension of Time**

**Moved: Mayor Matthews**  
**Seconder: Councillor Vincent**

**Resolved**

**175/20 That Council in accordance with c10.31 of the Code of Meeting Practice extend the time for debate on item 2.1 - Deferred Item - Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan for a period of 5 minutes the time being 7.20pm.**

**For:**  
**Unanimous**

**Procedural Motion – In Seriatim**

**Moved: Councillor Vincent**  
**Seconded: Councillor MacGregor**

**Resolved**

**176/20 That Council deal with the following resolution by in seriatim;**

**That staff provide a briefing on the submissions made to the exhibition period of the draft CCLEP and draft CCDCP including but not limited to the following matters;**

- a removing the amalgamation provisions in respect to Orchard Road, Kangy Angy and**
- b rezoning the southern section of Wyreema Road, Warnervale back to R2 (currently R1)**
- c The additions to correct Wycob Property permissibility.**

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

**Against:**  
**Councillor Marquart**



Councillor Vincent declared a pecuniary interest for the item which was dealt with in seriatim as a community member presenting in the public forum had a perception that the Councillor had a conflict of interest in relation to her property and his employment.

Councillor Vincent left the chamber during her address to Council in the public forum and left the chamber at 8.37pm and returned at 8.38pm for consideration of the item. He was not present for the relevant part and did not participate in voting on the relevant part.

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

**Resolved**

**177/20 That staff provide a briefing on the submissions made to the exhibition period of the draft CCLEP and draft CCDCP including but not limited to the following matters;**

- a removing the amalgamation provisions in respect to Orchard Road, Kangy Angy and**
- b rezoning the southern section of Wyreema Road, Warnervale back to R2 (currently R1)**
- c The additions to correct Wycob Property permissibility.**

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

**Against: Councillors Gale, Pilon, Burke and Marquart**

---

**3.1 After Hours Call Centre Service - Alternative Service Delivery Models**

---

**Moved: Councillor MacGregor**  
**Seconded: Councillor Mehrstens**

- 1 That Council commence the process for the After Hours Call Centre Service, as noted for Model 1.**
- 2 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 1 to this report remain confidential in accordance with section 10A(2)(a) of the Local Government Act as it contains personnel matters concerning particular individuals.**

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

- 1 That Council commence the tender process for the After Hours Call Centre Service, as noted for Model 2.**
- 2 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 1 to this report remain confidential in accordance with section 10A(2)(a) of**

*the Local Government Act as it contains personnel matters concerning particular individuals.*

*Amendment For:  
Councillors Best, Holstein, Smith, Greenaway,  
McLachlan, Gale, Pilon, Burke and Marquart*

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

The Amendment was declared CARRIED and became the Motion.

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

**Resolved**

**178/20 That Council commence the tender process for the After Hours Call Centre Service, as noted for Model 2.**

**179/20 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 1 to this report remain confidential in accordance with section 10A(2)(a) of the Local Government Act as it contains personnel matters concerning particular individuals.**

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

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

---

**3.2 Fire Safety report 155 -157 The Entrance Road The Entrance**

---

This item was resolved by the exception method.

**Moved: Councillor MacGregor**  
**Seconded: Councillor Gale**

**Resolved**

**180/20 That Council resolve to exercise its power to issue an Order under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act 1979 with respect to the matters raised within the fire safety inspection report received from Fire and Rescue NSW.**

**181/20 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.**

**For:  
Unanimous**

---

**3.3 Community Facilities Review**

---

Councillor Hogan declared a pecuniary interest in the matter as her employer utilises a council building. She left the chamber at 8.52pm, returned at 9.05pm and did not participate in discussion or voting of the matter.

Councillor Gale declared a pecuniary interest in the matter as she was previously a board member at Coast Community Connections, is currently a member at the Peninsula Leisure Centre and her child will be attending a Council child centre in the near future. She left the chamber at 8.52pm, returned at 9.05pm and did not participate in discussion or voting of the matter.

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

**Resolved**

**182/20 That Council receive the report on the Community Facilities Review and its recommendations.**

**183/20 That Council place the Draft Facilities Leasing and Licencing Policy on public exhibition for a period of 60 days.**

**184/20 That Council write to all organisations directly affected by the Policy advising of the exhibition period and noting that staff are available to explain how the draft Policy is relevant to their circumstances.**

**185/20 That Council include in the draft policy the airport as an excluded facility and note that this policy should be considered in any future lease or licence (or equivalent) negotiations.**

**186/20 That Council request the Chief Executive Officer to consider submissions received during the exhibition period and provide a report back to Council:**

**a Addressing the submissions received from the public during the exhibition period.**

**b Proposing appropriate amendments to the Policy with considerations of those submissions and seeking adoption of the Policy by Council.**

**187/20 That Council acknowledge and thank staff for their work in developing the draft Strategy.**

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

**Abstained:**  
Councillors Best and Pilon

The Mayor vacated the chair at 9.05pm and the Deputy Mayor assumed the chair for Item 3.4.

**3.4 Presentation of Financial Reports and related Auditor's Reports for Central Coast Council and Central Coast Council Water Supply Authority for the period 1 July 2018 to 30 June 2019**

---

Mr Aaron Green, Assistant Auditor-General and Ms Cassie Malone, Audit Leader from the Audit Office of NSW were present during consideration of this item.

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

**Resolved**

**188/20 That Council note that the 2018-19 Central Coast Council audited financial reports including the auditor's reports have been presented to this meeting of the Council, in accordance with s. 419(1) of the Local Government Act 1993 ("LG Act").**

**189/20 That Council note that the external auditor, addressed the Council on the auditor's report on Central Coast Council's 2018-19 Financial Reports in accordance with s. 419(2) of the LG Act.**

**190/20 That Council adopt the audited 2018-19 financial reports for Central Coast Council as presented in accordance with ss. 413(2)(c) and 377(1)(k) of the LG Act, and cl. 215(1)(a) of the Local Government (General) Regulation 2005.**

**191/20 That Council include the audited 2018-19 Central Coast Council Consolidated Financial Reports as an Addendum to Council's 2018-19 Annual Report in accordance with s.428(4)(a) of the LG Act.**

**192/20 That Council publish on Council's website the 2018-19 Annual Report including audited 2018-19 Central Coast Council Financial Reports and a copy be provided to the Minister of Local Government in accordance with s. 428 (5) of the LG Act.**

**193/20 That Council adopt the audited 2018-19 financial reports for Central Coast Council Water Supply Authority as presented in accordance with section 41B of the Public Finance and Audit Act 1983 (PF&A Act) and the Public Finance and Audit Regulation, the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board, the Local Government Act 1993 (NSW) and the Local Government Code of Accounting Practice.**

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

**Abstained:**  
**Councillor Greenaway and Vincent**

The Deputy Mayor vacated the chair at 9.16pm and the Mayor resumed the chair.

---

### **3.5 2019 Election Commitments Update**

---

Councillor Greenaway left the chamber at 9.18pm and returned at 9.19pm. She was not present for voting of this item.

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

**Resolved**

**194/20 That Council receive the report on 2019 Election Commitments Update.**

**195/20 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 1 to this report remain confidential in accordance with section 10A(2)(d) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed would confer a commercial advantage on a competitor of the Council and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.**

**For:**  
**Unanimous**

---

### **3.6 Grant Funding Update as at 31 December 2019**

---

This item was resolved by the exception method.

**Moved: Councillor MacGregor**  
**Seconded: Councillor Gale**

**Resolved**

**196/20 That Council receive the report on Grant Funding Update as at 31 December 2019.**

**197/20 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 3 to this report remain confidential in accordance with section 10A(2)(d) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed would confer a commercial advantage on a competitor of the Council and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.**

**For:**  
**Unanimous**

### **3.7 Proposed Sale of 357A Ocean Beach Road, Umina Beach**

---

Councillor MacGregor left the chamber at 9.20pm and returned at 9.22pm. He was not present for consideration of this item.

**Moved:** Councillor Mehrtens  
**Seconded:** Councillor Holstein

**Resolved**

- 198/20** That Council endorse the sale of the operational Council owned land at 357A Ocean Beach Road, Umina Beach (Lot 100 in DP 1201961).
- 199/20** That Council offer 357A Ocean Beach Road, Umina Beach (Lot 100 in DP 1201961) to the adjoining neighbour for no less than the price provided by an independent valuation as contained within Attachment 5.
- 200/20** That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachments 3, 4 and 5 to this report remain confidential in accordance with section 10A(2)(d) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed would confer a commercial advantage on a competitor of the Council and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Council's ability to obtain value for money services for the Central Coast community.

**For:**  
Mayor Matthews, Best, Holstein,  
Sundstrom, Mehrtens, Hogan, McLachlan,  
Gale, Pilon, Burke and Marquart

**Against:**  
Councillors Vincent and Greenaway

**Abstained:**  
Councillor Smith

### **3.8 2020 National General Assembly of Local Government**

---

**Moved:** Councillor Best  
**Seconded:** Councillor Sundstrom

**Resolved**

- 201/20** That Council endorse the submission of the following motions to the 2020 National General Assembly of Local Government to be held 14-17 June 2020 in Canberra;

**Motion submitted by Councillor Best:**

***That there be a national approach to the implementation of a cat curfew in order to protect native animals, recognising that nationally millions of native animals are lost and that state and local borders are no barrier to cats.***

**Motion submitted by Councillor Greenaway:**

***That ALGA write to Water Services Association of Australia to initiate discussions around standardising water restrictions so that the definition of each level is consistent in each council area regardless of whether that area is serviced by a council or by a water authority or water corporation.***

**202/20 That Council endorse the following Councillor attendees and Council voting delegate;**

**Voting Delegate: Councillor MacGregor**

**Attendees: Mayor Matthews, Councillors Best, Burke, Gale, Greenaway, McLachlan, Pilon, Smith, Sundstrom and Vincent (subject to availability)**

**For:  
Unanimous**

---

**3.9 Urban Spatial Plan - Framework for a Local Strategic Planning Statement**

---

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

**Resolved**

**203/20 That Council note the summary of submissions received for the Draft Urban Spatial Plan – Framework for a Local Strategic Planning Statement.**

**204/20 That Council note the submissions received will be considered in the development of Council's Local Strategic Planning Statement.**

**For:  
Unanimous**

---

**4.1 Meeting Record of the Employment and Economic Development Committee held on 17 December 2019**

---

This item was resolved by the exception method.

**Moved:**            **Councillor MacGregor**  
**Seconded:**       **Councillor Gale**

**Resolved**

**205/20**     ***That Council receive the report on Meeting Record of the Employment and Economic Development Committee held on 17 December 2019.***

**For:**  
**Unanimous**

**4.2**            **Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 18 December 2019**

---

This item was resolved by the exception method.

**Moved:**            **Councillor MacGregor**  
**Seconded:**       **Councillor Gale**

**Resolved**

**206/20**     ***That Council receive the report on Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 18 December 2019.***

**For:**  
**Unanimous**

**4.3**            **Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 19 December 2019**

---

This item was resolved by the exception method.

**Moved:**            **Councillor MacGregor**  
**Seconded:**       **Councillor Gale**

**Resolved**

**207/20**     ***That Council receive the report on Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 19 December 2019.***

**For:**  
**Unanimous**



---

**4.4 Meeting Record of the Social Inclusion Advisory Committee Meeting held on 13 February 2020**

---

This item was resolved by the exception method.

**Moved:** Councillor MacGregor  
**Seconded:** Councillor Gale

**Resolved**

**208/20 That Council receive the report on Meeting Record of the Social Inclusion Advisory Committee Meeting held on 13 February 2020.**

**For:**  
**Unanimous**

---

**6.1 Notice of Motion - Trees in flight path - Council's liabilities?**

---

With the concurrence of the meeting, Councillor Best withdrew 6.1 from consideration due to advice from the Aero Club in relation to this item (minute 165/20).

---

**6.2 Notice of Motion - Nine Million (\$9,000,000) Agency Agreements / Body Hire**

---

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

- 1 *That further to Council now receiving its 2018-2019 Accounts, nine months after the end of the financial year, it is noted on Page 30 the expenditure of some \$9 million under the line item "Agency Hire"??*
- 2 *That Council notes the 224 page Section 430 Investigation Report into Body Hire Arrangements in the Former Wyong Shire Council 2007-2010 that identified "evidence of serious and systemic maladministration." LINK*
- 3 *That Council urgently writes to the Office of Local Government (OLG) advising them of Council's concerns as to the real possibility that Body Hire Arrangements may have also arisen at Central Coast Council and ask the OLG to 'independently' advise on the legality and governance that underpins these arrangements.*
- 4 *That Council request the Chief Executive Officer as a matter of urgency report to Council detailing numbers of persons working under these arrangements, the type of contractual arrangements, what tendering was conducted, what interviewing process took place, their roles and their work station locations.*

- 5 *That pending advice from the OLG, no further Body Hire or Agency Agreements be entered into.*
- 6 *That Council request the Chief Executive Officer confirm as to whether these multi-million dollar arrangements have now been continued into the 2019-2020 Accounts.*

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

- 1 *That Council note the additional information provided by the Chief Executive Officer in Attachment 1 to this report.*
- 2 *That Council request the Chief Executive Officer provide a report by the end of April 2020 detailing numbers of persons working under these arrangements, the type of contractual arrangements, their roles and their work station locations.*
- 3 *That Council request ARIC to include on its annual program of works an update on this as part of the ARIC Annual Report.*
- 4 *That Council request the Chief Executive Officer provide a comparison with other similar sized Councils which have gone through the amalgamation process.*

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

*Amendment Against: Councillors Best, McLachlan, Gale, Pilon, Burke and Marquart*

The Amendment was declared CARRIED and became the Motion.

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

**Resolved**

- 209/20** ***That Council note the additional information provided by the Chief Executive Officer in Attachment 1 to this report.***
- 210/20** ***That Council request the Chief Executive Officer provide a report by the end of April 2020 detailing numbers of persons working under these arrangements, the type of contractual arrangements, their roles and their work station locations.***
- 211/20** ***That Council request ARIC to include on its annual program of works an update on this as part of the ARIC Annual Report.***
- 212/20** ***That Council request the Chief Executive Officer provide a comparison with other similar sized Councils which have gone through the amalgamation process.***

**For:**  
**Unanimous**

**Procedural Item - Deferral**

**Moved:** Mayor Matthews  
**Seconded:** Councillor MacGregor

**Resolved**

**213/20 That Council defer consideration of the following items to the 23 March 2020 Ordinary Meeting;**

<b>Item #</b>	<b>Item Title</b>
<b>6.4</b>	<b>Notice of Motion - Gosford Waterfront Marina</b>
<b>6.5</b>	<b>Notice of Motion - Council request for Chief Executive Officer to investigate revenue options and modelling for Central Coast Council</b>

**214/20 That Council defer consideration of the following item to the 27 April 2020 Ordinary Meeting;**

<b>Item #</b>	<b>Item Title</b>
<b>7.1</b>	<b>Rescission Motion - Draft Aviation HUB</b>

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

**Abstained:**  
**Councillors Best and Pilon**

**6.3 Notice of Motion - Investigation of Newcastle Airport opportunities to benefit Central Coast**

---

Councillor Gale left the chamber at 10.28pm and did not return to the Meeting. She was not present for consideration of this item.

Councillor Best left the chamber at 10.29pm and did not return to the Meeting. He was not present for consideration of this item.

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

- 1 *The Chief Executive Officer undertake preliminary investigations into opportunities for a formal relationship with Newcastle Airport that benefits the Central Coast including, but not limited to:*
  - a *increased tourism opportunities including marketing and facilitating visitation to the Central Coast region*
  - b *arrangements regarding air freight traffic that benefit Central Coast businesses and industry*
  - c *any other opportunities for investment or favourable arrangements that deliver a positive financial return that benefits the Central Coast community and / or Central Coast Council*
- 2 *The Chief Executive Officer provide a briefing to Councillors in June, 2020 that outlines options to be further explored and next steps.*
- 3 *The Chief Executive Officer provide a further report to Council by the end July, 2020.*

*Amendment Moved: Councillor Pilon*

*Amendment Seconded: Councillor Marquart*

- 1 *That Council request the Chief Executive Officer undertake preliminary investigations into opportunities for a formal relationship with Newcastle Airport that benefits the Central Coast including, but not limited to:*
  - a) *increased tourism opportunities including marketing and facilitating visitation to the Central Coast region*
  - b) *arrangements regarding air freight traffic that benefit Central Coast businesses and industry*
  - c) *any other opportunities for investment or favourable arrangements that deliver a positive financial return that benefits the Central Coast community and / or Central Coast Council*
- 2 *That Council request Chief Executive Officer provide a briefing to Councillors in June, 2020 that outlines options to be further explored and next steps.*
- 3 *That Council request the Chief Executive Officer provide a further report to Council by the end July, 2020.*
- 4 *That Council request the Chief Executive Officer to also investigate a two way relationship between Newcastle and Warnervale Airports and provide opportunities where these airports may benefit and compliment each other.*
- 5 *That Council request the Chief Executive Officer to provide in his report the opportunities that Warnervale Airport can benefit the Central Coast Region and surrounding areas.*

*Amendment For:*  
*Councillors McLachlan, Pilon, Burke and Marquart*

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

*Abstained:*  
*Councillor Holstein*

A Division was called by Councillor Pilon at 10.40pm.

The Amendment was declared LOST and the Motion was then put.

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

**Resolved**

**215/20** ***The Chief Executive Officer undertake preliminary investigations into opportunities for a formal relationship with Newcastle Airport that benefits the Central Coast including, but not limited to:***

- a increased tourism opportunities including marketing and facilitating visitation to the Central Coast region***
- b arrangements regarding air freight traffic that benefit Central Coast businesses and industry***
- c any other opportunities for investment or favourable arrangements that deliver a positive financial return that benefits the Central Coast community and / or Central Coast Council***

**216/20** ***The Chief Executive Officer provide a briefing to Councillors in June, 2020 that outlines options to be further explored and next steps.***

**217/20** ***The Chief Executive Officer provide a further report to Council by the end July, 2020.***

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

**Against:**  
***Councillor Marquart***  
**Abstained:**  
***Councillor McLachlan***

---

**6.4 Notice of Motion - Gosford Waterfront Marina**

---

Council deferred the consideration of item 6.4 to the Ordinary Meeting to be held on 23 March 2020 (minute 213/20).

---

**6.5 Notice of Motion - Council request for Chief Executive Officer to investigate revenue options and modelling for Central Coast Council**

---

Council deferred the consideration of item 6.5 to the Ordinary Meeting to be held on 23 March 2020 (minute 213/20).

---

**7.1 Rescission Motion - Draft Aviation HUB**

---

Council deferred the consideration of item 7.1 to the Ordinary Meeting to be held on 27 April 2020 (minute 214/20).

**Procedural Motion – Move into Confidential Session**

**Moved: Councillor Mehrtens**

**Seconded: Councillor Smith**

**Resolved**

**218/20 That the meeting move into Confidential Session the time being 10.10pm.**

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

**Against:**  
**Councillors Best and Pilon**

**Abstained:**  
**Greenaway and Marquart**

At this stage of the meeting being 10.10pm the meeting moved into confidential session with the members of the press and public excluded from the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10A of The Local Government Act, 1993 as the items listed come within the following provisions:-

8.1 Local Preference Policy

*Pursuant to s10A(2)(d)(i) of the Local Government Act 1993, that this report remain confidential as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

**Procedural Motion – Move into Open Session**

**Moved:** Councillor Mehrtens

**Seconded:** Councillor Smith

**Resolved**

**219/20 That the meeting move into Open Session the time being 10.27pm.**

**For:**

**Unanimous**

**Open Session****8.1 Local Preference Policy**

---

Councillor Marquart declared a pecuniary interest in the matter as he is the Managing Director of Shoreline Sports Floors which completes local work for the Central Coast Council. He left the chambers at 10.09pm, returned at 10.27pm and did not participate in discussion or voting.

Councillor Pilon declared a pecuniary interest in the matter as her business Trimlite may potentially do work for Central Coast Council. She left the chambers at 10.09pm, returned at 10.27pm and did not participate in discussion or voting.

The meeting resumed in open session at 10.27 pm and the Director Governance reported on proceedings of the confidential session of the ordinary meeting as follows:

**Moved:** Councillor MacGregor

**Seconded:** Councillor Vincent

**Resolved**

**220/20 That Council amend the Central Coast Council Policy for Procurement CCC005 to include additional Local Supplier Support.**

**221/20 That Council trial for a period of 12 months a Local Preference Weighting for Tenders. Following the trial, a further report be tabled outlining benefits, costs and include a recommendation as to its continuation.**

**222/20 That Council apply the local preference weighting of 20% to the component of all tenders demonstrated as being sourced by local suppliers and include a financial impact cap of \$150,000 (GST Exclusive) per tender.**

**223/20 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report and attachment 1 to this report remain confidential in accordance with section 10A(2)(d) of the Local Government**

***Act as it contains information that would, if disclosed, contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.***

***For:***

***Unanimous***

**Procedural Motion – Extension of Meeting**

***Moved: Mayor Matthews***

***Seconded: Councillor MacGregor***

***Resolved***

***224/20 That Council in accordance with c18.2 of the Code of Meeting Practice extend the Ordinary Meeting until 10.40pm to allow consideration of item 6.3 – Notice of Motion - Investigation of Newcastle Airport opportunities to benefit Central Coast the time being 10.30pm.***

***For:***

***Unanimous***

**The Meeting** closed at 10.41 pm.





## Central Coast Council

### Minutes of the Extraordinary Council Meeting of Council

Held in the Council Chamber  
2 Hely Street, Wyong  
on 23 March 2020

---

Mayor Lisa Matthews and Councillors Jillian Hogan, Kyle MacGregor, Troy Marquart, Chris Burke, Chris Holstein, 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), Ricardo Martello (Executive Manager Innovation and Futures), Craig Norman (Chief Finance Officer) and Shane Sullivan (Unit Manager Governance and Business Services).

The Mayor, Lisa Matthews, declared the meeting open at 6.42pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Mayor advised the community that due to the Coronavirus (COVID19) situation a decision was made in consultation with the Chief Executive Officer and Deputy Mayor Smith to cancel the 23 March 2020 Ordinary Meeting and this decision was made under clause 5.14 of the Code of Meeting Practice. This Extraordinary Meeting was called in response to a request from the Mayor and the Deputy Mayor made in accordance with clause 3.4 of the Code of Meeting Practice.

The Mayor, Lisa Matthews read an acknowledgement of country statement.

The reports are recorded in their correct agenda sequence.

#### **Apologies**

**Moved:**            **Councillor Hogan**  
**Seconded:**       **Councillor Holstein**

#### **Resolved**

**225/20**    ***That Council note Councillor Best was granted a leave of absence for the Ordinary Meeting 23 March 2020.***

**226/20**    ***That Council accept the apologies submitted by Councillors Gale, Pilon, McLachlan and Vincent.***

**For:**

**Unanimous**

## **1.1 Disclosures of Interest**

---

### **Item 3.1 – Proposal to Purchase Land known as the Davistown Wetlands**

Councillor Holstein declared a significant non pecuniary interest in the matter as one of the land owners is a landlord for his wife’s business premises. He left the chamber at 7.02pm, returned at 7.03pm and did not participate in discussion or voting of the matter.

### **Item 3.5 – Community Support Grant Program - January 2020**

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she knows of or may have worked with different community groups over the years. She chose to stay in the chamber and participate in discussion and voting on this matter as she will be objective in any decision making.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows potential recipients but not particularly well. She chose to stay in the chamber and participate in discussion and voting on this matter as the conflict is minor and will not affect her ability to discharge her public duty impartially.

### **Item 4.1 - Independent Proposal Review, 148 Woy Woy Road Kariong (Confidential)**

Councillor MacGregor declared a pecuniary interest in the matter and did not participate in discussion on the matter.

This item was resolved by the exception method.

**Moved: Councillor MacGregor**

**Seconded: Councillor Smith**

**Resolved**

**227/20 That Council receive the report on Disclosure of Interest and note advice of disclosures.**

**For:**

**Unanimous**

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

---

**Moved: Councillor Burke**

**Seconded: Councillor Hogan**

**Resolved**

**228/20** *That Council resolve that the following matters be dealt with in closed session, pursuant to s. 10A(2)(e and c) of the Local Government Act 1993 for the following reasons:*

**Item 4.1 – Independent Proposal Review – 300 Woy Woy Road, Kariong**

*Reason for considering in closed session:*

*2(e) contains information that would, if disclosed, prejudice the maintenance of law.*

*That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report and Attachment remain confidential in accordance with section 10A(2)(e) of the Local Government Act contains information that would, if disclosed, prejudice the maintenance of law and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.*

**Item 4.2 – CPA/2853 - Tender Evaluation - Replacement of Amenities Blocks**

*Reason for considering in closed session:*

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

*That Council resolve, pursuant to s.11(3) of the Local Government Act 1993, that this report remain confidential in accordance with section 10A(2)(c) of the Local Government Act as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.*

**For:**

**Unanimous**

### **Procedural Motion – Exception**

Councillor MacGregor left the chamber at 6.52pm and returned at 6.53pm during voting on this item as he declared a pecuniary interest on item 4.1 – Independent Proposal Review, 148 Woy Woy Road Kariong.

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

**Resolved**

**229/20** That Council adopt the following items as a group and in accordance with the report recommendations:

<b>Item #</b>	<b>Item Title</b>
<b>1.3</b>	<b>Mayoral Minute - Call for Federal and State Governments to direct economic stimulus packages to local governments</b>
<b>4.1</b>	<b>Independent Proposal Review, 148 Woy Woy Road Kariong</b>
<b>4.2</b>	<b>CPA/2853 - Tender Evaluation - Replacement of Amenities Blocks</b>

**230/20** That with the exception of the reports listed below, Council adopt the recommendations contained in the reports listed above:

<b>Item #</b>	<b>Item Title</b>
<b>2.1</b>	<b>Draft Local Strategic Planning Statement</b>
<b>3.1</b>	<b>Proposal to Purchase Land Known as the Davistown Wetlands</b>
<b>3.2</b>	<b>Draft Central Coast Economic Development Strategy</b>
<b>3.3</b>	<b>Exhibition of Draft Operational Plan 2020-21</b>
<b>3.4</b>	<b>Public Exhibition of Waste Resourcing Management Strategy</b>
<b>3.5</b>	<b>Community Support Grant Program – January 2020</b>

**For:**  
**Unanimous**

**1.3** **Mayoral Minute – Call for Federal and State Governments to direct economic stimulus packages to local governments**

---

This item was resolved by the exception method.

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

**Resolved**

**231/20** That Council call on the Federal and State Governments to direct economic stimulus packages to local government in response to the global COVID-19 pandemic.

**232/20** That Council note the NSW Government stimulus packages must include substantial funding and resources for Councils to help drive local

***economic recovery, ensuring local employment and support of local businesses across NSW, as well as ongoing investment in public infrastructure and community services for the public good.***

**For:**

**Unanimous**

---

## **2.1 Draft Local Strategic Planning Statement**

---

**Moved: Councillor Smith**

**Seconded: Councillor Sundstrom**

**Resolved**

**233/20 That Council note the current global COVID-19 pandemic significantly impacts the proposed community consultation process for the Local Strategic Planning Statement, which is a similar situation for all non-metropolitan Councils around NSW.**

**234/20 That Council request the Chief Executive Officer write to the NSW Department of Planning, Industry and Environment as a matter of urgency requesting a 12 month extension for the adoption of the LSPS based upon the current enforced restrictions relating to the COVID 19 Pandemic to allow Council to undertake appropriate community consultation.**

**235/20 That Council note the following resolutions from 8 October 2019;**

**976/19 That Council adopt a Ward based approach to the Local Strategic Planning Statement.**

**977/19 That the Chief Executive Officer develop an outline for community engagement for each Ward in consultation with Ward Councillors, noting that this may include the consultation already proposed for Social Planning Areas.**

**236/20 That the draft LSPS be amended to include additional Chapters for each Ward that includes a map of the Ward and outlines proposed Land Use for that Ward, the planning priorities and actions as they apply to that particular Ward**

**237/20 That the Chief Executive Officer engage a consultant to develop character statements for those areas that don't currently have them, in line with resolution 171/20 from 9 March, 2020**

**For:**

**Unanimous**

**3.1 Proposal to Purchase Land known as the Davistown Wetlands**

---

Councillor Holstein declared a significant non pecuniary interest in the matter as one of the land owners is a landlord for his wife's business premises. He left the chamber at 7.02pm, returned at 7.03pm and did not participate in discussion or voting of the matter.

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

**Resolved**

**238/20 That Council, in response to the evolving situation with Coronavirus (COVID – 19), defer consideration of this item to a future Ordinary Council Meeting.**

**For:**  
**Unanimous**

**3.2 Draft Central Coast Economic Development Strategy**

---

**Moved:** Councillor Mehrtens  
**Seconded:** Councillor Smith

**Resolved**

**239/20 That Council, in response to the evolving situation with Coronavirus (COVID – 19), defer consideration of this item to a future Ordinary Council Meeting.**

**For:**  
**Unanimous**

**3.3 Exhibition of Draft Operational Plan 2020-21**

---

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

**Resolved**

**240/20 That Council endorse the draft Operational Plan, including Fees and Charges, for the 2020-21 financial year for the purposes of public exhibition from Tuesday 31 March to Monday 27 April 2020 and invite public submissions in accordance with the Local Government Act 1993.**

**241/20 That Council give public notice of the draft Operational Plan 2020-21, including Fees and Charges, in accordance with s.405(3) of the Local**

**Government Act 1993, and publicly exhibit that draft Operational Plan 2020-21 in accordance with that public notice.**

- 242/20 That Council resolve, for the purpose of s. 405(4) of the Local Government Act 1993, that maps showing the parts of the Central Coast local government area to which each category and sub-category of ordinary and special rates proposed in the draft Operational Plan 2020-21 be made available in Council's Gosford and Wyong Administration Offices.**
- 243/20 That Council authorise the Chief Executive Officer to make appropriate amendments to the draft Operational Plan 2020-21, including Fees and Charges, to correct numerical or typographical errors.**
- 244/20 That Council consider final adoption of the draft Operational Plan 2020-21, including Fees and Charges, and making of rates and charges at a meeting of the Council by the end of June 2020.**
- 245/20 That Council notes that this Draft Operational Plan has been developed prior to the realisation of COVID-19 (Coronavirus) impacts. Council recognises that if the economy moves into recession there will be impacts on the Central Coast economy, which will likely impact local businesses and residents and therefore the revenue base and also place cost pressures on operations.**
- 246/20 Council notes that the assessment of this potential impact is currently being determined. Further updates will be provided during and after public exhibition.**
- 247/20 That subject to the provisions of S562(3)(b) of the Local Government Act that Council defer any further recovery action on outstanding rates and fees and charges this quarter and look to extend the hardship provisions to businesses which have closed and ratepayers that have lost their jobs and are not receiving a regular income and upon confirmation of business closure or confirmation from employers confirming the ratepayer is no longer employed or will be on unpaid leave Council will look at waiving interest until 31 May 2020.**

**For:**

**Unanimous**

---

### **3.4 Public Exhibition of Waste Resource Management Strategy**

---

**Moved: Councillor Hogan**

**Seconded: Councillor MacGregor**

**Resolved**

- 248/20 That Council exhibit the draft Waste Resource Management Strategy for a minimum of 28 days for the purpose of Community Consultation.**

**249/20** *That, following exhibition of the draft Waste Resource Management Strategy, Council considers a further report on results of community consultation.*

**For:**

**Unanimous**

### **3.5 Community Support Grant Program - January 2020**

---

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she knows of or may have worked with different community groups over the years. She chose to stay in the chamber and participate in discussion and voting on this matter as she will be objective in any decision making.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows potential recipients but not particularly well. She chose to stay in the chamber and participate in discussion and voting on this matter as the conflict is minor and will not affect her ability to discharge her public duty impartially.

**Moved:** **Councillor Smith**

**Seconded:** **Councillor Greenaway**

**Resolved**

**250/20** *That Council support the recommendations in principle to allocate \$27,697 from the 2019/20 grants budget to the community support grant program as outlined in the following report and Attachment 1.*

**251/20** *That Council request the Chief Executive Officer to review the proposals and identify those that may not be able to proceed at this stage due to the COVID-19 pandemic and only allocate to those able to deliver proposed projects.*

**252/20** *That Council decline applications for the reasons indicated in Attachment 2 the application be advised and where relevant, directed to alternate funding.*

**For:**

**Unanimous**

The Unit Manager Governance and Business Services reported on the Confidential Items adopted by the exception method as follows:



---

**4.1 Independent Proposal Review, 148 Woy Woy Road Kariong**

---

Councillor MacGregor declared a pecuniary interest in the matter and did not participate in discussion on the matter.

This item was resolved by the exception method.

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

**Resolved**

**253/20 That Council adopt the draft submission as attached.**

**254/20 That Council request the Chief Executive Officer forward the submission to the Hunter and Central Coast Regional Planning Panel for consideration.**

**255/20 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report and Attachment remain confidential in accordance with section 10A(2)(e) of the Local Government Act contains information that would, if disclosed, prejudice the maintenance of law and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.**

**For:**  
**Unanimous**

---

**4.2 CPA/2853 - Tender Evaluation - Replacement of Amenities Blocks**

---

This item was resolved by the exception method.

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

**Resolved**

**256/20 That Council declines all tenders received for Contract CPA/2853 - Tender Evaluation - Replacement of Amenities Blocks in accordance with cl.178 Local Government (General) Regulation 2005.**

**257/20 That Council enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender, as per cl.178(3) of the 'Regulation'.**

**258/20 The Council identifies the projects as continuing projects and the 2020-21 capital works program be increased by the unspent budget as at 30 June 2020 to allow completion.**

**259/20 That Council resolve, pursuant to s.11(3) of the Local Government Act 1993, that this report remain confidential in accordance with section 10A(2)(c) of the Local Government Act as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.**

**For:**

**Unanimous**

The Mayor advised the Councillors that due to the current situation with COVID-19 the Chief Executive Officer will continue to hold telephone conferences to ensure that Councillors are up to date with any relevant information.

The Chief Executive Officer advised the meeting that further information has been sought from the Office of Local Government regarding the conducting of future meetings and until further advice has been received the next scheduled meeting for 27 April 2020 will be held at the Wyong Council Chambers.

**The Meeting** closed at 7.34 pm.

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

---



27 April 2020 Ordinary Council Meeting

Trim Reference: F2020/00039 - D13864216

### **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 receive the report and note that no matters have been tabled to deal with in a closed session.***

### **Context**

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

- 2(a) *personnel matters concerning particular individuals (other than Councillors),*
- 2(b) *the personal hardship of any resident or ratepayer,*
- 2(c) *information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,*
- 2(d) *commercial information of a confidential nature that would, if disclosed:*
  - (i) *prejudice the commercial position of the person who supplied it, or*
  - (ii) *confer a commercial advantage on a competitor of the Council, or*
  - (iii) *reveal a trade secret,*
- 2(e) *information that would, if disclosed, prejudice the maintenance of law,*

- 2(f) *matters affecting the security of the Council, Councillors, Council staff or Council property,*
- 2(g) *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*
- 2(h) *information concerning the nature and location of a place or an item of Aboriginal significance on community land.*

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:** Mayoral Minute - Call on NSW Government for Financial Assistance to Councils  
**Department:** Councillor

---

27 April 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13928430

Author: Lisa Matthews, Mayor

## **Background**

Central Coast Council, along with our counterparts, continue to struggle with the financial impacts of the Coronavirus (COVID-19). Specifically, for Central Coast Council this is compounded by the recent bushfires and floods experienced.

Councils have faced increased costs and at the same time is experiencing declining revenue as more and more ratepayers are forced into financial hardship. The impacts are rapidly escalating.

Central Coast Council is doing everything possible to provide support and deliver the services needed to protect community health and wellbeing, and to keep our communities functioning during these difficult times. The wellbeing, safety and livelihoods of our communities, customers, and staff is paramount.

In response to the ongoing pandemic, and in support of the Local Government NSW's campaign for assistance, the CEO of Central Coast Council and I wrote to the NSW Minister for Local Government on 14 April 2020 [attached], seeking assistance measures such as increasing financial assistance grants payments; allowing councils to retain the waste levy; freeze the 2020/21 increase in the Emergency Services Levy; one hundred per cent of pensioner rebates to be paid back to councils, along with a request to change current policy with regard to restricted funds, infrastructure spending, among others as outlined in the letter. Specific to Central Coast Council, allowing councils to retain significant development developer contributions, and support for the cost of conducting Local Planning Panels.

For noting, majority of the content outlined in the recommendations align to that provided by Local Government NSW and is consistent with the campaigning other councils are undertaking.

The situation of the coronavirus is evolving daily. It is critical that the local government sector receives adequate funding and resources to coordinate and deliver goods and services as we navigate through, and recover from, natural disasters and the new challenges presented by COVID-19 and its massive impacts on people and our local economies.

*I formally move:*

- 1 That Council note representations made to the NSW Government, in a letter from the Mayor and CEO on 14 April 2020, to urgently deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.**
- 2 That Council support the call for the packages to include among other things the following measures:**
  - Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs;**
  - Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.**
- 3 That Council note, in addition to the assistance measures to be considered across all LGAs, specific to the Central Coast Council, representations have been made to the NSW Government to:**
  - provide support for the cost of conducting Local Planning Panels. State Government should recognise this as cost shifting and provide support to Councils in the conduct of these Panels. It is estimated that the cost of conducting a Local Planning Panel will reach approximately \$400,000 per year. This is an additional cost to be borne by Council and ratepayers of the Central Coast. There is no associated reduction in cost of conducting Council Meetings to counterbalance this requirement. For Central Coast the timing of this requirement is particularly onerous and some consideration of that would be appreciated by way of support and realistic timeframes; and**
  - allow Council to retain State significant development developer contributions. Since the introduction of the SEPP (Gosford City Centre) 2018 developments that have a Capital Investment Value of between \$10 million but no more than \$75 million the Minister is the consent authority. This has meant that all developments within Gosford is now assessed by the Department of Planning Infrastructure and Environment resulting in hundreds of thousands of dollars in fees is now payable to the State Government when in fact council staff perform at least 50 per cent of the development assessment. Council seeks a fair share (50 per cent) of the fees paid to date and payable into the future.**

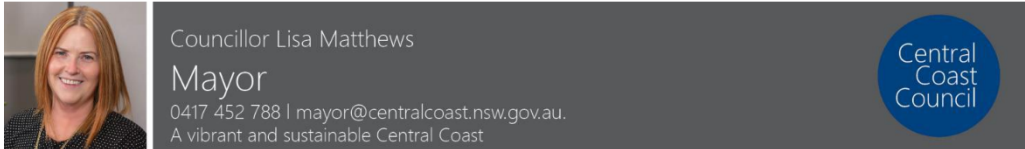
**2.1 Mayoral Minute – Call NSW Government for Financial Assistance to Councils (contd)**

---

- 4 *That Council commends the NSW and Federal Governments on their stewardship during this crisis and commits to working in partnership to protect community health and sustain local economies through this crisis.***
- 5 *That Council call on the local Federal and State Member(s), Prime Minister the Hon Scott Morrison MP, NSW Premier the Hon Gladys Berejiklian MP, Federal Treasurer the Hon Josh Frydenburg MP, NSW Treasurer the Hon Dominic Perrottet MP, NSW Local Government Minister the Hon Shelley Hancock MP, Federal Minister for Local Government the Hon Mark Coultan, Federal Opposition Leader the Hon Anthony Albanese, NSW Opposition Leader Jodi McKay MP, Federal Shadow Minister for Local Government Jason Clare MP and NSW Shadow Minister for Local Government Greg Warren MP to confirm their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.***
- 6 *That Council endorses Local Government NSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector.***
- 7 *That Council support advising the LGNSW President Linda Scott of the passage of this Mayoral Minute.***

**Attachments**

- 1 Letter to the Hon. Shelley Hancock, Minister for Local Government D13929873**



14<sup>th</sup> April, 2020

The Hon. Shelley Hancock MP  
Minister for Local Government  
Member for the South Coast  
GPO Box 5341  
Sydney NSW 2001  
[southcoast@parliament.nsw.gov.au](mailto:southcoast@parliament.nsw.gov.au)

Dear Mrs Hancock,

We are writing to thank you for the message to all Councils from you on 4 April 2020 in which you expressed gratitude for the hard work that Councils and staff are undertaking through this period.

This is an unprecedented crisis and we are confident that Councils across the State are making significant adjustments and changes to ensure the ongoing provision of services to our communities, just as we at Central Coast are doing.

Council continues to work, but work differently. Those within our workforce who can have been working remotely since 24 March 2020. Pleasingly, our systems and process have allowed this to happen with minimal interruption. We have been engaging constructively with the Unions to protect our workforce, recognising our role as a community leader and key employer.

In the past weeks, Council has put in place a number of packages to provide support to those within our community by way of fee waivers and reductions. Council has established an Economic Task Force to respond to local business impacts in partnership with those most affected. A second phase of support will soon be developed for consideration by Council. Since the start of this situation we have been closely monitoring the financial impact upon Council. We have identified and prioritised current contracts. We have consulted with lenders about opportunities for borrowing and the impact that may have in the long term. However, as more time passes it becomes clearer and clearer that the financial impacts will be significant and long lasting.

We have commenced work on a program to harness the lessons learned through this new way of working so that as we move back to business as usual, for the Central Coast, that represents a business improved.



**Wyang 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



While we are currently able to provide around 70% of our services without interruption, the longer we are in this state the more likely there are to be impacts on our staff. This includes redeployments, forced leave and potentially leave without pay. We have already had to stand down many of our casual staff, albeit with four weeks pay based upon their standard roster. Soon we could start to see impacts upon the mental health of our staff. In some areas, such as child care, there are understandable concerns amongst our staff about their own safety and the safety of their families.

It also needs to be noted that like all Councils, Central Coast is in the middle of the budget process. Currently, we have on public exhibition what could be described as a pre-COVID-19 Operational Plan and Delivery Program. In the midst of managing the critical functions that need to be adapted, our key staff are also being required to review the budget. This is a process that normally takes months that now needs to be done within a matter of weeks. Given these challenges, we are writing to you to advocate for specific assistance that can either provide financial support to Council or relieve some additional burdens which could surely be alleviated during this period.

**Changes to current Policy**

1. We request that there be permitted temporary use of restricted funds for other purposes to reduce Council's need to borrow. This will allow Councils access to cashflow and avoid incurring additional costs through borrowings.
2. We request that there be flexibility, as well as streamlining the process, to borrow internally to maintain and/or bring forward infrastructure spending.

This will ensure that timely decisions can be made to ensure that Councils can contain to invest in job generating projects.

3. We request that there be put in place flexibility moving forward in the rate cap to enable Councils to regain their financial position over time (eg 3 years) so as to not unfairly burden future generations.

Currently Councils would need to go through an IPART process that is costly in terms of resources and time. It is proposed that this process has a fast track mechanism so that Councils can recover financially in a more timely manner.

4. We ask that there be a relaxation of the cash ratio requirements to free up cash 1.5x greater – reduce to 1:1 .

This will also allow Councils flexibility in accessing critical cashflow to maintain essential services.

5. We submit that there should be a relaxation of the 'fit' under Fit for the Future requirement to access to State Government loans allowing all Councils to access loans at reduced rates. This will allow lower cost funding of critical projects and essential services.
6. We believe that the impact of award increases should be considered and thought given to whether these can be provided over time so as to maintain Councils cost base pressures to a level whereby recovery can occur over a lesser period.
7. Consider changed timeframe for the adoption of Council Operational Plans and Delivery Program

The Victorian Government has made legislation to change the date by which Councils are required to adopt their budgets. We ask that a similar provision be considered for NSW.

**Request for advocacy for the sector**

8. Financial Assistance Grants

We ask that you advocate in the strongest terms that the grants be returned to at least 1 per cent of Commonwealth taxation revenue. We also ask that the payments be brought forward to before 20 June 2020.

It is well acknowledged that there has been a relative decline in core federal funding to local government in the form of the Financial Assistance Grants (FAGs). This funding is critically important to local government.

In 1996, FAGS were equivalent of around 1% of Commonwealth taxation revenue. This has fallen to almost half that amount.

**Financial relief**

9. Allowing Councils to retain the waste levy

Section 88 of the Protection of the Environment Operations Act 1997 requires certain licensed waste facilities in NSW pay a monthly contribution for each tonne of waste received at its facility directly to the NSW State Government. Central Coast Council estimates it will pay \$28M in landfill levy to the NSW State Government during 2019/20 and a similar figure in 2020/21. This includes approximately \$9.5M yet to be paid for the period of 1 March to 30 June 2020.

Central Coast Council requests that the NSW Government issue a waste levy exemption for all waste received at its Buttonderry and Woy Woy Waste Management Facilities for

the period of 1 March 2020 for the duration of the current COVID-19 crisis. This would enable Council to reallocate essential funding towards the delivery of services to the Central Coast Community.

10. Allowing Councils to retain State significant development developer contributions

Since the introduction of the SEPP (Gosford City Centre) 2018 developments that have a Capital Investment Value of between \$10 million but no more than \$75 million the Minister is the consent authority. This has meant that all developments within the Gosford are now assessed by the Department of Planning Infrastructure and Environment meaning that hundreds of thousands of dollars in fees is now payable to the State Government when in fact Council staff still do at least 50% of the development assessment. Council seeks a fair share (50%) of the fees paid to date and payable into the future.

11. Support for the cost of conducting Local Planning Panels

It is estimated that the cost of conducting a Local Planning Panel will reach approximately \$400,000 per year. This is an additional cost to be borne by Council and the ratepayers of the Central Coast. There is no associated reduction in cost of conducting Council Meetings to counterbalance this requirement.

We call on the State Government to recognise this as cost shifting and provide support to Councils in the conduct of these Panels.

For Central Coast the timing of this requirement is particularly onerous and some consideration of that would be appreciated by way of support and realistic timeframes.

12. Freeze the 2020/21 increase in the Emergency Services Levy

Council strongly supports fairer worker's compensation for paid and volunteer fire fighters, particularly after the most recent season. However, given the current climate imposing any increase on the Emergency Services Levy for 2020/21 would cost communities in NSW.

13. 100% of pensioner rebates to be paid back to Councils

NSW is the only State in which pensioner rebate (subsidy) are not fully funded by the State Government. Local government as an industry absorbs around \$65million every year. It is also worth noting that some State agencies receive full funding for the rebate and for Central Coast Council there will be \$9.8m provided and the State only funds \$5.4m of this. This gap of \$4.4m is rates revenue Councils will not be in a position to forego as they work to navigate the current financial impacts.

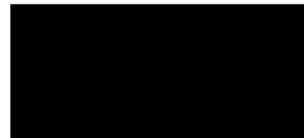
Council unquestionably supports concessions for pensioners but welfare and income support are matters for State and Federal Government. Councils will need to be focussed on ensuring ongoing sustainability and the maintenance of key infrastructure.

Council next meets on 27 April 2020 and it is anticipated that a Mayoral Minute will be considered at that meeting setting out the support requested and supporting LGNSW in their representations.

Yours faithfully,



**Mayor Lisa Matthews**  
Central Coast Council



**Gary Murphy**  
Chief Executive Officer

Cc: Local Government NSW  
Member for Terrigal



**Item No:** 3.1  
**Title:** DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House  
**Department:** Environment and Planning

---

27 April 2020 Ordinary Council Meeting

Reference: F2020/00041 - D13795735  
Author: Amanda Hill, Town Planner  
Manager: Andrew Roach, Unit Manager, Development Assessment  
Executive: Scott Cox, Director Environment and Planning

### Summary

A development application has been received for a boarding house utilising the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (SEPP ARH) at 48 McLachlan Avenue, Long Jetty. The development application is required to be reported to Council in accordance with Council's adopted *Policy for Determining Development Applications subject to Public Objection* due to the number of objections received being over 50. During the final advertising period, a total of 84 objections and 58 submissions in support of the proposed development were received.

The development application has been examined having regard to the matters for consideration detailed in section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	ADG Architects
<b>Owner</b>	Ellisons Capital Partners Pty Ltd
<b>Application No</b>	DA/803/2019
<b>Description of Land</b>	Lot 502 DP 214228, 48 McLachlan Avenue, LONG JETTY
<b>Proposed Development</b>	Boarding House
<b>Site Area</b>	518.5m <sup>2</sup>
<b>Zoning</b>	R2 Low Density Residential Zone
<b>Existing Use</b>	Dwelling House
<b>Employment Generation</b>	No
<b>Estimated Value</b>	\$758,896.00

### Essential Item

A decision of Council is required for the action to progress. The impact on a legislative requirement without a resolution of Council is as follows:

- The subject development application cannot be determined without a decision made by Council to meet legislative requirements pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*.

**3.1 DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House  
(contd)**

---

**Recommendation**

- 1 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.**
- 2 That Council advise those who made written submissions of its decision.**

**Precis**

<b>Proposed Development</b>	Boarding House with 8 rooms and demolition of the existing buildings under the provisions of <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> .
<b>Permissibility and Zoning</b>	The subject site is zoned R2 Low Density Residential under the provisions of <i>Wyong Local Environmental Plan 2013</i> . Boarding Houses are a permissible use in the zone however, the proposal relies upon the provisions of <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> .
<b>Relevant Legislation</b>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning and Assessment Act 1979</i> (EP&amp;A Act).</li> <li>• <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> (SEPP ARH).</li> <li>• <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> (SEPP BASIX).</li> <li>• <i>Wyong Local Environmental Plan 2013</i> (WLEP 2013).</li> <li>• <i>Draft Central Coast Local Environmental Plan 2018</i> (CCLEP).</li> <li>• <i>Wyong Development Control Plan 2013</i>.</li> </ul>
<b>Current Use</b>	Dwelling House
<b>Integrated Development</b>	No

**3.1 DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House (contd)**

---

<b>Submissions</b>	<i>Initial advertising period:</i> <ul style="list-style-type: none"><li>• 169 objections;</li><li>• 94 submissions in support; and</li><li>• 3 petitions with a total of 431 signatures.</li></ul> <i>Second (final) advertising period:</i> <ul style="list-style-type: none"><li>• 84 objections; and</li><li>• 58 submissions in support.</li></ul>
--------------------	---

**Background**

The development application initially proposed alterations and additions to an existing building on the site to create boarding house. This building currently encroaches into the road reserve. This initial proposal was advertised between 12 September 2019 to 3 October 2019. A total of 263 submissions (169 in objection and 94 in support) and 3 petitions of objection with 431 signatures were received.

A meeting was held between Council staff and the Applicant to discuss the initial proposal. Following this meeting, the applicant undertook complete re-design and amended plans were submitted to Council for assessment. The amended plans propose the demolition of the existing buildings on the site and construction of a new (eight room) boarding house. The amended design and plans have been assessed and form the basis of this report and recommendations.

The amended plans were notified between 28 November 2019 and 19 December 2019. A total of 84 objections and 58 submissions in support of the proposed development were received.

A site inspection with Mayor Matthews, Deputy Mayor Smith, Councillor Holstein, Councillor Greenaway, Councillor Mehrstens, Councillor Sundstrom and Council Staff was conducted at the subject site on 3 February 2020. The matters raised at the site meeting included:

- Are street trees proposed?

*Comment*

The subject site currently has no street trees. The planting of street trees would normally be required for this type of development at a rate of 2 semi-advanced trees per 15 metre of frontage. This would require two street trees to be planted for each frontage (McLachlan Avenue and Lindsay Street). Taking into consideration the location of the subject site, being on an intersection with a roundabout and Council's requirement to preserve pedestrian and vehicle sight-lines and safety of the intersection, street trees are not recommended.

### 3.1 DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House (contd)

---

- Are the House Rules included in the Plan of Management?

#### *Comment*

The House Rules are included in the Plan of Management (POM). Compliance with the POM is a recommended condition of development consent.

- Does the landscaping plan specify native species?

#### *Comment*

The submitted landscape plan proposes the planting of Australian native tree and plant species.

- Is colorbond fencing an appropriate treatment for noise control?

#### *Comment*

The submitted Noise Impact Assessment report recommends the use of the existing 1.8 metre high colorbond fence on the eastern boundary and the erection of a 2.1 metre high colorbond boundary fence along the northern boundary to act as a sound barrier wall for noise attenuation purposes. Colorbond fencing is a typical fence material used in residential areas.

- Can the rainwater tank size be increased and can additional energy efficient measures such as solar panels be proposed?

#### *Comment*

The proposed rainwater tank size is 4000 litres and is required by *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* (BASIX). BASIX also requires an outdoor tap to be connected to this rainwater tank. The provisions of BASIX prevail over any other environmental planning instrument and additional energy efficient measures other than those required by BASIX and Section J under the Building Code of Australia cannot be enforced to be installed in a new building.

However, the applicant/developer can agree to provide greater energy and water saving measures to that which is required by BASIX. In this instance, the applicant has advised that they are intending to install a larger rainwater tank with a capacity of 8000 litres, and a 6.5KWh solar panel system.

#### **Variations to Policies**

There are no variations to report.



### The Site

The subject site is commonly known as No. 48 McLachlan Avenue, Long Jetty and is legally described as Lot 502 DP 214228. It is located on the corner of McLachlan Avenue and Lindsay Street with an overall site area of 518.5m<sup>2</sup>. The site is irregular in shape with a splayed boundary at the intersection of both street frontages.

The land contains a single and two-storey brick and clad building and a detached garage. The building currently encroaches upon the front boundary of the site within Council's road reserve. This building was previously used as a 'general store' and was more recently used as a dwelling house. This building and the detached garage are to be demolished as part of the proposal.

The site is zoned R2 Low Density Residential under the provisions of *Wyong Local Environmental Plan 2013* (WLEP 2013).



Figure 1 – Aerial photograph of subject site and adjoining properties (site outlined in blue)

3.1 DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House  
(contd)

---



*Figure 2 – Photograph of subject site from the intersection of McLachlan Avenue and Lindsay Street*



*Figure 3 – Zoning Map (R2 zone in dark pink; R1 zone in purple)*

### **Surrounding Development**

Directly to the north and east of the subject site are single-storey dwelling houses. The surrounding sites consist of single and two-storey dwelling houses and dual occupancy developments.

### **3.1 DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House (contd)**

---

The land to the west of the subject site (ie opposite side of Lindsay Street) is zoned *R1 General Residential* under *WLEP 2013*. Properties to the north, south (opposite side of McLachlan Avenue) and west of the site are zoned *R2 Low Density Residential* under *WLEP 2013*.

#### **The Proposed Development**

Development Application No. 803/2019 seeks approval for the demolition of all existing buildings on the site and the construction of a boarding house containing 8 rooms under the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH)*.

The proposed building is two storeys in height with a pitched roof and includes an undercroft car parking area containing four car parking spaces, two motorcycle spaces and bicycle storage as well as a bin storage area.

Each boarding room is proposed to contain a kitchen, bathroom and laundry facilities. A communal room is proposed on the ground floor, with a communal private open space area located off this room and within the side setback to Lindsay Street. The boarding house has a maximum capacity of 12 persons.

The proposal does not include a manager's residence as the building is proposed to be managed and leased through a local real estate agency. Under the provisions of *SEPP ARH 2009* a manager's residence is only required where more than 20 rooms are proposed.

3.1 DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House (contd)



Figure 4 – Proposed site plan



Figure 5 – Perspective View from Lindsay Street





*Figure 6 – Perspective View from McLachlan Ave*

### **History**

The site has a historical use as a general store and was more recently used for residential purposes.

There are no recent approvals relating to the subject site.

### **Submissions**

In accordance with *Chapter 1.2 - Notification of Development Proposals* under *Wyang Development Control Plan 2013 (WDPCP 2013)*, the application was initially advertised from 12 September 2019 to 3 October 2019. A total of 263 submissions (169 in objection and 94 in support) and 3 petitions in objection with 431 signatures were received.

Following from meetings held with Council staff and the Applicant, the proposed development was re-designed and amended plans submitted to Council for assessment. The amended plans were advertised in a second advertising period between 28 November 2019 and 19 December 2019. A total of 84 objections and 58 submissions in support of the proposed development were received.

In accordance with Council's adopted *Policy for Determining Development Applications Subject to Significant Public Objection*, the application is referred to Council for determination as more than 50 objections were received in relation to the proposal.

The issues raised in relation to the proposal are discussed below:

*The development will lead to petty crime and drug use.*

**3.1 DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House  
(contd)**

---

Comment

There is no evidence to support this claim. It should be noted that the applicant has submitted a Plan of Management (POM) which outlines the criteria for tenancy agreements. All residents of the boarding house must enter into a tenancy agreement with management (nominated real estate agent) which states that they agree to the House Rules. Management may evict a resident who refuses to comply with the house rules. The POM further states that residents found involved in any illegal activity will be evicted immediately and that the Police will be called. Conditions have been recommended relating to the operation of the boarding house and compliance with the submitted POM.

*The site is too small for a boarding house.*

Comment

The proposed development complies with the development standards for floor space ratio and building height under *SEPP ARH* and *WLEP 2013*. Further, the proposal provides adequate setbacks to adjoining properties. It is considered the site area is appropriate for the proposed boarding house.

*There will be 16 people crammed on this small block.*

Comment

The proposal is for 8 rooms which are large enough to be occupied by 2 residents within each room, however, the proposed maximum number of occupants is 12. A condition of consent is recommended which limits the capacity of the boarding house to a maximum of 12 residents.

*A corner block is dangerous for medium to high density housing.*

Comment

The proposed boarding house is a low density residential development permitted under the *SEPP ARH* and in the *R2 Low Density Residential Zone* under *WLEP 2013*. The boarding house is setback from the front boundaries and located outside of the sight preservation guidelines for a corner allotment. The proposed development is consistent with existing setbacks of surrounding residential buildings. The proposed boarding house with its setbacks and sight lines will not pose any danger for the corner allotment and is an improvement to the encroaching building currently located on the site.

*Insufficient car parking for residents and visitors which will increase parking on the street.*

### 3.1 DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House (contd)

---

#### Comment

*SEPP ARH* requires that car parking be provided at the rate of 0.5 parking spaces per boarding room if the development is not carried out by or on behalf of a social housing provider. The development is not carried out on behalf of a social housing provider and four car parking spaces are required. The proposal provides four car parking spaces and complies with the *SEPP ARH*. Clause 29(2)(e) of *SEPP ARH* states that a consent authority must not refuse consent on the grounds of parking if the *SEPP ARH* parking requirement is complied with. The *SEPP ARH* does not require visitor car parking.

*The proposal is not compatible with the character of the local area.*

#### Comment

The immediate locality typically contains single and two-storey dwelling houses to the north and east of the subject site. To the west and south, in addition to dwelling houses, the surrounding area contains some single-storey dual occupancy developments. The locality is described as having a mixed character of old and new low-density residential development. Whilst the subject site is zoned *R2 Low Density Residential* under *WLEP 2013*, it is bound by the *R1 General Residential Zone* to the west of the subject site. The western side of Lindsay Street allows medium density residential development such as residential flat buildings and multi dwelling housing which will alter the existing character of the area in the future.

The proposed built form is two-storey and is setback 6.0 metres from the front boundary in McLachlan Avenue and is respectful of the front setback and building height pattern established in the street. Landscaping is proposed within the front setback to provide consistency in streetscape presentation.

The proposed boarding house has architectural features that are domestic in style and scale and have been used to articulate the building and reduce the bulk and scale of the development. Setbacks are appropriate to the surrounding residential development and consistent with *Wyang Development Control Plan 2013*.

The existing built form on the site will be replaced with a new built form that is more consistent and in harmony with the existing streetscape and will positively contribute to the character of the local area. The proposed boarding house is compatible with the character of the local area and satisfies Clause 30A of *SEPP ARH*.

*The development is out of the Sydney zone and is not within the 400 meters walking distance of land within a B2 local centre or B4 mixed use zone or equivalent B6 zone enterprise corridor under the SEPP ARH.*

**3.1 DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House  
(contd)**

---

Comment

The former Wyong Local Government Area is in the Sydney Region (as defined by the *SEPP ARH*) and Clause 27(2) of *SEPP ARH* applies. The subject site is required to be in an 'accessible area'.

*The proposed development does not meet the requirements of an 'Accessible Area' as the bus schedule (Lindsay Street before Oaks Avenue) is at 6.44pm and the following bus is at 7.51pm. This is 7 minutes outside of the hourly rule.*

Comment

Development for the purpose of a boarding house is permissible with consent in the R2 Low Density Residential zone under *WLEP 2013*. However, the proposal relies upon the provisions of *SEPP ARH*. Clause 27 of *SEPP ARH 2009* does not permit development for the purpose of a boarding house on land zoned R2 Low Density Residential unless the land is within an 'accessible area'. The *SEPP ARH* defines 'accessible area' as follows:

**accessible area** means land that is within:

- (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or*
- (b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or*
- (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the [Passenger Transport Act 1990](#)) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.*

The subject site satisfies point (c) above as it is located within 400 metres walking distance to the bus stops on Lindsay Avenue. The bus stops are located opposite each other on Lindsay Street and are serviced by regular bus services (Red Bus Routes 15, 24 and 25) which operate between The Entrance and Wyong town centres.

The Statement of Environmental Effects dated November 2019 submitted with the application has demonstrated that at least one bus per hour services the bus stops providing bus services in each direction between The Entrance and Wyong.

It is considered that the subject site is in a compliant accessible area as required under Clause 27(2) of the *SEPP ARH*.



**3.1 DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House  
(contd)**

---

*The development has not been designed having due regard to Crime Prevention through Environmental Design (CPTED) Principles and Safer by Design Principles.*

Comment

The POM includes the following safety and security measures which are to be implemented in the building:

- *perimeter lighting is to be provided as required;*
- *the entrance to the premises shall remain fully illuminated after dark during all times of operation on the premises;*
- *rooms adjacent to the communal area will have higher surveillance to accommodate more vulnerable residents;*
- *surveillance and security cameras are to be provided at all entry locations and common areas;*
- *any door used for entry to or exit from a resident's room must be fitted with a lock operated by a key from the outside, and can be unlocked from inside without a key;*
- *resident's windows must have a covering that provides privacy and can be opened and closed by the resident.*

Conditions have been recommended relating to the operation and management of the site in accordance with the Plan of Management (POM). It is considered that the lighting and security measures proposed to be implemented, and the design of the building, satisfactorily address safer by design principles

*There is no compliance to sight preservation lines for corner allotments.*

Comment

Whilst SEPP ARH does not prescribe performance standards for sight preservation lines, Chapter 2.3 – Dual Occupancy Development prescribes the requirements in relation to sight preservation lines for proposed development on corner sites and in the absence of specific sight line requirements in the SEPP, Chapter 2.3 is used as a guide. Having regard to the proposed building setbacks; front fence height and proposed landscaping; and the assessment table found in Attachment 2, the development is located outside the sight preservation lines and complies with the requirements of the DCP.

*The development does not comply with building setback requirements.*

Comment

Whilst SEPP ARH does not prescribe performance standards for setbacks, Chapter 2.3 – Dual Occupancy Development of WDCP 2013 has been used for guidance and an assessment on

### 3.1 DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House (contd)

---

setbacks is found in Attachment 2. The proposed development complies with all setback requirements under the DCP.

*A 2-metre setback on Lindsay Street will still limit visibility for drivers entering the roundabout.*

Comment

The proposed 2 metre setback from Lindsay Street complies with Clause 4.3 of Chapter 2.3 – Dual Occupancy Development of WDCP 2013 which is used as a guide in the assessment of developments on corner allotments, and the proposed development is located outside of the corner allotment sight preservation lines. The proposed development will improve visibility for drivers entering the roundabout compared to the existing building which encroaches over the front boundary into the road reserve.

*Privacy concerns from top storey balconies to neighbouring properties.*

Comment

Whilst SEPP ARH 2009 does not prescribe performance standards for privacy impact on neighbouring properties, Chapter 2.3 – Dual Occupancy Development of WDCP 2013 prescribes the requirements for visual privacy which has been addressed further in this report under Wyong Development Control Plan 2013. It is considered that the proposed development will minimise privacy impacts to neighbouring properties.

*Noise from the boarding house will affect neighbouring residents*

Comment

The applicant has submitted a Noise Impact Assessment report. The report identifies recommendations to manage noise from residents; for noise monitoring to occur should there be a noise complaint; the construction methods to be used in the building and the use of existing and new colourbond fencing as a sound barrier.

The building design will be made suitable to reach required internal noise levels so that noise sources from activities in the boarding house will not impact upon boarding residents and neighbouring properties. A 2.1m high sound barrier wall will be provided along part of the northern boundary of the development and the existing 1.8m high solid metal fence along the eastern boundary will act as a sound barrier wall and assist in reducing noise emissions from the development at the adjoining residential properties.

Conditions have been recommended relating to the operation and management of the site in accordance with the POM and the recommendations in the Noise Impact Assessment report.

*The outdoor living space has no restrictions on the number of residents allowed to use the outdoor space.*

**3.1 DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House  
(contd)**

---

Comment

The maximum number of residents within the boarding house is 12. Visitors to the boarding house will be managed under the POM and visiting hours are limited to between 9.00am to 9.00pm daily. The POM states the use of the communal outdoor area is restricted to 8am to 10pm daily and this is a recommended condition of development consent. The hours of use of the communal area has also been addressed under the Noise Impact Assessment report which states the communal outdoor deck area must not be used between the hours of 10pm and 7am. The recommended condition to restrict the use of the communal outdoor area is consistent with and more restrictive than the Noise Impact Assessment Report recommendation and provides a better outcome for adjoining residential properties.

*What happens when noise continues after 10pm?*

Comment

Conditions have been recommended relating to the operation and management of the site in accordance with the POM and the recommendations in the Noise Impact Assessment report. A contact phone number for the manager (nominated real estate agent) is to be displayed at the front of the building. Complaints are to be logged with the manager (nominated real estate agent). Complainants are to be informed that their complaint is being addressed and that action is being taken.

In addition to the above, Council can be contacted to investigate whether the operation and management of the boarding house, including not using the outdoor communal area between 10pm and 8am daily, is being carried out in accordance with the conditions of development consent.

*There is no on-site manager who will take care of the facility.*

Comment

The SEPP ARH does not require an on-site manager as the boarding house does not have the capacity to accommodate 20 or more residents. The premises will be managed by an off-site manager (nominated real estate agent).

*There is already ample affordable housing and public housing in the area.*

Comment

As per the provisions of SEPP ARH the boarding house is a form of 'new affordable rental housing' and is not social housing.

**3.1 DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House  
(contd)**

---

The proposed boarding house differs from social housing as it targets a range of groups from low to moderate income households; has a different application process; calculates rents differently and may have different tenancy terms. There is no legislation preventing the clustering of affordable housing or social housing in localities.

According to the 'Central Coast Affordable & Alternative Housing Strategy: Background Report April 2018' by Judith Stubbs & Associates, there is a lack in the diversity of dwelling types in the Local Government Area (LGA). The lack of diversity, combined with rapid aging population in the LGA, presents challenges for the supply of affordable priced housing. In 2016 there were 24, 200 households in the LGA in need of affordable priced housing. Future projections estimate 7, 300 households will need affordable priced housing in the LGA in 2031. Accordingly, there is a lack of affordable priced housing in the area.

*The boarding house will affect the value of residential properties in the area.*

Comment

This is speculation and is not a matter for consideration under section 4.15 of the EP&A Act 1979. In addition, there is no evidence to substantiate this claim.

*The development poses a safety risk to children and students using the bus stop.*

Comment

This is speculation with no evidence to substantiate this claim. The comment is based on perception rather than fact.

The POM submitted with the application outlines a tailored marketing strategy appealing to an over 55's demographic; people who are low to moderate income earners or receiving some type of disability support payment; key workers and self-funded retirees looking to downsize. The POM provides several parameters surrounding tenant selection.

*School children use the footpath and bus stop directly opposite the proposed building and it will be inevitable that more car accidents will occur.*

Comment

The bus stop is located south of the subject site on Lindsay Street and is not opposite the subject site. Figure 7 shows the existing footpath on the south side of McLachlan Avenue which turns into the south side of Lindsay Street and takes pedestrians to one of the bus stops on Lindsay Street.



*Figure 7 – View of Lindsay Street bus stop and footpath south of the subject site*

The statement that 'more car accidents will occur' is speculation with no evidence to substantiate this claim. The local area roundabout at the McLachlan Avenue / Lindsay Street intersection creates a traffic calmed speed environment with a local speed zone of 50KPH.

A footpath along the Lindsay Street frontage of the subject site is required to be constructed as part of the proposal and recommended as a condition of development consent. This footpath will connect with the existing footpath in McLachlan Avenue and the pram ramps improving pedestrian access to the existing bus stops.

*The development does not fit the demographic of the community.*

Comment

Boarding houses are permissible under SEPP ARH and WLEP 2013 within the R2 Low Density Residential Zone. The demographics of a community is not a matter for consideration under Section 4.15 of the EP&A Act 1979. As previously discussed, the proposed boarding house will cater for a range of different demographics in the LGA.

*This type of proposal is suited for areas closer to shopping, medical and pharmacy facilities.*

Comment

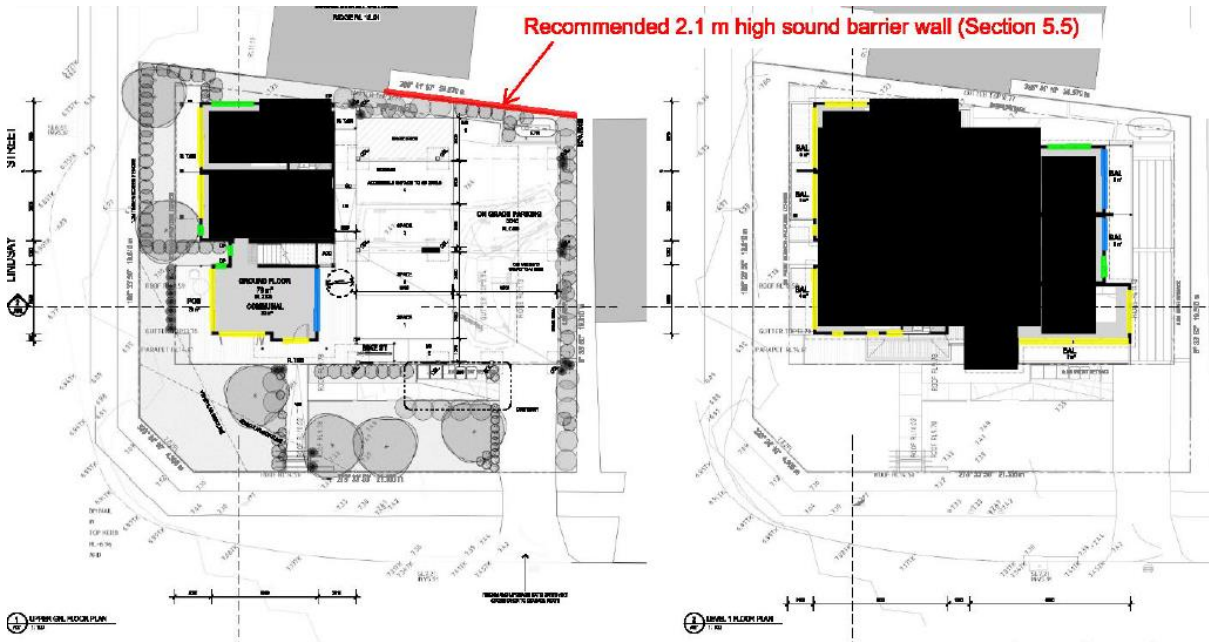
There are no requirements in the SEPP ARH in relation to proximity of boarding houses to shops or services apart from the accessible area requirements which are met by the proposed development.

### 3.1 DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House (contd)

*Car lights affecting residential property to the north bedroom and backyard area.*

Comment

A 2.1m high sound barrier wall is proposed along the northern boundary (as shown in figure 8) for noise attenuation purposes. This wall being solid, will minimise car headlights affecting the amenity of the residential property to the north. It is to be noted that there are no windows in the external wall of the residential property to the north that face directly into the subject site.



**Figure 8 – proposed sound barrier wall on norther boundary**

*Overshadowing to neighbouring properties.*

Comment

Whilst SEPP ARH does not prescribe performance standards for overshadowing impact on adjoining properties, Chapter 2.3 – Dual Occupancy of WDCP 2013 prescribes the following requirements in relation to solar access which can be used as a guide to ascertain what is reasonable amenity for an adjoining property:

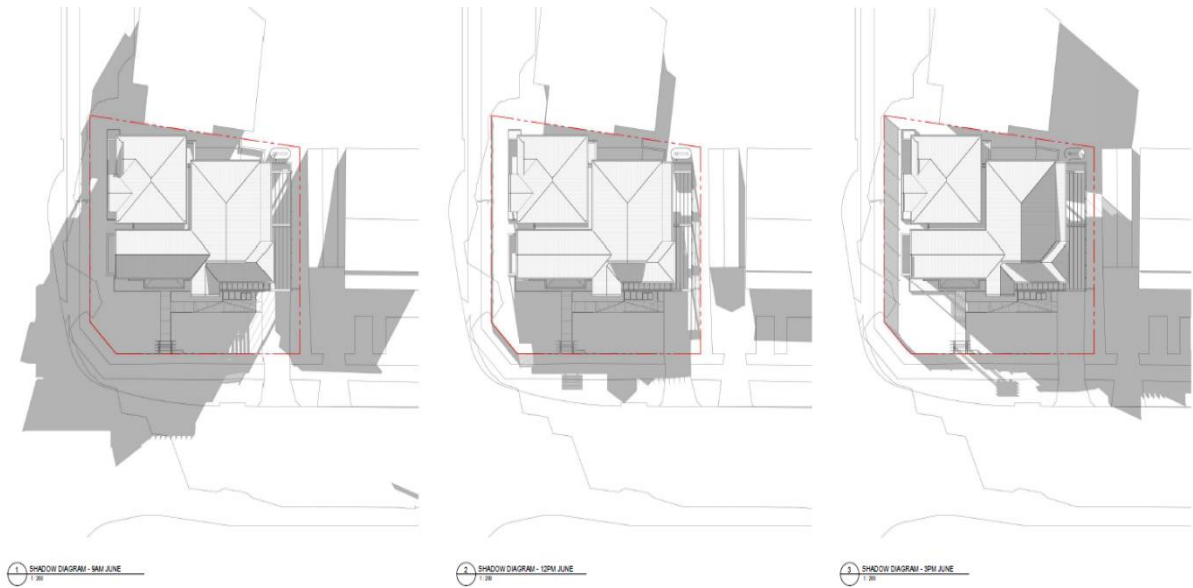
*New development shall have due regard for maintaining solar access to adjoining properties and not cause overshadowing. At least 75% of the required private open space areas on adjoining lands shall receive at least three hours unobstructed sunlight between the hours of 9am and 3pm on June 21.*

The submitted shadow diagrams demonstrate that over 75% of the required private open space of the adjoining property to the east (No. 50 McLachlan Avenue) will receive more than

### 3.1 DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House (contd)

---

three hours of unobstructed sunlight between the hours of 9am and 3pm on 21 June. Refer to the shadow diagrams in figure 9.



**Figure 9 – Shadow diagrams**

*Council should address the affordability of the proposed boarding room rents before it approves the application.*

Comment

Under SEPP ARH, Part 2, Division 3 Boarding Houses, there is no requirement to address the affordability of boarding room rents before an application is approved.

Two recent Land and Environment Court cases have considered if Councils can, by condition of development consent, require the imposition of a covenant on land to ensure compliance with SEPP ARH.

In *Lizard Apple Pty Ltd v Inner West Council* [2019] NSWLEC 1146, the Council sought to impose a condition requiring the creation of a positive covenant that would ensure:

- 1 *The occupants of a boarding house would only be people with a household income equal or less than 120 percent of the Median Equivalised Total Household Income (Weekly) for Ashfield, and*
- 2 *The rent the boarding house operator will charge will not exceed 30% of that income.*

**3.1 DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House  
(contd)**

---

In *Micro Nest No 1 Pty Ltd on behalf of Micro Nest Ashfield Trust v Inner West Council* [2019] NSWLEC 1320, the Applicant sought, via a modification application, to delete a condition that required the registration of a positive covenant in similar terms to the covenant proposed in *Lizard Apple Pty Ltd v Inner West Council*.

The decisions in the above two cases did not support the inclusion of such a condition stating that SEPP ARH does not require a boarding house to be used for the purposes of affordable housing, and any conditions of consent that purport to restrict a boarding house development in such a way, will be contrary to SEPP ARH.

In this regard, given the outcome of recent Land and Environment Court case law, Council should not impose a condition of development consent that would restrict the use of a boarding house for the purposes of affordable housing.

*The Plan of Management is vague on who will manage the boarding house. Council should require management be undertaken by a registered Community Housing Provider and that rents be reported to Council.*

Comment

The Plan of Management (POM) states that the boarding house will be managed by an off-site manager who is a local real estate agent. SEPP ARH does not specify the type of management required for a boarding house.

SEPP ARH does not require boarding house rents to be reported to Council. The boarding house will be required to operate in accordance with the *Boarding Houses Act 2012* (BH Act 2012). The Objects of the BH Act 2012 are as follows:

*The object of this Act is to establish an appropriate regulatory framework for the delivery of quality services to residents of registrable boarding houses, and for the promotion and protection of the wellbeing of such residents, by:*

- (a) providing for a registration system for registrable boarding houses, and*
- (b) providing for certain occupancy principles to be observed with respect to the provision of accommodation to residents of registrable boarding houses and for appropriate mechanisms for the enforcement of those principles, and*
- (c) providing for the licensing and regulation of assisted boarding houses and their staff (including providing for service and accommodation standards at such boarding houses), and*
- (d) promoting the sustainability of, and continuous improvements in, the provision of services at registrable boarding houses.*

In summary, the BH Act 2012 will require boarding houses to be registered and licensed and that occupancy agreements are provided to tenants/boarders.



**3.1 DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House  
(contd)**

---

It will provide a regulatory service to ensure the boarding house is providing adequate service and accommodation standards throughout NSW.

*An additional dedicated disabled parking space should be required given five of the eight rooms are designed for disabled persons.*

Comment

The SEPP ARH for boarding houses is silent on accessible boarding rooms and accessible car parking.

The Building Code of Australia specifies the number of rooms and parking spaces to be accessible for a boarding house.

The submitted Disability Access Report confirms the proposed development complies with the Building Code of Australia with regard to accessible rooms and accessible car parking.

*The number of waste bins is insufficient*

Comment

The proposal includes the provision of a screened bin storage area within the front setback. Two garbage bins; two recycle bins and one green waste bin will be provided and is sufficient for the 8 room boarding house with 12 occupants and complies with Council's Waste Control Guidelines and Chapter 3.1 Site Waste Management under WDCP 2013. Bins are capable of being wheeled to the kerb side for collection via the pedestrian pathway from McLachlan Avenue. The site has an adequate frontage width to allow for kerb side collection. Bins will be taken to the kerb side for collection by the proprietors' delegate as indicated in the POM.

*The development would also have the impact of increasing the number of vehicles using and parking on McLachlan Avenue and Lindsay Street.*

Comment

Council's Transport Engineer has stated that there appears to be ample on-street parking available on both sides of McLachlan Avenue and Lindsay Street to cater for the proposed development. Any increased traffic in McLachlan Avenue and Lindsay Street as a result of the proposed development is considered to be negligible and will be within the carrying capacity of the existing road network.

### 3.1 DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House (contd)

---

*Who will live in the boarding house?*

Comment

The identification of potential residents is irrelevant in the merit assessment of a boarding house proposal. The applicant has advised that the boarding house has been designed to accommodate the following target market consisting of but not limited to:

- Persons over 55;
- Key workers;
- Self-funded retirees looking to downsize; and
- People with disabilities or searching for properties capable of adaptability.

A nominated local real estate agent (manager) will accept and assess prospective applications for residents.

The lease arrangements for the boarding house will be in accordance with the *Boarding Houses Act 2012*.

#### **Submissions from Public Authorities**

The NSW Police were consulted during the assessment process and no comments were received in relation to the proposed development.

#### **Internal Consultation**

The application was referred to the following internal officers and the following comments have been provided:

- Development Engineer

The application has been assessed by Council's Development Engineer in relation to roads, vehicle access, drainage and water/sewer and no objection was raised subject to recommended conditions.

- Transport Engineer

The application has been assessed by Council's Traffic Engineer in relation to traffic; pedestrian safety; vehicle access to the site; on-street and off-street parking; and no objection was raised.

- Environmental Health Officer (Noise)

The application has been assessed by Council's Environmental Health Officer in relation to acoustic impact and no objection was raised subject to recommended conditions.

### 3.1 DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House (contd)

---

- Building Surveyor

The application has been assessed by Council's Building Surveyor in relation to disabled access and no objection was raised.

- Social Planner

Council's Social Planner has reviewed the submitted Social Impact Assessment and no objection was raised subject to recommended conditions.

- • Waste Services Officer

The application has been assessed by Council's Waste Management Assessment Officer in relation to site waste management and no objection was raised subject to recommended conditions.

- Senior Urban Designer

Council's Senior Urban Designer has reviewed the application in relation to local character and raises no objection to the proposed development.

- Contributions Officer

The application has been reviewed by Council's Contributions Officer.

There are no contributions required for a proposed boarding house under The Entrance District Section 7.11 Contributions Plan.

There is a contribution applicable under Council's Section 7.12 Contributions Plan (formerly known as Section 94A) as the proposed development does not receive an exemption in relation to the boarding house being used for the sole purpose of providing affordable housing. SEPP ARH does not specifically state that the boarding house is to be 'affordable housing' with regard to Clause 6 (1) under SEPP ARH.

#### **Ecologically Sustainable Principles**

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

## **Climate Change**

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application.

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope/combat/withstand these potential impacts.

## **Assessment**

Having regard for the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other statutory requirements, Council's policies and Section 10.7 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided as an attachment.

## **Provisions of Relevant Instruments/Plans/Policies**

### **State Environmental Planning Policies (SEPP)**

The following SEPP's are relevant to the proposed development:

*State Environmental Planning Policy (Affordable Rental Housing) 2009*

Whilst development for the purpose of a boarding house is permissible in the R2 Low Density Residential zone under the provisions of *Wyong Local Environmental Plan 2013*, the proposal seeks to rely on the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (SEPP ARH), which provides a set of development controls that differ from the controls that Council would rely upon in a merit assessment.

Clause 3 of the SEPP ARH policy lists the aims of the policy as follows:

- (a) to provide a consistent planning regime for the provision of affordable rental housing,*
- (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*
- (c) to facilitate the retention and mitigate the loss of existing affordable rental housing,*
- (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*
- (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,*

**3.1 DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House  
(contd)**

---

*(f) to support local business centres by providing affordable rental housing for workers close to places of work,*

*(g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.*

SEPP ARH identifies that “*Division 3 – Boarding Houses*” applies to land within any of the following zones or any equivalent land use zones:

- (a) Zone R1 General Residential,*
- (b) Zone R2 Low Density Residential,*
- (c) Zone R3 Medium Density Residential,*
- (d) Zone R4 High Density Residential,*
- (e) Zone B1 Neighbourhood Centre,*
- (f) Zone B2 Local Centre,*
- (g) Zone B4 Mixed Use*

The subject site is zoned R2 Low Density Residential under the provisions of *Wyong Local Environmental Plan 2013* (WLEP 2013) and *Division 3 – Boarding Houses* under SEPP ARH applies. Thus, the proposal is required to be assessed under Division 3.

The SEPP ARH does not provide a definition of boarding house, however, WLEP 2019 defines a *Boarding House* as follows:

*boarding house means a building that—*

- (a) is wholly or partly let in lodgings, and*
- (b) provides lodgers with a principal place of residence for 3 months or more, and*
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers’ accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.*

The proposal has been assessed against the requirements of *Division 3 – Boarding Houses* and complies with the relevant SEPP ARH requirements. A compliance assessment against *Division 3 – Boarding Houses* under SEPP ARH is found within **Attachment 1**.

*State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

A valid BASIX certificate has been submitted. The proposal complies with the requirement for the proposed boarding house to meet the NSW Government’s requirements for sustainability in residential buildings in terms of meeting water and energy efficiency targets.

## **Wyong Local Environmental Plan 2013**

### *Zoning & Permissibility*

The subject site is zoned R2 Low Density Residential under the provisions of WLEP 2013. Development for the purpose of boarding houses is permissible within the R2 Low Density Residential zone; however, the proposal relies upon the provisions of SEPP ARH.

The R2 Low Density Residential zone is based on the following objectives:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maintain and enhance the residential amenity and character of the surrounding area.*
- *To provide a residential character commensurate with a low density residential environment.*

The proposal will assist in meeting the housing needs of the community within a low density residential environment. The proposed development is two storeys in height and maintains and enhances the residential character and amenity of the surrounding area. Additionally, there is an identified need for the provision of affordable housing on the Central Coast.

- *Clause 4.3 – Height of Buildings*

Under this clause the mapped building height for the subject site is 9.5m. The proposal has a building height of 7.9m and complies with this clause.

- *Clause 4.4 – Floor space ratio*

Under this clause the mapped floor space ratio for the subject site is 0.5:1. The proposal has a floor space ratio of 0.5:1 and complies with this clause.

- *Clause 2.7 - Demolition requires development consent*

Under this clause the demolition of a building or work may be carried out only with development consent. Consent for the demolition of the existing dwelling and ancillary structures is sought under this application.

- *Clause 7.1 - Acid Sulphate Soils*

### 3.1 DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House (contd)

---

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

This clause requires consideration to be given to certain development on land that is mapped as being subject to actual or potential acid sulfate soils. The subject site has been identified as containing Class 3 acid sulfate soils.

The proposed excavation works are less than one metre in depth and therefore an acid sulfate soils management plan is not required.

- *Clause 7.9 – Essential Services*

This Clause requires Council to ensure that services such as water, sewer, electricity, and stormwater drainage and road access can be adequately provided. All of these services are able to be provided for the development.

#### **Wyong Development Control Plan 2013**

##### *Chapter 2.3 – Dual Occupancy Development*

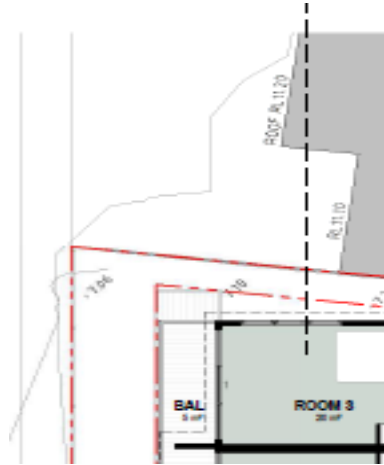
As the proposal relies upon the provisions of SEPP ARH, the Wyong Development Control Plan 2013 (WDCP 2013) is not strictly applicable. In the absence of a development control plan for boarding houses the proposal has been assessed having regard to the relevant requirements of Chapter 2.3 – Dual Occupancy Development for guidance in aspects in which the SEPP ARH is silent. The use of Chapter 2.3 applies in this instance as dual occupancy developments are permissible in the R2 Low Density Residential Zone.

The assessment concludes the proposal complies with the relevant requirements of Chapter 2.3 and the table of compliance is located under **Attachment 2**. Matters requiring further discussion are addressed below.

- *Clause 6.3.1 – Visual Privacy*

Under the above clause, a proposed development is to minimise the direct overlooking of internal living areas and private open space to surrounding dwellings. Where living area windows or balconies are proposed within 12 metres and facing living area windows or balconies of adjacent dwellings, windows should be off-set and balconies screened.

Boarding rooms 3, 4 and 5 on the first floor level have balconies with solid balustrading and are separated by 24 metres from the properties on the western side of Lindsay Street. The balcony and windows of room 3 adjoin the front setback area of the property to the north known as No. 2C Lindsay Street (refer to figure 9) and will not provide any direct overlooking to living and private open space areas.



**Figure 9 – Balcony and window of room 3 facing the front setback area of No. 2C Lindsay Street**

Boarding rooms 6, 7 and 8 on the first floor level also have balconies with solid balustrading. The balcony of room 6 is provided with a privacy screen to its northern end and the windows of room 6 face the external wall of No. 2C Lindsay Street which has no windows as show in figure 10. The privacy screen and solid balustrade will minimise overlooking from the balcony of room 6 to the rear private open space area of No. 2C Lindsay Street.



**Figure 10 – Photo of external wall of No. 2C Lindsay Street which faces the subject site**

The balcony of room 8 faces McLachlan Ave and is separated by 30 metres from the properties on the southern side of McLachlan Avenue.

The adjoining property to the east known as No. 50 McLachlan Ave is a single storey dwelling house. The external wall of the dwelling that faces the proposed development is covered by a single car garage as shown in figure 11.





*Figure 11 – Photo of dwelling house and garage at No. 50 McLachlan Avenue*

The proposed development will not directly overlook any internal living areas of the dwelling house at No. 50 McLachlan Ave. The private open space area of No. 50 McLachlan Ave is located beyond the subject site's northern boundary and therefore no direct overlooking of private open space area will occur.

The proposed development has minimised any potential overlooking and privacy impacts through compliant building setbacks; suitable location of windows, balconies and screening devices including solid balustrading and privacy screens. Having regard for the extent of landscaping and the privacy protection measures proposed there is no unreasonable visual privacy impacts to internal living and private open space areas of the surrounding residential properties. It is considered the proposed development has adequately addressed the requirements for visual privacy under the WDCP 2013.

#### *Chapter 3.1 – Site Waste Management*

A site waste management report was submitted with the application, which is considered adequate.

### **Likely Impacts of the Development**

#### **a) Built Environment**

The proposal is considered to be suitable with regard to the context and setting of the subject site and is considered to be in keeping with the character of the area.

A thorough assessment of the proposed development's impact on the built environment has been undertaken in terms of SEPP ARH, WLEP 2013 and WDCP 2013 compliance and in terms of the submissions received. It is considered on balance that the potential impacts are considered reasonable.

**b) Natural Environment**

The proposal does not include the removal of trees and is considered satisfactory in relation to impacts on the natural environment.

**c) Social Impacts**

The potential social impacts of the proposal have been discussed in consideration of submissions received against the proposal. The application has been reviewed by Council's Social Planner in consideration of the submitted Social Impact Assessment and Plan of Management and no objection was raised subject to recommended conditions. It is acknowledged that boarding houses are an important source of accommodation and there is a need for affordable and low cost housing including housing diversity within the locality. The provision of a mix of affordable housing is considered to be of social benefit rather than social impact.

**d) Economic Impacts**

The submitted Social Impact Assessment states that a search of the Boarding House Register identified no existing, registered boarding houses in the suburb of Long Jetty, or in the post code area of 2261. The proposed boarding house would add to the diversity of housing type and population in the Long Jetty area.

The proposed development will contribute to the supply of affordable rental housing in the locality and is considered to be satisfactory from an economic perspective.

**Suitability of the Site for the Development**

A review of Council's records identifies the following constraint:

- *Acid Sulfate Soils* - The subject site has been identified as containing Class 3 acid sulfate soils. The proposed excavation works are less than one metre in depth and therefore an acid sulfate soils management plan is not required.

There are no other constraints that would render the site unsuitable for development.

**The Public Interest**

The proposal will provide affordable housing; an increase in the diversity of residents within the immediate locality and will contribute to the overall affordable housing stock in the Central Coast Local Government Area.

The potential impacts of the proposal have been considered and on balance determined to be reasonable. An increased supply of modern, contemporary affordable housing in appropriate locations is considered to be in the public interest.

## Other Matters for Consideration

### *Section 7.12 Contributions*

Section 7.12 contributions apply to the proposal and have been calculated based on the estimated cost of the development. Section 7.12 contributions are included in the recommended conditions of consent.

### *Water and Sewer Contributions*

Water and sewer contributions are required for this proposal, which have been calculated for 8 x 1 unit dwellings, with a credit being applied for the existing serviced allotment. Water and sewer contributions are payable under Section 306 of *Water Management Act 2000*.

## Conclusion

The Development Application has been assessed in accordance with section 4.15 of the EP&A Act 1979 and all relevant instruments and policies. The proposed development is considered suitable for the site as it provides for additional supply of affordable housing in an accessible locality for the Central Coast. The public submissions have been addressed via a combination of design alterations and conditions where appropriate. The proposal complies with the relevant provisions of SEPP ARH and accordingly is recommended for approval subject to the conditions attached to this report within **Attachment 4**.

## Attachments

1	State Environmental Planning Policy (Affordable Rental Housing) 2009 - Compliance Table	Provided Under Separate Cover	D13796073
2	Wyong Development Control Plan 2013, Chapter 2.3 Dual Occupancy Compliance Table	Provided Under Separate Cover	D13796077
3	Architectural plans	Provided Under Separate Cover	D13796134
4	Conditions of Development Consent	Provided Under Separate Cover	D13658812



**Item No:** 3.2  
**Title:** Planning Proposal RZ/8/2015 North Road, Wyong  
**Department:** Environment and Planning

---

27 April 2020 Ordinary Council Meeting

Reference: RZ/8/2015 - D13771993  
Author: Lynda Hirst, Senior Strategic Planner  
Manager: Karen Tucker, Acting Unit Manager, Strategic Planning  
Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

This report has been amended in consideration of the impacts of COVID-19 (Coronavirus). A decision of Council is required for the Planning Proposal to cease or progress. The impact on the proposal without a resolution of Council is as follows:

- Staff do not have delegation to refuse a Planning Proposal and therefore the Planning Proposal cannot be finalised without a resolution of Council.
- The Planning Proposal has a Gateway expiration of 16 February 2020. If the Planning Proposal is to proceed a Council resolution is required to seek a Gateway extension from the Department of Planning, Industry and Environment (DPIE). It should be noted that two previous Gateway extensions have been provided for this Planning Proposal and the DPIE is unlikely to issue a further extension.

The subject land contains lots bounded by North Road, Owen Avenue and Ingram Street, Wyong including the former Wyong Grove Community and Cultural Hub. The request seeks to rezone the land from R2 Low Density Residential to R3 Medium Density Residential and increase density to enable a 5 storey residential development of approximately 500 dwellings.

This report recommends that Council refuse the request to amend the *Wyong Local Environmental Plan 2013*.

### **Recommendation**

***That Council refuse the request to amend the Wyong Local Environmental Plan 2013 on Lots 11-17 (1-5 Ingram Street & 15-17 Owen Avenue, Wyong), Lots 10-18 DP 36475 (1-13 Owen Avenue & 3-5 North Road, Wyong), and Lots 1 & 2 DP 1223082 (1 & 1R North Road, Wyong) for the following reasons:***

- a No justification has been provided to support the claim that the rezoning of the subject land from R2 Low Density Residential to R3 Medium Density Residential will achieve improved planning outcomes.***

- b No analysis has been undertaken to address the transition from the proposed R3 Medium Density Residential development to surrounding R2 Low Density Residential development. The proposal in its current form would increase the potential for land use conflict with adjoining lower density residential development.***
- c Insufficient information has been submitted to address traffic issues associated with the proposed development. No detailed design has been provided for the road upgrades required to accommodate the proposed development, and no funding mechanism has been prepared to provide monetary contribution from the developer towards the road upgrades.***
- d Insufficient information has been submitted to address flooding issues associated with the proposed development. The current concept plan is inconsistent with Planning Direction 4.3 Flood Prone Land as it proposes an intensification of residential land use on flood prone land.***
- e Insufficient information has been submitted to support and justify the proposed development. The Planning Proposal was lodged with the former Wyong Shire Council in December 2015 and numerous requests for additional information since that time have not been met.***
- f The proposal has exceeded the second extension to the Gateway Determination timeframe of 16 February 2020.***

### **Background**

A request to amend the *Wyong Local Environmental Plan 2013* (WLEP 2013) was lodged in December 2015, seeking to rezone 1 North Road, Wyong from R2 Low Density Residential to R3 Medium Density Residential. The proposal also sought to amend the Floor Space Ratio (FSR) map to apply an FSR of 2:1 and amend the height of buildings map to increase height to 16m, to facilitate the construction of a 5 storey residential development on the site.

The original site, known as No.1 North Rd, Wyong, formerly contained the Wyong Grove Public School until its closure in 2013. In May 2014, the former Wyong Shire Council entered into a 2-year lease with the Department of Education and Communities (DEC) to lease the site as the Wyong Grove Community and Cultural Hub, to house the Wyong Drama Group and Wyong Musical Theatre Company. The site sold on 27 October 2015 and the lease finished on 10 May 2016.

Following preliminary consultation with adjoining landowners, Council considered that the request presented an opportunity to facilitate a more strategic approach to rezoning and resolved to expand the area subject to the rezoning to include land on the eastern side of Owen Avenue and south of Ingram Street.

3.2 Planning Proposal RZ/8/2015 North Road, Wyong (contd)

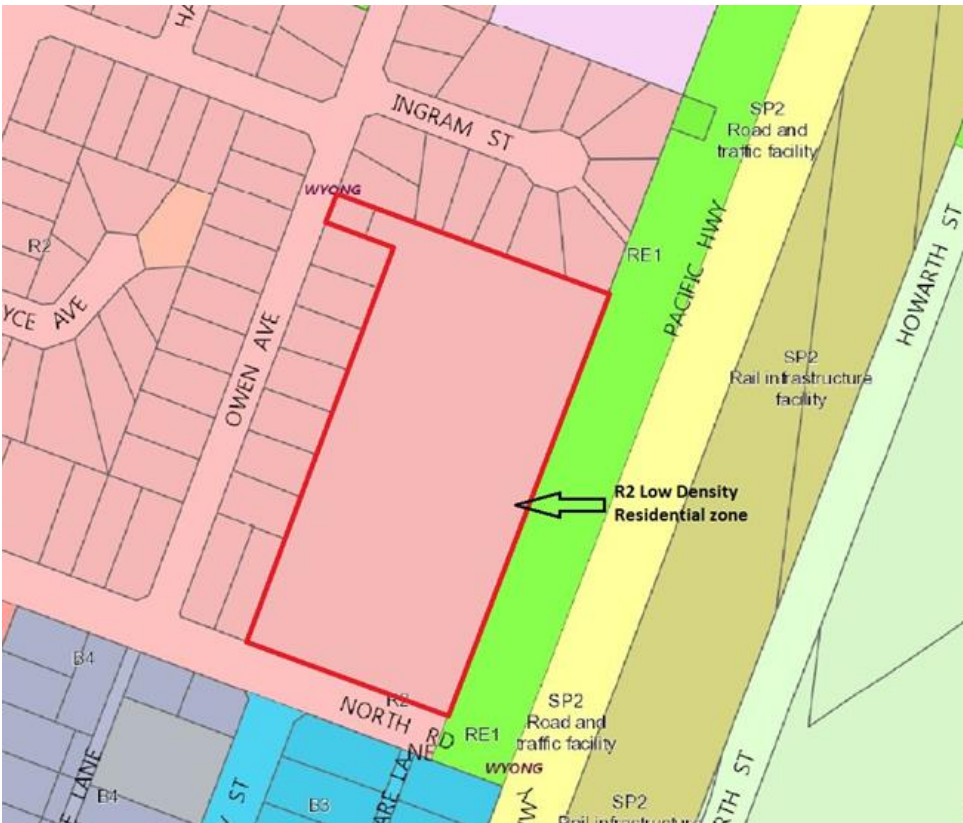


Figure 1 – Original site subject to rezoning

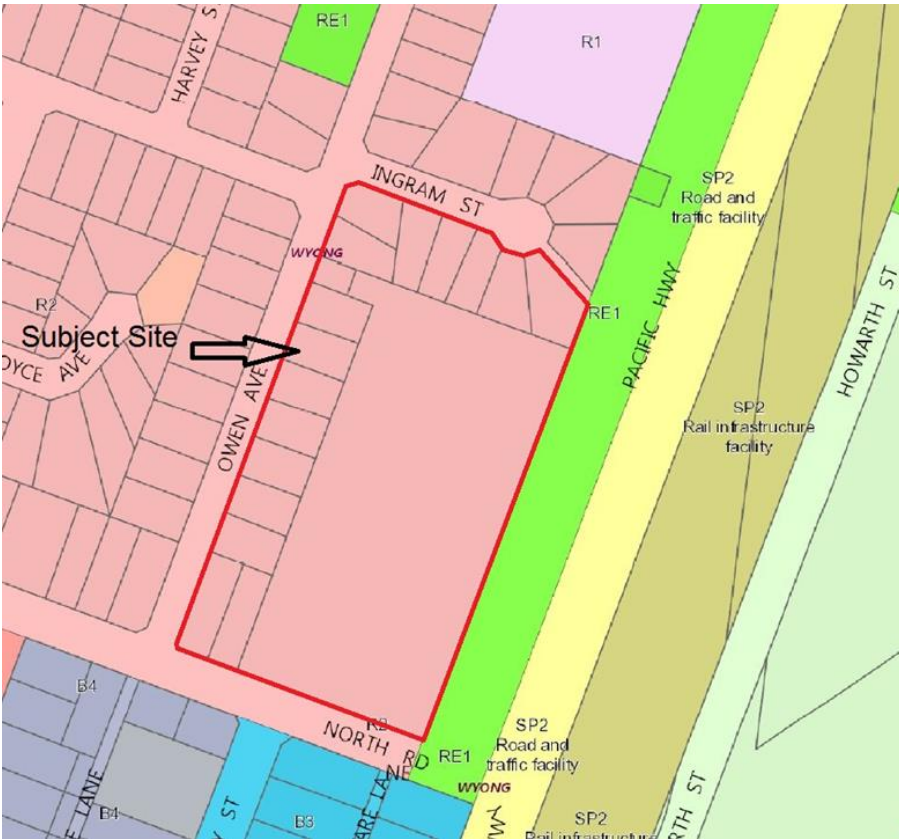


Figure 2 – Expanded site subject to rezoning

At its meeting of 26 October 2016, the Central Coast Council resolved:

*RESOLVED on the motion of Mr REYNOLDS:*

- 402/16 *That Council consult with landowners of properties listed in item 2 below to seek their support to be included in the revised planning proposal as recommended by Staff.*
- 403/16 *That Council prepare a planning proposal to amend Wyong Local Environmental Plan 2013 (WLEP), pursuant to Section 55 of the Environmental Planning and Assessment (EP&A) Act 1979 to:*
- a) *rezone the following lots to R3 Medium Density Residential and apply a maximum building height of 16m and a maximum Floor Space Ratio of 2.0:1:*
- Lot 11 DP219825, 5 Ingram Street Wyong*
  - Lot 12 DP219825, 4 Ingram Street Wyong*
  - Lot 13 DP219825, 3 Ingram Street Wyong*
  - Lot 14 DP219825, 2 Ingram Street Wyong*
  - Lot 15 DP219825, 1 Ingram Street Wyong*
  - Lot 16 DP219825, 17 Owen Avenue Wyong*
  - Lot 17 DP219825, 15 Owen Avenue Wyong*
  - Lot 10 DP36475, 13 Owen Avenue Wyong*
  - Lot 11 DP36475, 11 Owen Avenue Wyong*
  - Lot 12 DP36475, 9 Owen Avenue Wyong*
  - Lot 13 DP36475, 7 Owen Avenue Wyong*
  - Lot 14 DP36475, 5 Owen Avenue Wyong*
  - Lot 15 DP36475, 3 Owen Avenue Wyong*
  - Lot 16 DP36475, 1 Owen Avenue Wyong*
  - Lot 18 DP36475, 3 North Road Wyong*
  - Lot 17 DP36475, 5 North Road Wyong, and*
  - The northern part of Lot 18 DP 219825 and Lot 1 DP 123075, No.1 North Road, Wyong*
- b) *retain the southern part of Lot 18 DP 219825 and Lot 1 DP 123075, No.1 North Road, Wyong with the R2 Low Density Residential zoning and apply a land reservation acquisition map to that portion of the site*
- 404/16 *That Council forward the planning proposal to the Department of Planning and Environment requesting a gateway determination, as well as delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 56(1) of the EP&A Act, 1979.*
- 405/16 *That Council undertake community and government agency consultation in accordance with the requirements of the gateway determination.*

- 406/16 *That Council prepare and exhibit an amendment to Wyong Development Control Plan to incorporate appropriate planning controls.*
- 407/16 *That Council prepare and exhibit an amendment to the Wyong Section 94 Contributions Plans (if required)/or a Voluntary Planning Agreement (if required) to support the development of the land subject to this planning proposal.*
- 408/16 *That Council consider a further report on results of the agency and community consultation.*

The compulsory acquisition application for the southern part of the site was lodged with the Minister for Local Government on 28 January 2016. Gateway Determination was issued by the Department of Planning, Industry and Environment (DPIE) on 27 May 2017. The Gateway Determination required that Council '*update the Planning Proposal to remove the proposed provisions and discussion regarding land reservation and compulsory acquisition over part of the site and apply the R3 Medium Density Residential Zone over the whole site*'. On 2 August 2017 the Central Coast Council advised the Office of Local Government that it no longer wished to proceed with the acquisition of part of this site and withdrew its original application.

### **Reasons for Refusal**

The proposal did not provide sufficient justification to support the requested amendment to the *Wyong Local Environmental Plan 2013* (WLEP 2013) and additional information was requested from the proponent on 9 August 2017. The information was not provided by the Gateway expiry of 16 February 2018. The Traffic Impact Assessment was submitted on 9 May 2018 with the associated SIDRA data provided on 19 September 2018. The Flood Risk Assessment Report was submitted on 7 March 2018. A revised Gateway was issued by the DPIE on 26 June 2018 providing an extension of time to 23 February 2019 to complete the Planning Proposal.

Internal staff and external agency review of the studies was conducted in August to October 2018. The reviews raised several concerns with the proposal and the proponent was requested to address agency comments on 17 October 2018. With the additional information not submitted within 4 months, the proponent was requested to withdraw the application on 28 February 2019. The proponent advised on 4 March 2019 that he was not prepared to withdraw the application and indicated he would provide further information to address agency concerns by 30 June 2019.

A second Gateway extension was issued on the 13 May 2019 requiring that the Planning Proposal be completed by 16 February 2020. The Gateway timeframe has now expired, and the proponent has failed to submit the required information or satisfactorily address internal staff and external agency comments. Therefore, this report has been prepared recommending refusal of the application.



### The Site

The site has a southern frontage to North Road and western frontage to Owen Avenue. The former Wyong Grove site contains several former school and community buildings generally surrounded by single detached dwelling houses, a number of which are owned by NSW Land and Housing Corporation (LAHC). The northern portion of the site is undeveloped with a scattering of trees and grass ground cover. A portion of the eastern side of the site is affected by flooding. Immediately to the east is land zoned RE1 Public Recreation which separates the site from the Pacific Highway.

In compliance with resolution 402/16 above, a letter dated 16 November 2016 was sent to the landowners within the expanded site. The LAHC supported the proposed R3 Medium Density zone (together with the increased height and FSR) to apply to their landholdings. One landowner submitted an objection to the proposed rezoning, in particular the proposed increase in the maximum height limit to 16m to enable 5 storey development on the site.

### Assessment

The request seeks to amend the WLEP 2013 to allow the construction of a 5-storey residential development, by rezoning the subject land from R2 Low Density Residential to R3 Medium Density Residential and increasing the maximum building height to 16 metres and the maximum floor space ratio to 2:1 across all sites. The land currently does not have a mapped height or FSR under WLEP2013, however, Wyong Development Control Plan (DCP) 2013 Chapter 2.1 Dwelling Houses, Secondary Dwellings and Ancillary Development generally provides for two storey development up to 10m in height with a maximum site coverage of 50%.

The indicative development concept accompanying the Planning Proposal (see figure 3) is very basic and does not address matters such as privacy, overshadowing and visual impact. Council requests for a more detailed concept plan to demonstrate how the proposed built form responds to site constraints (such as flooding) have not been met. No details have been provided as to how the requested zone of R3 Medium Density Residential Zone is appropriate and achievable for the site in compliance with the Department of Planning, Industry & Environment's (DPIE) *Apartment Design Guide* and *State Environmental Planning Policy (SEPP) No 65 – Design Quality of Residential Apartment Development*.

The proponent has not addressed the requirement under the Gateway Determination to *"provide further justification for the proposed development standards, including consideration of the transition between the R3 and adjoining R2 zones"*. The proponent has also not addressed Council's resolution of 26 October 2016, which required that an amendment to Wyong DCP 2013 be prepared to incorporate appropriate planning controls for the site.

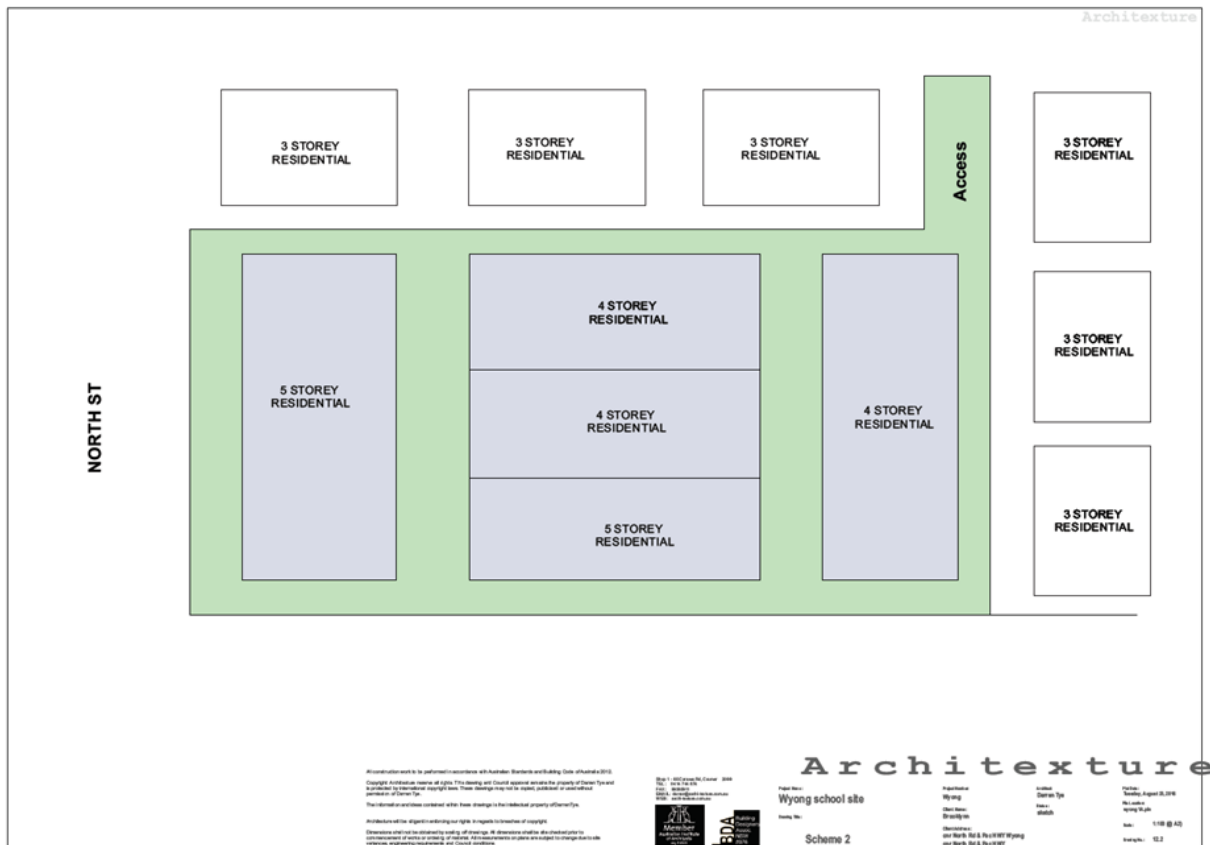


Figure 3 – Indicative concept plan

### Statutory Compliance and Strategic Justification

Following a desktop assessment and consideration of internal staff and external agency comments, it is considered that the proposed development in its current form:

- 1 Is inconsistent with the Council Resolution of 26 October 2016. The proposal does not address resolution 406/16 in that an amendment to Wyong DCP 2013 has not been prepared to incorporate appropriate planning controls for the site. The proposal also does not address resolution 407/16 in that an amendment to the Wyong Section 94 Contributions Plan and/or Voluntary Planning Agreement (VPA) has not been prepared to support the future development of the land.
- 2 Does not adequately address the requirements of the Gateway Determination issued by the Department of Planning, Industry and Environment (DPIE) on 27 May 2017. Specifically the requirement to *"provide further justification for the proposed development standards, including consideration of the transition between the R3 and adjoining R2 zones"*.
- 3 Does not provide sufficient strategic justification to support how the requested zone of R3 Medium Density Residential Zone is appropriate and achievable for the site in

## 3.2 Planning Proposal RZ/8/2015 North Road, Wyong (contd)

---

compliance with DPIE's *Apartment Design Guide* and *State Environmental Planning Policy (SEPP) No 65 – Design Quality of Residential Apartment Development*.

- 4 Does not comply with *Section 9.1 Ministerial Direction 4.3 Flood Prone Land*, as the development proposed under the current concept plan will result in an intensification of land use within the flood prone portion of the site.
- 5 Does not satisfactorily address concerns raised by the Roads and Maritime Services (RMS) and the Office of Environment and Heritage (OEH) (refer to External Consultation below).

Given the above unresolved issues, it is recommended to refuse the rezoning request.

Should Council wish to progress the rezoning, a Planning Proposal would be prepared having regard for all State Environmental Planning Policies, Ministerial Directions and relevant guidelines set out within the *Central Coast Regional Plan 2036 (CCRP)*.

### Consultation

#### Internal Consultation

##### *Traffic*

The proposal was reviewed by Council's Traffic Development Engineer who advised that the traffic modelling submitted with the request does not reflect the current status as the intersection of North Road/Pacific Highway is impacted by the current congestion through the Wyong Town Centre and has already failed. It was further noted that the proposed intersection upgrade of North Road/Pacific Highway by the Roads and Maritime Services (RMS) should have sufficient capacity to accommodate the traffic generated by the proposed rezoning, however there is no timeframe for the intersection upgrade. If the upgrade of the Highway does not occur prior to development of the site, RMS may raise an objection and/or require the proponent to forward fund the upgrade of the intersection to traffic signals (refer to External Consultation below).

Further, Council's Traffic Development Engineer advised that the RMS will not permit any direct vehicular access to the Pacific Highway and the proposed access to the site from Owen Avenue is not sufficient to accommodate a public road as the width of the lot was approximately 12m. The minimum width required for a public road would be 16.9 metres made up of a carriageway of 7.9 metres and 4.5 metre verges. Given that there may be the potential for up to 500 units on the site it was recommended that vehicular access be provided from both North Road and Owen Avenue.

The proponent was requested to update the concept plan to amend the site access. Any access to the site from North Road would be required to be located close to the western boundary of the site (with consideration as to how the access interacts with the Hely Street intersection and the Aldi carpark).

An amended concept plan has not been provided and the proponent has not satisfactorily addressed the issues raised above.

*Flooding*

The proposal was reviewed by Council’s Flood Engineer who did not support the change in zoning to R3 Medium Density Residential on the eastern portion of the site for land within the Probable Maximum Flood (PMF) extent (refer to blue area in Figure 4 below). Further it was advised that any proposed access onto North Road should consider the flood hazard for flood events up to the PMF. Access to the site via Owen Street was recommended to enable safe access and egress.

Council staff requested that the concept plan be amended to consider open space on the eastern flood prone parts of the site, and/or investigate opportunities to incorporate some fill across the eastern parts of the site through inclusion of compensatory earthworks to balance the flood storage volume. This is as per the recommendations of the Flood Assessment (Catchment Simulation Solutions, August 2019) submitted with the proposal and the advice provided by Council’s Flooding Engineer.

An amended concept plan has not been provided and the proponent has not satisfactorily addressed the issues raised above. The concept plan in its current form proposes 5 storey residential development on the flood prone portion of the site.



Figure 4 – Flooding extent

**External Consultation**

Council undertook agency consultation commencing on 10 August 2018. The following responses were received:

*Roads & Maritime Services (RMS)*

The RMS noted that direct access to the Pacific Highway from the site is restricted. The RMS acknowledged that there are insufficient gaps for vehicles turning right out of North Road due to heavy volumes of traffic on the Pacific Highway. In 2015 the RMS exhibited a concept design for the upgrade of the Pacific Highway to a divided carriageway and included works to upgrade the Pacific Highway/North Road intersection to traffic control signals. This project is still in the planning stage and RMS do not have a committed delivery date and cannot provide certainty that the upgrade works will be completed prior to the delivery of the proposed development.

Therefore, the proponent is required to identify the design of any road upgrades required to accommodate the traffic generated by the proposed development. This should be submitted and considered prior to rezoning the land. Furthermore, the RMS advised that Council should ensure that an appropriate mechanism is in place to obtain monetary contribution from the developer towards the future road upgrades required to accommodate the development.

Whilst the proponent has indicated a willingness to enter into a Voluntary Planning Agreement (VPA) with Council and the RMS to forward fund the intersection upgrade to traffic control signals, they have not prepared a VPA or provided any details on the proposed funding.

*NSW Land & Housing Corporation (LAHC)*

The LAHC outlined support for the Planning Proposal and the inclusion of their landholdings within the proposal. The LAHC requested that Council consider expanding the proposed R3 Medium Density Residential zone further north to include additional LAHC landholdings to the north of Ingram Street but south of Cutler Drive.

If the Planning Proposal were to progress, this proposed expansion to the R3 Medium Density Residential zone is not supported for the following reasons:

- Many of the properties immediately north of Ingram Street have recently been redeveloped as one and two storey villa/townhouse housing.
- The area north of Ingram Street is less accessible to Wyong Railway Station (beyond 800m up to 1200m).
- The area north of Ingram Street includes a large manufactured home estate (MHE) with a R1 General Residential zone, which is unlikely to benefit from a rezoning.

### 3.2 Planning Proposal RZ/8/2015 North Road, Wyong (contd)

---

- A larger precinct extending to Cutler Drive would be better considered as part of a local strategic review that would also consider other areas to the north and west.

*Office of Environment and Heritage (OEH)*

OEH recommended that:

- 1 The Planning Proposal consider all floods up to and including the Probable Maximum Flood (PMF) event that may impact this site;
- 2 Zone boundaries should be revised following identification of flood prone land and consideration of the flood hazard for the full range of flood event; and
- 3 The Planning Proposal include consideration of emergency management requirement for all floods up to and including the PMF event. Any development is to ensure additional requirements are not placed on emergency services during flood events.

Further, OEH advised that the Planning Proposal should be consistent with Section 9.1 Ministerial Direction 4.3 Flood Prone Land and not result in an intensification of land use within the flood prone area of the site.

A revised concept plan has not been provided to detail site constraints and demonstrate how the proposed built form responds to this (i.e. no buildings within the PMF, appropriate zoning of the flood prone portion of the site, and adequate site access that enables safe evacuation from the site in the event of flooding). Therefore, the Planning Proposal in its current form is inconsistent with *Section 9.1 Ministerial Direction 4.3* as it proposes to intensify residential development on flood prone land.

#### **Financial Impact**

The direct cost to Council is the assessment of this application and Council's fee has been paid for this service.

#### **Social Impact**

Consideration needs to be given to the potential amenity impacts of the likely future development of the site upon adjoining residential properties located to the north and west of the site. Matters such as privacy, overshadowing and visual impact have not been addressed in the current proposal.

The eastern side of the study area is exposed to acoustic and potential vibration issues associated with the rail corridor and the existing and future Pacific Highway. These impacts together with recommended mitigation measures need to be considered and addressed.

Any future development of the site must comply with the Department of Planning, Industry & Environment's (DPIE) *Apartment Design Guide* and *State Environmental Planning Policy (SEPP) No 65 – Design Quality of Residential Apartment Development*.

The proponent has been requested to provide a more detailed concept plan to address these issues and ensure that appropriate design measures are put in place as part of the future development design for the site. This information has not been provided.

### **Environmental Impact**

There are no environmental impacts arising from the proposal.

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

Theme 4: Responsible

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

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

### **Conclusion**

The proposal seeks to rezone land from R2 Low Density Residential Development to R3 Medium Density Residential Development and increase the maximum height to 16m and maximum floor space ratio (FSR) to 2:1 to facilitate the construction of a 5 storey residential development of approximately 500 dwellings.

The proposal in its current form does not adequately justify the requested change in zone and development controls. The development design does not respond to the site constraints including flooding, traffic and social impact. It also does not address DPIE requirements in the Gateway Determination or legislated *Apartment Design Guide* and *State Environmental Planning Policy (SEPP) No 65 – Design Quality of Residential Apartment Development*. Ongoing Council requests for additional information have not been met and the second extension to the Gateway timeframe to complete the Planning Proposal expired on 16 February 2020.

It is recommended that the Council does not proceed with the progression of a Planning Proposal for this site.

### **Attachments**

*Nil.*



**Item No:** 3.3  
**Title:** Planning Proposal Application - RZ/3/2019 - 45  
Mulloway Road Chain Valley Bay  
**Department:** Environment and Planning

---

27 April 2020 Ordinary Council Meeting

Trim Reference: F2019/00041-004 - D13899088

**Author:** Rodney Mergan, Senior Strategic Planner  
Scott Duncan, Section Manager, Land Use and Policy  
**Manager:** Karen Tucker, Acting Unit Manager, Strategic Planning  
**Executive:** Scott Cox, Director Environment and Planning

### **Report Purpose**

A decision of Council is required for the action to progress. The impact on project without a resolution of Council is as follows:

- A Guide to Preparing Local Environmental Plans provides guidance and information on the process for making local environmental plans (LEPs) under Part 3 of the Environmental Planning & Assessment Act, 1979 (the Act). In accordance with this guide Council has 90 days to inform the applicant as to whether the application will be supported or not.
- If the proposal is considered to have merit the application cannot be progressed for Gateway Determination in a timely manner.

The purpose of this report is for Council to consider a request to prepare a Planning Proposal to amend *Wyong Local Environmental Plan 2013* (WLEP) or *draft Central Coast Council Local Environmental Plan* (CCLEP) (if in effect) for 45 Mulloway Road, Chain Valley Bay.

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

### **Recommendation**

- 1 That Council, pursuant to Section 3.33 of the Environmental Planning and Assessment Act, 1979, prepare a Planning Proposal applying to Lot 5 DP 1228880 (45 Mulloway Road, Chain Valley Bay) to rezone the subject sites from E3 Environmental Management to RE2 Private Recreation and E2 Environmental Conservation by amending the Wyong Local Environmental Plan 2013 (or Central Coast Local Environmental Plan), whichever is in effect at the time.**



**3.3 Planning Proposal Application - RZ/3/2019 - 45 Mulloway Road Chain Valley Bay (cont.)**

---

- 2 That Council, pursuant to Section 3.34 of the Environmental Planning and Assessment Act, 1979, forward the Planning Proposal to the Minister requesting a Gateway Determination.**
- 3 That Council request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.**
- 4 That Council undertakes public authority and community consultation in accordance with the Gateway Determination requirements.**
- 5 That Council authorise staff to negotiate, prepare and exhibit a Planning Agreement with respect to any aspect of the proposal to support the development of the subject land.**
- 6 That Council authorise staff to prepare and exhibit site specific development controls with respect to any aspect of the proposal to support the development of the subject land.**
- 7 That Council consider a further report on the results of public authority and community consultation.**

**The Site**

The subject land (figure 1) is known as 45 Mulloway Road Chain Valley Bay, Lot 5 DP 1228880.

The site has an area of 10.61 Hectares (Ha) and can be divided into three distinct areas:

- a dwelling and ancillary development to the north of the site,
- a generally cleared area predominately used for rural purposes through the majority or middle of the site, and
- a heavily vegetated area along the southern boundary of the site.

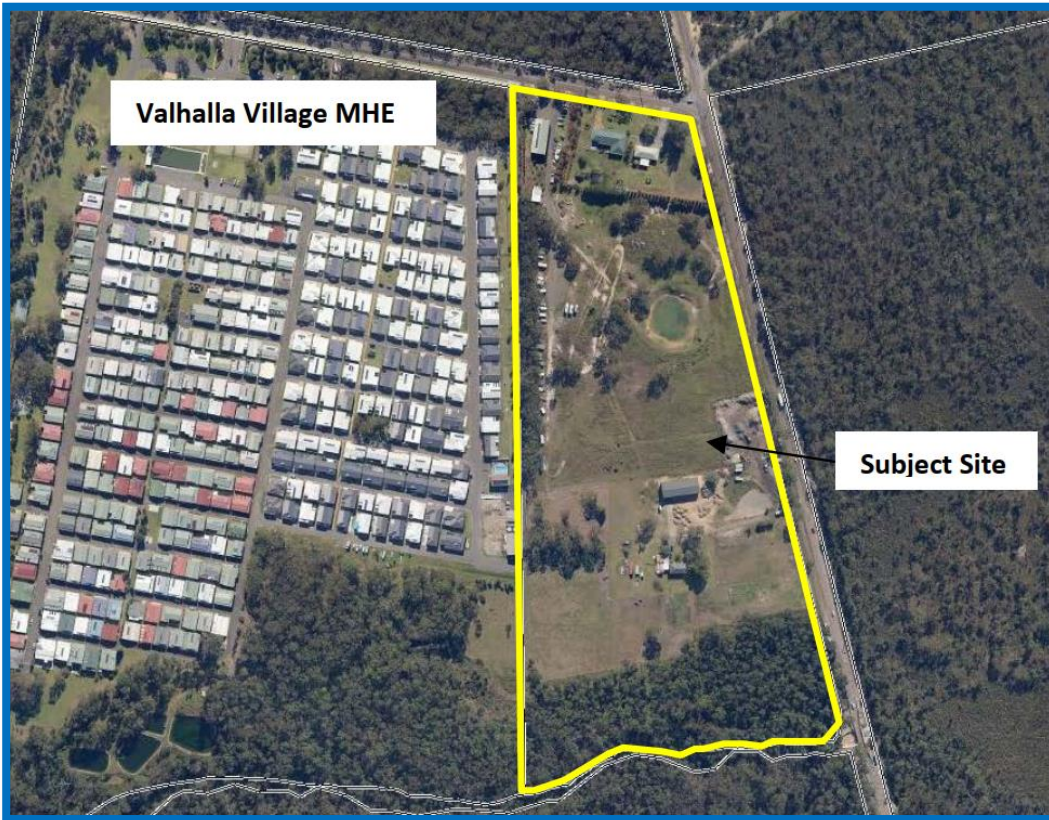


Figure 1- Aerial Photo - Subject site and surrounding land

Surrounding land uses include:

- a Manufactured Home Estate (MHE) to the west,
- State Recreation Area to the north,
- vacant vegetated land to the east and south currently subject to a planning proposal for residential development. Land to the south is separated from the subject site by Karignan Creek.

### The Proposal

The proposal seeks to amend the *Wyong Local Environmental Plan 2013* (WLEP 2013) or future Central Coast Local Environmental Plan (CCLEP) as follows:

- Rezone the subject sites from E3 Environmental Management to part RE2 Private Recreation and part E2 Environmental Conservation.

The proposal does not propose to alter the existing minimum lot size applicable to the subject site, being 40 ha.

### 3.3 Planning Proposal Application - RZ/3/2019 - 45 Mulloway Road Chain Valley Bay (cont.)

The intended outcome is to enable the construction of a MHE on the site. The proposal looks to accommodate approximately 190 home sites, communal open space, communal hall and recreation facilities.

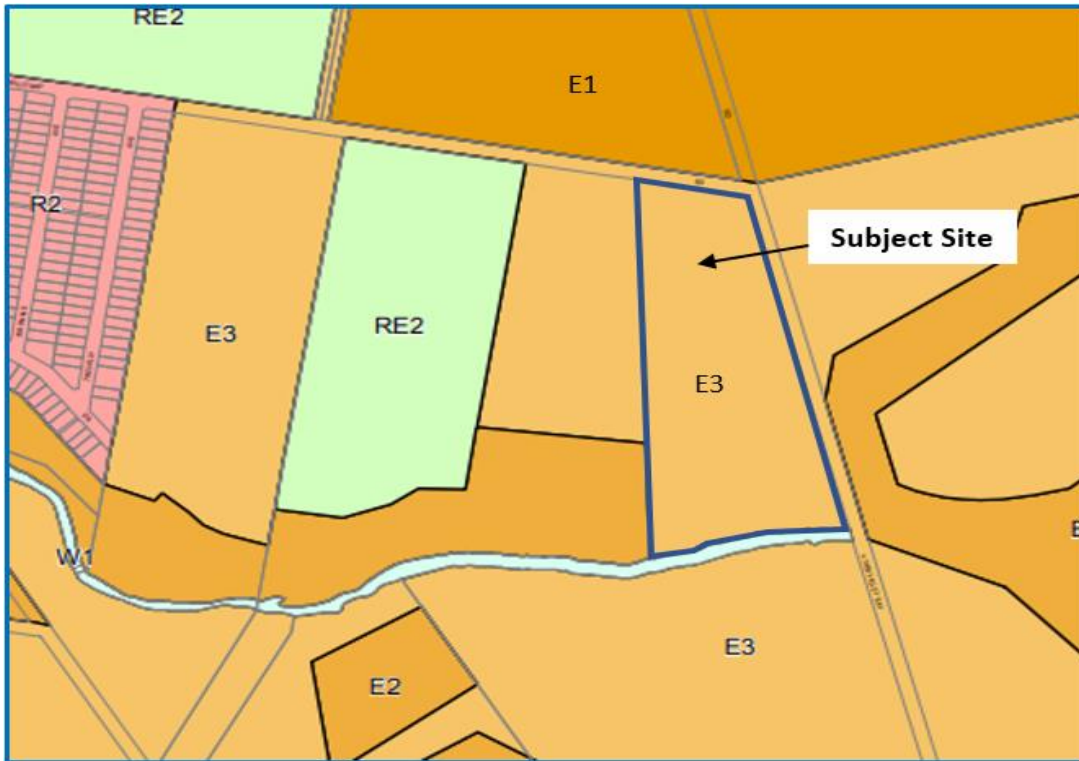


Figure 2 – Current Zoning Map

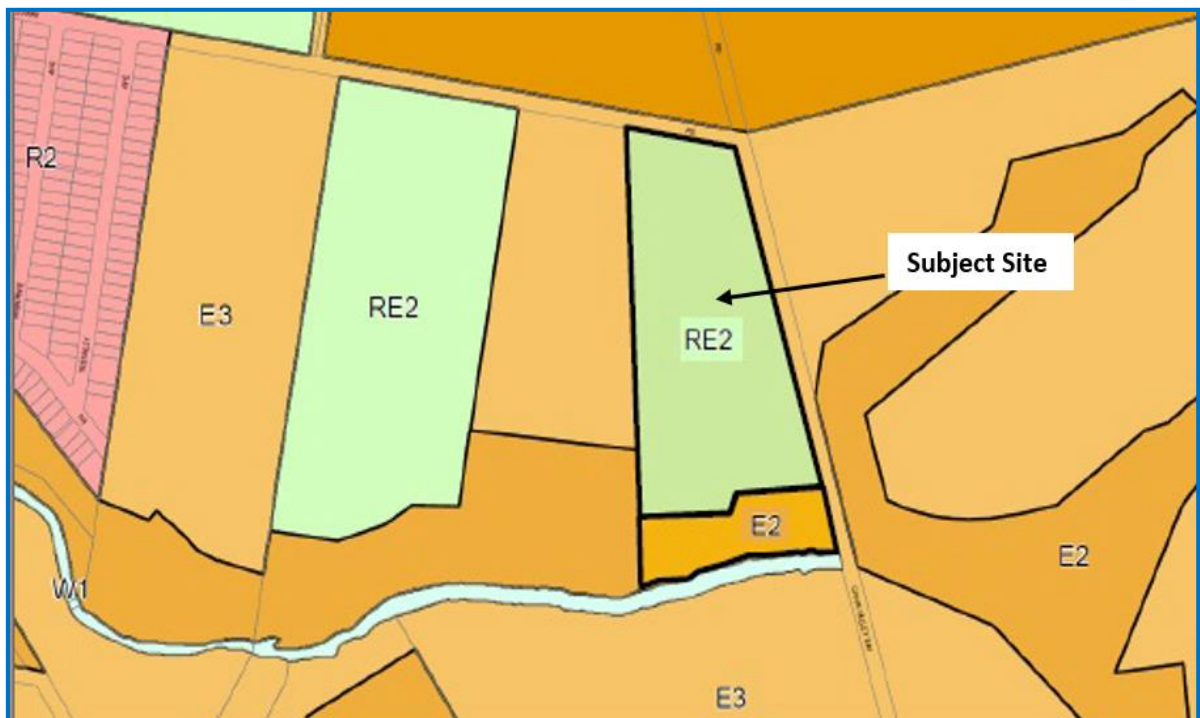


Figure 3 – Proposed Zoning



### 3.3 Planning Proposal Application - RZ/3/2019 - 45 Mulloway Road Chain Valley Bay (cont.)

#### Assessment

The rezoning of the subject land to RE2 Private Recreation and E2 Environmental Conservation has strategic merit on the basis that:

- The proposed amendment is consistent with actions in the Central Coast Regional Plan (CCRP) 2036, aligning specifically with Goal 3- Well-connected communities and attractive lifestyles and Goal 4- A variety of housing choice to suit needs and lifestyles.
- The proposal is consistent with the requirements of the Department Planning, Industry and Environment (DPIE's) North Wyong Shire Structure Plan (NWSSP), see Figure 4.

This plan identifies the site is required for future residential purposes. The current timing had identified the staging of the development within the long-range timeframe (land will not be zoned before 15 years), this timing can be revised due to new information relating to underlying mining constraints which are no longer an impediment to surface land release. This means that the release of the land can be accelerated, subject to appropriate funding arrangements being put in place to manage infrastructure and servicing issues associated with increasing the population in the locality.

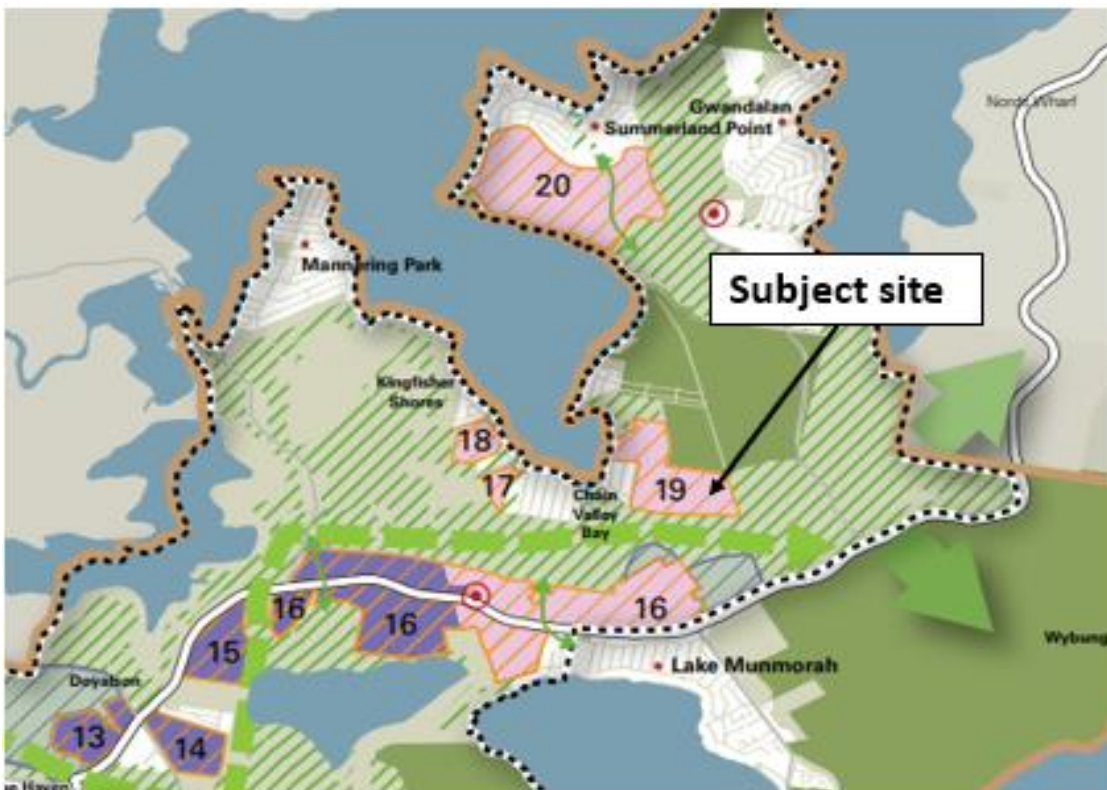


Figure 4 – Extract – North Wyong Shire Structure Plan

### 3.3 Planning Proposal Application - RZ/3/2019 - 45 Mulloway Road Chain Valley Bay (cont.)

- The proposal is consistent with the draft Greater Lake Munmorah Structure plan, see Figure 5, which was publicly exhibited between 1 April 2019 to 26 May 2019.

The area to be rezoned is identified within the Draft Greater Lake Munmorah Structure Plan located within Precinct 7 Chain Valley Bay,

The draft Greater Lake Munmorah Structure Plan facilitates the delivery of 2,885 additional lots, the subject proposal will provide an additional 190 home sites.

The site is partially nominated as a green corridor and habitat network by the NWSSP. That portion of the site proposed to be zoned E2 Environmental Conservation aligns with the high level mapped boundary of the green corridor.



Figure 5 – Draft Greater Lake Munmorah Structure Plan, Precinct 7 – Chain Valley Bay

- The applicant has provided relevant supporting studies. These studies have been reviewed through the internal consultation process and are considered appropriate for submission with a request for a Gateway Determination. Once a suitable degree of certainty is provided by a Gateway Determination being issued, appropriate draft planning agreements to address issues such as roadworks and servicing can be completed prior to public consultation.

#### Internal Consultation

Internal consultation has been undertaken regarding the proposed Planning Proposal and is summarised below.

### **Environmental Strategies**

Clearing of vegetation would be required to facilitate the proposed development of the site for a MHE. While vegetation removal would generally occur as part of a development application process that would follow the completion of the planning proposal, Council must be satisfied that the proposal can reasonably meet the requirements of *State Environmental Planning Policy (SEPP) (Vegetation in Non-Rural Areas) 2017* and the *Biodiversity Conservation Act 2016*.

A review of information submitted in support of the proposal has confirmed that the proposal seeks to impact on approximately 0.32 ha of Swamp Sclerophyll Forest and 0.92 ha of Narrabeen Doyalson Coastal Woodland and potentially impact on the vegetated southern end of the site. The proposal triggers entry into the Biodiversity Offset Scheme (BOS) via impacting areas highlighted on the BV map and exceeding the area clearing threshold.

### **Water Planning and Development**

The site is connected to mains water supply.

The site is connected to a nearby sewer main and pumping station. Upgrade works in this area are identified in the Development Servicing Plan with the timing of this upgrade to be confirmed. Any additional contributions for upgrade works can be negotiated through an agreement between Council and the applicant.

### **Environmental Health - Land Contamination**

The proponent has addressed the requirements under *SEPP No. 55 - Remediation of Land* by providing a Preliminary Contamination Assessment.

The findings of this contamination assessment recommend a detailed contamination assessment be undertaken with remedial actions, where necessary. It has been determined that if all "Areas of Concern" identified in the report are addressed prior to the release of any subdivision certificate the land can be remediated to a suitable condition for the proposed MHE.

### **Social Planning**

There is concern relating to residents being unable to access the services they need due to the large population increase in an area that is already underserved and while there is need for more affordable housing on the Central Coast, it must be well planned and well located to avoid negatively impacting on residents.

### **Contributions**

The site is subject to the Northern Districts Section 7.11 Contribution plan. Contributions will be payable for manufactured home sites for Open Space, Community Facilities and Administration.

Any road upgrades required as a result of this development would be subject to agreement between the applicant, Council or Transport for NSW depending on the works required.

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

It has been acknowledged that the intersection of Pacific Highway and Chain Valley Road is already at capacity and requires a significant upgrade. The Roads and Maritime Services (RMS) will not support the creation of additional lots requiring access to this intersection until the intersection has been upgraded. There are several planning proposals concurrently being considered in this area and all parties are to contribute to the completion of the required works through agreement with Transport for NSW.

In addition, there will be local road and associated upgrades required to facilitate the proposed MHE, the cost of which will be borne by the applicant through conditions of consent.

### **Council Site Inspection**

A site inspection was undertaken on 2 March 2020. The site inspection was attended by Council staff and the following Councillors:

- Mayor – Councillor Lisa Matthews
- Deputy Mayor - Councillor Jane Smith
- Councillor Chris Holstein

The following matters were raised and discussed during the site inspection:

- 1 The southern area of the site is identified as a Regional Wildlife Corridor. What width is this corridor and could it be widened on this site?

The subject site includes a small part of a regional wildlife corridor which includes vegetated land north of the creek. The regional corridor identified in the CCRP is also located on land owned by the Darkinjung LALC to the south of the site. The final width of the regional wildlife corridor is not yet agreed upon in this location and is a relevant consideration in developing a Structure Plan for the DLALC Lake Munmorah residential rezoning (further to the south). Regional wildlife corridors are generally wider than local corridors and are normally several hundred metres in width.

### **3.3 Planning Proposal Application - RZ/3/2019 - 45 Mulloway Road Chain Valley Bay (cont.)**

---

It was confirmed that an increase in corridor (E2 zone) width on the site could be discussed with the applicant (with a splayed design response to better align with the position of E2 zones on adjoining land).

- 2 Can Council lobby for an improvement in public transportation servicing in the area given the impact that this and other proposals in the area may have?

The State Government are aware of emerging issues in the area and this proposal is one of several developments which will be contributing to required intersection upgrades at the intersection of Chain Valley Bay Rd and the Pacific Highway.

The proposal will be referred to Transport for NSW for comment/consideration and will address the need for a coordinated approach to public transport in the area.

- 3 Are there plans for improve recreation facilities and other services for this area?

Facilitated for in the draft GLMSP and a revision of the relevant S7.11 Contribution Plan is also underway.

- 4 Will the existing residential accommodation and ancillary structures be staying?

The entire site is proposed to be zoned RE2 and eventually all existing development will be replaced.

#### **External Consultation**

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

It is anticipated due to the existing development, the proposal and the location that several external agencies including the following will need to be consulted:

- Department of Transport (formerly Transport NSW and Roads and Maritime Services)
- Department of Planning, Industry and Environment
- Department of Family and Community and Justice (former Rural Fire Service NSW)
- Subsidence Advisory NSW
- Darkinjung Local Aboriginal Land Council
- Guringai Tribal Link

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

#### **Statutory compliance and strategic justification**

The Planning Proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPPs), Ministerial Section 9.1 Directions and relevant guidelines set out within the regional and local plans, including the Central Coast Regional Plan (Attachment 2).



### **3.3 Planning Proposal Application - RZ/3/2019 - 45 Mulloway Road Chain Valley Bay (cont.)**

---

The proposal is considered to be generally consistent with the applicable directions and SEPPs.

#### **Financial Impact**

The direct cost to Council is the preparation of the Planning Proposal and Council's fee has been paid for this service. Council's Fees and Charges allow for an hourly rate for staff time beyond the scheduled fee to be charged where required.

#### **Social Impacts**

It has been identified that the area is currently quite poorly serviced and is not equipped to accommodate the increase in population envisaged by the development of this type.

It is noted that the draft Lake Munmorah Structure Plan envisages the development of this site and surrounding sites and provides for improved servicing of the area.

#### **Environmental Impacts**

Some clearing of vegetation would be required to facilitate the proposed development of the site for a MHE. As the area of the site over which development is proposed is not densely vegetated, it is considered that required offsetting or redesign can be undertaken and further addressed following Gateway Determination.

The site is partially nominated as a green corridor and habitat network by the NWSSP. That portion of the site proposed to be zoned E2 Environmental Conservation aligns with the high level mapped boundary of the green corridor.

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

Theme 3: Green

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

G-F2: Promote greening and the wellbeing of communities through the protection of local bushland, urban trees, and expansion of the Coastal Open Space System (COSS).

### **3.3 Planning Proposal Application - RZ/3/2019 - 45 Mulloway Road Chain Valley Bay (cont.)**

---

Theme 4: Responsible

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

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

#### **Risk Management**

There have been no risks identified to the natural and built environment associated with the proposed amendment to WLEP 2013 or the CCLEP.

#### **Conclusion**

The request to rezone the subject land is considered to have strategic merit, subject to being supported by appropriate studies and infrastructure funding arrangements being in place to manage impacts associated with the additional population arising from future development.

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

#### **Attachments**

- |          |                              |                               |           |
|----------|------------------------------|-------------------------------|-----------|
| <b>1</b> | Proposal Summary             | Provided Under Separate Cover | D13807919 |
| <b>2</b> | Strategic Assessment RZ32019 | Provided Under Separate Cover | D13801440 |



**Item No:** 3.4  
**Title:** Greater Lake Munmorah Structure Plan - Results of public consultation  
**Department:** Environment and Planning

---

27 April 2020 Ordinary Council Meeting

Trim Reference: F2015/00603-003 - D13654121

Author: Kathryn Heintz, Senior Strategic Planner  
Scott Duncan, Section Manager, Land Use and Policy

Manager: Karen Tucker, Acting Unit Manager, Strategic Planning

Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

This report has been amended in consideration of the impacts of COVID-19 (Coronavirus). A decision of Council is required for the work/action/service to progress. The impact on service delivery/project/legislative requirement without a resolution of Council is as follows:

The decision of Council is required for the action to progress (adoption of the draft Greater Lake Munmorah Structure Plan). The impact on project without a resolution of Council is as follows:

- Absence of a Structure Plan which guides the assessment of Planning Proposals in the study area will make it more difficult to meet residential and employment land targets for the Central Coast.
- The Structure Plan is required to guide development outcomes which are economically, socially and environmentally responsible.
- Will delay infrastructure planning and development contribution planning work.

The purpose of this report is to consider the submissions received during the public exhibition period and outline amendments to the draft Greater Lake Munmorah Structure Plan in response to these submissions.

This report recommends that the Council adopt the final Greater Lake Munmorah Structure Plan for implementation.

### **Recommendation**

- 1 That Council consider the submissions received during the exhibition period, as outlined in Attachment 1 – Provided Under Separate Cover.**

### **3.4 Greater Lake Munmorah Structure Plan - Results of public consultation (contd)**

---

- 2** *That Council endorse the amendments recommended by Council staff, as outlined in this report.*
- 3** *That Council authorise the Chief Executive Officer to make final editorial amendments to the draft Greater Lake Munmorah Structure Plan.*
- 4** *That Council adopt the final Greater Lake Munmorah Structure Plan and make this document available on Council's website.*

#### **Context**

The draft Greater Lake Munmorah Structure Plan (GLMSP) commenced because of an identified need to accommodate population growth in the north-east of the Central Coast LGA. The State Government's North Wyong Shire Structure Plan (2012) identified a large area of land within the study area for long-term residential and employment land.

The draft GLMSP study area covers an extensive area which includes the suburbs of Lake Munmorah, Doyalson North, Kingfisher Shores, Chain Valley Bay and a small area of Crangan Bay. This area has been selected to ensure that an outcome of the draft GLMSP is the resolution of issues in relation to future land use in this area. Therefore, the entire area identified by the North Wyong Shire Structure Plan for future employment and residential land use along this section of the Pacific Highway, is included in the study area. See Figure 1.

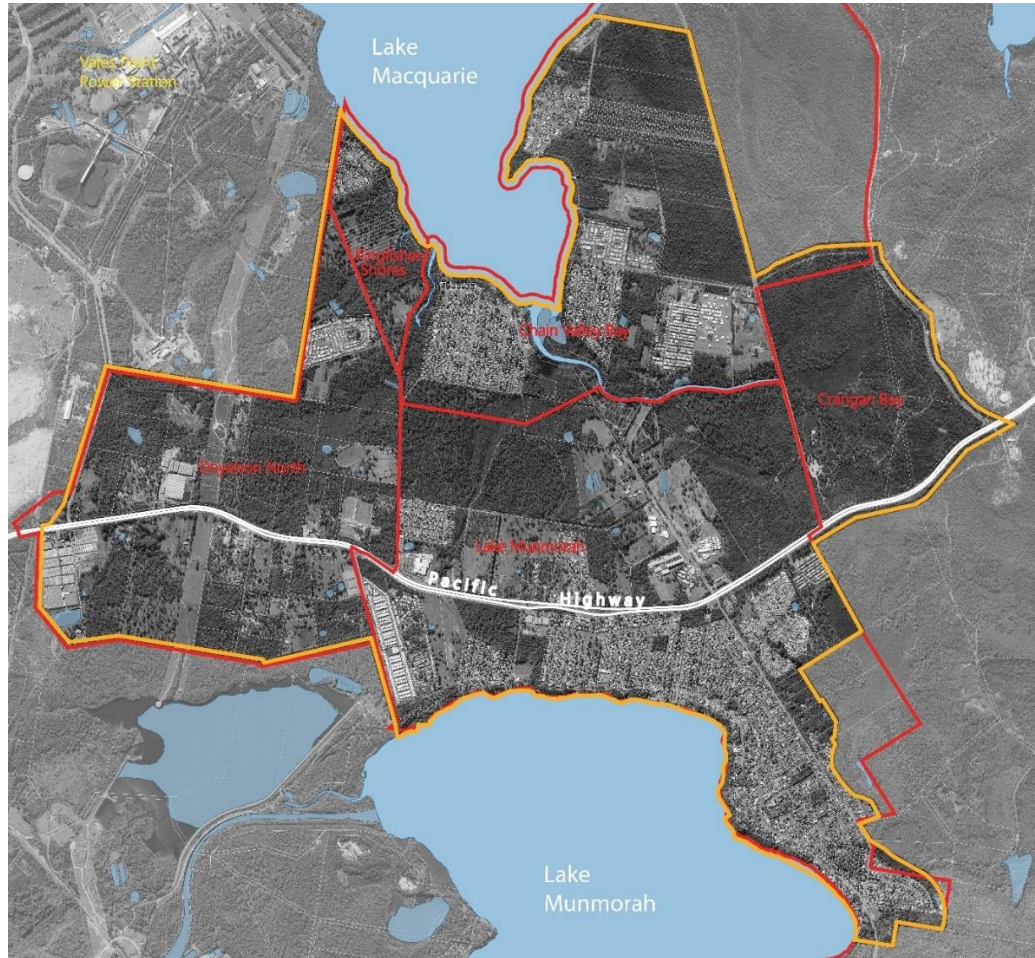


Figure 1: The Study Area

The study area is characterised by rural-residential land uses interspersed with low density residential development skirting Lake Munmorah and Lake Macquarie water bodies to the south and north respectively, to the east by conservation reserves of high ecological value, and to the west by rural activities and rural residential development. There are two power stations nearby including the decommissioned Munmorah Power Station at Colongra to the south-west, and Vales Point Power Station to the north-west, which remains operational.

The study area has historically been identified for longer-term development due to surface development restrictions related to underground mining within the area. However, surface development restrictions over a large part of the study area have now been relaxed by Subsidence Advisory NSW. The development of the Lake Munmorah Shopping Centre on Tall Timbers Road has also provided a catalyst for development within the area. Several catalyst developments are also in the planning stages, including:

- 1 Two significant recreation facilities proposed for the area, as follows:
  - a Skate Park, Lake Munmorah
  - b Regional Playspace, Lake Munmorah
- 2 Four significant rezoning applications lodged, as follows:

### **3.4 Greater Lake Munmorah Structure Plan - Results of public consultation (contd)**

---

- a RZ/12/2014: 54ha parcel at 425 Pacific Highway & 2 Kanangra Drive, Crangan Bay & 405-415 Pacific Highway, Lake Munmorah. Proposing to rezone land from E2 Environmental Conservation and E3 Environmental Management to R2 Low Density Residential and E2 Environmental Conservation zone to facilitate the release of approximately 620 lots.
- b RZ/1/2017: A 16.6ha parcel at 15 Mulloway Road, Chain Valley Bay. Proposing to rezone land from E2 Environmental Conservation and E3 Environmental Management to R2 Low Density Residential and E2 Environmental Conservation zone to facilitate the release of approximately 100 lots.
- c RZ/2/2019: A 27.2ha parcel at 285-335 Pacific Highway, Lake Munmorah. Proposing R2 Low Density Residential zone to facilitate the release of approximately 300 lots.
- d RZ/3/2019: A 10.6ha parcel at 45 Mulloway Road, Chain Valley Bay. Proposing to rezone land from E3 Environmental Management to E2 Environmental Conservation and RE2 Private Recreation to allow development of a Manufactured Home Estate.

Therefore, an opportunity exists to consider bringing development forward, and consider the study area in its entirety to ensure best outcomes for the current and future residents. Council recognises the importance of developing a vision for the future development of the Lake Munmorah area, to ensure that development of this area occurs in an orderly and desirable manner.

#### **Current Status**

The engagement period for the draft GLMSP ran for 60 days between March-May 2019. All submissions have been carefully considered, and the draft GLMSP revised where appropriate.

#### **Consultation - Internal**

Extensive internal consultation has been undertaken for the draft GLMSP. Information provided by internal stakeholders has been utilised to inform the issues analysis and develop appropriate recommendations and opportunities. Internal consultation included staff from the following Business Units within Council:

- Community Engagements
- Community Partnerships
- Engineering Assessment
- Learning & Education
- Leasing & Asset Management
- Natural & Environmental Assets
- Open Space & Recreation
- Roads Business Development & Technical Services
- Strategic Planning
- Waterways & Coastal Protection
- Water Planning & Development

### **3.4 Greater Lake Munmorah Structure Plan - Results of public consultation (contd)**

---

A Councillor Briefing was undertaken by way of a podcast on 6 April 2020, informing the Councillors' of the proposed changes to the draft GLMSP due to comments received during the public exhibition period. A summary of this briefing is provided later in this report under the heading 'Councillor Briefing – 6 April 2020'.

#### **Consultation – External – Available Information**

The engagement period for the draft GLMSP ran for 60 days between March-May 2019. During the exhibition period the draft GLMSP was displayed at:

- Wyong Civic Centre
- Lake Haven Library
- Online – Have Your Say and Consultation Hub

The exhibition also included the following:

- Council staff were available for a 5-hour period and 3-hour period over 2 separate days at Lake Munmorah Bowling Club, during which time 168 people participated face to face with Council staff.
- Advertisements in local newspapers
- 4,800 brochures were distributed to Greater Lake Munmorah (including Gwandalan) residents and businesses
- Media release
- Social media posts (Twitter and Facebook)
- 4,618 emails sent to registered participants
- 63 emails sent /phone calls made to identified key stakeholders
- Six variable-message signs positioned at key locations:
  - Across from 186 Elizabeth Bay Drive, Lake Munmorah
  - Across from Golf Range Scenic Dr, San Remo
  - Across from Caltex Service Station Pacific Hwy, San Remo
  - Across from Budgewoi Soccer Club Scenic Drive, Budgewoi
- Councillor Business Update.

#### **Consultation – External – Submissions Received**

##### **Social Pinpoint**

During the exhibition period, there were more than 3,000 visits to the yourvoiceourcoast website, and 214 pins were dropped on the Social Pinpoint interactive map of the area.

##### **Written submissions**

48 formal submissions were received, including 13 submissions from State Government agencies, or large landholders such as the Diocese of Broken Bay and the Darkinjung Local Aboriginal Land Council. There were no adverse comments from any of the State Government agencies. The submissions were reviewed to determine the themes that appeared most

### 3.4 Greater Lake Munmorah Structure Plan - Results of public consultation (contd)

commonly. These themes were tabulated so that their occurrence could be collated by topic area. Each submission was analysed into common themes as follows:

Theme	Occurrence
Roads – Safety/Capacity	39
Recreation – Need for improved quality and more options	35
Environment – Protection of our natural assets	34
Recreation – Need for more footpaths and shared pathways	30
Roads – Poor condition	25
Lake Munmorah waterbody – Poor health	19
Economy – Need for jobs within the area	12
Public Transport – Need for better provisioning	10
Drainage – Lack of and/or need for improvements	10
Flooding – Concern related to new flood mapping	8
Community facilities	7
Request to have land identified as future development precinct	7
Recreation – Boat ramp issues	7
Electricity Easement (Carters Road) – Redundant, request removal	6
Infrastructure	5
Housing	4
Roads – Objection to Carters Road to Tall Timbers Road proposal	4
Exhibition process – Criticism	4
Heritage	2
Bushfire	2
Other	1
Formatting issues	1
Aboriginal land claims process	1
Agriculture	1
Rezoning process	1
Electric vehicles	1
Staging	1

*Table 1 – Summary of responses received during exhibition*

Note: These numbers do not represent the number of individual submissions, as many of the submissions included a range of different themes.

The full summary of submissions and Council’s response to these submissions, is provided as Attachment 1 to this report.

#### **Consultation – External – Issues Raised**

Common themes raised by submissions, social pinpoint comments, and comments received during the drop-in sessions are also discussed below:

##### ***Issue 1 – Roads: Safety and/or capacity of existing roads***

RESPONSE:

*Ongoing Upgrades*



### **3.4 Greater Lake Munmorah Structure Plan - Results of public consultation (contd)**

---

Council is committed to providing key roads and drainage infrastructure across the Central Coast. Central Coast Council's roads and drainage Capital Works Program includes projects that involve full road reconstructions, road pavement works, kerb/ gutter and drainage installations. In the 2018/19 financial year, Council will deliver 574 projects, costing over \$70 million. Practically, the works program needs to be rolled out in an ongoing manner, with more improvements delivered each year.

#### *Road Development Strategy*

As part of the preparation of the draft GLMSP, Council engaged GHD Pty Ltd to deliver a Road Development Strategy (RDS). Staff from Council's Roads Business Development and Technical Services and Unit have been consulted throughout the RDS. The RDS seeks to model and analyse the road network operative conditions within the draft GLMSP area (including major intersections adjacent to the study area), as defined within Figure 2, both currently and over the life of the draft GLMSP (i.e. 2019 – 2039).

The RDS includes the following components:

- 1 Modelling of the road network performance of the following scenarios:
  - a Existing conditions (at 2019)
  - b Background growth ((normal population / traffic growth) at 2029 and 2039
  - c Background Growth + Development Scenarios (generated by the implementation of the GLMSP) at 2029 and 2039
  - d Background Growth + Development Scenarios + Pacific Highway and Wyee Road Intersection Upgrades at 2029 and 2039
  - e Background Growth + Development Scenarios + Pacific Highway and Wyee Road Intersection Upgrades + Structure Plan Road Development at 2029 and 2039
- 2 A Safe Systems Assessment, to determine safety issues associated with the current network, including identification of proposed treatments to improve safety, particularly for vulnerable road users (e.g. pedestrians, cyclists etc.); and
- 3 Delivery of strategic designs and costings for new intersections and road connections.

**3.4 Greater Lake Munmorah Structure Plan - Results of public consultation (contd)**

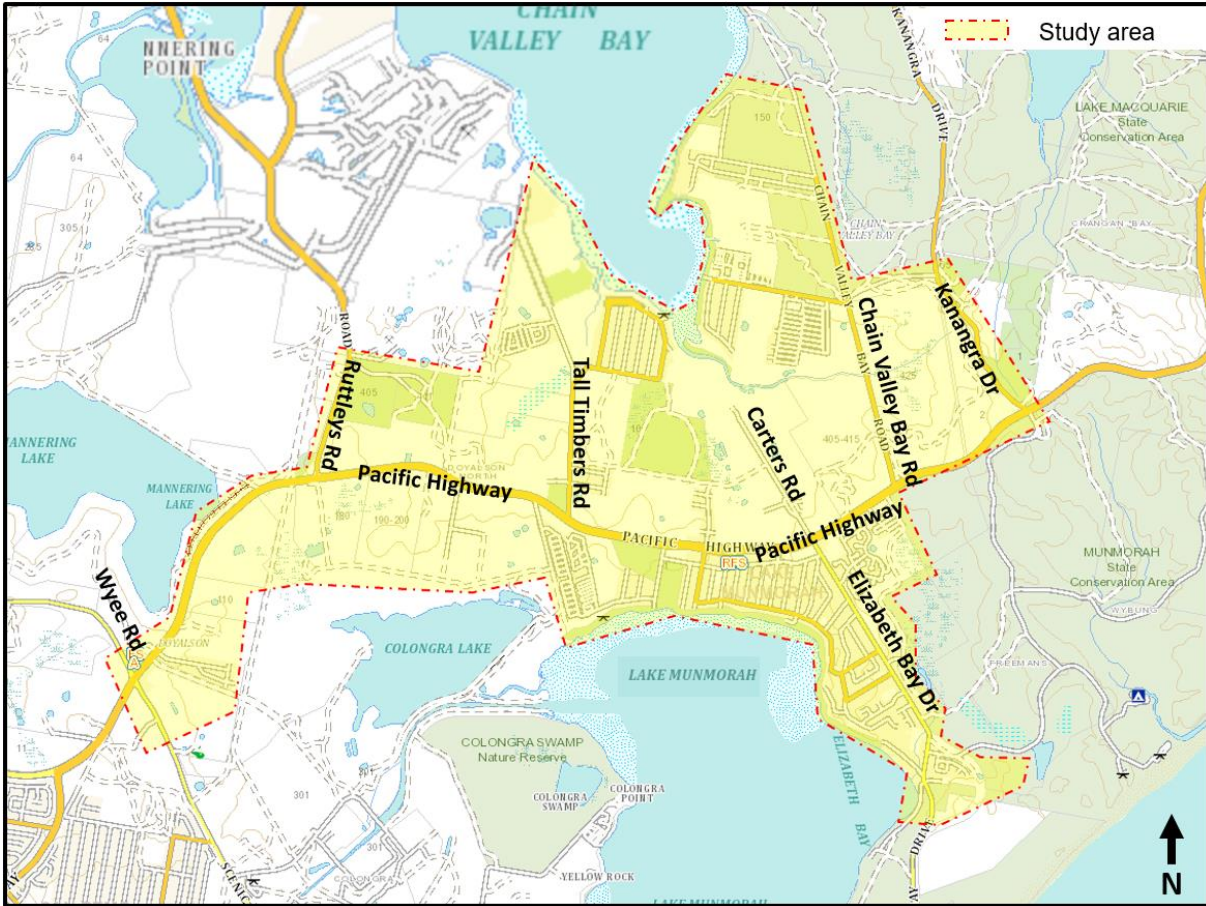


Figure 2: Road Development Strategy Study Area  
 (Source: Greater Lake Munmorah Structure Plan: Road Development Strategy, GHD, March 2020)

1 Modelling of the road network (Attachment 2 – Provided under separate cover)

Over the life of the plan (i.e. 2019-2039), the total traffic growth in the area (including that from background growth and implementation of the structure plan) could be expected to increase by 52% (in the 2039 AM peak) and 77% above current rates (in the 2039 PM peak). The key findings of each modelled scenario are outlined below.

a Existing conditions

The intent of this scenario was to assess how the network performed under current traffic volumes, without the introduction of mitigation measures. The following intersections are currently over capacity, or reduced level of service (LoS) as follows:

- The Pacific Highway / Wye Road / Scenic Drive intersection is currently over capacity in the PM peak, whilst operated at a reduced LoS in the AM peak.
- The Pacific Highway / Chain Valley Bay Road intersection is over capacity in AM peak, mostly as a result of queuing associated with the right-hand turn movement onto the Pacific Highway. The intersection operates satisfactorily during the PM peak.

### 3.4 Greater Lake Munmorah Structure Plan - Results of public consultation (contd)

---

- The model included specific consideration for the operation of Carters Road, in order to ensure that the impact of pedestrian traffic and slow-moving queues on Carters Road was taken into consideration. This model was replicated in all future growth scenarios. The modelling for the Pacific Highway / Carters Road / Elizabeth Bay Drive and intersection under current conditions identified that whilst it is not at capacity in the AM peak, it operates at a reduced LoS.

All other intersections within the study area operate at an acceptable LoS under current conditions and demands.

#### b Background growth

The intent of this scenario was to assess how the current network performed with background population / traffic growth, without the introduction of mitigation measures.

The modelling indicated that network wide (i.e. across the study area) congestion would increase substantially up to 2039 which would decrease travel speeds and therefore increase travel times.

The primary cause of the congestion would be the Pacific Highway / Wyee Road / Scenic Drive intersection. This congestion would extend from east of Ruttleys Road for southbound traffic.

#### c Background Growth + Development Scenarios

The intent of this scenario was to assess how the current network performed with background population / traffic growth and without the introduction of mitigation measures.

As with scenario b above, the Pacific Highway / Wyee Road / Scenic Drive intersection would continue as a pinch point in the road network. In addition, two pinch points would also be created at the intersections of Carters Road / Elizabeth Bay Drive / Pacific Highway and Chain Valley Bay Road / Pacific Highway.

These combined pinch points would increase congestion queues for southbound traffic almost to Tall Timbers Road.

In addition to the intersection above, the following intersections also operate with unsatisfactory LoS in 2039:

- Pacific Highway / Ruttleys Road;
- Pacific Highway / Colongra Bay Drive; and
- Pacific Highway / Boronia Road / Kangaroo Avenue.

### 3.4 Greater Lake Munmorah Structure Plan - Results of public consultation (contd)

---

#### d Background Growth + Development Scenarios + Pacific Highway and Wyee Road Intersection Upgrades

The intent of this scenario was to assess the benefits of the potential upgrade at Pacific Highway and Wyee Road intersection, and the extent of mitigation it alone would provide to the entire network. It is important to note that these assumed upgrades have not been identified as a priority action, nor have a nominated delivery timeframe by the Roads and Maritime Services.

The modelling indicates that this upgrade will reduce network congestion overall, with the southbound queuing on the Pacific Highway being reduced to acceptable levels at the pinch point at this locality being removed in the 2039 AM scenario. In the 2039 PM scenario, some minor queuing on the eastbound and northbound approaches will still be experienced.

This action alone would not remediate the performance of the other intersections within the structure plan area.

#### e Background Growth + Development Scenarios + Pacific Highway and Wyee Road Intersection Upgrades + Structure Plan Road Development

The intent of this scenario was to assess the benefits of the road network proposed for implementation within the structure plan, including upgrades to signals for the Pacific Highway / Chain Valley Bay Road and Pacific Highway / Basford Road intersections (as per figure 3).

As identified by previous growth models, there is limited traffic utilising the Pacific Highway/ Basford Road intersection, therefore the introduction of signals in this locality is of limited value.

The modelling indicates that the proposed road network, particularly the link between Chain Valley Bay Road and Tall Timbers Road will alleviate the pinch points experienced at the Carters and Chain Valley Bay Roads intersections with the Pacific Highway and improve overall network performance.

The nexus for the delivery of the internal road network is associated with the staged development of land within the structure plan area. Planning for the release of land along Chain Valley Bay and Malloway Road is already in progress. As there are existing capacity issues with the intersection of the Pacific Highway / Chain Valley Bay Road, the upgrade of the intersection must be a priority for delivery, above the delivery of a new internal road network.

The new road network will need to be staged and delivered in conjunction with other development coming on line within the structure plan area.



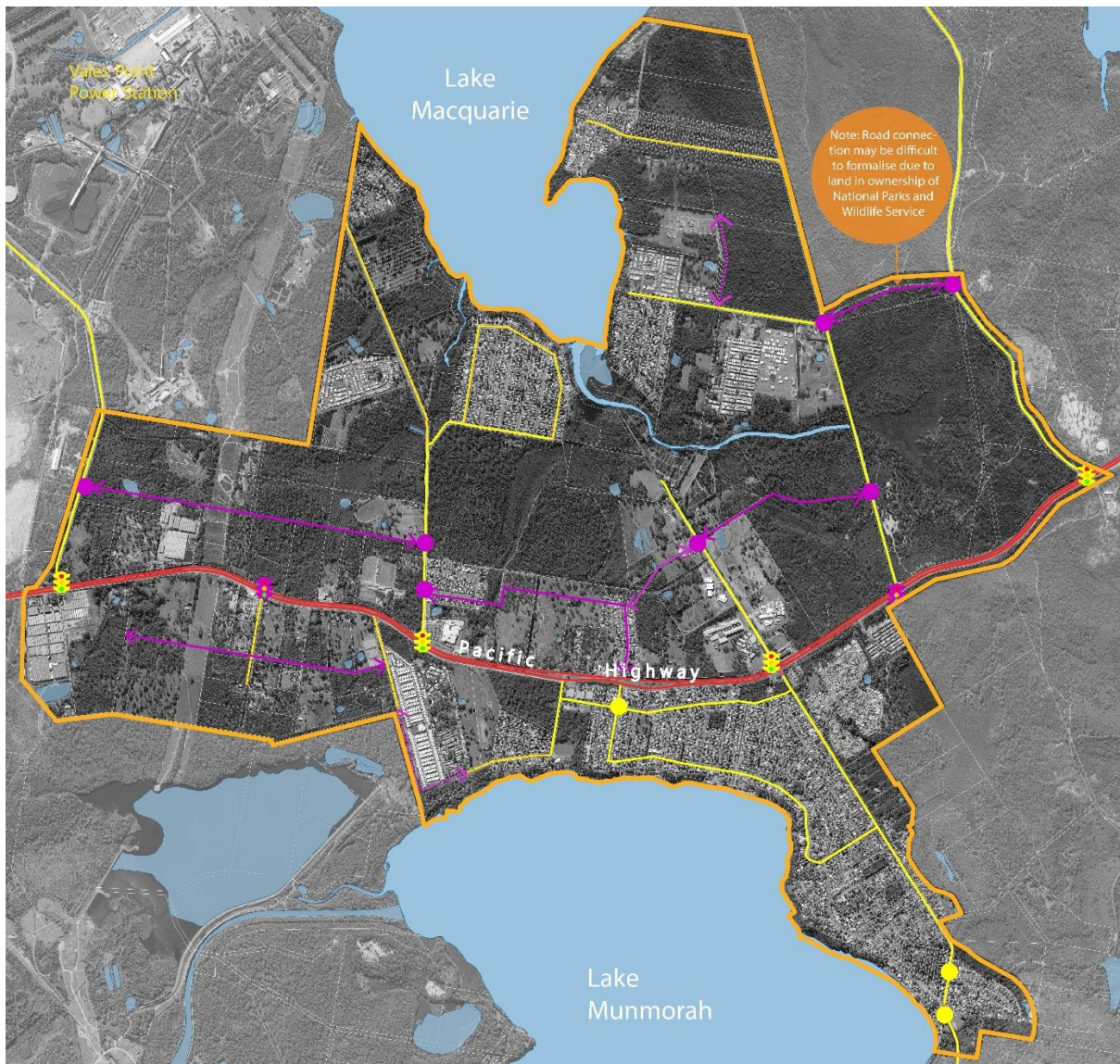


Figure 3: Proposed internal road connections for investigations

## 2 Safe Systems Assessment

The Safe Systems Assessment identified potential areas for safety improvements as part of the delivery of the structure plan. Many of the safety issues and possible mitigation strategies will need to be further refined and assessed during individual site specific rezonings within the structure plan area. Such matters relate (but are not limited) to:

- Signposted speed limits
- Intersection control type
- pedestrian crossing facilities
- On road cycle ways or lack of formal pedestrian paths
- Lighting
- Road alignment etc.

### **3.4 Greater Lake Munmorah Structure Plan - Results of public consultation (contd)**

---

#### 3 Intersection and Road Designs and Indicative Costings

This component of the RDS was incorporated in order to assist Council in preparing necessary updates to the Northern Districts Development Contributions Plan. The draft Structure Plan identifies several new road connections as well as new intersections. Relevant portions of these road connections and/or intersections will need to be incorporated into this updated Development Contributions Plan, therefore the road designs and indicative costings will be utilised for this purpose.

#### ***Issue 2 – Recreation: Need for improved quality and more options***

RESPONSE:

Council's Open Space and Recreation Unit are currently preparing a Play Space Strategy and Skate Park Strategy is currently being developed. Once finalised, these documents will be made publicly available and the Community will be consulted prior to the documents being finalised. These documents represent an opportunity to identify appropriate upgrades of existing facilities, and new facilities.

Note: Feedback will be forwarded to Council's Open Space and Recreation Unit.

#### ***Issue 3 – Environment: Need for vegetation to be retained and biodiversity corridor realised.***

RESPONSE:

The draft GLMSP aims to provide a firmer boundary for the regional biodiversity corridor, as well as identifying numerous other local corridors for retention. The biodiversity corridor is an essential component of regional planning for the Central Coast and represents the only available east-west corridor within the Central Coast. It is important that the connectivity of this corridor is not compromised, therefore retention of key habitat and connections is an important outcome of this project.

#### ***Issue 4 – Recreation: Need for more footpaths and shared pathways***

RESPONSE:

The draft GLMSP identifies many new footpath and/or shared pathway connections for the study area. Ensuring the community has access to safe and inclusive pedestrian and cycle connections is a key aim of the draft GLMSP. However, funding of these proposed footpaths and/or shared pathways will need to be sourced on an ongoing basis and implementation may take a number of years.

Note: Feedback will be forwarded to Council's Pathways and Road Inventory Assets Section.

### **3.4 Greater Lake Munmorah Structure Plan - Results of public consultation (contd)**

---

#### ***Issue 5 – Roads: Poor condition and lack of kerb and guttering***

RESPONSE:

See Issue 1, above.

#### ***Issue 6 – Lake Munmorah waterbody: Poor health and amenity impacts***

RESPONSE:

The Tuggerah Lakes estuary is a unique environment rich in biodiversity. Over the years, the natural function and condition of the estuary has been influenced by many different human activities around the foreshores and throughout the catchment, such as:

- Land clearing and land use change
- Loss of important natural filters (streambank, wetland and saltmarsh vegetation),
- Changed water flows
- More pollutants, nutrients and sediment reaching the lakes,
- Extensive foreshore modifications

These factors have all contributed to change – fewer native seagrass beds, more frequent algal blooms, increased amounts of smelly ‘ooze’ around the foreshores and an overall loss of habitat and amenity value for native plants, wildlife and the community.

Management of the wider catchment has improved with greater controls on farming, sewerage management and development. During the 2000s the former Wyong Shire Council worked closely with the State Government, expert aquatic ecologists, fishermen and local community interest groups on a three-stage process to ensure a sustainable future for the Tuggerah Lakes estuary. Through this process the Tuggerah Lakes Estuary Management Plan (TLEMP) was developed, which aims to rehabilitate the Tuggerah Lakes estuary and its catchment to a point where it can effectively maintain itself. Since its development, the TLEMP has been supported by a \$20 million Australian Government Caring for our Country grant (2008-2013), a \$3.25 million Australian Government National Landcare Programmes grant (2014-2017) and more recently a \$3 million Australian Government Improving Your Local Parks and Environment grant. These grants have and will continue to assist in implementing actions from the TLEMP.

Note: Feedback will be forwarded to Council's Natural and Environmental Assets Unit.

#### ***Issue 7 – Economy: Need for jobs within the area***

RESPONSE:

The draft GLMSP identifies 91.7 hectares of future employment lands within the study area. At a rate of 20 jobs per hectare, and accounting for some of this land area being required for roads and other infrastructure, this land could provide as many as 1,651 jobs in the future.

### **3.4 Greater Lake Munmorah Structure Plan - Results of public consultation (contd)**

---

Growth in retail and services is also anticipated for this area, with subsequent growth in jobs within this sector.

#### ***Issue 8 – Public Transport: Need for better provisioning***

RESPONSE:

The draft GLMSP acknowledges that public transport usage within the study area is very low. For example, the 2016 census found that only 2.7% of residents used public transport to travel to work, compared to 8.8% for the Central Coast LGA and 16% for NSW. This is likely a result of the relative isolation of this area and the subsequent limited access to public transport, making public transport use both time and cost prohibitive. The GLMSP aims to align walking and cycling networks with public transport routes to improve accessibility to public transport. In addition, Busways has been consulted to determine the best future routes to service the area, and the proposed future road connections will assist bus services by reducing “dead-ends” that require the bus route to backtrack repeatedly over the same areas for entry and exit.

#### ***Issue 9 – Drainage: Lacking and/or in need for improvement***

RESPONSE:

See Issue 1, above.

#### ***Issue 10 – Flooding: Concern related to new flood mapping***

RESPONSE:

The Flood Mapping provided in the draft GLMSP is the best available information that Council currently holds. It is Council's responsibility to utilise best available information when preparing plans such as this Structure Plan, in order to avoid making recommendations that are inappropriate for the true constraints applicable to certain land. The flood map found within the draft GLMSP will not result in any change to property flood notations - this is not the purpose of the Structure Plan. Any future changes to property flood notations would be undertaken through a separate process, and notification given to landowners.

Note: Feedback will be forwarded to Council's Pathways and Road Inventory Assets Section.

#### **Councillor Briefing – 6 April 2020**

Councillors were briefed by way of a podcast regarding the outcomes of the public exhibition on 6 April 2020. No further questions were raised.

#### **Changes to the draft GLMSP**

Post-public consultation, the following key changes have been made to the draft GLMSP:



- Inclusion of a vehicular link connecting Carters Road, Lake Munmorah to Tall Timbers Road, Lake Munmorah. The exhibited plan included a link from Tall Timbers Road to Kangaroo Avenue, Lake Munmorah, however no vehicular through-route was included for Carters Road. This has now been amended to include a through-route. The alignment of the road link has also been amended to reflect a different route through Chisholm Avenue to Tall Timbers Road. Chisholm Avenue will require upgrades accordingly.
- Subsequent realignment of the shared pathway link to Carters Road.
- Realignment of road connecting Chain Valley Bay Road and Carters Road, and realignment of potential residential subdivision subject to current Planning Proposal assessment being undertaken by Council.
- Inclusion of additional land at Kariola Street, Chain Valley Bay as a future potential residential development area within Precinct 7 – Chain Valley Bay.
- Sewer Servicing provisions will now be deemed as major criteria. This has changed some of the precinct rankings as a result, in terms of the staging plan for the study area.
- Mapping has been updated to reflect the most recent adopted EEC mapping (2016).
- Mapping has been amended to identify the street frontage of properties 109, 115, 125, 135, 141, 147, 155, 163 Elizabeth Bay Drive, Lake Munmorah, as potential future residential development area. This area reflects Council's previous correspondence to landowners that consideration would be given to rezoning of this area of land, subject to any proposed new residential subdivision being separated from the sensitive vegetation at the rear by a road interface.
- Mapping has been updated to more accurately reflect the proposed pathway upgrades proposed in Council's Bike Plan.
- In response to a significant level of concern relating to poor health and amenity impacts from the Lake Munmorah waterbody, an action has been added to ensure that all new subdivision works will be assessed to determine impacts on Lake Munmorah due to stormwater runoff. The aim is to ensure that current water quality does not deteriorate in the face of new development.
- Liaison with TransGrid has resulted in agreement that the electricity easement to the east of Carters Road, Lake Munmorah can be extinguished, subject to approval. Mapping has been amended accordingly, and the Precinct 10 development area slightly increased as a result of the removal of this impediment.
- Grammatical edits to some parts of the draft GLMSP to improve clarity.

### 3.4 Greater Lake Munmorah Structure Plan - Results of public consultation (contd)

#### The draft GLMSP

The draft GLMSP has now undergone extensive consultation with both internal and external stakeholders. The result is a robust plan that proposes to assist Council in meeting the Central Coast population, dwelling and employment targets, as set by the Central Coast Regional Plan, as follows:

- 3,019 additional residential dwellings
- 6,884 additional residents, and
- 1,651 additional jobs.

The draft GLMSP refines the precincts identified within the North Wyong Shire Structure Plan and provides guidance for the future development of the area, including a staging plan. The key image associated with the draft GLMSP is provided at Figure 4, and the staging plan identified as Figure 5.

#### The Structure

Part 2, Section 3.0 and 4.0 is the culmination of the investigations described in the previous parts of this document. The final Structure Plan for the area is illustrated graphically to the right:

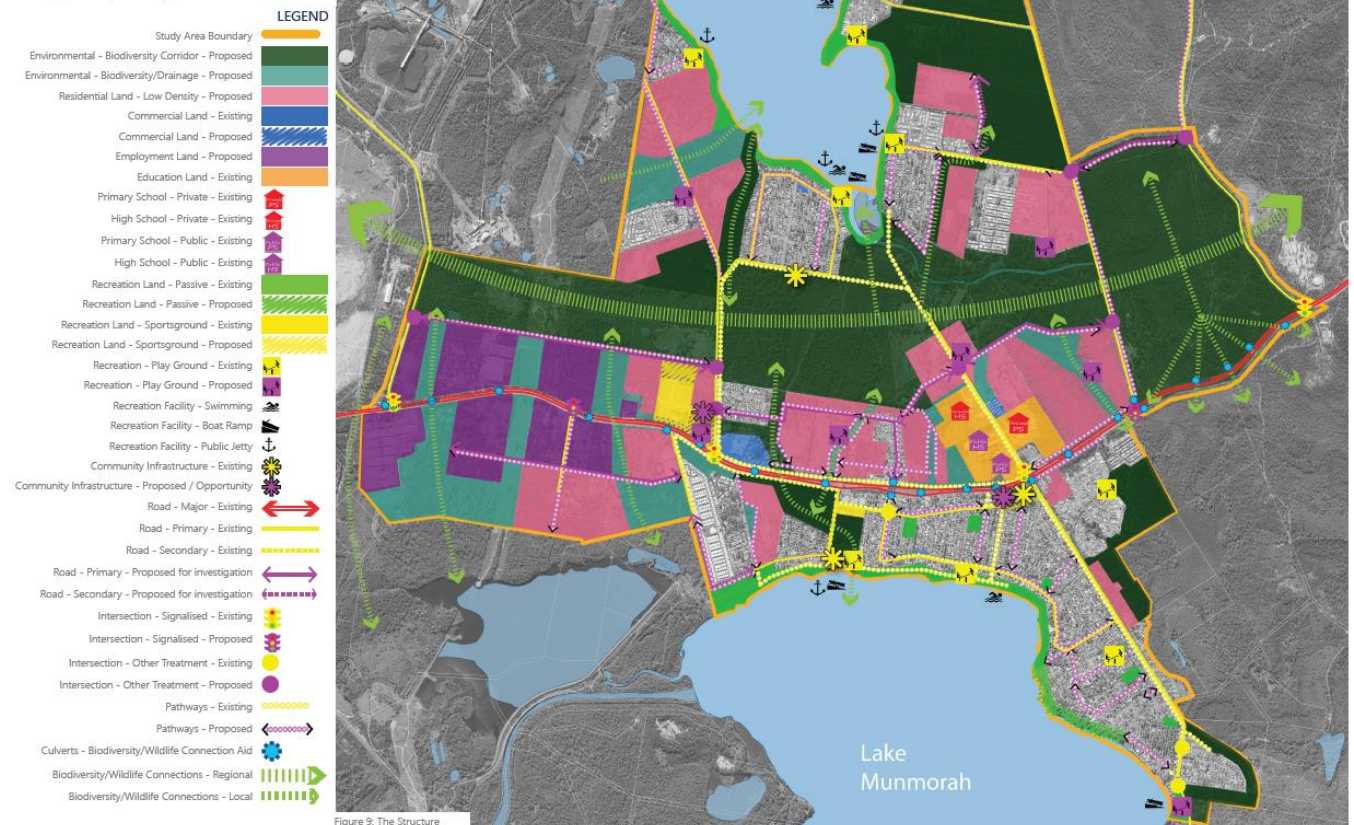


Figure 4: Proposed final Structure Plan

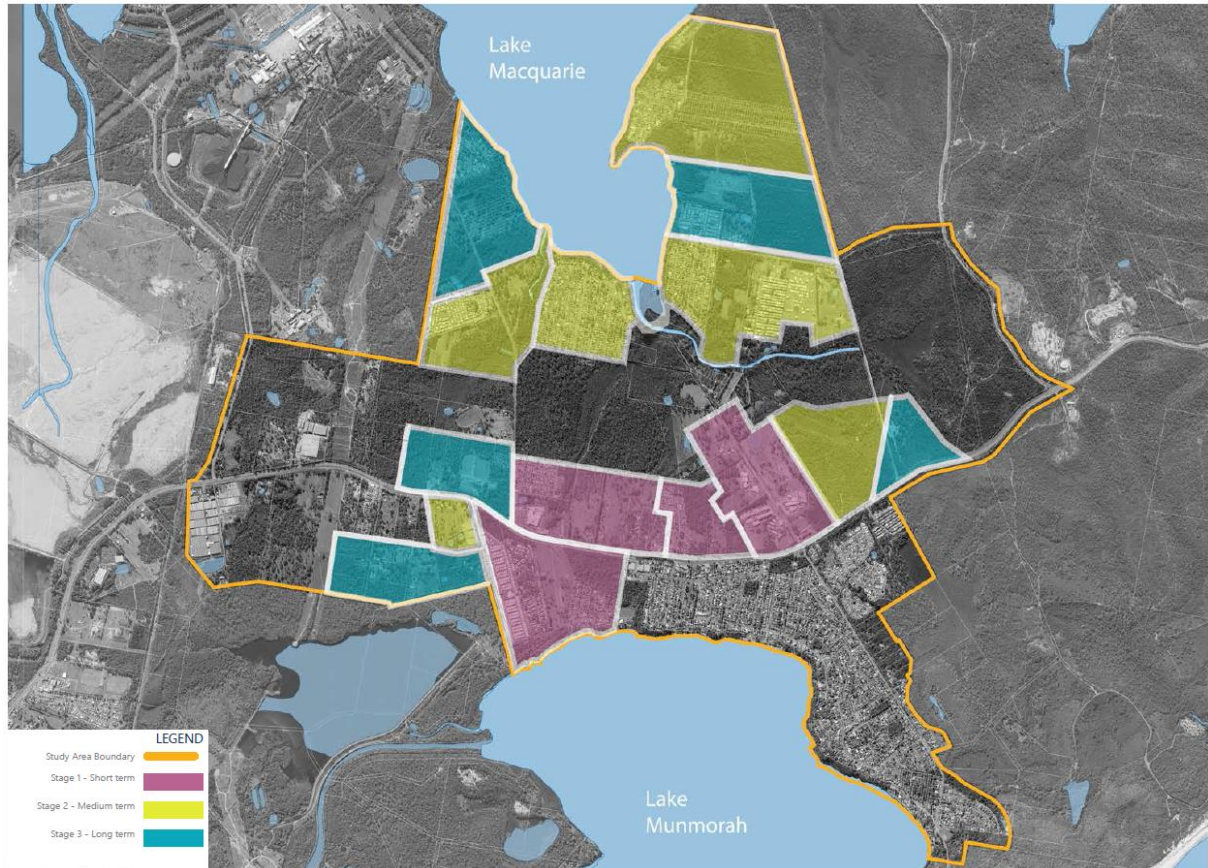


Figure 5: Staging Plan

The full version of the draft GLMSP is included as Attachment 2 – Provided Under Separate Cover.

### Options

- 1 Adopt the draft Greater Lake Munmorah Structure Plan.
  - Recommended.
- 2 Further amend the draft Greater Lake Munmorah Structure Plan. Extensive community and stakeholder consultation have been undertaken, and amendments made in response to this feedback.
  - Not recommended.
- 3 Do not adopt the draft Greater Lake Munmorah Structure Plan. Failure to adopt the draft Greater Lake Munmorah Structure Plan will mean that the area will develop in an unplanned manner without appropriate planning, infrastructure and services.
  - Not recommended.

### **3.4 Greater Lake Munmorah Structure Plan - Results of public consultation (contd)**

---

#### **Financial Impact**

This project has been completed in-house utilising existing staff resources, therefore no budget has been required for preparation of the draft GLMSP, with the exception of the following specialist studies, to support the recommendations within the draft GLMSP:

- 1 Economic Analysis, prepared by Hill PDA Consultants; and
- 2 Road Development Strategy Study, prepared by GHD Consultants.

The draft GLMSP will be subject to a staged rezoning process which will be funded by land owners. The Northern Districts Development Contributions Plan will be updated to accommodate infrastructure required to service the anticipated future population growth associated with the proposed residential development.

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

Theme 1: Belonging

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

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

Theme 2: Smart

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

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

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

S-C4: Promote and grow tourism that celebrates the natural and cultural assets of the Central Coast in a way that is accessible, sustainable and eco-friendly.

Theme 3: Green

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

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

G-F2: Promote greening and the wellbeing of communities through the protection of local bushland, urban trees, and expansion of the Coastal Open Space System (COSS).

G-F4: Address climate change and its impacts through collaborative strategic planning and responsible land management and consider targets and actions.

Theme 4: Responsible



**Goal H: Delivering essential infrastructure**

R-H1: Solve road and drainage problem areas and partner with the State Government to improve road conditions across the region.

R-H2: Improve pedestrian movement safety, speed and vehicle congestion around schools, town centres, neighbourhoods, and community facilities.

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

**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.

Theme 5: Liveable

**Goal J: Reliable public transport and connections**

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

**Goal K: Out and about in fresh air**

L-K1: Create a regional network of interconnected shared pathways and cycle ways to maximise access to key destinations and facilities.

L-K2: Design and deliver pathways, walking trails and other pedestrian movement infrastructure to maximise access, inclusion and mobility to meet the needs of all community members.

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

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

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

L-L4: Provide equitable, affordable, flexible and co-located community facilities based on community needs.

S-C4: Promote and grow tourism that celebrates the natural and cultural assets of the Central Coast in a way that is accessible, sustainable and eco-friendly.

**Environmental Considerations**

The NWSSP identifies a regional east-west biodiversity corridor which aims to link the mountain areas in the west to the ocean foreshore in the east. This biodiversity corridor performs several functions, including supporting ecological processes and wildlife movement, providing scenic qualities and offering opportunities for recreation. The NWSSP also

### **3.4 Greater Lake Munmorah Structure Plan - Results of public consultation (contd)**

---

identifies a local biodiversity corridor that extends from the northern side of the Pacific Highway, adjacent to the B2 Local Centre zone, across the Pacific Highway, proceeding in a south-easterly direction towards the waterbody known as Lake Munmorah.

The continued functionality of the corridor network depends on both the structural integrity of the habitat patches and the strength of connectivity between the patches. The draft GLMSP has regard for these biodiversity corridors and ensures that these areas are protected in perpetuity. Development that has the potential to impact on threatened species, endangered ecological communities and/or biodiversity corridors will be subject to enhanced planning considerations in line with current statutory requirements (including State and Federal legislation).

#### **Risk Management**

The implementation of the draft GLMSP will consider and mitigate any corporate risks through ensuring:

- Appropriate consultation is undertaken with relevant public authorities and major stakeholders.
- Ongoing community consultation.
- All legislative procedures followed.

There have been no risks identified to the natural and built environment if the draft GLMSP is supported, as the draft GLMSP will not amend any land zonings or development controls. Following adoption, any proposed amendments to the WLEP 2013 (or future Central Coast LEP) would be required to be funded by landowners according to a logical development staging plan, as identified within the draft GLMSP.

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

Section 5.0, Part 2 of the draft GLMSP identifies implementation measures to give effect to the desired future outcomes for the study area and includes (but is not limited to):

- Preparation of area-specific Public Domain Plans for the Chain Valley Bay and Lake Munmorah Neighbourhood Centres
- Preparation of an area-specific Masterplan for the Lake Munmorah Local Centre (at Tall Timbers Road, Lake Munmorah).
- Updating the Northern Districts Development Contributions plan to incorporate relevant infrastructure.
- Lodgement with the RMS of a package of proposed improvements for the Pacific Highway corridor:
  - Improve lighting along the Pacific Highway between Carters Road and Tall Timbers Road to ensure that the safety and usability is improved for the community.
  - Reduce maximum speed limit to 60km/hour at a minimum.

### 3.4 Greater Lake Munmorah Structure Plan - Results of public consultation (contd)

---

- Implement a program of street tree plantings, including median plantings, to provide shaded spaces and a degree of buffering to the Pacific Highway for shared pathway users.
- Incorporate bus transport infrastructure along the Pacific Highway corridor.
- Investigation of a number of new road connections and other road infrastructure, such as:
  - Provide a connector road between Tall Timbers Road and Carters Road to service Precinct 8.
  - Provide a connector road between Rutleys Road and Tall Timbers Road to service the employment lands precinct.
  - Provide a connector road between Chain Valley Bay Road and Carters Road.
  - Investigate provision of a connector road between Saliena Avenue and Kamilaroo Avenue.
  - Liaise with National Parks and Wildlife Service regarding the potential for construction of a connector road between Chain Valley Bay Road and Kanangra Drive.
  - Provide a signalised intersection, including pedestrian crossing, at the junction of Chain Valley Bay Road/Pacific Highway to service Precinct 7 and 10.
- Investigate options for the following recreation facilities:
  - Colongra Bay Reserve playground – either replace old facilities or incorporate new facilities.
  - Liaise with NPWS to coordinate delivery of a play-space at Elizabeth Bay Dr (Munmorah State Conservation Area).
  - Consider opportunities to encourage more public use for the reserve at the end of Greenacre Avenue.
  - Continue to coordinate the delivery of the play-space adjacent to Gumbuyah Reserve on Tall Timbers Road.

Further information in relation to the action plan can be found in Part 2, Section 5.0 of the draft GLMSP (see Attachment 2 – Provided Under Separate Cover). Following adoption of the draft GLMSP, implementation will occur over short (0-5 years), medium (5-10 years) and long term (10 + years) timeframes.

#### Conclusion

This report recommends that Council receive and note the outcomes of the public exhibition and adopt draft Greater Lake Munmorah Structure Plan (Attachment 2 – Provided Under Separate Cover).

#### Attachments

1	Summary of Submissions	Provided Under Separate Cover	D13877325
2	Draft Greater Lake Munmorah Structure Plan	Provided Under Separate Cover	D13915886



**Item No:** 3.5  
**Title:** Supplementary Report - Proposed Residential and Conservation Zoning for 285-335 Pacific Highway Lake Munmorah  
**Department:** Environment and Planning

---

27 April 2020 Ordinary Council Meeting

Reference: F2019/00041-004 - D13806053  
Author: Lucy Larkins, Senior Strategic Planner  
Scott Duncan, Section Manager, Land Use and Policy  
Manager: Karen Tucker, Acting Unit Manager, Strategic Planning  
Executive: Scott Cox, Director Environment and Planning

### Summary

A decision of Council is required for the action to progress. The impact on project without a resolution of Council is as follows:

- A Guide to Preparing Local Environmental Plans provides guidance and information on the process for making local environmental plans (LEPs) under Part 3 of the Environmental Planning & Assessment Act, 1979 (the Act). In accordance with this guide Council has 90 days to inform the applicant as to whether the application will be supported or not.
- If the proposal is considered to have merit the application cannot be progressed for Gateway Determination in a timely manner.
- This Planning Proposal is one that has already been considered by the Council on 28 October 2019. At this meeting Council resolved to "defer consideration of this item for a site inspection to be conducted and a briefing at the monthly planning workshop to be provided". The site inspection and planning workshop briefing occurred on 3 February 2020.

A proposal has been submitted to Council to prepare a Planning Proposal to amend *Wyong Local Environmental Plan 2013* or *draft Central Coast Local Environmental Plan* (if in effect) on land at 285-305, 315, 325 and 335 Pacific Highway Lake Munmorah.

The matter was initially considered at the Ordinary Meeting of the Council on 28 October 2019 where Council resolved:

*1006/19 That Council defer consideration of this item until a site inspection and workshop has been conducted to determine key principles in regards to transport networks, land capabilities, sustainability and livability features.*



### **3.5 Supplementary Report - Proposed Residential and Conservation Zoning for 285-335 Pacific Highway Lake Munmorah (contd)**

---

Site inspections were undertaken on 12 December 2019 and 3 February 2020. The site inspections were attended by the following councilors and staff:

12 December 2019

- Councillor Jeff Sundstrom
- Council staff

3 February 2020

- Mayor, Councillor Lisa Mathews
- Deputy Mayor, Councillor Jane Smith
- Councillor Jeff Sundstrom
- Council staff

The following matters were raised and discussed during the site inspection:

- 1 Where is the site in relation to the shopping centre?

Comment: The Lake Munmorah commercial zone is located on the subject site's western boundary.

- 2 Where is the waterway on the site?

Comment: Minor waterways which connect with Karignan Creek traverse no's 285, 295 and 305 Pacific Highway, Lake Munmorah.

- 3 Will the waterways and wetlands be retained?

Comment: The Proponent will be required to undertake further investigative studies to inform areas suitable for rezoning. This includes overland flood studies and ecological assessments.

- 4 Who owns the land?

Comment: There are currently 7-8 lots included within the proposal area. Some of these are either owned or under option by the Proponent proposing the rezoning.

- 5 Can we apply Best Practice to this site to avoid and enhance existing vegetation?

### 3.5 **Supplementary Report - Proposed Residential and Conservation Zoning for 285-335 Pacific Highway Lake Munmorah (contd)**

---

Comment: The Proponent will be required to undertake further investigative studies to inform areas suitable for rezoning. This includes overland flood studies and ecological assessments.

Additional controls will be defined within site specific development control chapters to manage future development of the land.

- 6 Can we prohibit cats within the rezoning area?

Comment: This is a difficult prohibition to enforce.

- 7 The western corridor should be a minimum 400m to correspond with Best Practise.

Comment: The Proponent is required to undertake further studies which will inform the required width of the corridor. Noting it is identified as a drainage corridor specifically.

The Council workshop as requested, was held on 3 February 2020.

The matter is now reported to Council for determination following the site inspection and workshop. The report recommends Council prepare a Planning Proposal and request a Gateway Determination from the Department of Planning, Industry and Environment in accordance with the original report (original report enclosed in full as Attachment 1).

#### **Recommendation**

- 1 That Council, pursuant to Section 3.33 of the Environmental Planning and Assessment Act, 1979, prepare a Planning Proposal applying to:**
  - Lot 1 DP 626787;
  - Lot 2 DP626787;
  - Lot 437 DP755266;
  - Lot 438 DP755266;
  - Lot 27 DP 755266;
  - Lot 12 DP771284; and
  - Lot 83 DP 650114.
  
- 2 That Council rezone the subject sites from RU6 Transition to R2 Low Density Residential and E2 Environment Conservation. By amending the Wyong Local Environmental Plan 2013 (or Central Coast Local Environmental Plan) whichever is in effect at the time.**

**3.5 Supplementary Report - Proposed Residential and Conservation Zoning for 285-335 Pacific Highway Lake Munmorah (contd)**

---

- 3 That Council, pursuant to Section 3.34 of the Environmental Planning and Assessment Act, 1979, forward the Planning Proposal to the Minister requesting a Gateway Determination.**
- 4 That Council request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.**
- 5 That Council undertakes public authority and community consultation in accordance with Gateway Determination requirements.**
- 6 That Council prepare and exhibit appropriate Development Control Plan provisions and other documents to support the development of the land subject to this planning proposal.**
- 7 That Council authorise staff to negotiate and prepare a Planning Agreement with respect to any aspect of the proposal to support the development of the subject land.**
- 8 That Council consider a further report on the results of public authority and community consultation.**

**Attachments**

- |          |                                      |                               |           |
|----------|--------------------------------------|-------------------------------|-----------|
| <b>1</b> | Original Report - 28 October 2019    |                               | D13601029 |
| <b>2</b> | Planning Proposal Summary            | Provided Under Separate Cover | D13673422 |
| <b>3</b> | Strategic Assessment Table D13864631 | Provided Under Separate Cover |           |

**Item No:** 2.3  
**Title:** Proposed residential and conservation rezoning for  
 285-335 Pacific Highway Lake Munmorah  
**Department:** Environment and Planning



28 October 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13601029  
 Author: Lucy Larkins, Senior Strategic Planner  
 Scott Duncan, Section Manager, Land Use and Policy  
 Manager: Karen Tucker, Acting Unit Manager, Strategic Planning  
 Executive: Brett Sherar, Acting Director, Environment and Planning

## Report Purpose

The purpose of this report is for Council to consider a request to prepare a Planning Proposal to amend *Wyong Local Environmental Plan 2013* or *draft Central Coast Council Local Environmental Plan* (if in effect) on land on 285-305, 315, 325 and 335, Pacific Highway, Lake Munmorah.

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

## Recommendation

**1 That Council, pursuant to Section 3.33 of the Environmental Planning and Assessment Act, 1979, prepare a Planning Proposal applying to:**

- Lot 1 DP 626787;
- Lot 2 DP 626787;
- Lot 437 DP 755266;
- Lot 438 DP 755266;
- Lot 27 DP 755266;
- Lot 12 DP771284; and
- Lot 83 DP 650114.

***To rezone the subject sites from RU6 Transition to R2 Low Density Residential and E2 Environmental Conservation. By amending the Wyong Local Environmental Plan 2013 (or Central Coast Local Environmental Plan), whichever is in effect at the time.***

**2 That Council, pursuant to Section 3.34 of the Environmental Planning and Assessment Act, 1979, forward the Planning Proposal to the Minister requesting a Gateway Determination.**

- 3 That Council request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.**
- 4 That Council undertakes public authority and community consultation in accordance with the Gateway Determination requirements.**
- 5 That Council prepare and exhibit appropriate Development Control Plan provisions and other documents to support the development of the land subject to this planning proposal.**
- 6 That Council authorise staff to negotiate and prepare a Planning Agreement with respect to any aspect of the proposal to support the development of the subject land;**
- 7 That Council consider a further report on the results of public authority and community consultation.**

### **The Site**

The subject land is commonly known as 285-305,315,325 and 335 Pacific Highway Lake Munmorah and comprises the following properties:

- Lot 1 DP 626787;
- Lot 2 DP 626787;
- Lot 437 DP 755266;
- Lot 438 DP 755266;
- Lot 27 DP 755266;
- Lot 12 DP 771284; and
- Lot 83 DP 650114.

The total area of the land proposed to be rezoned is approximately 27.2 Ha. Existing improvements to study area include a commercial boarding kennel facility, dwellings, commercial buildings and a service station which include associated outbuildings and car parking. The topography of the area is generally level.

A large portion of the land is cleared although remnant vegetation is more heavily concentrated in the north western corner of the subject lands. Four dams are located within the site. Access to these sites is predominantly via the Pacific Highway.

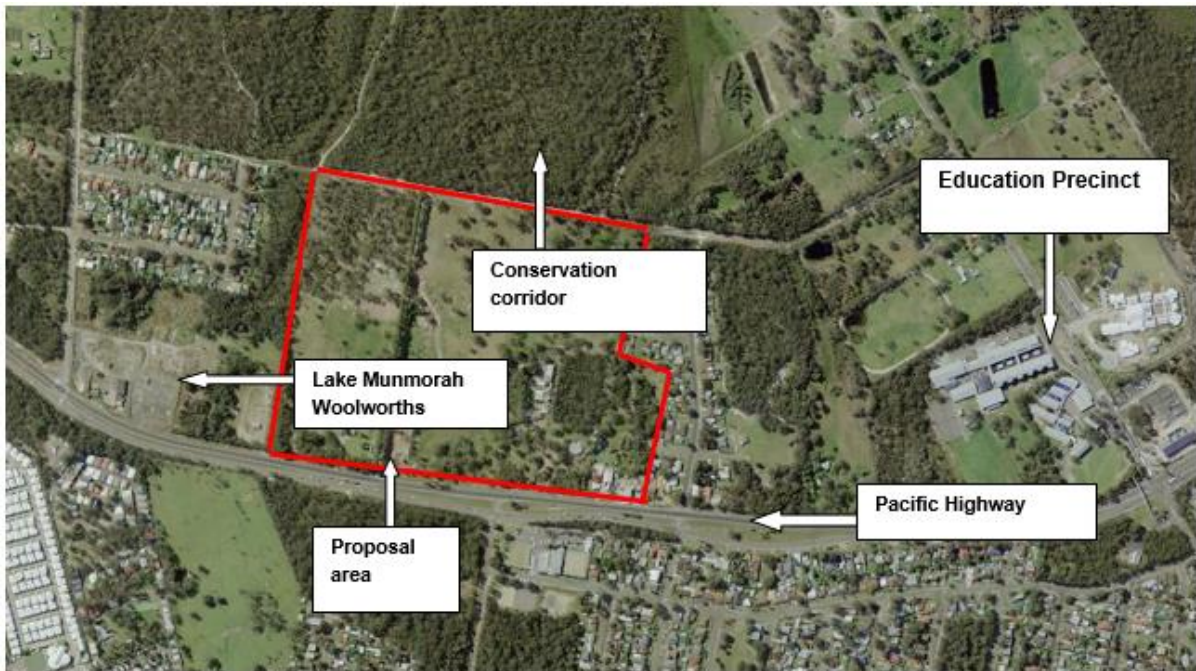


Figure 1- Subject area

Surrounding land uses include:

- Low density residential development to the east and west;
- Education precinct to the east;
- Lands zoned public recreation and environmental conservation, under the ownership of Crown to the north;
- Lake Munmorah Woolworths Shopping Centre, environmental management and future public recreation lands to the west; and
- Commercial and residential uses to the south.

## The Proposal

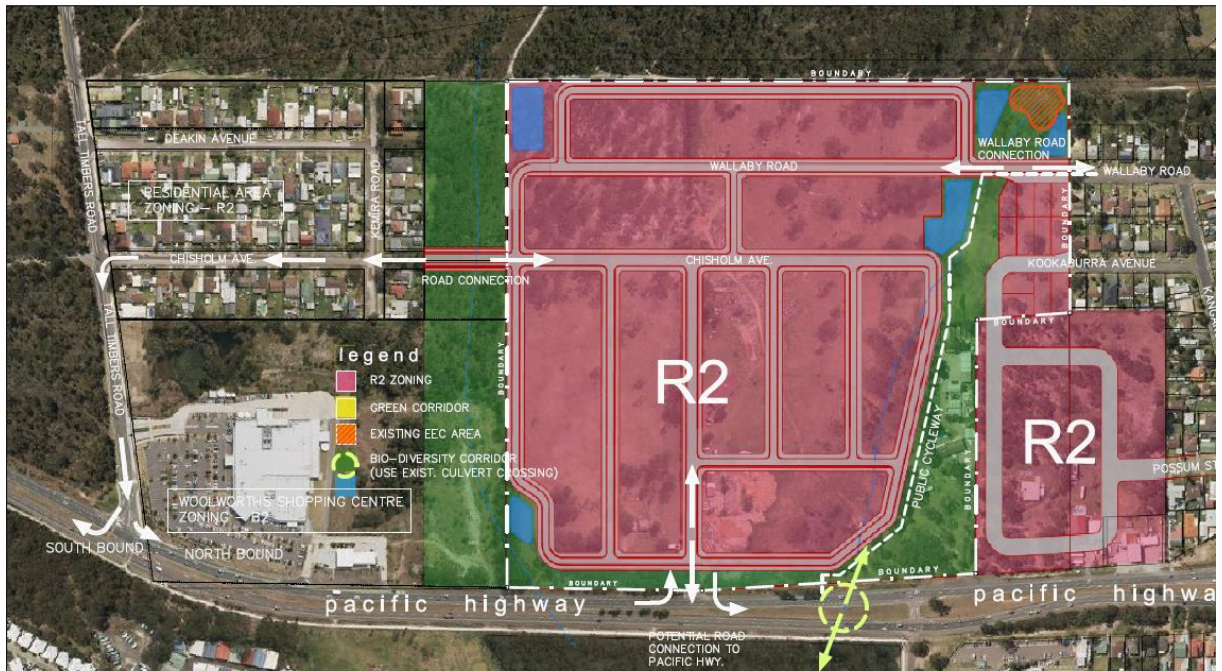
The proposal seeks to amend the WLEP 2013 or the future CCLEP as follows:

- Rezone the subject sites from RU6 Transition to R2 Low Density Residential and E2 Conservation; and
- Apply a minimum lot size of 450m<sup>2</sup> to the site to retain consistency with low density residential lots in the surrounding area.
- Identify/map the site as an Urban Land Release Area subject to the provisions of Part 6 of WLEP 2013.

The intended outcome is to enable a land subdivision of the rezoned R2 Low Density Residential portion of the site for housing.

The masterplan submitted by the proponent provides an indicative lot yield of 300 lots. An indicative Masterplan has been submitted with the proposal indicating that the development will be conducted in accordance with Figure 2.





**Figure 2- Indicative Masterplan**

The proponent has outlined the following will be delivered by the proposal:

- Defined green corridor which traverses the site from north to south with significant opportunities for rehabilitation, recreation links and public cycleway, indicated in green above;

Included in these green corridors are picnic area including BBQ facilities in the north east, children's play equipment with communal meeting space and shelters; and exercise stations throughout site to encourage walkability and passive recreation.

A site-specific Development Control Plan will be prepared to guide the development of the area and ensure that any future development is properly integrated with an expanded future commercial precinct and other adjoining residential development. This will be developed by Council staff with supporting information being provided by the proponent which will broadly be based on the Masterplan provided by the proponent. Revisions to the Masterplan, road layouts and location of open space may be required to meet Council requirements.

The current Northern Districts Contribution Plan applies to 285-335 Pacific Highway Lake Munmorah and collects development contributions for community facilities and open space within the Lake Munmorah area. The current plan does not collect for traffic and transport improvements (in Lake Munmorah) and as such the developer will be required to provide intersection, road upgrades and contribute towards cycleways/pedestrian pathways in the locality. The development will also be required to provide for a small park in a location which meets Council's requirements. These matters will need to be agreed with the land owners and Council through a Planning Agreement if the rezoning is to be finalised before the review of the Northern District Contribution Plan has been completed. This review is included in the current Council review of the contribution plans applicable to the Central Coast Local Government Area and is expected to be completed by 2021.

## Assessment

The rezoning of the subject land to R2 Low Density Residential and E2 Environmental Conservation has strategic merit on the basis that:

- The amendment to WLEP 2013 is consistent with actions in the *Central Coast Regional Plan (CCRP) 2036* and aligns specifically with Goal 3- Well-connected communities and attractive lifestyles and Goal 4- A variety of housing choice to suit needs and lifestyles.
- The proposal has been considered against the outlined requirements of the Department Planning, Industry and Environment (DPIE's) North Wyong Shire Structure Plan (NWSSP). This plan identifies the site is required for future residential purposes. The current timing had identified the staging of the development within the long-range timeframe (land will not be zoned before 15 years), this timing can be revised due to new information relating to underlying mining constraints which are no longer an impediment to surface land release. This means that the release of the land can be accelerated, subject to appropriate funding arrangements being put in place to manage infrastructure and servicing issues associated with increasing the population in the locality.
- The area to be rezoned is identified within the Draft Greater Lake Munmorah Structure Plan located within Precinct 8 Northern Lake Munmorah, see Figure 3. The proposal is consistent with the draft Greater Lake Munmorah Structure plan which was publicly exhibited between 1 April 2019 to 26 May 2019 and will be reported to Council before end of 2019.
- The draft Greater Lake Munmorah Structure Plan facilitates the delivery of 2,885 additional lots, the subject proposal will provide an additional 300 residential lots in close proximity to the expanding commercial centre at Lake Munmorah.
- Proposed Green Corridor/Drainage Corridor indicated on the Master plan is consistent with the corridor for Precinct 8 (see Figure 3. below) within the draft Greater Lake Munmorah Structure Plan.





Figure 3. Draft Greater Lake Munmorah Structure Plan, Precinct 8-Northern Lake Munmorah

### Internal Consultation

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

### Environmental Strategies

Some of the identified parcels of land within the proposal area is highlighted on the Biodiversity Values Map and as such a Biodiversity Development Assessment Report (BDAR) will be required to be submitted to Council to inform the Planning Proposal. A continuous vegetated link between Lake Macquarie and Lake Munmorah must be retained and restored as per the NWSSP and draft Greater Lake Munmorah Structure Plan.

Maintaining functional connectivity between the areas of native vegetation that exist between Lake Macquarie and Lake Munmorah is required to allow for fauna movement into unburnt refugia in the event of extensive bushfire on the National Parks Estate in the local area. Ongoing maintenance of the biodiversity corridor needs to be addressed, including weed control, dumped rubbish, litter and erosion.

### Natural Assets

The masterplan for the proposal indicates a drainage/wildlife corridor will be provided on the eastern side of the proposal area. Natural Assets support the location of the corridor as it provides an important connection to corridor areas north and south of the site. Consultation will be undertaken with Natural Assets if the proposal proceeds to ensure the corridor is of a viable width and revegetation mechanisms are implemented during development of the area.

## **Water Planning and Development**

A Sewer Servicing Plan will be required to be prepared in consultation with Council's Water Planning and Development Unit. The plan will need to consider site constraints, servicing options and compare the Net Present Costs of all options considering both capital and operational costs. Based on the preliminary assessment of the proposal, Water Planning and Development raise no objection to the proposal proceeding. The subject area will need to be serviced in accordance with plans outlined in the Development Servicing Plan.

## **Waterways**

The subject site is bisected by overland flow paths which will be incorporated into conservation and drainage corridors within the proposal area. The proponent is required to undertake a flood study post Gateway Determination.

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

A Preliminary Traffic Assessment undertaken by Intersect Traffic dated February 2019 was submitted with the proposal. The traffic assessment states that most of the additional traffic generated from the development will pass through Chisolm Avenue and onto Tall Timbers Road.

The proposed connection to Chisolm Avenue and Tall Timbers Road will require significant civil construction works to achieve a standard or road capable of absorbing the additional traffic generated by the proposed development. It is anticipated that the proposal will not have a significant impact on the State Road network and that there is sufficient capacity at the signalised intersection of Pacific Highway/Tall Timbers Road to accommodate traffic growth. However, this will need to be further discussed with the Department of Transport (formerly known as Transport NSW and Roads and Maritime Services) post Gateway Determination.

Alternate access options to the Pacific Highway are also put forward by the applicant for a new intersection on the Pacific Highway and Kangaroo Avenue. These will be further explored by further traffic assessment work post Gateway Determination. The Department of Transport does not normally support any additional temporary or permanent intersections on the State road network.

The most optimal traffic management solution will need to be confirmed with Council and Department of Transport before the Planning Proposal can be publicly exhibited. This will also involve reaching agreement on the design and funding of local roadworks, shared pathway connections and other works required to manage traffic impacts through the preparation of a Planning Agreement.

## **Environmental Health -Land Contamination**

A preliminary land contamination assessment prepared by GHD dated February 2019 was submitted. It was outlined within the assessment that due to past uses within the proposal

area a detailed assessment post Gateway Determination will be required to further investigate potential contaminant sources. This assessment is considered adequate to proceed to the Gateway Determination stage.

### **External Consultation**

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

It is anticipated due to the existing development and the location that the following agencies will need to be consulted:

- Department of Transport (formerly Transport NSW and Roads and Maritime Services)
- Department of Planning, Industry and Environment
- Department of Family and Community and Justice (former Rural Fire Service NSW)
- Subsidence Advisory NSW
- Darkinjung Local Aboriginal Land Council
- Guringai Tribal Link

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

### **Statutory compliance and strategic justification**

The Planning Proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPPs), Ministerial Section 9.1 Directions and relevant guidelines set out within the regional and local plans, including the CCRP (Attachment 2). The proposal is considered to be generally consistent with the applicable directions and SEPPs.

### **Financial Impact**

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

### **Social Impacts**

It is considered that the subject proposal would result in positive social impacts through the delivering of increased housing in the northern part of the Central Coast LGA. The subject proposal is consistent with the North Wyong Structure Plan. The masterplan depicts adequate levels of open space delivery to make the proposed development an attractive and liveable residential area.

### **Environmental Impacts**

The proposal seeks to deliver north-south connecting biodiversity corridors on the east and west sections of the site. The proposed biodiversity corridors provide connectivity to existing corridors to the north of the site

## **Link to Community Strategic Plan**

Theme 3: Green

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

G-F2: Promote greening and the wellbeing of communities through the protection of local bushland, urban trees, and expansion of the Coastal Open Space System (COSS).

Theme 4: Responsible

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

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

## **Risk Management**

There have been no risks identified to the natural and built environment associated with the proposed amendment to WLEP 2013 or the CCLEP.

## **Conclusion**

The request to rezone the subject land is considered to have strategic merit, subject to being supported by appropriate studies and infrastructure funding arrangements being in place to manage impacts associated with the additional population arising from future development.

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



**Item No:** 3.6  
**Title:** Supplementary Report - Amended Planning Proposal Request - Glenworth Valley  
**Department:** Environment and Planning

---

27 April 2020 Ordinary Council Meeting

Trim Reference: F2019/00041-004 - D13899090  
Author: Bruce Ronan, Town Planner  
Scott Duncan, Section Manager, Land Use and Policy  
Jenny Mewing, Principal Strategic Planner  
Manager: Karen Tucker, Acting Unit Manager, Strategic Planning  
Executive: Scott Cox, Director Environment and Planning

### Summary

A decision of Council is required for the action to progress. The impact on project without a resolution of Council is as follows:

- A Guide to Preparing Local Environmental Plans provides guidance and information on the process for making local environmental plans (LEPs) under Part 3 of the Environmental Planning & Assessment Act, 1979 (the Act). In accordance with this guide Council has 90 days to inform the applicant as to whether the application will be supported or not.
- If the proposal is considered to have merit the application cannot be progressed for Gateway Determination in a timely manner.
- This Planning Proposal is one that has already been considered by Council on 11 November 2019. At this meeting Council resolved to "defer consideration of this item for a site inspection to be conducted and a briefing at the monthly planning workshop to be provided". The site inspection and planning workshop briefing occurred on 3 February 2020.

A proposal has been submitted to Council to amend an existing Planning Proposal to allow additional permitted uses on land at Glenworth Valley and Calga, known as Glenworth Valley Outdoor Adventures.

At its meeting held on 11 November 2019, the Council resolved as follows;

*1085/19 That Council defer consideration of this item for a site inspection to be conducted and a briefing at the monthly planning workshop to be provided.*

A site inspection was undertaken on 3 February 2020. The site inspection was attended by Council staff and the following Councillors:

### 3.6 Supplementary Report - Amended Planning Proposal Request - Glenworth Valley (contd)

---

- Mayor – Councillor Lisa Matthews
- Deputy Mayor - Councillor Jane Smith
- Councillor Chris Holstein
- Councillor Jeff Sundstrom
- Councillor Richard Mehrtens

Mr Barton Lawler, proprietor of Glenworth Valley Outdoor Adventures, was also in attendance to enable a site tour to be undertaken.

The following matters were raised and discussed during the site inspection:

1 What is the main purpose of the Planning Proposal?

The land on top of the escarpment, adjacent to Cooks Road is zoned RU2 Rural Landscape and the land comprising the vegetated escarpment and the valley floor is zoned E2 Environmental Conservation. The Planning Proposal seeks to permit Additional Permitted Uses (APUs) on the site. These are summarised below and shown pictorially in Figure 5 of the original Council report (Attachment 1):

- In the RU2 zone; proposed APUs are eco-tourist facility, camping ground, tourist and visitor accommodation.
- In the E2 zone, generally; proposed APUs are eco-tourist facility, recreation facility (outdoor). Additionally:
  - In the cleared areas of the E2 zone; proposed APU is extensive agriculture.
  - In part of the cleared area of the E2 zone on the valley floor; proposed APUs are camping ground, function centre.
  - In part of the cleared area of the E2 zone adjacent to the RU2 zoned land; proposed APU is tourist and visitor accommodation.
  - In the multi-purpose building and extension; proposed APUs are function centre, entertainment facility, food and drink premises

2 What are the permissible land uses under the definition of "tourist and visitor accommodation"?

Tourist and visitor accommodation means *a building or place that provides temporary or short term accommodation on a commercial basis, and includes any of the following:*

- (a) *backpackers' accommodation,*
- (b) *bed and breakfast accommodation,*

- (c) *farm stay accommodation,*
- (d) *hotel or motel accommodation,*
- (e) *serviced apartments,*

*but does not include:*

- (f) *camping grounds, or*
- (g) *caravan parks, or*
- (h) *eco-tourist facilities.*

The tourist and visitor accommodation definition incorporates development of a substantial nature (i.e. hotel or motel accommodation and serviced apartments) which would be potentially incompatible with the scenic quality of land within the valley. Therefore the Planning Proposal only proposes to permit tourist and visitor accommodation on land within the RU2 zone and on cleared E2 zoned land adjacent to the RU2 zoned land, not within the valley itself.

3 Why permit extensive agriculture on the valley floor?

Although zoned E2 Environmental Conservation, the land on the valley floor is already cleared and used for the grazing of livestock and growing of fodder. These activities are associated with the horse riding school, a use with existing use rights.

Also prior to the Gosford Local Environmental Plan 2014 (GLEP 2014) coming into effect, the land was zoned 7(a) Conservation and Scenic Protection (Conservation) under Interim Development Order No 122 (IDO 122) which listed "agriculture" as a use permitted with consent.

4 Why are uses not permitted in the E2 zone required?

The uses permitted within the E2 zone do not allow for the current and future uses required for this regionally significant tourist and recreation operation. The Planning Proposal does not intend to rezone the land, but rather include specific APUs on the site whilst retaining the underlying objectives of the E2 zone. This will allow the owner to grow the business to accommodate new nature based outdoor recreational opportunities.

5 Why not continue to rely on existing use rights?

Reliance on existing use rights is not straight forward as it comes down to a legal interpretation of the existing use rights legislation as it relates to each proposed development. The *Environmental Planning and Assessment Regulations, 2000* states that an existing use "must not be changed unless the change involves only alterations or additions that are minor in nature," and "does not involve a significant

**3.6 Supplementary Report - Amended Planning Proposal Request - Glenworth Valley (contd)**

intensification of the existing use". It would be far more efficient for the owner and Council staff to have a list of additional uses permitted on the site.

6 Has disposal of wastewater been considered?

The use of the multi-purpose building independently of any other uses on the site has the potential to result in additional hydraulic loading on the on-site sewage management system. To determine the impacts of this, a wastewater management report will be required to be submitted, should a Gateway Determination be issued.

7 Can a table be provided which indicates the uses currently permitted in the E2 Environmental Protection zone and the RU2 Rural Landscape zone and the additional permitted uses proposed in the Planning Proposal?

The following table provides the information requested:

<b>Zone</b>	<b>Gosford LEP 2014</b>	<b>Proposed Additional Permitted Uses</b>
RU2 Rural Landscape	<p>2 Permitted without consent</p> <p>Extensive agriculture; Home occupations; Recreation areas</p> <p>3 Permitted with consent</p> <p>Agriculture; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Dwelling houses; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Garden centres; Home-based child care; Home industries; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation facilities (outdoor); Roads; Roadside stalls; Secondary dwellings; Veterinary hospitals; Water storage facilities</p> <p>4 Prohibited</p> <p>Any development not specified in item 2 or 3</p>	<p>Permitted with consent</p> <p>Eco-tourist facilities, camping grounds, tourist and visitor accommodation</p>
E2 Environmental Conservation	<p>2 Permitted without consent</p> <p>Nil</p> <p>3 Permitted with consent</p> <p>Bed and breakfast accommodation; Dwelling houses; Environmental facilities; Environmental protection works; Home occupations; Oyster aquaculture Recreation areas; Roads; Water storage facilities</p> <p>4 Prohibited</p>	<p>Permitted with consent:</p> <p>Eco-tourist facilities, recreation facilities (outdoor)</p> <p>In addition to the uses above:</p> <p>- Permitted with consent on cleared land:</p> <p>Extensive Agriculture</p>



	Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3	- Permitted with consent on part of cleared land in valley:  Camping grounds, function centres  - Permitted with consent on part of cleared land adjacent to RU2 zoned land:  Tourist and visitor accommodation  - Permitted with consent in multipurpose building:  Function centres, entertainment facilities, food and drink premises
--	--	--

A briefing on the Planning Proposal was provided to Councillors at the Planning Workshop of 3 February 2020.

The following matters were raised and discussed at the briefing:

- 1 *What are the negative implications arising from having the proposal active for an extended period of time?*

If Council staff are not actively working on the proposal due to a lack of progress by the Proponent, there are no cost ramifications. The Department of Planning, Industry and Environment (DPIE) are taking a more active role in monitoring the timeframes for Planning Proposals.

- 2 *Is the recreation facility (outdoor) land use confined to the existing building?*

No, a recreation facility (outdoor) can relate to a building or place. The intent of including the proposed use is to enable the use of the site for additional recreational purposes which are not permissible under the current existing use rights provisions. All that can be done under existing use rights are minor alterations to those recreation uses that currently have development consent. There is no avenue for considering additional recreation facilities (outdoor) that may arise in the future. This Planning Proposal seeks to address this issue.

### **Recommendation**

- 1 ***That the Council support an amended Planning Proposal applying to:***

- ***Lots 19, 20, 21, 23, 24, 25, 30, 31, 32, 33, 37, 50, 53, 64, 65, 68, 81, 82, 85, 86, 87, 89, 91, 108, 145 DP 755221,***

- **Lots 22, 23, 32, 73, 75, 76 DP 755253,**
- **Lots 1, 3 DP 617088,**
- **Lot 881 DP 563889,**
- **Lot 1 DP 1222754,**
- **Lot 7 DP 1230083,**
- **Lot 245 DP 48817,**
- **Lot 7012 DP 1059767,**
- **Lot 7029 DP 93603,**
- **Lot 7035 DP 1051932,**
- **Lot 7036 DP 1059768,**
- **Lot 7303 DP 1154929, Glenworth Valley, and**
- **Lot A DP 365595,**
- **Lot C DP 382358,**
- **Lot 2 DP 1139242,**
- **Lot 882 DP 563889,**
- **part of Lot 102 DP 1139060,**
- **Lot 7039 DP 1059766,**
- **Lot 7303 DP 1161109, Calga**

**to amend the Gosford Local Environmental Plan 2014 (or draft Central Coast Local Environmental Plan), whichever is in effect at the time, to permit the following additional permitted uses (if they are not included in the Central Coast Local Environmental Plan):**

- a on land zoned E2 Environmental Conservation, development for the purpose of eco-tourist facilities and recreation facilities (outdoor);**
- b on land zoned RU2 Rural Landscape, development for the purposes of eco-tourist facilities, camping grounds and tourist and visitor accommodation;**
- c on the existing cleared areas of the land zoned E2 Environmental Conservation, comprising Lots 19, 20, 21, 23, 25, 30, 32, 33, 37, 50, 53, 64, 68, 85, 86, 87, 89, 91, 108 and 145 DP 755221, Lots 22 and 32 DP 755253, Lot 3 DP 617088, Lot 245 DP 48817, Lot 7039 DP 1059766 and Lot 7303 DP 1154929, development for the purpose of extensive agriculture.**
- d on land comprising that part of Lot 89 DP 755221 which currently accommodates the multi-purpose building and its curtilage,**
  - (i) development for the purpose of function centre, entertainment facility and food and drink premises, and**
  - (ii) the total floor area for the function centre, entertainment facility and food and drink premises is to be a maximum of 1500m<sup>2</sup> with any additions being attached to, or directly adjacent to, the existing building.**

- e on the existing cleared areas of the land zoned E2 Environmental Conservation comprising part of Lots 19, 37 and 89 DP 755221 and Lots 22 and 32 DP 755253, development for the purpose of function centre and camping ground.*
- f on the existing cleared areas of the land zoned E2 Environmental Conservation comprising part of Lots 108 and 145 DP 755221, development for the purpose of tourist and visitor accommodation.*
- 2 That Council submit a revised Planning Proposal to the Minister for Planning in accordance with Section 3.35(2) of the Environmental Planning and Assessment Act 1979, requesting an amended Gateway Determination pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.**
- 3 That Council request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.**
- 4 That Council undertake community and public authority consultation, in accordance with the Gateway Determination requirements.**
- 5 That the Council consider a further report on results of the agency and community consultation.**

#### **Attachments**

<b>1</b>	Original report - 11 November 2019		D13343340
<b>2</b>	Planning Proposal Summary	Provided Under Separate Cover	D13841367
<b>3</b>	Former Gosford City Council Resolution to Prepare Planning Proposal (17 December 2013)	Provided Under Separate Cover	D13343533
<b>4</b>	Former Gosford City Council Resolution to Prepare Planning Proposal (10 June 2014)	Provided Under Separate Cover	D13343536
<b>5</b>	Former GCC CEO Approval under Delegated Authority - 27 June 2014 (Glenworth Valley)	Provided Under Separate Cover	D13343535
<b>6</b>	Strategic Assessment	Provided Under Separate Cover	D13691401

**Item No:** 2.5  
**Title:** Amended Planning Proposal Request - Glenworth Valley  
**Department:** Environment and Planning



11 November 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-008 - D13343340  
 Author: Bruce Ronan, Town Planner  
 Scott Duncan, Section Manager, Land Use and Policy  
 Manager: Karen Tucker, Acting Unit Manager, Strategic Planning  
 Executive: Scott Cox, Director Environment and Planning

## Report Purpose

The purpose of this report is for Council to consider an amendment to a current Planning Proposal which seeks to enable additional permissible uses on land at Glenworth Valley and Calga (Glenworth Valley Outdoor Adventures) through an amendment to *Gosford Local Environmental Plan 2014*.

This report recommends that the Council support the amendment of the Planning Proposal and, as the Gateway Determination has lapsed, seek a new Gateway Determination from the Minister of Planning.

## Recommendation

### 1 ***That the Council support an amended Planning Proposal applying to:***

- ***Lots 19, 20, 21, 23, 24, 25, 30, 31, 32, 33, 37, 50, 53, 64, 65, 68, 81, 82, 85, 86, 87, 89, 91, 108, 145 DP 755221,***
- ***Lots 22, 23, 32, 73, 75, 76 DP 755253,***
- ***Lots 1, 3 DP 617088,***
- ***Lot 881 DP 563889,***
- ***Lot 1 DP 1222754,***
- ***Lot 7 DP 1230083,***
- ***Lot 245 DP 48817,***
- ***Lot 7012 DP 1059767,***
- ***Lot 7029 DP 93603,***
- ***Lot 7035 DP 1051932,***
- ***Lot 7036 DP 1059768,***
- ***Lot 7303 DP 1154929, Glenworth Valley, and***
- ***Lot A DP 365595,***
- ***Lot C DP 382358,***
- ***Lot 2 DP 1139242,***
- ***Lot 882 DP 563889,***
- ***part of Lot 102 DP 1139060,***

- **Lot 7039 DP 1059766,**
- **Lot 7303 DP 1161109, Calga**

**to amend the Gosford Local Environmental Plan 2014 (or draft Central Coast Local Environmental Plan), whichever is in effect at the time, to permit the following additional permitted uses (if they are not included in the Central Coast Local Environmental Plan):**

- a on land zoned E2 Environmental Conservation, development for the purpose of eco-tourist facilities and recreation facilities (outdoor);**
  - b on land zoned RU2 Rural Landscape, development for the purposes of eco-tourist facilities, camping grounds and tourist and visitor accommodation;**
  - c on the existing cleared areas of the land zoned E2 Environmental Conservation, comprising Lots 19, 20, 21, 23, 25, 30, 32, 33, 37, 50, 53, 64, 68, 85, 86, 87, 89, 91, 108 and 145 DP 755221, Lots 22 and 32 DP 755253, Lot 3 DP 617088, Lot 245 DP 48817, Lot 7039 DP 1059766 and Lot 7303 DP 1154929, development for the purpose of extensive agriculture.**
  - d on land comprising that part of Lot 89 DP 755221 which currently accommodates the multi-purpose building and its curtilage,**
    - (i) development for the purpose of function centre, entertainment facility and food and drink premises, and**
    - (ii) the total floor area for the function centre, entertainment facility and food and drink premises is to be a maximum of 1500m<sup>2</sup> with any additions being attached to, or directly adjacent to, the existing building.**
  - e on the existing cleared areas of the land zoned E2 Environmental Conservation comprising part of Lots 19, 37 and 89 DP 755221 and Lots 22 and 32 DP 755253, development for the purpose of function centre and camping ground.**
  - f on the existing cleared areas of the land zoned E2 Environmental Conservation comprising part of Lots 108 and 145 DP 755221, development for the purpose of tourist and visitor accommodation.**
- 2 That Council submit a revised Planning Proposal to the Minister for Planning in accordance with Section 3.35(2) of the Environmental Planning and Assessment Act 1979, requesting an amended Gateway Determination pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.**

- 3 That Council request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.**
- 4 That Council undertake community and public authority consultation, in accordance with the Gateway Determination requirements.**
- 5 That the Council consider a further report on results of the agency and community consultation.**

## **Background**

The subject site is commonly known as the "Glenworth Valley Outdoor Adventures" site.

As a result of changes to local planning instruments over many years, the existing horse riding school, which has been operating on the site since it was approved in 1969, is no longer permissible within the E2 Environmental Conservation zone under *Gosford Local Environmental Plan 2014* (GLEP 2014) which applies to the subject land.

The continuation of this use is enabled utilising the "existing use rights" provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Until 2006 development consent could be granted for other uses not permitted in the, then, 7(a) Conservation and Scenic Protection (Conservation) zone on the basis of the existing non-conforming use on the site (i.e. the horse riding school). During this period subsequent developments were approved which included music festivals, paintball and quad biking. A list of development consents granted include:

- DA 2839/1999 - music festival (15,000 people per day)
- DA 25818/2004 - small scale music festival (2,500 people per day)
- DA 19911/2003 – recreation facility – paintball
- DA 20082/2003 – recreation facility – quad bike tours

In 2006 the "existing use rights" provisions under the EP&A Act and Regulations were changed to prohibit other non-conforming uses from being permitted. Hence no more development applications could be considered for uses that were not permitted in the zone. Since 2006 the only development consents issued for uses not permitted in the zone related to a temporary use of land and an ancillary use to approved developments on the site.

- DA 45588/2014 - recreation facility - equestrian and running events (temporary use)
- DA 44773/2013 – multi-purpose building (ancillary to approved uses on site)

In 2013, DA 43465/2013 approved 3 motel units and 5 caravan sites (i.e. relocatable cabins) on land which is now zoned RU2 Rural Landscape.

The development consent was issued when the land was zoned 7(b) Conservation and Scenic Protection (Scenic Protection) under IDO 122 and motels and caravan parks were permitted uses.

The Planning Proposal, as originally lodged on 13 August 2013, sought approval to provide certainty for the continuation of these existing uses on the subject site and to provide opportunities for additional recreation and tourist related developments in the future by adding specific additional permitted uses into GLEP 2014 which can be conducted on the property.

The Planning Proposal, as originally supported by the former Gosford City Council (fGCC) sought to:

- Enable additional permitted uses of eco-tourist facilities, camping grounds, tourist and visitor accommodation on the land zoned RU2 Rural Landscape;
- Enable additional permitted uses of eco-tourist facilities, camping grounds, tourist and visitor accommodation, extensive agriculture, recreation facilities (outdoor) on land zoned E2 Environmental Conservation;
- Rezone the cleared, pasture improved farmland on the ridge proximate to Cooks Road from E2 Environmental Conservation to RU2 Rural Landscape.

The original Planning Proposal was supported by resolutions of the fGCC made on 17 December 2013 and 10 June 2014 (Attachments 2 and 3) and was progressed under the delegated Authority of the Chief Executive Officer of the fGCC (Attachment 4).

This Planning Proposal was subject to a Gateway Determination issued on 17 July 2014 by the then Department of Planning and Environment (now Department of Planning, Industry and Environment) and the current Gateway Extension lapsed on 24 October 2018.

On the basis of agency consultation in relation to the current Planning Proposal, and additional requirements of the land owner, the Proponent has sought the modifications as detailed further in this report. This request for an amended Planning Proposal opens up the existing Planning Proposal for reassessment as well. Should Council resolve to proceed with the amended Planning Proposal, it will require Council to request an amendment to the Gateway Determination from the Department of Planning, Industry and Environment (DPIE).

### **The Site**

The subject site comprises 49 lots ranging in size from 0.1 hectares (Ha) to 267.5 Ha. The area of the subject site is 1173.6 Ha.

Access is gained to all but two lots via Cooks Road which joins Peats Ridge Road. The remaining two lots gain access directly onto Peats Ridge Road.

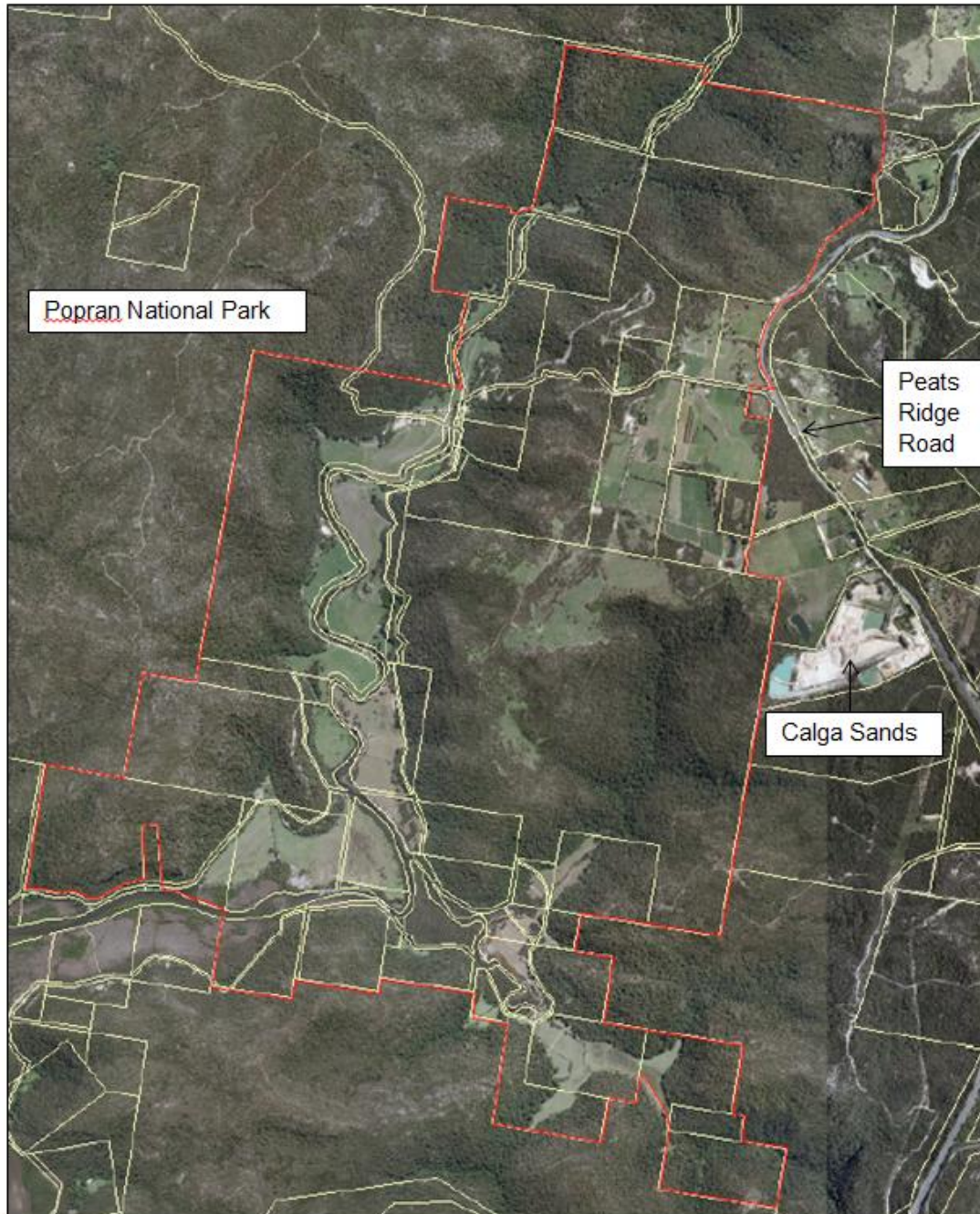
The land represents a significant holding of environmentally important land being relatively isolated, with limited access, and characterised by a cleared valley floor with vegetated hillsides and ridgelines (Figure 1).

The land comprises a number of discrete pockets of Endangered Ecological Communities (EEC) and regionally significant vegetation throughout the site.

It is located between developed agricultural and resource lands situated along Peats Ridge Road to the east and Popran National Park to the west. Popran Creek, and a number of other small watercourses which run into it, flow through the site, which then drains to the Hawkesbury River.

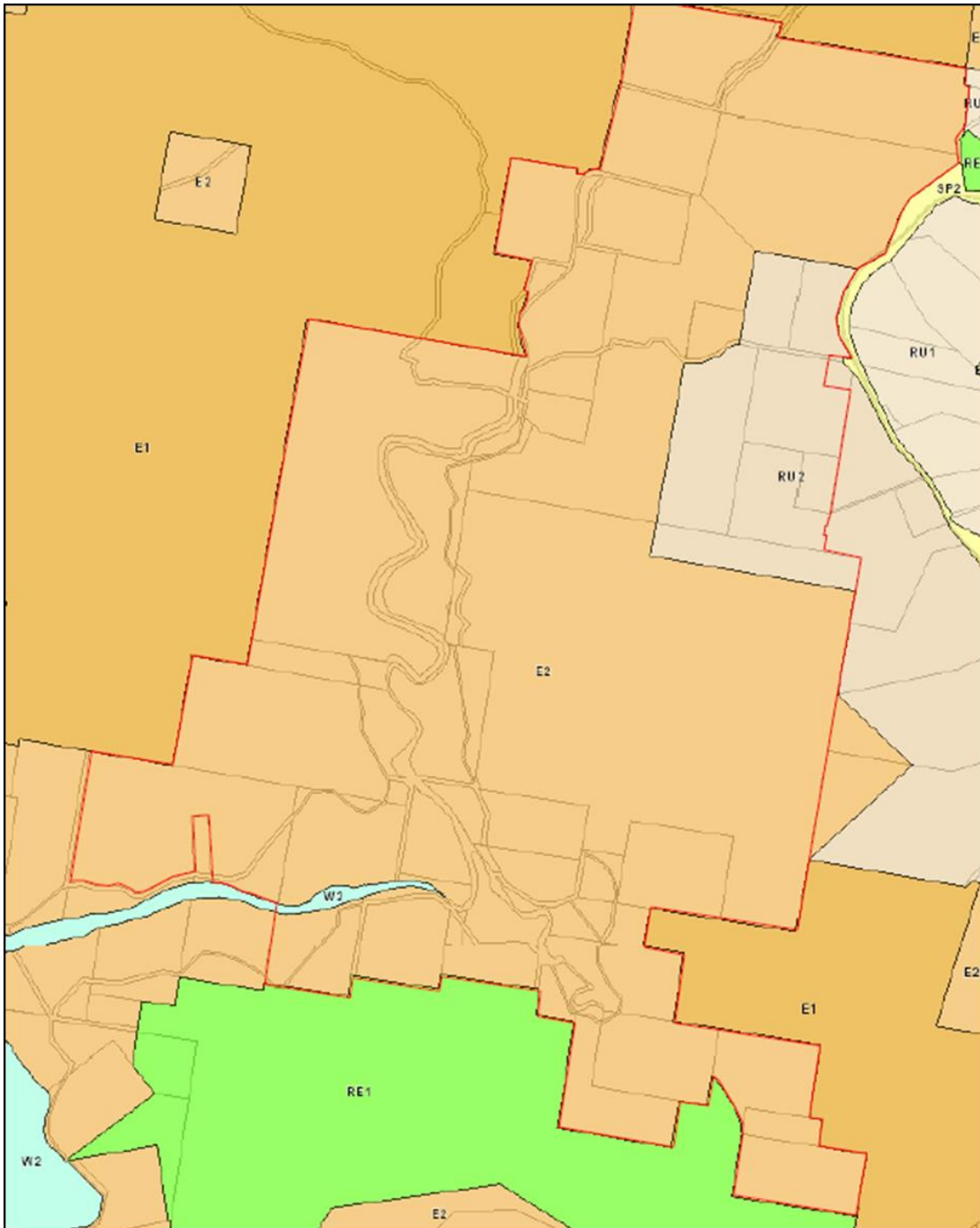
The land is also an established tourist destination. Its close proximity to Sydney makes it a desirable destination for a wide tourism market, including international visitors. The broad range of nature-based activities offered at the site also make it appealing for a variety of users and maximises opportunities that the site presents. Some uses are temporary (e.g. music festivals and "mud run" events), whilst other uses are of a more permanent nature with some fixed structures (e.g. multi-purpose building). Different parts of the site are used for various activities (e.g. abseiling, horse riding, quad bike riding). The cleared valley floor is used for the grazing of horses and livestock.





**Figure 1:** Locality Context (subject site outlined in red)

The subject site comprises approximately 1070.2 Ha of land zoned E2 Environmental Conservation and 103.4 Ha of land zoned RU2 Rural Landscape under GLEP 2014 (Figure 2).



**Figure 2:** Current Zoning (subject site outlined in red)

The subject site includes landholdings owned by The Glenworth Valley Pastoral Company Pty Ltd, NSW Department of Trade and Industry (Crown Lands) and the Darkinjung Local Aboriginal Land Council (DLALC) (Figure 3).

The subject land comprises the following lots owned by The Glenworth Valley Pastoral Company Pty Ltd:

- Lots 19, 20, 21, 23, 24, 25, 30, 31, 32, 33, 37, 50, 53, 64, 65, 68, 81, 82, 85, 86, 87, 89, 91, 108, 145 DP 755221,
- Lots 22, 23, 32, 73, 75, 76 DP 755253,

- Lots 1 & 3 DP 617088,
- Lots 881 & 882 DP 563889,
- Lot 1 DP 1222754,
- Lot A DP 365595,
- Lot C DP 382358,
- Lot 2 DP 1139242,
- part of Lot 102 DP 1139060.

The following lots are Crown Land over which The Glenworth Valley Pastoral Company Pty Ltd has a licence under the *Crown Land Management Act 2016* (previously referred to as a permissive occupancy) for the purpose of grazing:

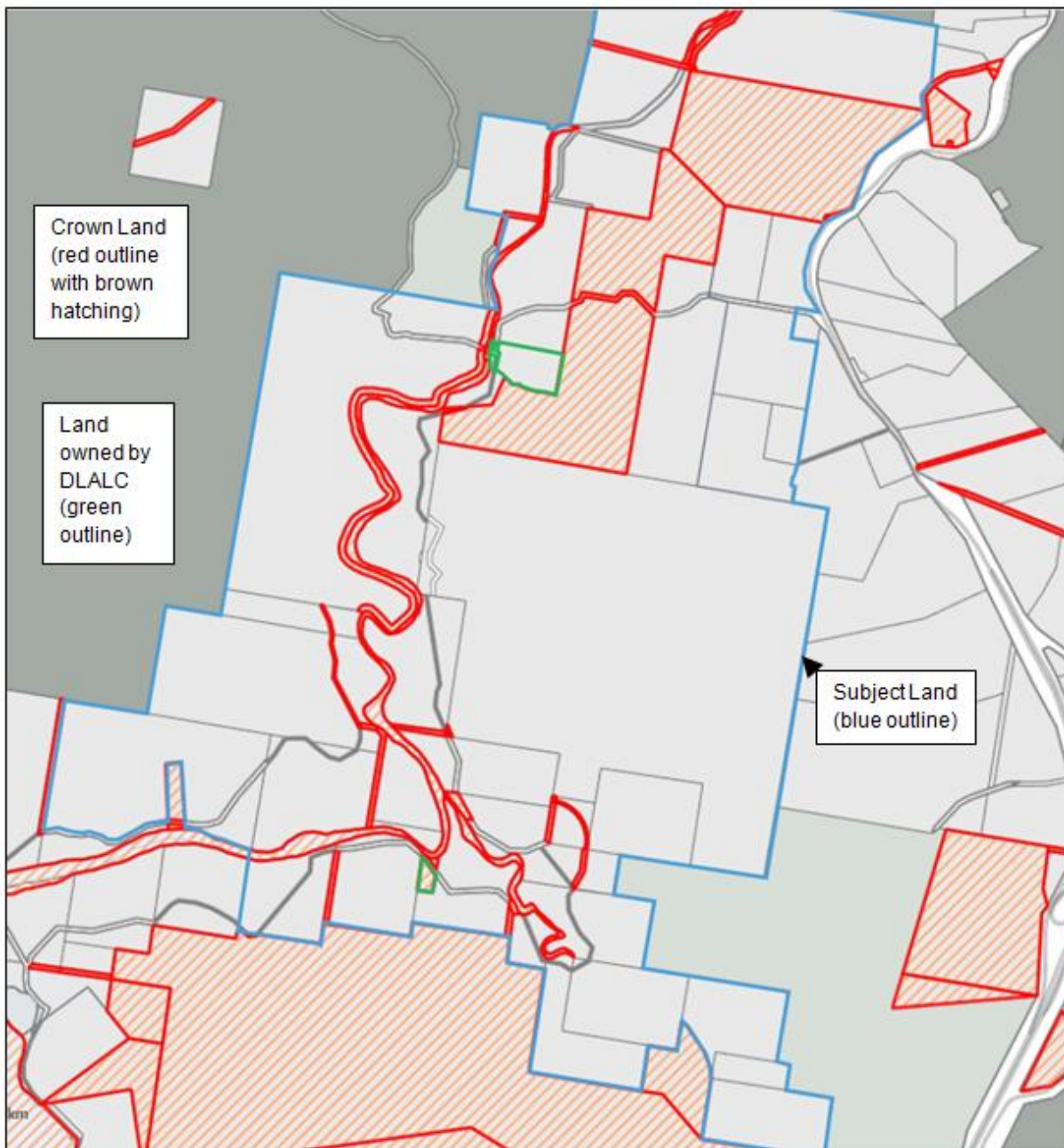
- Lot 7012 DP 1059767
- Lot 7039 DP 1059766
- Lot 7303 DP 1161109
- Lot 7303 DP 1154929

The other Crown Land lots included in the subject area are set out below.

- Lot 7029 DP 93603,
- Lot 7035 DP 1051932,
- Lot 7036 DP 1059768,
- several unformed Crown roads

The land owned by DLALC comprises Lot 245 DP 48817 and Lot 7 DP 1230083.





**Figure 3:** Land owned by the Crown and DLALC

### The Amended Proposal

The proponent's favoured position is to retain the following aspects of the original Planning Proposal:

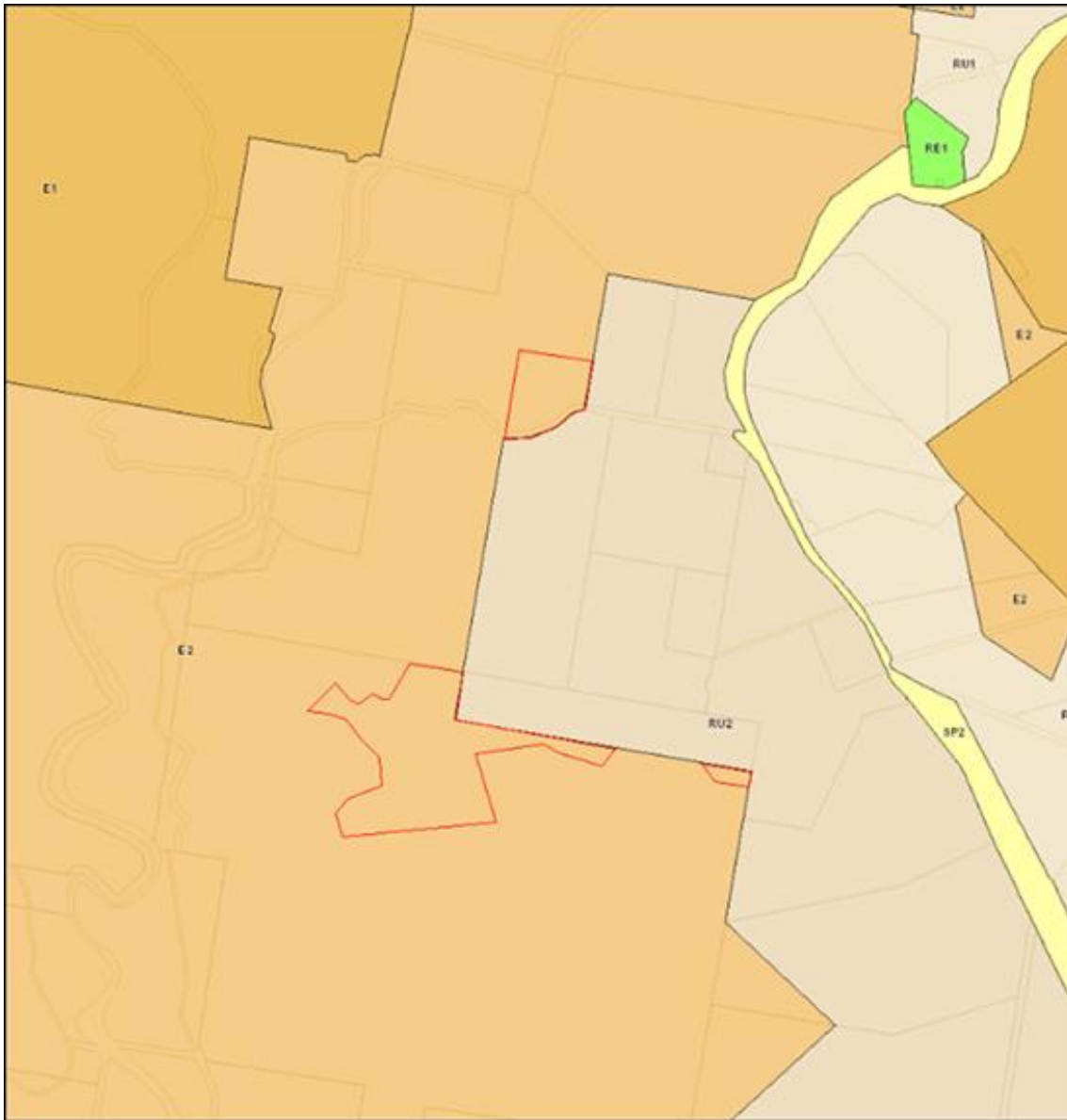
- Enable additional permitted uses of eco-tourist facilities, camping grounds, tourist and visitor accommodation on all the land zoned RU2 Rural Landscape; and
- Enable additional permitted uses of eco-tourist facilities, camping grounds, tourist and visitor accommodation, extensive agriculture, recreation facilities (outdoor) on all the land zoned E2 Environmental Conservation.

However, the proponent has advised that should Council not agree to all these uses over the whole of the E2 Environmental Conservation zoned land, then the following would be satisfactory:

- extensive agriculture on all existing cleared land;
- camping ground on existing cleared areas of Lots 19, 37 and 89 DP 755221 and lots 22 and 32 DP 755253;
- tourist and visitor accommodation on the existing cleared areas of Lots 108 and 145 DP 755221 adjacent to the RU2 Rural Landscape zone. In response to concerns raised by the then NSW Office of Environment and Heritage (OEH), the amended proposal does not seek to rezone the cleared pasture improved farmland on the ridge proximate to Cooks Road from E2 Environmental Conservation to RU2 Rural Landscape as originally proposed (Figure 4). Instead the proponent seeks that these lands be retained as E2 Environmental Conservation with the additional permitted use of "tourist and visitor accommodation".

In addition, the proponent is seeking to include the following amendments to the Planning Proposal:

- 1 Introducing the uses of function centre, entertainment facility and food and drink premises as additional permitted uses for the existing multi-purpose building (on Lot 89 DP 755221) and limiting the total floor area to 1500m<sup>2</sup>.
- 2 Adding function centre, entertainment facility and food and drink premises as additional permitted uses on the existing cleared areas of surrounding lots (Lots 19, 37 and 89 DP 755221 and Lots 22 and 32 DP 755253) with no permanent structures. These lots are currently zoned E2 Environmental Conservation under GLEP 2014.



**Figure 4:** Land originally proposed to be zoned from E2 Environmental Conservation to RU2 Rural Landscape

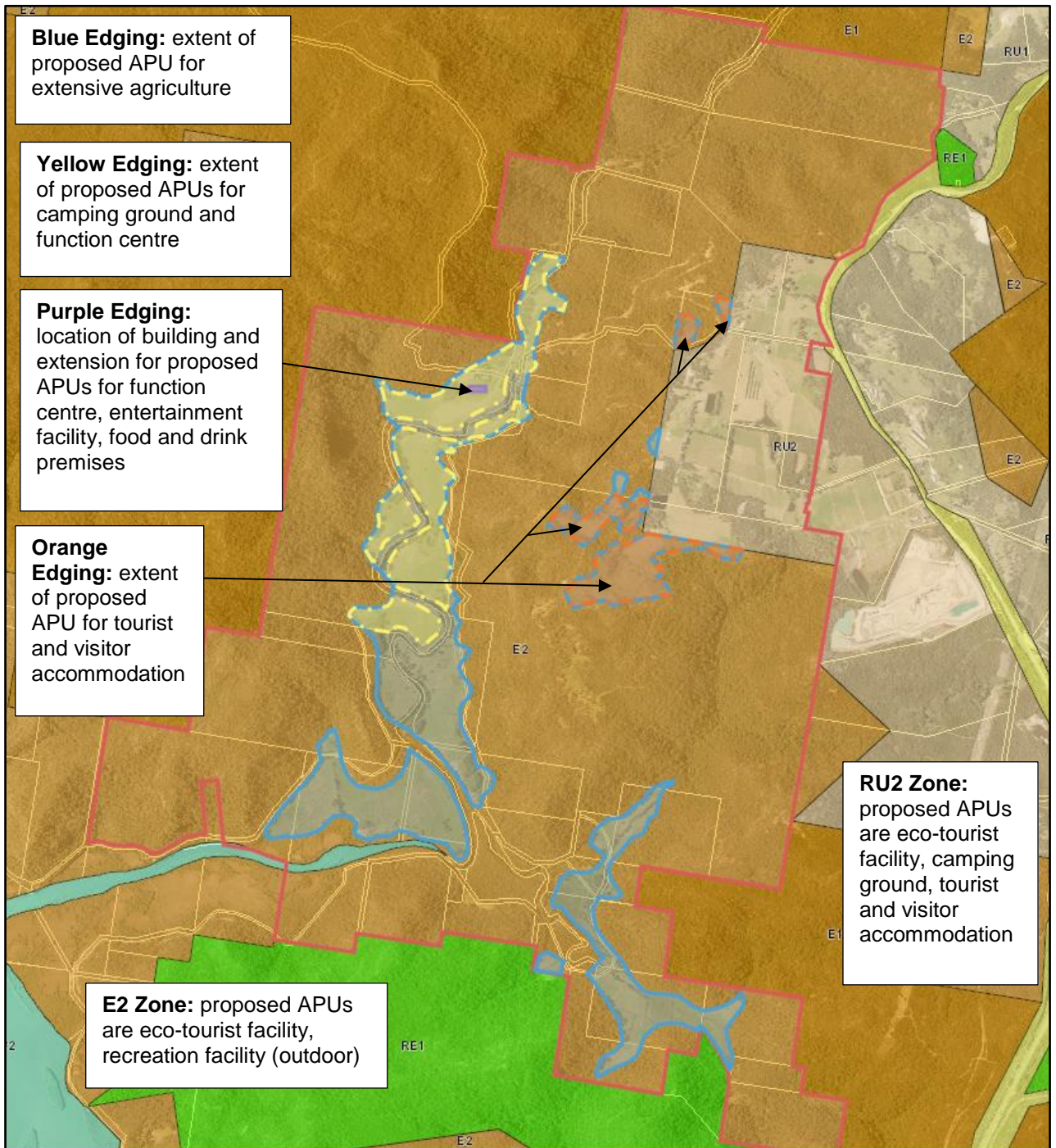
The amendment to the Planning Proposal to permit the existing multi-purpose building and surrounding land to be used as a function centre, entertainment facility and food and drink premises was justified by the proponent on the following grounds:

- The existing recreation activities are weekend and school holiday orientated and are reliant on fine weather. To overcome the potential of having successive weekends or holidays washed out, the business is looking to diversify its operations to include midweek and off peak markets and less weather dependent activities. In this way the building can be used for activities that are not tied to the existing recreational activities on the site.
- The allotments surrounding the multi-purpose building are included to allow some operational flexibility, for example, if customers wish to hold a wedding ceremony outdoors.



**Assessment**

The assessment of the amended planning proposal (which includes that originally considered by the fGCC and the additional permitted uses requested by the proponent) are considered below. The result of this assessment is shown in Figure 5 which indicates the location of each of the proposed additional permitted uses on the site.



**Figure 5:** Lots within the subject land affected by each Additional Permitted Use

## **Extensive Agriculture**

*"Extensive agriculture" means any of the following:*

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes;*
- (b) the grazing of livestock for commercial purposes;*
- (c) bee keeping;*
- (d) a dairy (pasture based).*

"Extensive agriculture" is not permissible in the E2 Environmental Conservation zone given the environmental values of the land and the incompatibility of this use with these values. Also, under the provisions of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, extractive industries are permissible in any zone where "agriculture" is permissible. The Mineral Resources Audit, 2014 did not identify any potential resource within Glenworth Valley.

The applicant has sought the inclusion of "extensive agriculture" as a permissible use on the E2 Environmental Conservation component on the basis of existing grazing activities associated with the horse riding school. Also prior to the GLEP 2014 coming into effect the land was zoned 7(a) Conservation and Scenic Protection (Conservation) which listed "Agriculture" as a use permitted with consent.

The inclusion of "extensive agriculture" as an additional permitted use on cleared E2 Environmental Conservation zoned land on the valley floor and on land adjacent to the RU2 Rural Landscape zone is supported as it is currently used for horse grazing and/or fodder production. The Additional Permitted Use provisions will clearly indicate that development for the purpose of "extensive agriculture" is to occur on existing cleared land. The vegetated escarpment is unsuitable for "extensive agriculture" and is not currently used for this use.

"Extensive agriculture" is permitted in RU2 Rural Landscape zone as a general permitted use in the zone so it is not necessary to specify it as an additional permitted use relating to this land.

## **Recreation Facility (Outdoor)**

*Recreation facility (outdoor)" means a building or place (other than a recreation area) used predominately for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf-driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings) but does not include an entertainment facility or a recreation facility (major).*

"Recreation facility (outdoor)" is not permissible in the E2 Environmental Conservation zone.



Although the existing recreational uses and possible future recreational uses are more nature-based than those nominated above, this definition best suits the predominant activities on the land.

Activities include horse riding, (both guided and free ranging on nominated trails), quad bike riding (in nominated areas), kayaking, abseiling (in specific areas), laser skirmish/paintball and may also include other emerging outdoor pursuits. The inclusion of recreational facility (outdoor) as an Additional Permitted Use on land zoned E2 Environmental Conservation zone will cater for any future recreational uses that may arise whilst protecting the overall values of the site via the objectives of the zone.

Such future recreational uses would require individual development assessment and as it is the inherent natural values of the land that make it attractive for these recreational/tourist related activities it is in the landowner's interests to seek to protect these values.

"Recreation facilities (outdoor)" is permitted in RU2 Rural Landscape zone as a general permitted use in the zone so it is not necessary to specify it as an additional permitted use relating to this land.

### **Eco-tourist Facility**

*"Eco-tourist facility" means a building or place that:*

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and*
- (b) is located in or adjacent to an area with special ecological or cultural features, and*
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.*

*It may include facilities that are used to provide information or education to visitors and to exhibit or display items.*

The definition of "eco-tourist facility" specifically requires such short-term accommodation to be designed so as to minimise its ecological and visual impact. Such a use would be suitable in the E2 Environmental Conservation zone.

There are also mandated requirements in Clause 5.13 of the GLEP 2014 that sets out matters for consideration of "eco-tourist facilities" that would ensure that development would maintain the environmental values of the land and ensure that it is sensitively designed and managed to have minimal impact on the environment.

Under the draft Central Coast Local Environmental Plan (CCLEP), "eco-tourist facilities" are proposed to be a use permitted in the E2 Environmental Conservation zone so would not be required to be included as an additional permitted use in the E2 zone should this Plan be in effect when this Planning Proposal is finalised.

The planning proposal seeks to permit "eco-tourist facilities" within the RU2 Rural Landscape zone.

## **Camping Ground**

*"Camping ground" means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.*

The proponent has advised that the "camping ground" use operates as an ancillary use to the approved horse riding school and it should be permitted over all of the subject land. However as the proposed "camping ground" use is proposed to operate independently of the horse riding use, it lacks strategic merit to be allowed to operate over all the site.

A camping ground use exists on the cleared parts of Lots 22 and 32 DP 755253 and Lots 19, 37 and 89 DP 755221 which is in the valley and zoned E2 Environmental Conservation. As these lots are proximate to the focal point of many group activities on the site the use of "camping ground" on the existing cleared areas of these lots is supported.

The proponent has advised that small groups (e.g. Duke of Edinburgh expeditions) venture into remote areas of the site to camp as part of their wilderness experience. Therefore this use should be permitted over all of the subject land. Under the definition; "camping grounds" means an area of land that has access to communal amenities. Short term camping in the form of "a wilderness experience" as proposed by the proponent is therefore outside of the above "camping grounds" definition. However such low key camping could be considered as a "recreation facility (outdoor)", which is a use proposed to be permitted on all lots zoned E2 Environmental Conservation.

Under the draft CCLEP "camping ground" is proposed to be a permitted use in the RU2 Rural Landscape zone so would not be required to be included as an additional permitted use in the RU2 Rural Landscape zone should this plan be in effect when this planning proposal is finalised.

## **Tourist and Visitor Accommodation**

*Tourist and visitor accommodation means a building or place that provides temporary or short term accommodation on a commercial basis, and includes any of the following:*

- (a) *backpackers' accommodation,*
- (b) *bed and breakfast accommodation,*
- (c) *farm stay accommodation,*
- (d) *hotel or motel accommodation,*
- (e) *serviced apartments,*

*but does not include:*

- (f) *camping grounds, or*
- (g) *caravan parks, or*
- (h) *eco-tourist facilities.*

The proponent has requested that "tourist and visitor accommodation" be permitted over the whole site on the basis that accommodation was part of the riding school and is therefore able to be used in conjunction with the riding school. The proponent argues that under existing use rights the accommodation component can be enlarged, expanded and intensified under s 4.66 – 4.70 of the Environmental Planning and Assessment Act 1979.

Whilst an existing use can be enlarged, expanded and intensified, cl 42 of the *Environmental Planning and Assessment Regulation 2000* requires that such enlargement, expansion or intensification "must be for the existing use and for no other use". Therefore any accommodation onsite, relying on existing use rights, that is to be enlarged, expanded and intensified has to be for the use of horse riders.

The proposed "tourist and visitor accommodation" is not proposed to be linked to the horse riding activities and has the potential to be more intensive. Therefore the claim that "tourist and visitor accommodation" should be permitted on the whole site is not supported.

Furthermore, the definition of "tourist and visitor accommodation" incorporates development of a substantial nature which would potentially be incompatible with the scenic quality of the land zoned E2 Environmental Conservation within the valley and known environmental constraints such as bushfire hazard and flooding.

Within the broader E2 Environmental Conservation zone a suitable form of short term accommodation would be "eco tourist facility". There are mandated requirements in cl 5.13 of the GLEP 2014 and the draft CCLEP that sets out matters for consideration regarding "eco-tourist facilities" that would ensure that development would maintain the environmental values of the land and ensure that it is sensitively designed and managed to have minimal impact on the environment.

Under the draft CCLEP "eco-tourist facility" is proposed to be a permitted use in the E2 Environmental Conservation zone so would not be required to be included as an additional permitted use in the E2 zone should this plan be in effect when this planning proposal is finalised.

However, it should be noted that currently there is generally cleared land zoned E2 Environmental Conservation adjacent to the RU2 Rural Landscape zone atop the escarpment, being parts of Lots 108 and 145 DP 755221. The additional permitted use of "tourist and visitor accommodation" is considered a suitable use on such land as it does not have the significant scenic quality values as the E2 Environmental Conservation zoned land in the valley but contains similar characteristics to the adjoining RU2 Rural Landscape zoned land which is proposed to include the use of "tourist and visitor accommodation".

The cleared areas identified in the E2 Environmental Conservation zoned land for "tourist and visitor accommodation" are outside of the Transition Area adjacent to Calga Sands. This will ensure that such a use will not adversely affect, or be adversely affected by, current or future resource development of Calga Sands.

The RU2 Rural Landscape zoned land is generally cleared with scattered stands of woodland so could accommodate "tourist and visitor accommodation" units within the undulating landform without an adverse impact on the rural quality of the area. Such a use would be unlikely to dominate the landscape as the land is primarily required for grazing purposes. Therefore it is considered that imposing a limit on the number of units is not required for this area as the use can be satisfactorily determined on the basis of economic demand and the environmental capacity of the land to support such uses.

It should be noted that DA 43465/2013 approved 3 motel units and 5 caravan sites (i.e. relocatable cabins) on two lots which are now within the RU2 Rural Landscape zone. The development consent was issued when the land was zoned 7(b) Conservation and Scenic Protection (Scenic Protection) and motels and caravan parks were permitted uses. The 5 x 2 bedroom relocatable cabins have been constructed.

### **Use of Existing Multi-Purpose Building**

The existing multi-purpose building is located on Lot 89 DP 755221 and was approved as an ancillary use to the recreational uses operating on the site. The Planning Proposal seeks to permit the building to be used independently as a "function centre", "entertainment facility" and a "food and drink premises".

It has an existing floor area of approximately 800m<sup>2</sup> and it is proposed that the total floor space to be used for a function centre, entertainment facility and a food and drink premises be 1500m<sup>2</sup>. This additional floor space will allow for future expansion, if required, provided the additional floor space comprises an extension to the building or is directly adjacent to it, the environmental impact will be minimal.

The definitions of the proposed additional permitted uses are:

- *"Entertainment facility" means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.*
- *"Food and drink premises" means a premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises and includes any of the following: a restaurant or café, take away food and drink premises, a pub, a small bar.*
- *"Function centre" means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.*

As the uses of "entertainment facility" and "food and drink premises" relate to buildings only, they could not be located anywhere but within the existing multi-purpose building (or future extensions) on Lot 89 DP 755221. Therefore it is not intended to include these uses on the additional lots as requested by the proponent.

The use of "function centre", however, can relate to a "place" as well as a "building".

Therefore outdoor functions, such as weddings, birthday parties and corporate activities would be able to occur on land where this use is permitted. Cleared land adjoining and proximate to the existing multi-purpose building is suitable for such a use. These lots are Lots 19, 37 and 89 DP 755221 and Lots 22 and 32 DP 755253.

It should be noted that an outdoor music festival does not fit within the definition of an "entertainment facility" or a "function centre". Consequently such music festivals are currently considered as a temporary use of land under clause 2.8 in GLEP 2014 and the draft CCLEP. This clause states:

*Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 28 days (whether or not consecutive days) in any period of 12 months.*

### **Assessment Summary**

The Planning Proposal, if supported, would amend the GLEP 2014 in the following manner.

The additional permitted uses over the entire area zoned E2 Environmental Conservation are proposed to be "recreation facility (outdoor)" and "eco-tourist facility". Such outdoor recreation facilities are envisaged to be low key nature based activities similar to those currently operating on the site by Glenworth Valley Pastoral Company Pty Ltd. However the definition of "recreation facilities (outdoor)" allows more intensive uses that could adversely affect the environmental character of the area. The impact of any such proposals would occur as part of the development assessment process in consideration of the objectives of the E2 Environmental Conservation zone.

Likewise the requirements for "eco-tourist facilities" specified in the GLEP 2014 will ensure that the future development is sensitively designed and managed to have minimal impact on the environment.

The additional permitted use of "extensive agriculture" could not occur within all of the land within the E2 Environmental Conservation zone as most of the land is steep and heavily vegetated making it unsuitable for such a use. Therefore the planning proposal seeks to permit the use only on the generally cleared parts of the E2 Environmental Conservation zone.

The additional permitted use of a "camping ground" is to apply to the existing cleared parts of Lots 22 and 32 DP 755253 and Lots 19, 37 and 89 DP 755221.

Any other "wilderness" camping experience can be accommodated within the definition of "recreation facility (outdoor)".

The additional permitted use of "tourist and visitor accommodation" is to apply to the existing cleared parts of Lots 108 and 145 DP 755221 which are zoned E2 Environmental Conservation and which are adjacent to the RU2 Rural Landscape boundary.

The total floor area for the permanent "function centre", "entertainment facility" and "food and drink premises" is to be no greater than 1500m<sup>2</sup> and any additions to the existing building are to be connected to, or directly adjacent, to it.

The additional permitted uses of "entertainment facility" and "food and drink premises" are to apply generally to that part of Lot 89 DP 755221 on which the existing multi-purpose building is situated. The use of "function centre" is proposed to apply to the cleared areas on adjoining and nearby Lots 19, 37 and 89 DP 755221 and Lots 22 and 32 DP 755253.

The additional permitted uses within the RU2 Rural Landscape zone are "eco-tourist facilities" "camping grounds" and "tourist and visitor accommodation".

Should the CCLEP come into effect prior to the subject Planning Proposal, then any proposed additional permitted uses that are generally included as permissible development within the applicable E2 Environmental Conservation and RU2 Rural Landscape zoned would not be required to be carried over.

### **Strategic Assessment**

The Planning Proposal, as outlined in the report, is supported on the following grounds:

- The Planning Proposal will facilitate long term certainty as to the continued and future operations of Glenworth Valley to permit a range of recreational and tourist related activities, whilst protecting the environmental quality of the site.
- By nominating a list of additional permitted uses applicable to the land, detailed assessment of specific future development can be carried out on a case by case basis, and allow flexibility in accommodating activities whilst protecting and managing the overall environmental values of the land
- The significant economic benefits (both direct and indirect) that the Glenworth Valley tourist development contributes to the regional economy and synergies with other businesses and tourist facilities.
- The Planning Proposal will allow this regionally significant recreational and tourist attraction to grow and develop as new nature-based outdoor recreational opportunities emerge.
- The retention of existing zones with the additional permitted uses will allow for the on-going development and enhancement of a significant tourist facility and ensure it remains intrinsically linked to the protection and management of the environment and allowing development at an appropriate scale.

This assessment identifies that the request has sufficient preliminary justification for Council to submit the amended Planning Proposal to the Department of Planning and Environment to seek an amended Gateway Determination.

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

The proposal has been assessed having regard for all State Environmental Planning Policies, Ministerial s.9.1 Directions and the relevant guidelines set out within the Central Coast Regional Plan 2036 (CCRP 2036) as detailed within Attachment 5.

The proposal is considered to be consistent with these considerations, therefore is suitable for forwarding to the Minister of Planning requesting an amended Gateway Determination.

### **Internal Consultation**

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

Due to the size of the subject land (over 1000 Ha) and the fact that building and development footprints have not been identified within the Planning Proposal it is only possible to assess general impacts. All direct and specific impacts are able to be addressed by future development applications. Relevant comments have been utilized to inform the issues and strategic merits assessment of the proposal.

### **Waste Management**

Existing approved activities have a Plan of Management for storage, management and disposal of solid waste related to the activity and are serviced by a private waste collection contractor.

As has occurred previously, upon application to Council for upcoming events or proposed development, Council's Waste Services staff have been liaising with the applicant to seek the best possible outcome in relation to on-site sewage management.

The use of the multi-purpose building independent of any other uses on the site has the potential to result in the frequency of usage being increased which will result in additional hydraulic loading on the on-site sewage management system. There is also the potential that the multi-purpose building may be utilised for an event or function at the same time as a festival or event is occurring elsewhere on the property, thus impacting further on the system.

To determine the impacts of this, a wastewater management report will be required to be submitted to Council, post Gateway, which addresses the following:

- The estimated frequency of functions and likely numbers of patrons utilising the function centre, entertainment facility and food and drink premises.
- The ability of the existing on-site sewage management system to accommodate any additional hydraulic loading.

- Recommendations for any modifications required to either the treatment or disposal system to accommodate the additional hydraulic loading.

### ***Flooding and Drainage Management***

The impacts of overland flooding from upstream tributaries in the locality may impact on future structures. The assessment of such impacts would be subject to development applications and any flooding issues could be dealt with at that stage.

The multi-purpose building has been constructed and the flooding and drainage comments supported the Development Application (DA) for the building at the time. It was not considered that the building would be affected by flooding from any gullies or watercourses within the property. This situation will not change.

### ***Traffic and Transport***

The road network has the capacity to support the various recreational and festival events being held with access to Cooks Road and its intersection with Peats Ridge Road. These roads in this remote location could be upgraded with improved parking and upgraded pedestrian access to support larger scale events or more frequent activities if desired, when future DA's are lodged.

When one-off traffic generating events occur on site, such as music festivals, Council's Traffic Officer and a Police Officer liaise with the applicants and oversee the implementation and monitoring of temporary Traffic Management Plans (TMPs) to address such issues as queuing along Peats Ridge Road.

No objection is raised to the independent use of the existing multi-purpose building provided any development activities are assessed in accordance with the RMS Guidelines for Traffic Generating Development.

### ***Environmental Assessment***

No objection to the Planning Proposal subject to the protection of all existing areas of native vegetation and ongoing riparian management can be conditioned through future DA's for the individual additional uses.

Environmental management conditions tied to activity specific management plans coupled with ongoing monitoring should ensure the environmental values of the site are not eroded. Conditioning through development consent adequately addresses this issue.

Based upon the available cleared areas on the site it is possible for future development to be located to avoid any impact upon native vegetation.

Detailed assessments of biodiversity and Aboriginal / Cultural Heritage values must accompany future development applications for these additional uses.



The multi-purpose building has been constructed and the environment comments supported the DA for the building at the time. The building and ancillary carpark is located within a cleared paddock area and will not result in any direct or indirect impacts on any native vegetation. All bushfire asset protection zones are achievable without the need for any additional vegetation management.

**External consultation**

Government agency consultation was undertaken in 2014 in relation to the current Planning Proposal. Comments from those agencies consulted are summarised below.

Further government agency consultation will be required to be undertaken subject to the conditions of the Gateway Determination. It is expected that those agencies previously consulted will be requested to comment on the revised proposal.

***Office of Environment and Heritage / National Parks and Wildlife Service (now Department of Planning, Industry and Environment)***

The then Office of Environment and Heritage (OEH) advised that it does not support the rezoning of the E2 Environmental Conservation zoned land to RU2 Rural Landscape within the proposal at the time. It was further advised the proposed additional land uses (e.g. extensive agriculture) are incompatible with the environmental characteristics of the subject land. In addition, part of the site has already been identified as an offset for the Calga Quarry project, which cannot be affected by the proposal.

OEH further advised that any impacts to vegetation associated with the proposal must be offset; the proposal should not impact on corridor function between the three parcels of national park which surround the site, and that the proposal should not burden the NSW National Parks and Wildlife Service with additional responsibility as a result of allowing more major events, further incursions into national park due to poorly defined boundaries to the park, increased requirement for fire protection and potential for impacts to Aboriginal cultural heritage (e.g. from abseiling).

OEH also confirmed that further consultation with DLALC and Guringai Tribal Link Aboriginal Corporation including a comprehensive site inspection and cultural heritage assessment of the areas proposed to be subject to future development is undertaken prior to the finalisation of the rezoning.

**Comment**

As a result of this advice from OEH, the proponent has amended the Planning Proposal to remove the rezoning of certain E2 Environmental Conservation zoned land to RU2 Rural Landscape.

Future uses will be required to be located on areas of the subject site which are already cleared and/or not subject to existing environmental constraints. It is therefore proposed to require further environment and heritage impact assessment to be carried out at the development application stage for each particular building or development location.

**NSW Trade and Investment – Crown Lands (now The Treasury)**

The then NSW Trade and Investment - Crown Lands had no objections to the rezoning of the adjoining lands subject to the change in zoning not resulting in any additional requirements for the management of the Crown Estate such as increased bushfire mitigation measures and must not be relied upon to implement or facilitate any such measures.

**NSW Department of Primary Industries – Agriculture (now Department of Planning, Industry and Environment)**

The then NSW Department of Primary Industries – Agriculture (DPI - Agriculture) raised no concerns about the additional uses within the E2 Environmental Conservation Zone as the proposed uses can complement management and education for the environmental areas.

DPI - Agriculture objected to the proposed residential type and large visitation activities within the RU2 Rural Landscape zone as these activities are not complementary to commercial agriculture due to the possibilities of causing land use conflict and opening up the possibility of other landholders requesting similar expansion of types of land uses that could stifle agricultural investment.

**Comment**

Should an amended Gateway Determination be received the amended Planning Proposal will be referred to the relevant part of the Department of Planning, Industry and Environment for comment. The above objection may be reviewed at this time.

**NSW Trade and Investment – Mineral Resources and Energy (now The Treasury)**

Part of the eastern portion of the subject site is located adjacent to Rocla's Calga Sand Quarry, a state and regionally significant sand resource, supplying material for the building and construction industries in the Greater Sydney area. The transition area of the Calga Sand Quarry overlaps part of eastern side of the subject site (western side of the quarry).

The agency has no concerns in general, to the proposal to allow tourism-related activities being added as additional permitted uses in the E2 Environmental Conservation and RU2 Rural Landscape zones on the subject land.

The agency considers however that the tourism-related activities proposed may have the potential to create land use conflict in the vicinity of the Calga Sand Quarry.

The agency notes however that Council has acknowledged the close proximity of the quarry and that the proposed additional uses should not impact the quarry by sterilising the resource or restricting its operations and that the proposed tourist-related activities can be located in areas remote from the impacts of the quarry.

**NSW Roads and Maritime Service (now Department of Transport)**

The then NSW Roads and Maritime Service (RMS) reviewed the information provided and raised no objections to the Planning Proposal for land at Glenworth Valley and Calga.

Any future development of this land will require a Traffic Impact Study to be undertaken in accordance with the RMS Guide to Traffic Generating Developments. These matters can be addressed during subsequent Development Applications.

**NSW Rural Fire Service (now Department of Family and Community and Justice)**

The then NSW Rural Fire Service (RFS) advised that it does not object to the planning proposal subject to future Development Applications complying with the provisions of *Planning for Bushfire Protection 2006*, particularly the provisions of Asset Protection Zones, safe access and emergency evacuation management. These matters can be addressed during subsequent Development Applications.

**Darkinjung Local Aboriginal Land Council**

Darkinjung Local Aboriginal Land Council (DLALC) was consulted as a landowner and provided qualified support for Lot 245 DP 48817 being included in the Planning Proposal. The qualification is that the operators of Glenworth Valley are to enter into an arrangement with DLALC for the continued use of the land.

It should be noted that DLALC has also been granted Lot 7027 DP 1051931 (now Lot 7 DP 1230083) and for completeness should be included in any agreement.

The applicant was provided with a copy of this correspondence.

**Financial Impact**

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

The proponent has advised that the current recreational uses on the site generate approximately 25 full-time and 80 part-time jobs and attracts up to 200,000 visitors to the area per year. The Planning Proposal will enable the continued operation and ongoing growth of the business, providing additional employment opportunities and tourism growth.

**Social Impacts**

Glenworth Valley is a major tourist attraction and the ability for it to further accommodate activities consistent with nature-based recreation, including accommodation in the form of eco-tourist facilities, is supported from a tourism perspective. It will provide an opportunity to increase outdoor recreational experiences and thus provide the community with options to enjoy the environment of the Central Coast.

## **Environmental Considerations**

These have been outlined in the body of the report.

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

Theme 2: Smart

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

S-C4: Promote and grow tourism that celebrates the natural and cultural assets of the Central Coast in a way that is accessible, sustainable and eco-friendly.

Theme 3: Green

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

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

Theme 5: Liveable

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

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

## **Risk Management**

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

### **Critical Dates or Timeframes**

Should Council resolve to proceed with the preparation of an amended Planning Proposal, the critical date will be the amended Gateway Determination date to complete the project.

### **Conclusion**

The request to include additional permitted uses in respect of land at Cooks Road in Calga and Glenworth Valley is considered to have strategic merit.

It is recommended that the Council support the amended Planning Proposal and undertake the necessary next steps to progress the Planning Proposal in accordance with the Planning Proposal process.



**Item No:** 3.7  
**Title:** Planning Proposal - Doyalson Wyee RSL Club - Pacific Hwy, Doyalson  
**Department:** Environment and Planning

---

27 April 2020 Ordinary Council Meeting

Reference: RZ/4/2018 - D13771981  
Author: Shannon Turkington, Senior Strategic Planner  
Manager: Karen Tucker, Acting Unit Manager, Strategic Planning  
Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

The purpose of this report is for Council to consider a request to prepare a Planning Proposal to amend *Wyong Local Environmental Plan 2013* or *draft Central Coast Council Local Environmental Plan* (if in effect) on land at 49-65 Wentworth Avenue and 80-120 Pacific Highway, Doyalson.

A decision of Council is required to enable the request to amend the Local Environmental Plan to progress. The impact on the proposal without a resolution of Council is as follows:

- A Council resolution is required to prepare a Planning Proposal and forward the Planning Proposal to the Department of Planning, Industry and Environment for Gateway Determination.
- Staff do not have delegations to request a Gateway Determination and therefore the project cannot proceed without a Council resolution.

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

### **Recommendation**

**1 That Council, pursuant to Section 3.33 of the Environmental Planning and Assessment Act, 1979, prepare a Planning Proposal applying to:**

- ***Lots 1-9 DP 215878, 49-65 Wentworth Avenue, Doyalson***
- ***Lot 1 DP 503655, 80 Pacific Highway, Doyalson***
- ***Lot 11 DP 240685, 90 Pacific Highway, Doyalson***
- ***Lot 49 DP 707586, 100 Pacific Highway, Doyalson***
- ***Lot 7 DP 240685, 110 Pacific Highway, Doyalson; and***
- ***Lot 62 DP 755266, 120 Pacific Highway Doyalson***

***To rezone land from RE2 Private Recreation to R2 Low Density Residential, RU6 Transition to R2 Low Density Residential and RE2 Private Recreation, by***

**3.7 Planning Proposal - Doyalson Wyee RSL Club - Pacific Hwy, Doyalson  
(contd)**

---

***amending the Wyong Local Environmental Plan 2013 (or Central Coast Local Environmental Plan), whichever is in effect at the time.***

- 2 *That Council Pursuant to Section 3.34 of the Environmental Planning and Assessment Act, 1979, forward the Planning Proposal to the Minister requesting a Gateway Determination.***
- 3 *That Council request delegation to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.***
- 4 *That Council undertakes public authority and community consultation in accordance with the Gateway Determination requirements.***
- 5 *That Council authorise staff to negotiate and prepare a Planning Agreement with respect to any aspects of the proposal to support the development of the subject land;***
- 6 *That Council consider a further report on the results of public authority and community consultation.***

#### **The Site**

The subject site (figure 1) is located at 49-65 Wentworth Avenue and 80-120 Pacific Highway, Doyalson. The site is approximately 45 hectares in size and includes the Doyalson-Wyee RSL Club, gymnasium, sporting fields, Raw Challenge course, a dwelling house, greenhouses, offices and ancillary facilities to support a former agricultural business (Pacific Hydroponics).

Access to the site is from Wentworth Avenue (Doyalson-Wyee RSL Club access) and Pacific Highway (120 Pacific Highway). Vegetation is largely concentrated along the eastern boundary of the site, 100 Pacific Highway and 120 Pacific Highway. A biodiversity strategy has been developed to preserve and protect vegetation on site.

Surrounding land uses include:

- Rural residential development to the north,
- The former Munmorah Power Station to the east,
- Residential development to the south, and;
- The Pacific Highway to the west.



Figure 1 – Subject area

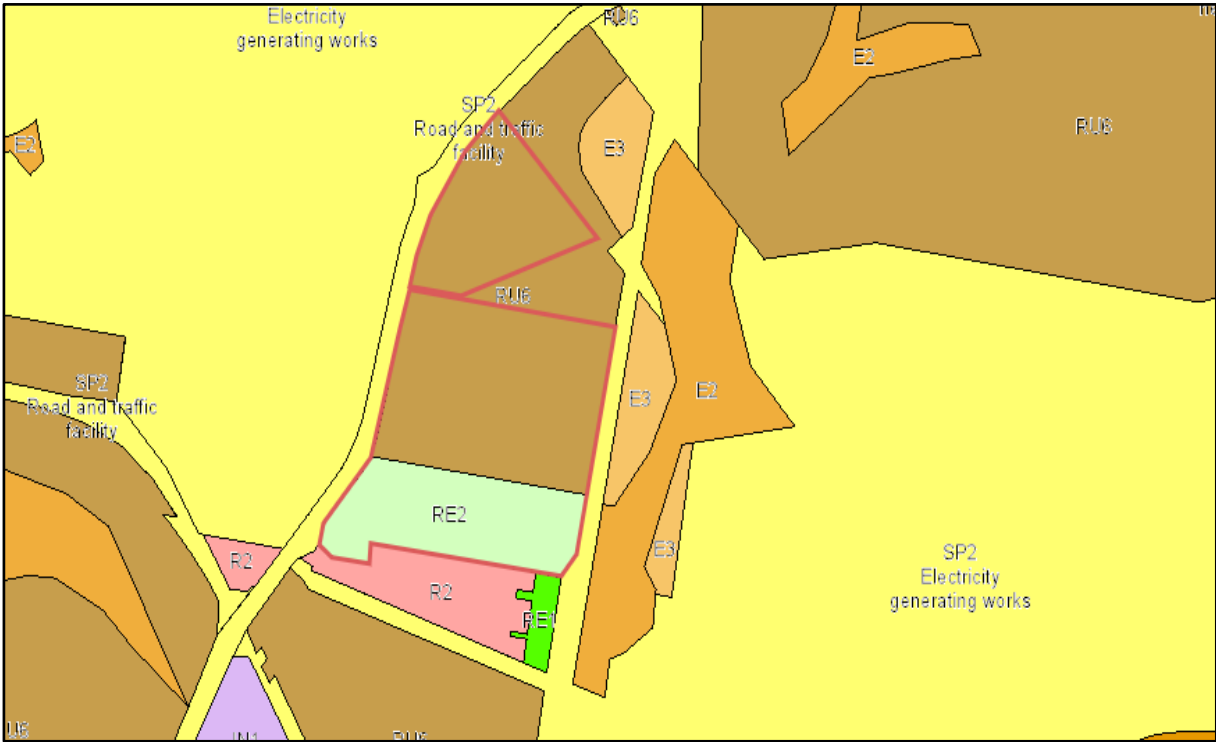
### The Proposal

The proposal seeks to amend the *Wyong Local Environmental Plan 2013* (WLEP 2013) or the future draft *Central Coast Local Environmental Plan* (CCLEP) as follows:

- Rezone the site from RE2 Private Recreation to R2 Low Density Residential and from RU6 Transition to R2 Low Density Residential and RE2 Private Recreation.
- Amend the minimum lot size map to apply a minimum lot size of 450m<sup>2</sup> to the R2 Low Density Residential land to retain consistency with residential development in Wentworth Avenue.
- Amend Schedule 1 Additional Permitted Uses (and associated mapping) to allow for Health Service Facility, Registered Club and Recreation Facility (indoor) on land zoned R2 Low Density Residential and Centre Based Child Care facility, Health Service Facility, Hotel and Motel Accommodation, Seniors Housing, Service Station and Serviced Apartments on land zoned RE2 Private Recreation (excluding 120 Pacific Highway, Doyalson).

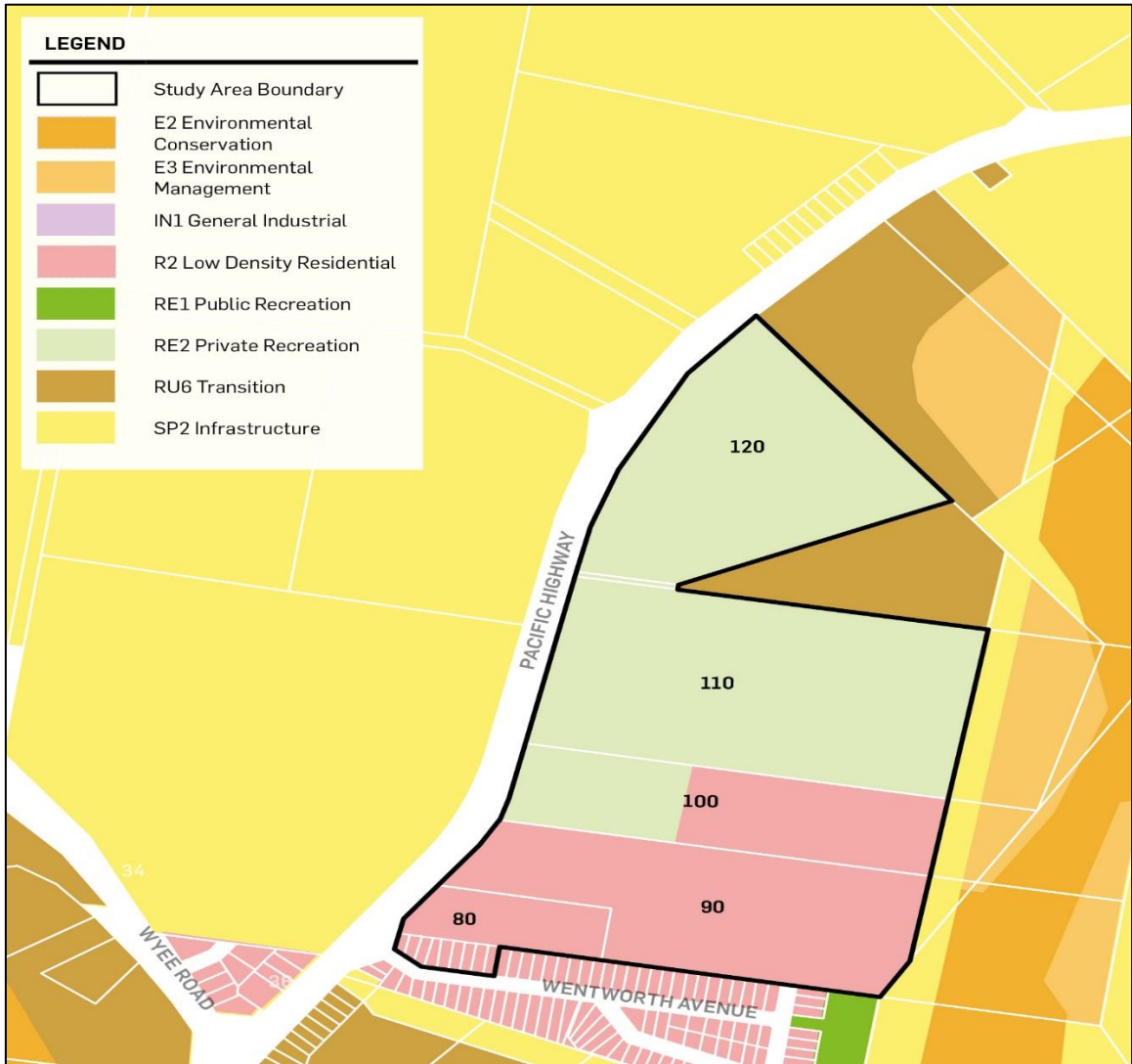
The intended outcome of the proposal is to allow for the relocation and expansion of Doyalson-Wyee RSL Club and gym to approximately 110 Pacific Highway Doyalson and redevelop the site to incorporate low density residential dwellings (approximately 140 dwellings), seniors housing (approximately 220 dwellings), medical facilities, childcare centre, service station, food outlets, hotel accommodation and expand the recreation facilities to include an indoor sport facility, go cart track, paintball and expansion of the Raw Challenge course. The site will be redeveloped in stages over the next 20 years.

**3.7 Planning Proposal - Doyalson Wyee RSL Club - Pacific Hwy, Doyalson (contd)**



**Figure 2 – Current Zoning**





**Figure 3 – Proposed Zoning**

The applicant has offered to enter into a Planning Agreement with Council to implement the biodiversity outcomes for the site (location and width of biodiversity corridors) and also to ensure the relocation of sporting clubs is completed prior to redevelopment of 90 Pacific Highway, Doyalson. The draft Planning Agreement will be prepared post Gateway and exhibited with the Planning Proposal.

**3.7 Planning Proposal - Doyalson Wye RSL Club - Pacific Hwy, Doyalson (contd)**



**Figure 4 – Indicative Concept Plan**



### 3.7 Planning Proposal - Doyalson Wyee RSL Club - Pacific Hwy, Doyalson (contd)

#### Assessment

The Rezoning of the subject land to R2 Low Density Residential and RE2 Private Recreation has strategic merit on the basis that:

- The proposed amendment is consistent with the goals, directions and actions in the *Central Coast Regional Plan (CCPR) 2036*, specifically increasing job containment in the region, creating well planned, compact settlement patterns and providing housing choice to meet community needs.
- The proposal is consistent with the requirements of the Department of Planning, Industry and Environment (DPIE's) North Wyong Shire Structure Plan (NWSSP), see figure 4.

110 and 120 Pacific Highway are included within Precinct 15, which is proposed as long-term employment land. The NWSSP proposes a job yield for Precinct 15 of between 259-518 jobs (based on 10-20 jobs per hectare). The Economic Impact Assessment (Urbis, 2019) submitted with the Planning Proposal notes the proposed development has the potential to accommodate up to 920 direct jobs, reflecting significant employment uplift across the site.

The NWSSP estimates jobs based on an industrial land use. The concept plan proposes employment uses with a higher job density, such as retail, entertainment, hospitality, health services and childcare, which far exceeds the job targets for Precinct 15.



Figure 5 – Extract – North Wyong Shire Structure Plan

### 3.7 Planning Proposal - Doyalson Wyee RSL Club - Pacific Hwy, Doyalson (contd)

---

- The applicant has provided relevant supporting studies. These studies have been reviewed through the internal consultation process and are considered appropriate for submission with a request for a Gateway Determination. Once a suitable degree of certainty is provided by a Gateway Determination being issued, appropriate draft planning agreements to address issues such as biodiversity corridors and open space can be completed prior to public consultation.

#### **Internal Consultation**

Internal consultation has been undertaken for the Planning Proposal and is summarised below:

#### ***Councillor Site Inspection***

A site inspection was undertaken on 2 March 2020. The site inspection was attended by Council staff and the following Councillors:

- Mayor – Councillor Lisa Matthews
- Deputy Mayor - Councillor Jane Smith
- Councillor Chris Holstein

The following matters were raised and discussed during the site inspection:

- 1 How much of the vegetation would be removed to allow future development, what are the widths of the biodiversity corridors and could they be widened on the site?

Based on the indicative concept plan approximately 9 hectares of land is proposed to be cleared, with approximately 10.9 hectares to be retained and revegetated on site. The corridor width varies between 15-65 metres with the location of the corridors chosen to protect Endangered Ecological Communities, native vegetation, hollow bearing trees, Glossy Black Cockatoo habitat and provide links through the site for fauna.

The biodiversity strategy for the site (including corridor location and width) is required to be reviewed by the Department of Planning, Industry and Environment (Environment, Energy and Science Group). The final location and width of corridors will be determined following agency consultation.

- 2 Could the site accommodate medium density housing?

The R2 Low Density Residential zone is appropriate for the site; however, *Multi Dwelling Housing* could be included as an additional permitted use. The site is affected by mine subsidence and further consultation would need to be undertaken with Subsidence Advisory NSW.

*Multi Dwelling Housing* is defined as:

### 3.7 Planning Proposal - Doyalson Wyee RSL Club - Pacific Hwy, Doyalson (contd)

---

- 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

- 3 How would vehicles access the site and would there be changes to the Wentworth Avenue and Pacific Highway intersection?

A signalised intersection is proposed approximately at the boundary of 100 and 110 Pacific Highway, which would be the main access to the site. Consultation with Transport for NSW is required following Gateway Determination to discuss the proposed signalised intersection, timing of intersection works and Wentworth Avenue intersection as upgrades may be required.

- 4 Loss of sporting fields and the impact this will have on the community, what guarantee have we got that the sporting associations will be relocated?

The fields and amenities are privately owned and maintained by the Doylo Lifestyle Group. The Doylo Lifestyle Group has commenced consultation with the sporting clubs and association that use the facilities and have committed to finding suitable alternate grounds. Council has received letters from Doyalson Touch Football Association, Northern Lakes Warriors and the Doyalson Wolves Soccer Club stating that they are aware of the proposed development and are working with Doylo Lifestyle Group to look at suitable relocation opportunities.

Doylo Lifestyle Group have also offered to enter into a Planning Agreement with Council that ensures that development is not able to commence on 90 Pacific Highway until suitable alternate grounds and facilities have been found for all the sporting associations currently using the site.

#### ***Biodiversity Strategy - (Environmental Strategies)***

A Biodiversity Assessment was undertaken by Eco Logical Australia Pty Ltd (June 2019) for 80-120 Pacific Highway, Doyalson and has been reviewed by staff. The Biodiversity Assessment did not include 49-65 Wentworth Avenue as these sites are already developed (car park and RSL access) and contain no vegetation.

The site is approximately 45 hectares in size and contains 2.8 hectares of Endangered Ecological Community (EEC) and 12.8 hectares of native vegetation. The proposed development based on the indicative concept plan proposes the removal of approximately 0.1 hectares of EEC and 8.9 hectares of native vegetation.

2.7 hectares of EEC (90%) and 3.9 hectares of native vegetation (30%) is proposed to be retained. This includes 36 hollow bearing trees within Central Park, road corridors, buffer zones and Corridor E (see Figure 6). 4.3 hectares of native vegetation within the proposed biodiversity corridors will also be revegetated onsite. The total area of retained vegetation

### **3.7 Planning Proposal - Doyalson Wyee RSL Club - Pacific Hwy, Doyalson (contd)**

---

and rehabilitated vegetation is 10.9 hectares, which is more than the total area of vegetation to be removed.

The removal of EEC and native vegetation has been assessed in accordance with the Biodiversity Assessment Method. The biodiversity impact will require an off-site offset in accordance with the Biodiversity Certification Assessment Report (BCAR) as well as the rehabilitation of on-site native vegetation.

Figure 6 and 7 below outline the proposed location of biodiversity corridors, riparian areas and biodiversity outcomes. The corridors provide important connections for fauna through the site and protect habitat for the Glossy Black Cockatoo. The corridors will also protect hollow bearing trees and EEC vegetation.

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

A Transport Impact Assessment was submitted with the proposal and reviewed by Council staff. The redevelopment of the site requires the construction of a signalised intersection on the Pacific Highway (approximately at the boundary of 100 and 110 Pacific Highway, Doyalson). The Transport Impact Assessment and conceptual intersection design are required to be reviewed by Transport for NSW, following Gateway Determination. It is likely further refinement of the traffic study and intersection design will be required following consultation with Transport for NSW.

#### ***Open Space and Recreation***

The playing fields, amenities and cricket facilities located on 90 Pacific Highway are owned and maintained by the Doyalson Wyee RSL Club Pty Ltd. Council does not lease or have an agreement with the Club for the ongoing use of these facilities.

Council staff have been working with the Doyalson RSL Club Pty Ltd through the assessment process to ensure that prior to the redevelopment of the site, the sporting associations currently using their facilities are relocated to other suitable grounds. Consultation between representatives of Doyalson Wyee RSL, Doyalson Dragons Touch Football, Northern Lakes Warriors and Doyalson Wyee Soccer Club has been undertaken and will be ongoing to ensure suitable replacement fields and facilities are found.

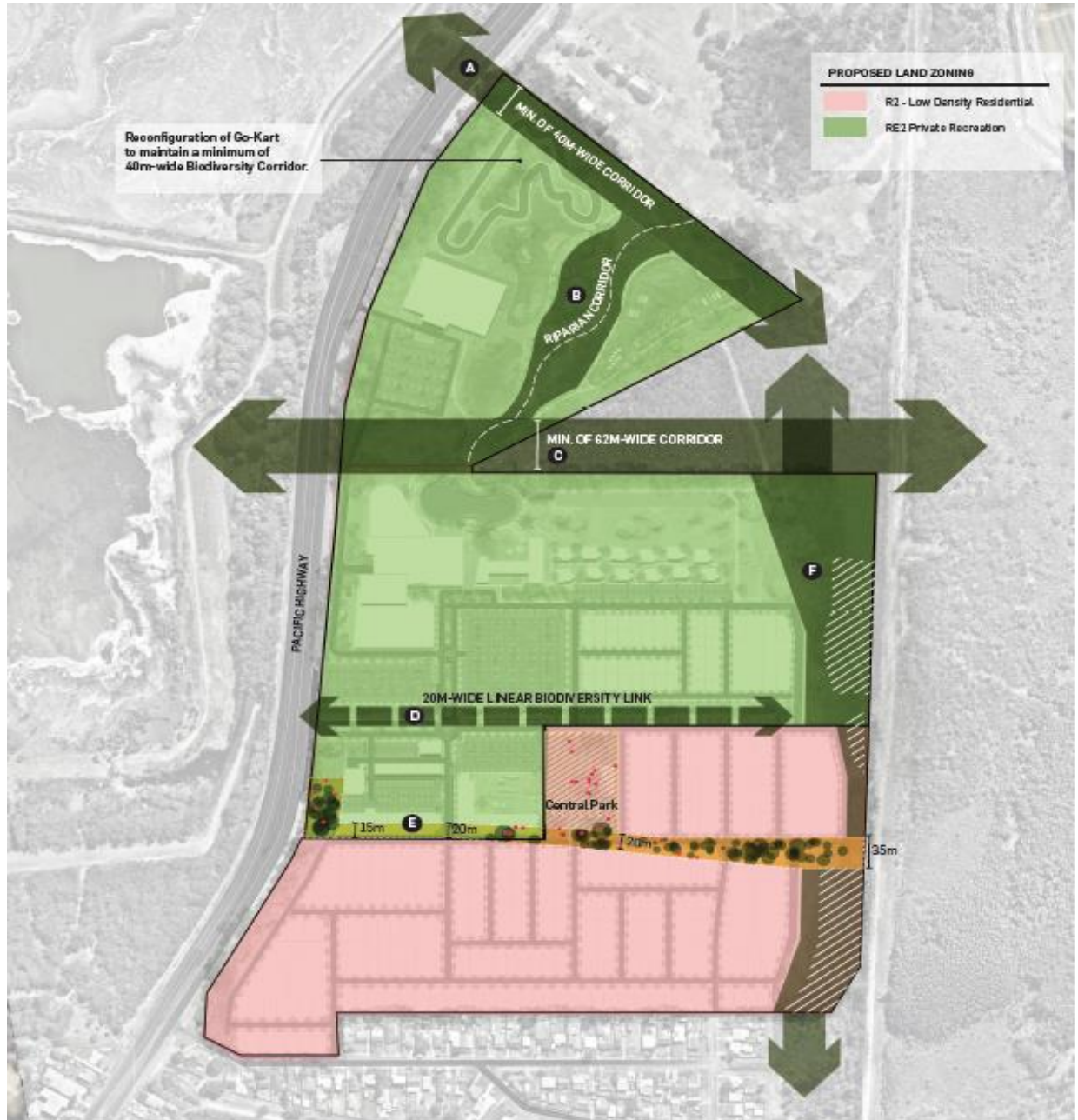
Doyalson Wyee RSL Club has written to Council advising they will continue their commitment to facilitate the relocation of sporting codes and have agreed, that if the relocation is not resolved prior to the LEP Amendment being made, they will enter into a Planning Agreement with Council to ensure this process is completed prior to the issue of the first construction certificate for 90 Pacific Highway, Doyalson.

#### ***Environmental Health - Land Contamination***

The proponent has addressed the requirements under *SEPP No. 55 - Remediation of Land* by providing a Preliminary Contamination Assessment.

### 3.7 Planning Proposal - Doyalson Wyee RSL Club - Pacific Hwy, Doyalson (contd)

The findings of this contamination assessment recommend a detailed contamination assessment be undertaken with remedial actions, where necessary. It has been determined that if all "Areas of Concern" identified in the report are addressed, the site will be suitable for the proposed development.



	APPROXIMATE AREA (SQ.M)	NO. OF TREES PROTECTED	NO. OF HOLLOW BEARING TREES RETAINED
Site Boundary	440,000	-	-
Hollow Bearing Trees	-	-	17
Tree Protection Zones	-	92	-
Potential Biodiversity Corridor (as Managed Vegetation Area)	14,041	92	17
Area with Endangered Ecological Communities (EEC) to be protected			
Central Park	7,503	3	14
Biodiversity Corridors			

MINIMUM REQUIREMENT OF BIODIVERSITY CORRIDOR	
Approximate Area = 11,170 sq.m	
(Based on the min. required width of 20m and the depth between Pacific Highway and the eastern boundary at 568.5m.	
Minimum Width Range = 18 - 23m	
Trees are only considered to be protected if 90% of the Tree Protection Zone is within the proposed biodiversity corridor.	

Figure 6 – Proposed zoning and biodiversity corridors



3.7 Planning Proposal - Doyalson Wyee RSL Club - Pacific Hwy, Doyalson (contd)

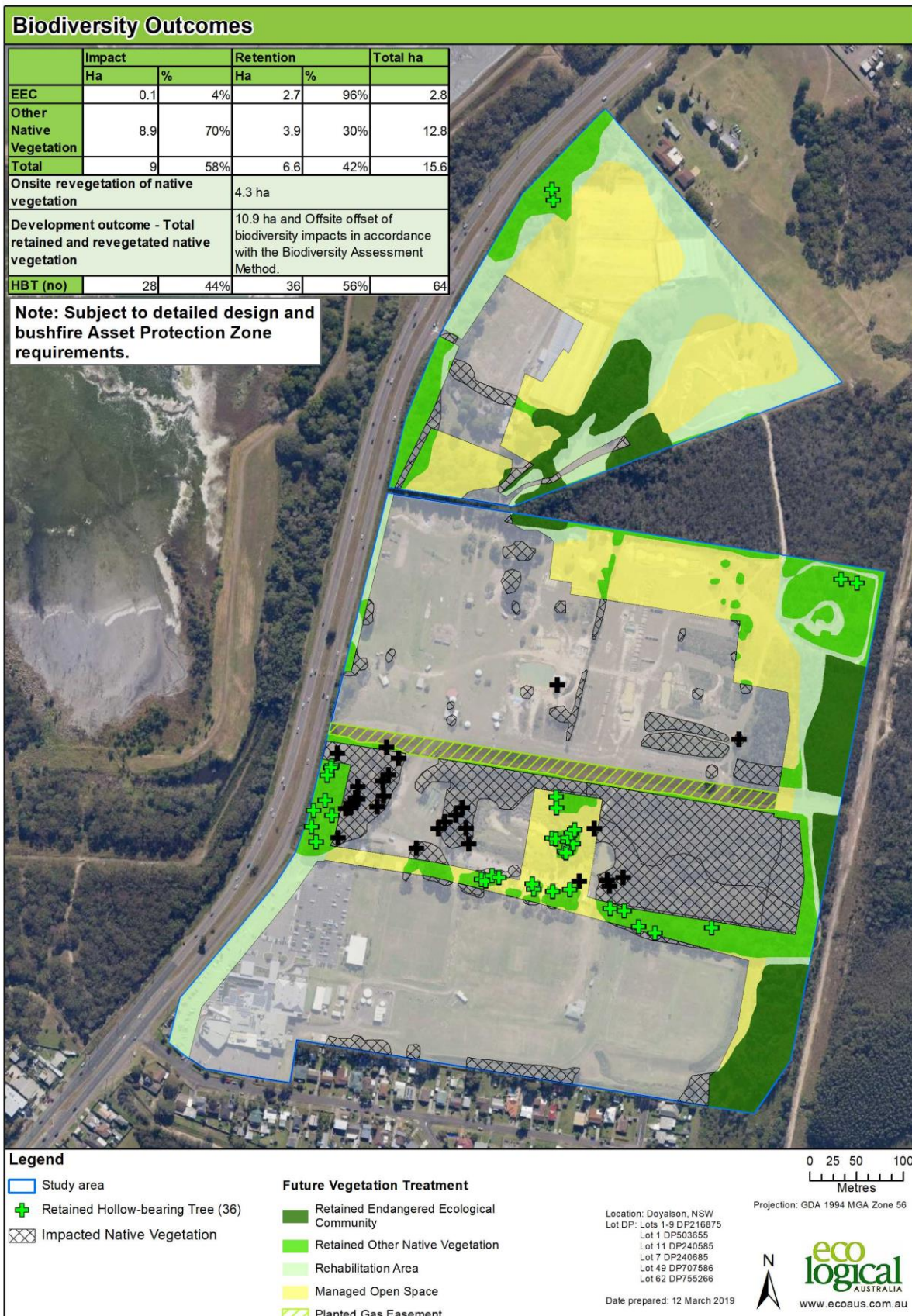


Figure 7 – Biodiversity Outcomes



### **3.7 Planning Proposal - Doyalson Wyee RSL Club - Pacific Hwy, Doyalson (contd)**

---

#### **External Consultation**

Government Agency and public consultation requirements will be detailed in the Gateway Determination and undertaken accordingly.

It is likely the following agencies will need to be consulted:

- Transport for NSW
- Department of Planning, Industry and Environment
- NSW Rural Fire Service
- Subsidence Advisory NSW
- Darkinjung Local Aboriginal Land Council
- Guringai Tribal Link
- Centennial Mannering Pty Ltd

As the site is located within the Swansea North Entrance Mine Subsidence District and Consolidated Coal Lease (CCL 721), held by Centennial Mannering Pty Ltd (Centennial), preliminary consultation has been undertaken with Subsidence Advisory NSW and Centennial.

CCL 721 lease expires in 2026 and is sub-leased to LakeCoal who operate the adjacent Chain Valley Colliery and become the operator of Mannering Colliery in 2013 under agreement with Centennial. Past mining beneath the site was part of Wyee Colliery and occurred in the late 1990's, concluding in 2002. While Centennial has no plan to mine coal beneath the site, it is underlain by mineable coal within the Great Northern seam and there is potential for future mining in this seam.

Urbis (the applicant), GHD, Subsidence Advisory NSW and Centennial have agreed on development conditions, including subsidence design criteria. The subsidence design criteria will apply to both new buildings as well as associated infrastructure such as pavements, retaining walls, detention basins, kerb and gutter, stormwater drains and inground and above ground utilities.

Further consultation will be required with Centennial Mannering Pty Ltd and Subsidence Advisory NSW following Gateway Determination.

#### **Statutory compliance and strategic justification**

The Planning Proposal has been assessed having regard to State Environmental Planning Policies (SEPPs), Ministerial Directions (s9.1) and relevant guidelines set out within the regional and local plans, including CCRP (Attachment 2). The proposal is considered to be generally consistent with the applicable directions and SEPPs.

#### **Financial Impact**

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

### **Social Impacts**

The Planning Proposal would result in a positive social impact through the delivery of increased housing in the northern part of the Central Coast, while exceeding the employment targets proposed in the North Wyong Shire Structure Plan. The proposed concept plan will also increase the availability of health and childcare services.

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

Theme 3: Green

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

F2: Promote greening and the wellbeing of communities through the protection of local bushland, urban trees, and expansion of the Coastal Open Space System (COSS).

Theme 4: Responsible

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

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

### **Risk Management**

There have been no risks identified to the natural or built environment associated with the proposed amendment to WLEP 2013 or CCLEP.

### **Conclusion**

The request to rezone the site is considered to have strategic merit as the proposal is consistent with state, regional and local plans, including the Central Coast Regional Plan and Council's Community Strategic Plan.

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

### **Attachments**

<b>1</b>	Proposal Summary Doyalson Wyee RSL Club	Provided Under Separate Cover	D13816175
<b>2</b>	Strategic Assessment Doyalson Wyee RSL Club	Provided Under Separate Cover	D13921571

**Item No:** 4.1  
**Title:** Update on Actions - Response to COVID-19  
**Department:** Governance

---



27 April 2020 Ordinary Council Meeting

Reference: F2020/01211 - D13903552  
Author: Shane Sullivan, Unit Manager, Governance and Business Services  
Executive: Gary Murphy, Chief Executive Officer

Due notice is given of this matter in accordance with Council's Code of Meeting Practice. The report and any relevant attachments will be provided prior to the Ordinary Meeting of 27 April 2020. The reason for providing this report as a late item is so that it can reflect as far as practicable the current situation with regard to Council's actions and response.

### **Attachments**

*Nil.*



**Item No:** 4.2  
**Title:** Amendment to Advisory Group Terms of Reference  
**Department:** Governance

---

27 April 2020 Ordinary Council Meeting

Reference: F2019/00041-004 - D13899014  
Author: James Taylor, Section Manager Governance  
Manager: Shane Sullivan, Unit Manager, Governance and Business Services  
Executive: Gary Murphy, Chief Executive Officer

### **Report Purpose**

To recommend an amendment to the standard Terms of Reference (TOR) for all Advisory Groups to enable the effective and efficient operation of Council Meetings.

This report has been amended in consideration of the impacts of COVID-19 (Coronavirus). A decision of Council is required to make amendments to the TOR for Advisory Groups. This will assist in managing the number of items to be considered at Ordinary Meetings.

Prior to the current events, it was proposed to recommend to Council that changes be made to the TOR. In light of the current situation, the proposed change to the TOR remains the staff recommendation to assist in the management of Council Meetings.

### **Summary**

Currently, the Terms of Reference for all Advisory Groups require that the Minutes of the Advisory Group will be reported to Council whether or not there is a recommendation to Council for determination.

It is proposed to remove this requirement from the standard Terms of Reference so that only those minutes where there is a recommended action for Council's consideration are reported to Council. This is so that there are fewer items on the agenda for Council meetings – as currently there is a high number of items, making it difficult to manage the business of Council.

The Agendas and Minutes of the Advisory Groups will continue to be published on [Council's website](#), and Councillors are able to raise questions they may have on the published Advisory Group Minutes through a Councillor Request or a Question on Notice.

### **Recommendation**

***That the amendment to the standard Terms of Reference for all Advisory Groups, as outlined in this report, be adopted.***

**Context**

At its meeting held on 12 February 2018 Council resolved in part:

*48/18 That Council adopt the draft Terms of Reference provided as Attachment 1 to this report as standard Terms of Reference for Advisory Groups or Committees.*

Included in the draft Terms of Reference as adopted by Council is the following:

*5 Communications and reporting*

*The Agendas and Minutes of the Advisory Group will be stored as a permanent record of Council. All Agendas and Minutes will be published on Council's website.*

*Where the Advisory Group recommends an action that is outside the delegation of staff to determine a report will be provided to Council.*

*Staff will prepare the report that recommends that the Council note the Minutes of the Advisory Group. The Council may, at its discretion, resolve to adopt some or all of the Advisory Group's recommendations and advice and will provide the Group's recommendation to Council with the Minutes of the relevant meeting. Staff will also provide professional commentary on the Group's recommendation and provide a staff recommendation which may or may not align to that of the Group.*

*Where the Advisory Group has not recommended an action the Minutes will be reported to Council as an Information Report only.*

It is proposed to remove the requirement in Part 5 of the standard Terms of Reference for Advisory Groups to report the minutes where the Advisory Group has not recommended an action to Council. That is removing the sentence:

~~*Where the Advisory Group has not recommended an action the Minutes will be reported to Council as an Information Report only.*~~

This is to assist with managing the length of Council Meetings and ensuring Council has sufficient time to focus upon those matters requiring a decision of Council. There have been an increasing number of items on the Agenda Papers over the last few months. The table below provides a snapshot of the number of reports, not including procedural items, for each Agenda paper since the end of November.

<b>Ordinary Council Meeting Date</b>	<b>Number of Reports on Agenda Paper</b>
25 November 2019	36
9 December 2019	43
10 February 2020	27

## 4.2 Amendment to Advisory Group Terms of Reference (contd)

---

Ordinary Council Meeting Date	Number of Reports on Agenda Paper
24 February 2020	21
9 March 2020	26
23 March 2020	31 – meeting cancelled
23 March 2020 Extraordinary	9
27 April 2020	26
11 May 2020	36 (indicative)
25 May 2020	25 (indicative)

The above information is correct as at Thursday, 16 April 2020.

From experience, the number of reports for an Ordinary Meeting is ideally around a maximum of 20 per meeting, to ensure sufficient time for due consideration. It is unclear how this will translate to the conduct of remote meetings.

Reducing the number of reports, such as those from Advisory Group reporting on the minutes where the Advisory Group has not recommended an action to Council, is one of the ways proposed to assist in keeping the number of reports manageable for each meeting.

Councillors will still be able to access these important records as once authorised by the relevant Advisory Group Chair and Staff Convenor, the Agendas and Minutes of the Advisory Groups are published on [Council's website](#). The Advisory Group Minutes are published within two weeks of each meeting being held.

Councillors are able raise questions they may have on the published Advisory Group Minutes through a Councillor Request or a Question on Notice.

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

Theme 4: Responsible

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

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

### **Attachments**

Nil



**Item No:** 4.3  
**Title:** Reappointment of Independent Audit Risk and Improvement Committee Members and provision of the 2019 ARIC Annual Report  
**Department:** Governance

---

27 April 2020 Ordinary Council Meeting

Reference: F2019/00041-004 - D13904901  
Author: James Taylor, Section Manager Governance  
Manager: Shane Sullivan, Unit Manager, Governance and Business Services  
Executive: Gary Murphy, Chief Executive Officer

### **Report Purpose**

The purpose of this report is for Council to determine the appointment of Independent External Members of the Audit, Risk and Improvement Committee and to provide to Council the 2019 ARIC Annual Report.

This report has been amended in consideration of the impacts of COVID-19 (Coronavirus) and the delaying of the September 2020 Local Government Elections. A decision of Council is required to reappoint the current ARIC members or commence the appointment process for new ARIC members.

### **Recommendation**

- 1 That Council recognise the contribution of the three Independent External Members of Audit, Risk and Improvement Committee for their assistance and contribution over the past three years and make the following phased re-appointments:**
  - a Dr Colin Gellatly (AO) be re-appointed for a period of two years;**
  - b John Gordon be re-appointed for a period of four years; and**
  - c Carl Millington be re-appointed for a period of five years.**
- 2 That Council determines that the current remuneration for the three Independent External Members be maintained for the term of their reappointment, with the Independent External Members receiving \$20,920 per annum and the Chair receiving an additional 15% or \$3,138 per annum.**
- 3 That Council note the Audit, Risk and Improvement Committee Annual Report for 2019 that is Attachment 1 to this report.**

### 4.3 Reappointment of Independent Audit Risk and Improvement Committee Members and provision of the 2019 ARIC Annual Report (contd)

---

The Audit, Risk and Improvement Committee (ARIC) was established by [Council Resolution on 26 April 2017](#) and on that date the three current independent members were appointed by Council Resolution (239/17).

The three independent members held the first ARIC meeting on [20 June 2017](#) at which they endorsed the ARIC Charter which was then adopted by Council at the [26 July 2017 Ordinary Council Meeting](#). This Charter stated that the three external members would be appointed, by resolution of Council, for a term of three years after which they will be eligible for extension or re-appointment following a formal review of their performance by Council.

The ARIC Charter has since been updated, approved by ARIC at its meeting on [4 December 2019](#) and endorsed by Council at the Ordinary Council Meeting on 24 February 2020. Under the [ARIC Charter](#), clarification around the reappointment of the three Independent External Members process and timeframes is provided under Clauses 15, 16, 17 and 21 of the [ARIC Charter](#).

As the initial three-year appointment of the three Independent External Members expired on 26 April 2020, a formal review (as required under Clause 15 of the ARIC Charter) has been undertaken and is presented to Council for consideration. It is noted that the next ARIC meeting is scheduled to be held on 17 June 2020.

The first step required was for each of the three Independent External Members to notify Council's Chief Executive Officer of whether they intended to seek reappointment or cease their appointment. Council's Chief Executive Officer received written expressions of interest from all three of the Independent External Members of their desire to be reappointed at the end of 2019.

Under clause 15 of the ARIC Charter, the three Independent External Members are:

*...eligible for extension or re-appointment following a formal review of their performance by Council (noting that the total term on the Committee will not exceed eight (8) years).*

As the three Independent External Members have already served a total of three years, they may seek to be re-appointed by Council for up to a period of no more than five years under clause 15 of the ARIC Charter.

#### **Remuneration of ARIC Independent External Members**

The current fees paid to the Independent External Members for their first term, was set by the following Council Resolutions at the 26 April 2017 Ordinary Council Meeting to be:

*240/17 That Council resolve to equalise the pay between the three appointed independent external members so that they will each be paid an annual sum of \$20,920 excluding GST for the first term of the Committee given that they*



### 4.3 Reappointment of Independent Audit Risk and Improvement Committee Members and provision of the 2019 ARIC Annual Report (contd)

*are each recognised leaders in the NSW Local Government Internal Audit sphere.*

241/17 *That Council resolve that the Chairperson receive an additional 15% or \$3,138 excluding GST in annual compensation for the first term of the Committee given the additional work required from the Chairperson.*

It is recommended to continue to maintain the Independent External Members current remuneration of \$20,920 per annum with the Chair receiving an additional 15% or \$3,138 per annum.

The recommendations contained in this report reflect this approach.

#### *Moving forward*

At the end of the current appointment, or any reappointment of the current Independent External Members, it is recommended that consideration be given to aligning the fees paid to any future Independent External Member engaged by Council with the NSW Treasury and NSW Department of Finance and Services, " guidelines.

The relevant fees (which are updated every two years) are set out on page 11 of the guidelines.

<b>Agency size</b>	<b>Indicator</b>	<b>Chairperson fee (ex GST)</b>	<b>Member fee (ex GST)</b>
Large	Organisations with expenditure greater than \$400m	\$20,920 per annum	\$2,092 per meeting day including preparation time
Medium	Organisations with expenditure less than \$400m but greater than \$50m	\$16,213 per annum	\$1,621 per meeting day including preparation time
Small	Organisations with expenditure less than \$50m	\$12,552 per annum	\$1,255 per meeting day including preparation time

Council is a "large agency" in terms of the above table.

### 4.3 Reappointment of Independent Audit Risk and Improvement Committee Members and provision of the 2019 ARIC Annual Report (contd)

---

#### Other issues

In 2016 the NSW State Government made it a requirement under the *Local Government Act 1993* that each council have an *Audit, Risk and Improvement Committee* (ARIC). This requirement will take effect from March 2021.

During 2019, the NSW Office of Local Government released a discussion paper, *A New Risk Management and Internal Audit Framework for Local Councils in NSW*, which details the proposed new framework. The NSW OLG are currently considering the feedback provided to this discussion paper before finalising the new *risk management and internal audit framework*.

While Council's Charter (endorsed by Council at the Ordinary Council Meeting on 24 February 2020) covers the issues identified in the OLG's discussion paper as much as it can, it is unclear what the final version of the OLG risk management and internal audit framework is and what impact this will have on ARIC.

That is, it has been raised as a possible requirement that Councillors will not be appointed to ARIC, that all ARIC Independent External Members will only be allowed to be sourced from a pre-approved panel (which we are confident each of the current Independent External Members would be included on) and that there would be a limit placed on the number of ARICs that each Independent External Member can be on.

A further report will be provided to Council in this regard once the new OLG Risk Management and Internal Audit Framework is finalised.

#### Formal Review

A formal performance review was then undertaken, which consisted of:

- 1 the *Self-Assessment Survey*; and
- 2 the *Assessment of the ARIC Independent External Members*.

#### *Self-Assessment Survey*

A Self-Assessment Survey (the survey) was completed by ARIC Members and Council's Senior Management. The *ARIC Self Assessment Survey Summary*, a report detailing the survey outcomes, was provided to ARIC at the 17 March 2020 Ordinary ARIC Meeting. At that meeting ARIC reviewed and provided feedback on the Survey Report and staff are in the process of creating an ARIC Action Plan to deal with issues identified.

A brief summary of the Survey Report is provided below, noting that the Survey Report and the Action Plan developed by ARIC will be presented to Council at the 27 July 2020 Ordinary Council Meeting.

### 4.3 Reappointment of Independent Audit Risk and Improvement Committee Members and provision of the 2019 ARIC Annual Report (contd)

---

A total of nine people were asked to complete the survey and the closing date was Monday 10 February 2020. The survey was distributed to all ARIC Members via email on Tuesday 28 January 2020. It was also sent to key stakeholders, being Council's Chief Executive Officer, Chief Finance Officer, Chief Internal Auditor and Director Governance on the same day.

Section One of the Self-Assessment Survey contained five open ended questions seeking comments and feedback on ARIC's performance to date.

Section Two of the Self-Assessment Survey contained 39 positively framed statements and those completing the survey answered 67.4% (a clear majority) of the time as either *agreed* or *strongly agreed* to the comments made.

There were seven survey responses received and there were four common themes across Section One and Two, which are set out below with comments:

- 1 ARIC effectively meets its external accountability requirements, particularly in terms of financial reporting and review of financial statements.

*Comment: This is likely due to the presence of independent external members with accounting and financial management experience.*

- 2 While the independent external members are regarded as highly skilled and knowledgeable, there is a need for greater diversity.

*Comments: As noted above, there is a strong presence of financial management skills, however respondents feel this needs to be broadened to other key areas such as risk management and corporate improvement, while also maintaining a strong financial management skillset within ARIC. Phased reappointment as required under the ARIC Charter will address with this.*

- 3 Risk management should be a key focus for the ARIC moving forward.

*Comments: The Committee has recognised this and risk management is a key focus for upcoming meetings.*

- 4 While ARIC provides efficient support for the Internal Audit function by reviewing and considering audit plans, reports, and identifying issues, there is an identified need for follow up on implementation of actions recommended from audits, as well as for work to be undertaken in the internal audit space.

*Comments: This is not only perceived as a required focus area for ARIC, but also management and the Council.*

*Assessment of the ARIC Independent External Members*

### 4.3 Reappointment of Independent Audit Risk and Improvement Committee Members and provision of the 2019 ARIC Annual Report (contd)

An assessment of the performance of the three ARIC Independent External Members has been conducted and reviewed by Council's Chief Executive Officer using the requirements under the ARIC Charter. The results of this assessment are set out below:

Meetings	
Have the three Independent External Members attended Quarterly meetings, plus extra Meeting as required?	<i>Yes – all three Independent External Members have attended each ARIC meeting.</i>
Did the three Independent External Members contribute the time needed to study and understand the information to be discussed as part of the agenda and/or presented at other times as required?	<i>Yes – all three Independent External Members closely reviewed the agenda provided, asked constructive questions and provided frank feedback.</i>
Did the three Independent External Members attend annual "in camera" meetings with: <ul style="list-style-type: none"> <li>• Chief Internal Auditor;</li> <li>• Senior Internal Ombudsman;</li> <li>• External Audit (NSW Auditor General);</li> <li>• CEO</li> </ul>	<i>Yes, annually and on an as required/requested basis.</i>
Did the three Independent External Members appropriately declare all conflicts of interest?	<i>Yes. Declaration of Interests is a standing item on the ARIC agenda.</i>
Set up meeting for the following calendar year in every December meeting?	<i>Yes, they have.</i>
Skills	
Are the three Independent External Members independent of Council?	<i>Yes, they are.</i>
Do the three Independent External Members have the knowledge, skills and experience requirements?	<i>Yes, they do – this was consistently displayed through their comments, participation, and interactions during the ARIC Meeting.</i>
Have the three Independent External Members	
Actively participated in ARIC Meeting?	<i>Yes, they have.</i>
Provided overall direction for internal audit activities?	<i>Yes they have - the <a href="#">meeting records</a> are evidence of this.</i>

## 4.3

**Reappointment of Independent Audit Risk and Improvement Committee Members and provision of the 2019 ARIC Annual Report (contd)**

<p>Reviewed and advised Council on all the matters in s 428A:</p> <ul style="list-style-type: none"> <li>- legal compliance</li> <li>- risk management</li> <li>- internal audit activities</li> <li>- fraud and corruption prevention</li> <li>- financial management, reports, position and performance</li> <li>- external audit</li> <li>- service delivery</li> <li>- implementation of IP&amp;R plans</li> </ul>	<p><i>Yes they have - the <a href="#">meeting records</a> are evidence of this.</i></p>
<p>Applied sound analytical skills, objectivity and good judgement?</p>	<p><i>Yes they have - the <a href="#">meeting records</a> are evidence of this</i></p>
<p>Expressed opinions frankly, asked questions that go to the fundamental core of issues, and to pursue (or recommend) independent lines of enquiry?</p>	<p><i>Yes they have - the <a href="#">meeting records</a> are evidence of this</i></p>
<p>Been responsive to any request from the Council</p>	<p><i>Yes, they have and have agreed to attend Councillor Briefings and Council Meetings as required.</i></p>
<p>Reviewed and approved the ARIC Charter?</p>	<p><i>Yes, they have - the revised Charter was approved by ARIC at the 4 December 2019 Meeting and adopted at the 24 February 2020 Ordinary Council Meeting.</i></p>
<p><b>Additional Chair questions</b></p>	
<p>Has the Chair liaised regularly with management and the NSW Audit Office as required?</p>	<p><i>Yes, he did.</i></p>
<p>Did the Chair review and approve the agenda and distribution of papers by the Secretariat?</p>	<p><i>Yes, he did.</i></p>
<p>Did the Chair approve minutes in a timely manner so that they can be circulated by the Secretariat within the required timeframe?</p>	<p><i>Yes, he did.</i></p>
<p>Did the Chair ensure that each agenda item was given sufficient time to be considered?</p>	<p><i>Yes, he did.</i></p>

**4.3 Reappointment of Independent Audit Risk and Improvement Committee Members and provision of the 2019 ARIC Annual Report (contd)**

Did the Chair initiate a review of the performance of the ARIC at least once every two years?	<i>Yes, he did. Annual Reports have been completed for 2018 and 2019 which contained a review of ARIC performance and a review of the ARIC Charter was undertaken during 2019.</i>
Did the Chair oversee the preparation of the annual ARIC reports to Council?	<i>Yes, he did</i>

There were no areas of concern or failure by any of the three Independent External Members to comply with the requirements under the ARIC Charter recorded.

**Options**

The following options are presented for Council’s consideration:

- 1 No action (allow the current appointments to lapse and seek new expressions of interest);
- 2 Re-appoint all three Independent External Members up to the maximum five years; or
- 3 Re-appoint the three Independent External Members taking a phased approach.
- 4 Re-appoint the three Independent External Members to allow short term coverage and then undertake a recruitment process.

The impact of the current pandemic situation has been included in each of the options discussed below. It is not considered that delaying of the September 2020 Local Government Elections for 12 months will have a direct impact on the reappointment or recruitment of new Independent External Members at this stage.

### 4.3 Reappointment of Independent Audit Risk and Improvement Committee Members and provision of the 2019 ARIC Annual Report (contd)

---

#### ***Option 1 – No action (allow the current appointments to lapse and seek new expressions of interest).***

Council may elect to not reappoint the three Independent External Members and commence a recruitment process now by allowing the existing appointments to lapse.

The Chief Executive Officer would then progress to undertake a recruitment process for three new Independent External Members to be appointed to ARIC by Council in accordance with the ARIC Charter.

The process would be that advertising for expressions of interest from relevantly qualified professionals would commence immediately. A review and interview process would be undertaken involving a panel made up off the Chief Executive Officer and nominated Councillors.

As the current appointments expired on 26 April 2020, this process would need to be commenced immediately and given the delays in Council considering this Report it is expected that the next ARIC Ordinary ARIC Meeting scheduled for 17 June 2020 would need to be postponed.

This option is not recommended because :

- 1 Given the impact of the current pandemic situation the likelihood of getting new suitable experienced and qualified Independent External Members is expected to be remote/low.
- 2 The next ARIC Ordinary ARIC Meeting scheduled for 17 June 2020 will likely need to be postpone.
- 3 It would not provide Council with any continuity or stability within the importance service and overview that ARIC provide to Council.
- 4 It would be in breach of clause 17 of the Charter (set out below) as it would not allow for the "*phased replacement of each of the three Independent external members*" which is required to provide for continuity. Clause 17 of the Charter states:

*The three Independent External Members are eligible for extension or re-appointment up to a maximum of eight years of continual service. Appointments must be made so that phased replacement of each of the three Independent external members is required to ensure continuity in the Committee.*

However, if this is Council's preferred approach, then the suggested wording for the Council Resolution would be:

### 4.3 Reappointment of Independent Audit Risk and Improvement Committee Members and provision of the 2019 ARIC Annual Report (contd)

---

- 1 *That Council recognise the contribution of the three Independent External Members of ARIC for their assistance and contribution over the past three years and note that Council will not be renewing their appointments.*
- 2 *That Council request that the Chief Executive Officer immediately commence the recruitment process for three new Independent External Members to be appointed to ARIC by Council in accordance with the ARIC Charter.*
- 3 *That Council postpone the next ARIC Ordinary ARIC Meeting scheduled for 17 June 2020 until later in the year.*
- 4 *That Council appoint the following Councillors and Staff to be involved in the recruitment process:*
  - a. *Clr....*
  - b. *Clr....*
  - c. *The Chief Executive Officer,*
- 5 *That Council request that the Chief Executive Officer provide a Report to Council recommending the appointment of three Independent External Members to the 13 July 2020 Ordinary Council Meeting.*
- 6 *That Council determines that the remuneration for the three new Independent External Members be based on the "Large" agency category as prescribed under the NSW Treasury and NSW Department of Finance and Services "" guidelines.*
- 7 *That Council note the Audit, Risk and Improvement Committee Annual Report for 2019 that is Attachment 1 to this report.*

#### **Option 2 – Re-appoint all three Independent External Members for up to the maximum five years.**

As the three Independent External Members have already served for three years, under clause 15 the ARIC Charter they can be reappointed for up to an additional five-year term or for a term the Council deems fit. Clause 15 of the Charter states:

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

It should be noted that clause 17 of the Charter (set out above in Option One) requires that any reappointment is to allow for *phased replacement of each of the three Independent*



### **4.3 Reappointment of Independent Audit Risk and Improvement Committee Members and provision of the 2019 ARIC Annual Report (contd)**

---

*external members* to provide for continuity. To address this requirement, it is suggested that a minimum of six months (a year would be considered better) grace between each reappointment period is provided.

This is an option that Council can reasonable consider because it will negate the impact of the current pandemic situation as ARIC would continue to function normally, as well as providing ongoing continuity and stability within the importance service and overview that ARIC provide to Council.

However, it would not provide greater diversity in the ARIC membership (which was an issue identified in the Self-Assessment Survey) and it would also potentially result in all the current members leaving within a 12-month period at the end of their term which would not be ideal.

If this is Council's preferred option, the suggested following wording is provided:

- 1 *That Council recognise the contribution of the three Independent External Members of ARIC for their assistance and contribution over the past three years and makes the following phased reappointments:*
  - a *Dr Colin Gellatly (AO) be re-appointed for a period of four years;*
  - b *John Gordon be re-appointed for a period of four and a half years; and*
  - c *Carl Millington be re-appointed for a period of five years.*
- 2 *That Council determines that the current remuneration for the three Independent External Members be maintained for the term of their reappointment, with the Independent External Members receiving \$20,920 per annum and the Chair receiving an additional 15% or \$3,138 per annum.*
- 3 *That Council note the Audit, Risk and Improvement Committee Annual Report for 2019 that is Attachment 1 to this report.*

#### **Option 3 - Re-appoint the three Independent External Members taking a phased approach.**

Council could reappoint the three Independent External Members, by resolution of the Council, for a recommended phased period not exceeding the maximum allowable five years.

This option would maintain consistency and stability in ARIC while also providing an opportunity to commence introducing more diversity to the Committee, a requirement identified in the Self-Assessment Survey. Giving the current financial situation of Council a

### 4.3 Reappointment of Independent Audit Risk and Improvement Committee Members and provision of the 2019 ARIC Annual Report (contd)

---

continued focus and skill set in the financial area (a strong skill set of each of the current three Independent External Members) is invaluable and a skill that is recommended be maintained in ARIC.

It is recommended that the following reappointment be made:

- 1 *Dr Colin Gellatly (AO) be re-appointed for a period of two years;*
- 2 *John Gordon be re-appointed for a period of four years; and*
- 3 *Carl Millington be re-appointed for a period of five years.*

However, Council may resolve to adjust the terms of re-appointment as it sees fit noting the maximum of five years and the requirement under clause 17 of the Charter.

The recommended reappointment of Dr Gellatly coincides with the remaining time that he can serve as Chair of ARIC under the ARIC Charter. Being the Chair of ARIC is the main strength that Dr Gellatly brings to ARIC, along with his financial and risk management skill set.

The recommended lengthier reappointment of both Mr Gordon and Mr Millington reflect their strong financial and risk management skill set as well as their desire to continue serving on ARIC as Independent External Members. Currently, and for the foreseeable future, the strong financial and risk management skill set that both Mr Gordon and Mr Millington offer are considered a mandatory requirement for at least two out of the three ARIC Independent External Members.

This approach is compliant with clause 17 of the Charter which provides for phased appointment.

This is the **recommended option**. This recommended option allows Council:

- 1 To negate the impact of the current pandemic situation as ARIC would continue to function normally, as well as providing ongoing continuity and stability within the importance service and overview that ARIC provide to Council.
- 2 Allow for the phased provision of greater diversity in the ARIC membership (which was an issue identified in the Self-Assessment Survey).
- 3 Ensure there is longer term continuity and stability within ARIC given the phasing and the subsequent reappointment process flowing from this which will result in only one new Independent External Members commencing at the earliest within a 12-month period.

### 4.3 Reappointment of Independent Audit Risk and Improvement Committee Members and provision of the 2019 ARIC Annual Report (contd)

---

#### **Option 4 – Re-appoint the three Independent External Members to allow short term coverage and then undertake a recruitment process.**

Council may resolve to reappoint the three Independent External Members to allow coverage for a short period of time and then undertake a recruitment process for the entire Committee.

Council could extend the tenure of the current three Independent External Members to either the end of this calendar year or to the end of the 2020/21 Financial Year or longer as the Council sees fit.

This is an option that Council can reasonable consider if Council decided not to re-appoint the current three Independent External Members for a longer term, as this:

- 1 Provides Council with short term continuation in ARIC given the current pandemic situation and allows Council further time to reconsider once the current situation is clearer.
- 2 Will also allow for the continuation of ARIC during 2020 and to allow ARIC to provide informed advice/support to Council in relation to Council's 2019/20 financial statements.
- 3 Will provide additional time to conduct the recruitment process and enable Council to further consider the skill set, length of engagement and required background of the Independent External Members that are to be recruited.

To address the requirements of clause 17 of the Charter (set out in Option One above) it is suggested that a minimum of six months (a year would be considered better) grace between each short-term reappointment period is provided.

However, the downside of this option is that it would provide Council with minimal continuity/stability within the importance service and overview that ARIC provide to Council. This option would also result in all the current members leaving within the next year and a half at the end of their term which would not be ideal in terms of knowledge transfer.

If this option is desired, then the suggested wording for the Council Resolution, noting that the length of the terms can of course be determined by Council, would be:

- 1 *That Council recognise the contribution of three Independent External Members of ARIC for their assistance and contribution over the past three years and makes the following phased reappointments:*
  - a. *Dr Colin Gellatly (AO) be re-appointed for a period of six months*

### 4.3 Reappointment of Independent Audit Risk and Improvement Committee Members and provision of the 2019 ARIC Annual Report (contd)

---

- b. John Gordon be re-appointed for a period of one year; and*
- c. Carl Millington be re-appointed for a period of one and a half years.*
- 2 *That Council request that the Chief Executive Officer consider the recruitment process for three new Independent External Members in accordance with the ARIC Charter and provide a further report setting out the plan for this process to the newly elected Council at the 9 November 2020 Ordinary Council Meeting.*
- 3 *That Council determines that the current remuneration for the three Independent External Members be maintained for the term of their reappointment, with the Independent External Members receiving \$20,920 per annum and the Chair receiving an additional 15% or \$3,138 per annum.*
- 4 *That Council note the Audit, Risk and Improvement Committee Annual Report for 2019 that is Attachment 1 to this report.*

#### **Critical Dates**

26 April 2020	The date the current Independent External Members appointments expired.
18 March 2020 to 9 June 2020	Drafting of ARCI Action Plan
17 June 2020	Next Ordinary ARIC Meeting – Report to be included seeking finalisation of proposed Action Plan.
27 July 2020	Report to Council providing the Survey Report and the draft Action Plan developed by ARIC along with the ARIC Minutes
March 2021	Legislative requirement for all NSW Council to have an ARIC and the finalisation of OLG's Risk Management and Internal Audit Framework.

### **4.3 Reappointment of Independent Audit Risk and Improvement Committee Members and provision of the 2019 ARIC Annual Report (contd)**

---

#### **ARIC Annual Report for 2019**

In accordance with Clause 49 of the ARIC Charter, ARIC has completed an Annual Report for the 2019 Calendar Year 2019 which is **Attachment 1** to this report.

The 2019 Annual Report was signed off by the ARIC Chairperson and details the operation and activities of ARIC during the 2019 Calendar Year.

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

Theme 4: Responsible

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

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

#### **Attachments**

- 1** ARIC Annual Report 2019 Provided Under Separate Cover D13818031



**Item No:** 4.4  
**Title:** Community Support Grant Program - February 2020  
**Department:** Connected Communities

---

27 April 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13775159  
Author: Stuart Slough, Team Leader, Community Planning and Funding  
Manager: Glenn Cannard, Unit Manager, Community Partnerships  
Executive: Julie Vaughan, Director Connected Communities

### **Report Purpose**

This report considers the applications and recommendations for the Community Support Grant Program, which supports the community to deliver community activities which require a small amount of funding and/or in-kind support.

A decision of Council is required for the Community Support Grant Program to progress. The impact on this program without a resolution of Council is as follows:

- Funding will not be able to be allocated to community groups to undertake projects of community benefit

### **Recommendation**

- 1 That Council support the recommendations in principle to allocate \$21,264.00 from the 2019/20 grants budget to the community support grant program as outlined in the following report and Attachment 1, subject to 2 below.***
- 2 That Council request the Chief Executive Officer to review the proposals and identify those that may not be able to proceed at this stage due to the COVID-19 pandemic and only allocate to those able to deliver proposed projects***
- 3 That Council decline applications for the reasons indicated in Attachment 2 the application be advised and where relevant, directed to alternate funding***

### **Context**

Council's grant programs are provided to support the community to deliver quality programs, projects or events that build connections, celebrate our local community, that align with the One-Central Coast Community Strategic Plan and build capacity across the entire Central Coast community.

#### 4.4 Community Support Grant Program - February 2020 (contd)

The Community Support Grant Program is provided to support the community to deliver activities which require a small amount of funding and/or in-kind support. The Community Support Grant Program remains open throughout the year to provide assistance for community activities that require:

- 1 In-kind support through the provision of subsidised access to Council services.
- 2 Financial assistance for community activities that require a smaller amount of support.

The Community Support Grant Program provides a combined budget of \$300,000 annually as detailed in table one below.

**Table one: Community Support Grant Program**

<b>Program</b>	<b>Budget</b>	<b>Opening Period</b>	<b>2019/2020 allocation to date</b>	<b>Recommendation allocation within this report</b>	<b>Allocation to date + Recommendation within report</b>
Community Support Grant Program	\$300,000	Ongoing	\$263,163.75	\$21,264.00	\$284,427.75
<b>TOTAL</b>			<b>\$263,163.75</b>	<b>\$21,264.00</b>	<b>\$284,427.75</b>

#### **Current Status**

The Community Support Grant Program remains open for applications throughout the year and the closing date for each assessment period is the last day of each month.

The Community Support Grant Program provides up to \$5,000 per project per financial year in combined funding and in-kind Council services to applicants who are a legally constituted not-for profit organisations, or auspiced by one.

The 2019/2020 "allocation to date" figure of \$291,129.99 reported to the Council meeting of 23 March 2020 has been updated in this report to allow for GST and refunds, with a balance of \$263,163.75 currently available within the Community Support Grant Program.

#### **Assessment**

Twelve applications were received and assessed by 29 February 2020 with seven recommended for funding in this Council report.

The Community Support Grant applications were assessed by Council's Unit Manager Community Partnerships and the Community Planning and Funding Team, against the Community Support Grant Program guidelines.

### **Consultation**

Information on Council's Community Grants program is provided on Council's website and promoted through Council's social media platforms.

Regular emails with relevant information were provided to the community grants database.

Council staff also provided information and individual appointments with interested applicants to assist with their submissions where required.

### **Options**

- 1 Approval of all recommended applications as submitted will provide a community benefit to residents of the Central Coast Local Government Area.
- 2 Non approval of some or all applications, as recommended, may result in projects not being undertaken if the respective proponents are unable to secure alternate funding.

### **Financial Impact**

Council's 2019/2020 Council Operational Expenditure budget allocates \$300,000 to the Community Support Grant Program.

Expenditure is approved until the end of the 2019-20 financial year. Unspent funds will lapse on 30 June 2020.

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

Theme 1: Belonging

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

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

### **Risk Management**

All successful applications will receive a letter of offer outlining Council's requirements of funding, service delivery and accountability for both Council and the funded organisation.

All successful applicants are required to submit a final project acquittal report no later than twelve weeks after the agreed completion date of the activity/project with copies of any photos, promotional materials and evidence of payment/purchase for each funded item.



**Critical Dates or Timeframes**

Many of these grant applications are dependent upon support via Council's grant program. Should decisions be delayed or not supported projects may not be undertaken.

**Attachments**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Community Support Grants- February 2020 - Recommended for Funding | D13918986 |
| <b>2</b> | Community Support Grants- February 2020 - Not Recommended         | D13918988 |

## Recommended for Funding – February 2020

<b>Organisation Name</b>	<b>Project Title and Summary</b>	<b>Staff Funding Recommendation</b>	<b>Staff Assessment</b>
Surf Lifesaving Central Coast Inc.	SLSCC Pool Rescue Development Program - Develop the lifesaving skills and coaching skills of SLSCC members in pool rescue events	\$2,445.00	Recommended for funding as community benefit is demonstrated and all required information is provided.
New South Wales Junior Rugby Union Inc	NSWJRU State Development Gala -assistance to run the NSW Junior Rugby U10/U11 State Development Gala at the Tuggerah Sports complex	\$4,700.00	Recommended for funding as community benefit is demonstrated and all required information is provided.
Rotary Club of Brisbane Water	Communications Equipment for Club Operations - purchase of essential equipment to facilitate presentations to Club members or to assist the Club to make presentations to other parties	\$3,023.00	Recommended for funding as community benefit is demonstrated and all required information is provided.

<b>Organisation Name</b>	<b>Project Title and Summary</b>	<b>Staff Funding Recommendation</b>	<b>Staff Assessment</b>
The Entrance Neighbourhood Centre Inc	Community Welfare Relief Project – hall hire	\$2,000.00	Recommended for funding as community benefit is demonstrated and all required information is provided.
The Fathers Table	The Fathers Table Outreach – Community Support – Partial Subsidy of Rent on Council Premises	\$5,000.00	Recommended for part funding for all items excluding fee for first three months of venue hire as per application budget. The first three months of venue hire item is ineligible as per Guidelines Ineligibility Clause 7.10 due to costs being met retrospectively. Community benefit is demonstrated and all required information is provided.
The Entrance District Baptist Church	Coffee Machine for Various Family, Senior and Mental Health Groups - Coffee machine to facilitate opportunities for various family, seniors and mental health groups in the community to connect	\$2,200.00	Recommended for funding as community benefit is demonstrated and all required information is provided.
Lions Club of Wyong Inc	Replacement of Fridge/Freezer - Replacement after recent floods	\$1,896.00	Recommended for funding as community benefit is demonstrated and all required information is provided.
<b>TOTAL:</b>		<b>\$21,264.00</b>	

## Not Recommended for Funding – February 2020

<b>Organisation Name</b>	<b>Project Title and Summary</b>	<b>Staff Funding Recommendation</b>	<b>Staff Assessment</b>
Coastal a Cappella	Australian Sweet Adeline Championships in Hobart May 15th-17th 2020 -Funds to assist the chorus and chorus members with the expenses incurred to attend the Championships.	\$0.00	Not recommended for funding as broader community benefit is not demonstrated.
Australian Air League Incorporated	AAL Federal Review QLD Toukley Squadron - Require funding for cadet (youth members) to attend Queensland competition Federal Review	\$0.00	Not recommended for funding as the application is ineligible in accordance with ineligibility clause 7.14 of the Community Support Grant Program "Applications seeking funds for personal benefit such as, travel, meal or accommodation costs."
Aboriginal Men's Health and Wellness Group	Aboriginal Youth Support Group - Insurance and sporting funding subsidy	\$0.00	Not recommended for funding as currently proposed as insufficient information is provided to make an accurate assessment. Recommend applicant liaise with Council Grants Officers and consider resubmitting in a subsequent round.
Kulnura Community Arts & Entertainment Program Inc	Kulnura Arts & Crafts Exhibition 2020, part of the CCC Harvest Festival 2020 – For venue hire the Kulnura Memorial Hall	\$0.00	Not recommended for funding due to the cancellation of the Harvest Festival 2020.
Ourimbah Region Residents Association Inc.	Hall hire subsidy - Cover the hall hire and Post Office rental charges for ORRA	\$0.00	Not recommended for funding as applicant has withdrawn application.



**Item No:** 4.5  
**Title:** Borrowings 2020  
**Department:** Finance

---

27 April 2020 Ordinary Council Meeting

Reference: F2004/06616 - D13882041  
Author: Carlton Oldfield, Unit Manager, Financial Services  
Executive: Craig Norman, Chief Financial Officer

### **Report Purpose**

This report has been amended in consideration of the impacts of COVID-19 (Coronavirus).

A decision of Council is required to progress the presentation of a borrowing's proposal for Council's consideration at the meeting of 25 May 2020. The impact on the action without a Council resolution is as follows:

- Council cannot delegate the borrowings of funds to the Chief Executive Officer
  - The financial position of Council will not be improved heading into a COVID19 with increasing financial risks.
- 

### **Recommendation**

***That Council authorises the Chief Executive Officer to present a loan proposal for its consideration at the meeting of 25 May 2020 for the sum of fifty million dollars.***

### **Context**

Council resolved as follows at its meeting of 11 June 2019:

*515/16 That Council note that the draft Operational Plan for the 2019-20 financial year ("Operational Plan 2019-20") was publicly exhibited from Monday 1 April to Wednesday 1 May 2019, as required by ss. 405(3) of the Local Government Act 1993.*

In the Operational Plan under the Statement of Revenue, Council details its position for borrowings for the 2019/2020 financial year (refer page 211).

The section is detailed below for reference:

*It is Council policy to borrow to fund capital projects that have a life expectancy beyond the term for repayment of the loan in order to establish intergenerational equity if there is not sufficient working capital available. All loans are secured over the income of the*

## 4.5 Borrowings 2020 (contd)

---

*Council. In 2019-20 Council does not expect to require borrowings from external financial institutions to fund capital projects. Council will continue to evaluate how it can reutilise funds on hand, by way of internal loans and subject to restriction constraints, rather than seek external finance. The exception will be situations where it is advantageous for Council to borrow e.g. where the borrowing cost is subsidised by the State or Federal Governments.*

With the evolving financial risks associated with the Coronavirus pandemic (COVID19) it is prudent Council look at borrowing funds where it can do so.

Council has significant cash and investments, reported to Council monthly, however the vast majority of these funds are tied to specific requirements and cannot be repurposed for operational needs.

Council's needs for borrowing stem from a number of operational requirements relating to:

- Retiring relatively expensive borrowings obtained from the former Wyong Shire Council and Gosford City Council
- Increasing capital expenditure in recent years to provide greater community infrastructure
- More recently the potential risk of reduced cash receipts from ratepayers impacted by the impending recession prompted by the COVID19 pandemic.
- Satisfying the needs to finance infrastructure with long useful lives (e.g. Water and Sewer assets).

Council is responding to the COVID19 pandemic and it acknowledges its responsibility to reduce inefficient non-essential expenditure whilst also supporting the local economy. With this in mind the need to borrow additional funds is sensible and financially prudent.

The last external borrowings Council initiated was in 2013-2014 for a sum of approximately \$14.5M. Council has acted diligently over the past five years to reduce its expensive borrowings obtained by the former Councils at the time of the Global Financial Crisis (GFC). Based on operational requirements listed above it is time to start refinancing these borrowings to ensure Council is maintaining its liquidity benchmarks set out by the Office of Local Government.

The Long Term Financial Plan in the 2020 Operational Plan provided a figure of \$30m (page 166) as a provisional borrowing amount for the year 2019/20 but however it is proposed to increase this amount due to needs raised above.

Further Council has proposed additional borrowings in the Operational Plan 2020/21 currently on exhibition. The amounts proposed are \$50m per annum for 2020/21 to 2022/23 and will be reassessed annually. The expectation is to 'smooth out' Council's existing debt facilities and introduce a rolling annual borrowing program which will reduce interest rate risk going forward. The mitigation of interest rate risk is a key element of Council's Policy for Debt Management.

Council's current weighted cost of debt is approximately 6% and at this time Council can access funds at a lower rate lowering Council's overall borrowing cost.

A loan proposal will be directed to NSW TCorp and the Big Four banking institutions, namely Australia and New Zealand Banking Corporation (ANZ), Commonwealth Bank of Australia (CBA), National Australia Bank (NAB), Westpac Banking Corporation (WBC). NSW TCorp has recently started lending to NSW Local Governments. Banks outside of this group have historically been unable to satisfy Council's borrowings requirements.

### **Proposal**

It is proposed to borrow an amount of \$50,000,000. Council officers will engage facilitating quotation for borrowings and present this at the meeting of 25 May 2020.

In accordance 09-21 Revised Borrowing Order, Council must have a full understanding of the terms and conditions of the proposed borrowing arrangement before entering the contract.

### **Consultation**

Consultation has been undertaken with Finance staff whom are responsible to managing Council's liquidity.

### **Options**

- 1 Council authorises the Chief Executive Officer to pursue borrowing a different amount of funds.
- 2 Council resolves not to borrow at all.

### **Financial Impact**

Council continues to manage its cash flow prudently and this additional borrowing will assist its financial liquidity benchmarks set out by the Office of Local Government.

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

Theme 4: Responsible

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

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

**Risk Management**

Council is required to ensure it has sufficient financial liquidity to meet its financial obligations into the medium/long term.

**Attachments**

- 1 Debt Management Policy - STRATEGIC Provided Under Separate Cover D13670001



**Item No:** 4.6  
**Title:** Investment Report for February and March 2020  
**Department:** Finance

---



27 April 2020 Ordinary Council Meeting

Trim Reference: F2004/06604 - D13749440

Author: Carlton Oldfield, Unit Manager, Financial Services

Executive: Craig Norman, Chief Financial Officer

### **Report Purpose**

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

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

Council will combine the Investment Reports for February and March 2020 as the Investment Report for February 2020 was deferred prior to the Extraordinary Council Meeting on 23 March 2020.

### **Summary**

This report details Council's investments as at 29 February 2020 and 31 March 2020

### **Recommendation**

***That Council receive the Investment Report for February 2020 and March 2020.***

### **Context**

Council's investments are made in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005, the investment policy adopted at the Ordinary

## 4.6 Investment Report for February and March 2020 (contd)

Council Meeting on 28 October 2019, Ministerial Investment Order issued February 2011 and Division of Local Government (as it was then known) Investment Policy Guidelines published in May 2010.

### Current Status

Council's current cash and investment portfolio totals \$419.31 million at 29 February 2020 and \$393.27 as at 31 March 2020.

Source of Funds	February 2020 Value (\$'000)	March 2020 Value (\$'000)
Investment Portfolio	\$403,570	\$387,790
Transactional accounts and cash in hand	\$15,735	\$5,480
<b>Total</b>	<b>\$419,305</b>	<b>\$393,271</b>

Council had a net inflow of \$16.75 million in February 2020, with increase in cash of \$4.24 million and \$12.51 million in Investments. Whilst in March 2020, Council has a net outflow of \$26.0 million.

This investment report will focus primarily on the investment portfolio of \$387.79 million as at 31 March 2020. Investment of funds is restricted and thus are managed primarily through term deposit and floating rate note maturities and placements.

Total net return on the portfolio for Council, in February was \$624K and \$2.54m in March, comprising entirely of interest earning. The total value of the Council's investment portfolio as at 31 March 2020 is outlined in Table 1 below.

**Table 1 – Portfolio Movement**

Description	2018-19 Financial Year \$'000	Sep-19 Qtr 2019/20 \$'000	Dec -19 Qtr 2019/20 \$'000	Jan -20 2019/20 \$'000	Feb -20 2019/20 \$'000	Mar-20 2019/20 \$'000	Mar -20 Qtr 2019/20 \$'000	FYTD 2019/20 \$'000
<b>Opening Balance</b>	<b>467,254</b>	<b>445,661</b>	<b>433,160</b>	<b>394,500</b>	<b>391,059</b>	<b>403,570</b>	<b>394,500</b>	<b>445,661</b>
Movement for the period	-21,593	-12,501	-38,659	-3,441	12,510	-15,779	-6,710	-57,870
<b>Closing Balance</b>	<b>445,661</b>	<b>433,160</b>	<b>394,500</b>	<b>391,059</b>	<b>403,570</b>	<b>387,790</b>	<b>387,790</b>	<b>387,790</b>
Interest earnings	13,017	2,724	2,543	684	624	623	1,931	7,198

Council's investments are evaluated and monitored against a benchmark appropriate to the risk (Standard and Poor's BBB long term or above) and time horizon of the investment concerned. Council's investment portfolio includes rolling maturity dates to ensure that Council has sufficient funds at all times to meet its obligations. A summary of the term deposit and floating rate notes maturities are listed in Table 2 below.

**Table 2 - Investment Maturities as at 31 March 2020**

Time Horizon	Percentage Holdings	Maturity on or before	Value \$'000
<b>At Call</b>	8.91%	Immediate	34,568
<b>Investments</b>			
0 - 3 months	30.66%	Jun-2020	118,906
4 - 6 months	25.53%	Sep-2020	99,008
7 - 12 months	11.87%	Mar-2021	46,017
1 - 2 years	11.63%	Mar-2022	45,085
2 - 3 years	2.58%	Mar-2023	10,000
3 - 4 years	1.29%	Mar-2024	5,000
4 - 5 years	7.53%	Mar-2025	29,206
<b>Total Investments</b>	<b>91.09%</b>		<b>353,222</b>
<b>Total Portfolio</b>	<b>100.00%</b>		<b>387,790</b>

The investment portfolio is concentrated in AA above (56.13%), A (25.79%) and BBB (17.82%). The investments in AA are of a higher credit rating and BBB represented the best returns at the time of investment within Policy guidelines. Financial institutions issuing fixed income investments and bonds are considered investment grade (IG) if its Long-Term credit rating is BBB or higher by Standard and Poor (S&P).

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

The current spread of investments and counterparty exposure for March 2020 are shown in Graphs 1 and 2 respectively in Attachment 5.

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

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

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

Council currently holds 7.00% or \$27 million in ESG investments as at 31 March 2020.

### **Portfolio Return**

Interest rates on investments in the month, ranged from 1.21% to 3.50%, all of which exceeded the monthly Bank Bill Swap Rate (BBSW) benchmark of 0.81%.

The annualised financial year to date return for March of 2.46% for Central Coast Council is favourable compared to benchmark bank bill swap (BBSW) *financial year to date* Calculated Bank Bill Index of 1.43% as shown in Graph 3 - Portfolio Returns in Attachment 3.

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

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

<b>Source of Funds</b>	<b>Value (\$'000)</b>
Investment Portfolio	\$387,790
Transactional accounts and cash in hand	\$5,480
<b>Total</b>	<b>\$393,271</b>
Draft Restrictions	\$434,328

**Link to Community Strategic Plan**

Theme 4: Responsible

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

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

**Attachments**

<b>1</b> Summary of Investments by Type at 29 February 2020	Provided Under Separate Cover	D13856203
<b>2</b> Investment Report for February 2020 - Graph 1, 2 & 3	Provided Under Separate Cover	D13856218
<b>3</b> Summary of Investments by Type at 31 March 2020	Provided Under Separate Cover	D13920090
<b>4</b> Summary of Proposed Restrictions at 31 March 2020	Provided Under Separate Cover	D13920108
<b>5</b> Investment Report for March 2020 - Graph 1, 2 & 3	Provided Under Separate Cover	D13920145



**Item No:** 4.7  
**Title:** Dredging on the Central Coast  
**Department:** Environment and Planning

---

27 April 2020 Ordinary Council Meeting

Trim Reference: F2016/02332 - D13690499

Author: Ben Fullagar, Section Manager, Coastal Protection

Manager: Luke Sulkowski, Unit Manager, Environmental Management

Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

The purpose of this report is to respond to a number of Council Resolutions and community concerns relating to dredging in the Central Coast Local Government Area and for Council to consider options for the future.

This report has been amended in consideration of the impacts of COVID-19 (Coronavirus). A decision of Council is required for the action to progress. The impact on service delivery requirement without a resolution of Council is as follows:

- In the absence of the report, current information and further determinations regarding dredging programs will still not be able to be appropriately considered by Council and the community. Staff recognise that this topic is one that has generated concern and interest amongst our community, particularly following the February 2020 storm event, and subsequently recommend immediate consideration.

### **Recommendation**

- 1 That Council note the report on Dredging on the Central Coast and the report by GHD Group Pty Ltd titled the Entrance Channel Dredging Operations Feasibility Review August 2019.***
- 2 That Council note that the 2020 dredging program of The Entrance Channel has commenced with a number of planning tasks completed, and initial sand berm modification and channel maintenance completed on 6 April 2020.***
- 3 That Council seek an independent financial cost benefit analysis of owning and operating a dredge in comparison with a contract dredge.***
- 4 That Council complete its commitment to dredging Ettalong (between Little Box Head and Half-Tide Rocks) in accordance with the 'Rescuing Our Waterways' funding agreement***

## Background

This report discusses dredging at The Entrance and Ettalong (Little Box Head to Half Tide Rocks) including an overview of the dredging requirements and makes recommendations for future management. Detailed discussion in regards to dredging programs at each of these locations is included in Attachment 1.

## Context

At its Ordinary Council Meeting of 8 October 2018 in response to Item 6.5 Notice of Motion "Central Coast Dredging" Council resolved the following:

- 1079/18 *That Council request the Chief Executive Officer advise and create a detailed report outlining the dredging requirements across the relevant waterways within the Central Coast region.*
- 1080/18 *That Council request the Chief Executive Officer assess the merits of developing a business case for Central Coast Council to own or lease a dredge, including staffing costs and maintenance, that could meet the Central Coast region's long-term dredging requirements and that could also be contracted to other authorities.*

This report addresses Council's resolutions of 8 October 2018.

In addition to the above, Council at its Ordinary Council Meeting of 9 December 2019 in response to Item 8.3 Notice of Motion "Closure of the Iconic Entrance Boatshed" resolved the following:

- 1324/19 *That Council request the Chief Executive Officer to urgently carry out a foreshore cleanup around The Entrance Boatshed down to the eastern end of Memorial Park.*
- 1325/19 *That Council seeks to redirect if possible surplus funds from the Brisbane Water dredging program also any Federal or State Government opportunities that may be available.*
- 1326/19 *That Council request the Chief Executive Officer urgently report all the aspects of this issue for Councils consideration.*
- 1327/19 *That Council request the Chief Executive Officer continue to pursue all funding options, including the State Government's Rescue our Waterways Fund, for long term funding solution for the maintenance of the Entrance Channel.*
- 1328/19 *That Council request the Chief Executive Officer seek advice and expert opinion from Crown Lands staff on the best way to proceed with maintaining*

*long term sustainable access in keeping with the previous dredging profile and seeking to address current issues where possible.*

- 1329/19 *That Council convene a roundtable of experts and stakeholders including the Mayor and Chief Executive Officer as well as the Member for The Entrance, David Mehan MP, Member for Terrigal Adam Crouch MP, the three ward Councillors, DPIE Crown Lands staff – regarding an ongoing strategy to keep The Entrance Channel open and accessible for the community.*
- 1330/19 *That Council request that the Mayor and Chief Executive Officer meet with the owner of The Entrance Boatshed regarding the issues raised.*
- 331/19 *That Council request the Chief Executive Officer to write to Adam Crouch MP, Member for Terrigal, for advice as to whether a portion or all of the \$1.4 million in funding left over from dredging the Ettalong Channel can be diverted to fund dredging of The Entrance Channel as an interim solution.*

Regarding the resolutions of 9 December 2019 noted above staff advise the following:

The report included as Attachment 1 discusses maintenance dredging of the relevant waterways of the Central Coast region, being, the Entrance and Ettalong (Little Box Head to Half Tide Rocks) and makes recommendations for future management.

In reference to resolution 1324/19, Council staff completed a water-based clean-up of litter at The Entrance Channel in the vicinity of The Entrance Boatshed and Memorial park in December 2019.

In reference to resolution 1325/19, reallocation of grant funding from the Ettalong dredging program to The Entrance, NSW Crown Land staff who administer the Rescuing Our Waterways grant program have provided advice to Council staff that transfer of funds is not possible. It is noted the remaining NSW Government contribution for Brisbane Water is up to \$225,000 with the remaining \$1,225,000 being contributed by Council from general funds.

In reference to resolution 1327/19, regarding the instruction for staff to seek funding for maintenance of The Entrance Channel, an application for grant funds under the state government Rescuing Our Waterways program was submitted in June 2019 and re-submitted in November 2019. Council received advice from the NSW government on 11 February 2020 that the application was successful. Council staff signed and formally accepted the funding agreement on 21 February 2020. The state government countersigned the agreement on 2 April 2020, and subsequently returned the agreement to Council.

Since notification of the grant funding, the scope of works endorsed as part of the grant have already commenced. This includes planning aspects of the work (such as aerial LiDAR survey and analysis of the estuary mouth using a drone, and hydrographic bed surveys of the estuary mouth completed through February and March 2020) as well as initial on ground activities (including berm management, maintenance of the channel to promote continued

tidal exchange, and placement of sand along the heavily eroded southern foreshore that occurred on 6 April 2020)

A long-term funding solution for maintenance dredging of The Entrance Channel has not been identified with staff noting that the state government does not consider The Entrance Channel a "Key Investment Location", or a "Priority Regional Location" in the "NSW Coastal Dredging Strategy 2019-2024" despite it being a crown asset that contains state owned infrastructure.

In reference to resolution 1328/19 regarding an instruction to seek advice and expert opinion from Crown Land staff, on 9 March 2020 Council staff met with various State Government Agencies and industry experts, including NSW Department of Planning Industry and Environment – Crown lands (Crown Lands), NSW Department of Primary Industries (Fisheries), NSW Environment Protection Authority (EPA) and, NSW Department of Planning Industry and Environment – Environment, Energy and Science (DPIE), to discuss short-term management options for The Entrance Channel. Preliminary discussions were held in regards to long term sustainable navigation access in the Entrance Channel, particularly in the vicinity of the boat shed, however appropriate long term solutions to this matter have not yet been identified.

Long term solutions will be developed in conjunction with the development of the Tuggerah Lakes Coastal Management Program (TLCMP) and with the advice of the expert panel that was committed by the NSW state government in February 2019 in order to support the development of the TLCMP.

In accordance with resolution 1329/19, a further Roundtable meeting of stakeholders and experts was scheduled for 16 March 2020. Unfortunately this meeting was postponed on 16 March 2020, due to public health and safety concerns arising from the escalation of the COVID-19 (Coronavirus) pandemic. Staff note that many of the concerns presented by the proprietor of The Entrance Boatshed when Council considered the matter on 9 December 2019 were related to shoaling and shallowing in front of the boat shed, making it navigably inaccessible. The February 2020 Tuggerah Lakes Flood Event, has moved the sand from the north side of The Entrance Boatshed so small watercraft can now access it. Hydrographic surveys completed in March 2020 confirm the navigable depth to the north of The Entrance boatshed, and suggest the February 2020 flood event moved approximately 143,000 cubic metres of sand from the mouth of the estuary to offshore sand shoals (a typical dredging program would move approximately 40,000 cubic metres of sand). The longer The Entrance channel remains open, the more likely sand shoals will start to redevelop in front of the boat shed as they did previously, as the shoaling of sand in this location is an ocean driven function.

In reference to resolution 1331/19, Council wrote to Adam Crouch MP on 10 January 2020 in accordance with Council's resolution. A copy of the letter is provided for reference in Attachment 3.

In the development of a detailed report into dredging of the relevant waterways of the Central Coast Region, staff procured a report "The Entrance Channel Dredging Operations –



## 4.7 Dredging on the Central Coast (contd)

Feasibility Review" (GHD Report) which is included as Attachment 4 of this report. The GHD Report examines several aspects of The Entrance Channel dredging program which are discussed further in Attachment 1.

For the Entrance Channel, the GHD Report provides advice about the costs and risks of owning a dredge as opposed to undertaking dredging programs via contract. These are summarised in Table 1.

**TABLE 1:** Summary advice on costs and risks of owning vs contracting dredging services. Drawn from "The Entrance Channel Dredging Operations – Feasibility Review" (GHD Report)

	<b>Buying a new small dredge</b>	<b>Dredging via contract</b>
<b>Capital Cost</b>	\$1,300,000 to \$2,000,000	Zero
<b>Operating Costs</b> (for one dredging campaign)	\$670,000 Likely to be about 2/3 of the operating costs via contract	\$1,000,000
<b>Risks</b>	Future tightening of environmental controls may render dredging more costly or potentially unfeasible.	Greater risk of standby costs and variations

Purchase of a new small dredge would likely be more cost effective if Council was to commit to further dredging of The Entrance Channel for at least another 10 years, but this may also potentially expose Council to greater risks. The GHD Report recommends that Council seek a further independent financial cost benefit analysis of owning and operating a dredge in comparison with a contract dredge.

### Consultation

Various staff within Central Coast Council who have had historic exposure to various proposed or actual dredging programs have been consulted in the development of this report.

### Options

The recommended approach for how Council should support various dredging programs in the Central Coast LGA by each relevant location is presented below.

The GHD Report considered a number of options for management of The Entrance Channel. These are summarised in Table 2:

**TABLE 2:** Comparison of options for management of The Entrance Channel (from Table 5-1 of "The Entrance Channel Dredging Operations – Feasibility Review" GHD 2019)

<b>Criteria</b>	<b>Maintenance of Council's existing dredge</b>	<b>Purchase new dredging equipment</b>	<b>External dredging contractor</b>	<b>Entrance training walls</b>	<b>Alternative dredging technology</b>	<b>Entrance adjustment trial</b>
<b>Performance</b>	Existing production rates of 60m <sup>3</sup> /hr could be maintained however fuel burn rates would not meet modern industry standards.	Smaller modern dredges can achieve similar production rates offered by the Council's current dredge.	Expected to complete the work in a timely, cost effective and environmentally sensitive manner.	Likely not to self-scour and maintenance dredging would still be required.	A mobile Sandshifter could be expected to move around 180 m <sup>3</sup> /hr under similar circumstances. Wrack and seagrass could be a hindrance.	With a berm height set it is likely that the entrance will self-scour during flooding events.
<b>Environment</b>	Impacts generally as assessed in the 2009 REF. Few improvement options with the exception of GHG emissions which exceed modern industry standards	An upgrade is not expected to alter the impacts of dredging works on the biodiversity, coastal habitats or morphology in the region.	Not expected to alter the impacts of dredging works on the biodiversity, coastal habitats or morphology in the region.	Expected to have minor long-term impacts on the biodiversity, coastal habitats and/or morphology in the region, though some would be positive.	Not expected to alter the impacts of dredging works on the biodiversity, coastal habitats or morphology in the region.	Timelines and intensities for the outcomes are unknown and difficult to quantify without the completion of detailed studies.
<b>Legislative requirement</b>	Differing Council and NSW EPA interpretations of the approval conditions led to stop work notice issued in 2018. EPA discussions are ongoing.	Subject to the same licenses and approvals as the current dredge. Additional approval required for wrack collection.	Subject to the same licenses and approvals as Council's existing dredging operations.	Extensive approvals would be required from multiple consent authorities.	Subject to the same licenses and approvals as Council's existing dredging operations.	The Council should seek legal advice regarding dredging responsibilities and potential liability associated with the impacts of temporary cessation of dredging works.

Criteria	Maintenance of Council's existing dredge	Purchase new dredging equipment	External dredging contractor	Entrance training walls	Alternative dredging technology	Entrance adjustment trial
<b>Health &amp; Safety</b>	Aging equipment can present HSE issues however Council has comprehensive plans and management measures in place.	Subject to the same health and safety risks and control measures.	Largely subject to the same health and safety risks and control measures as current activities.	Construction expected to produce risks to health and safety which can be managed.	Fencing and signage required to address drowning hazard around intake.	Monitoring water quality parameters
<b>Cultural &amp; Social</b>	Differing opinions within the community regarding the need for and scale of dredging works.	Some improvement to operational noise levels.	Negligible difference and expected to generate the least community concern.	Negatively impact on the overall aesthetics of the region. Construction will impede on beach recreation.	Negligible. Some improvement to operational noise levels.	A number of community groups passionate about the dredging of The Entrance and improvement of water quality.
<b>Cost</b>	Recent trends in increasing repair and maintenance costs expected to continue as more components require repair or replacement.	High initial cost and lower on-going operational and maintenance costs than the existing dredge.	Higher cost per cubic metre of sediment and mobilisation and demobilisation costs. Council will not be liable for maintenance costs.	Extremely high initial cost. The most recent study estimated a construction of \$43 million in 2013.	A mobile Sandshifter would be more cost effective than traditional dredging campaigns, though a fixed bypass system would be cost prohibitive.	Lowest cost of the five options.
<b>Risk Assessment</b>	Key risks relate to the costs of major repairs and availability of the dredge during these periods.	Future tightening of environmental controls may render dredging more costly or potentially unfeasible.	Greater risk of standby costs and variations.	Availability of suitable size and quality armour rock has proven to be an issue. Council still require to mitigate current dredging risks.	Similar to those associated with the current operations. Limited flexibility may fail to achieve current benefits of dredging works.	Significant risks to Council regarding community perceptions.

Based on the analysis of options for The Entrance Channel, including information identified in the GHD report, and other information considered and discussed further in attachment 1, in relation to dredging of The Entrance Channel and Ettalong, the immediate priority recommendations are summarised in Table 3.

**TABLE 3:** Summary recommendations for dredging and management of The Entrance Channel and Ettalong.

Location	Recommendations
The Entrance Channel	<ul style="list-style-type: none"> <li>• Develop a berm monitoring and management procedure for The Entrance Channel</li> <li>• Obtain an independent cost/ benefit analysis examining the benefits of owning a dredge as opposed to undertaking dredging programs via contract.</li> </ul>
Ettalong (Little Box Head to Half Tide Rocks)	<ul style="list-style-type: none"> <li>• Council complete the follow up dredging at Ettalong (between Little Box Head and Half-Tide Rocks) in accordance with the 'Rescuing Our Waterways' funding agreement</li> </ul>

These recommendations are derived from the more detailed version of this table that is provided in Table 1 of the *Dredging Report* (Attachment 1). In reference to The Entrance Channel program, Attachment 1 was developed with consideration of *The Entrance Channel Dredging Operations Feasibility Review*, which was a report commissioned by Council and prepared by GHD in August 2019 (Attachment 4).

Council may choose to commit to taking responsibility for undertaking maintenance dredging at various waterways across the Central Coast that are on land under ownership and control of the state government. This will come at considerable ongoing cost to Council and consideration for budgeting of the program would need to be considered in Council's Long-Term Financial Plan.

**Financial Impact**

There are no direct financial impacts arising from the recommendations of this report. Engagement of an independent supplier to undertake a cost-benefit analysis of owning as opposed to contracting a dredge can be accommodated within the existing dredging budget due to realised underspends on plant and fleet hire resulting from the decommissioning of the dredge part way through the 2019/20 financial year.

**Link to Community Strategic Plan**

Theme 3: Green

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

#### **4.7 Dredging on the Central Coast (contd)**

---

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

#### **Attachments**

<b>1</b>	Dredging Report	Provided Under Separate Cover	D13862736
<b>2</b>	Historical Aerial Photos Brisbane Water and Tuggerah Lakes Entrance Channel at The Entrance	Provided Under Separate Cover	D13773149
<b>3</b>	Adam Crouch MP Letter re Closure Iconic Entrance Boatshed	Provided Under Separate Cover	D13780847
<b>4</b>	The Entrance Channel Dredging Operations Feasibility Review - GHD Final (Aug 2019)	Provided Under Separate Cover	D13801998



**Item No:** 4.8  
**Title:** Central Coast 7.12 Developer Contributions Plan  
**Department:** Environment and Planning

---

27 April 2020 Ordinary Council Meeting

Reference: F2019/00041-004 - D13900069  
Author: Gary Hamer, Section Manager, Strategic Planning  
Jo Doheny, Senior Strategic Contributions Planner  
Manager: Karen Tucker, Acting Unit Manager, Strategic Planning  
Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

This report has been amended in consideration of the impacts of COVID-19 (Coronavirus). A decision of Council is required for the action to progress. The impact on the project without a resolution of Council is as follows:

- The proposed Section 7.12 Central Coast Contributions Plan and proposed amendments to the former Wyong Council Contributions Plans cannot come into effect as Clause 31 of the Environmental Planning and Assessment Regulations require Council to consider submissions about the draft contributions plan. Council is then required to either approve the plan in the form it was publicly exhibited, approve the plan with such alterations as the Council determines or may decide to not to proceed with the plan. Council is also required to give public notice of its decision within in a local newspaper within 28 days after the decision is made.
- If the proposed draft contributions plan and amendments to the existing contributions do not come into effect then the inconsistency in levying contributions on secondary dwellings will continue to occur between the former Gosford and Wyong Council areas. Also areas within the former Gosford Council area not covered by a current contributions plan will not be levied contributions for developments undertaken.

The purpose of this report is to consider the submissions received as part of the public exhibition of the amended former Wyong Shire Council section 7.11 contributions plans and Central Coast Section 7.12 Contributions Plans.

This report recommends Council approve the amendments to the former Wyong Shire Council Section 7.11 Contributions Plans and the draft Central Coast Section 7.12 Contributions Plan.

## Recommendation

- 1 That Council approve the draft Central Coast Section 7.11 Contributions Plans and the Central Coast Section 7.12 Contributions Plan as amended, specifically:**

### **Central Coast Section 7.11 Contributions Plans**

- **Delete reference to Wyong Shire Council, either as a phrase or individual words, including logos except where occurring in titles of documents and replace, where appropriate, to references to Central Coast Council.**
- **Update references to any date or year where appropriate.**
- **Delete reference to s94 and section 94 and replace with s7.11 wherever occurring.**
- **Delete reference to repealed legislation and replace with current legislation including definitions, indexation and clause and section numbers where appropriate.**
- **Amend minor typographical errors and phrasing wherever occurring.**
- **Amend tables and text references to secondary dwellings to remove the previous discount to secondary dwellings wherever occurring.**
- **Update Plan Amendment table to reflect current amendments.**

### **Central Coast Section 7.12 Contributions Plan**

- **Replace the word cycleway with shared path where ever occurring**
- **Amend the Work Schedule Table to include two columns with the headings of total actual costs and costs covered by other sources.**
- **The works schedule be changed as follows:**

#### **Deletion of the following shared pathways:**

<b>Route</b>	<b>Bike Plan Link ID</b>	<b>Suburb</b>	<b>Cost (\$M)</b>
<b>Malinya Road</b>	<b>356</b>	<b>Saratoga</b>	<b>\$0.6</b>
<b>Eastern Road</b>	<b>220, 221</b>	<b>Bateau Bay</b>	<b>\$0.4</b>
<b>Barrenjoey Road</b>	<b>43</b>	<b>Ettalong</b>	<b>\$0.5</b>

#### **Addition of the following shared pathways:**

<b>Route</b>	<b>Bike Plan Link ID</b>	<b>Suburb</b>	<b>Cost (\$M)</b>
<b>Mannering Park</b>	<b>135-136, 349</b>	<b>Mannering Park</b>	<b>\$3.6</b>

**Change in Cost of the following shared pathways:**

<b>Route</b>	<b>Bike Plan Link ID</b>	<b>Suburb</b>	<b>Cost (\$M)</b>
<b>Magenta Boardwalk</b>	<b>348</b>	<b>Magenta</b>	<b>\$5.0</b>
<b>Tuggerawong</b>	<b>103</b>	<b>Tuggerawong</b>	<b>\$3.9</b>
<b>Kurrawa Avenue</b>	<b>357</b>	<b>Point Clare</b>	<b>\$5.0</b>
<b>Empire Bay Drive</b>	<b>88</b>	<b>Empire Bay</b>	<b>\$0.7</b>

- 2 That Council give public notice of its decision to approve the draft Central Coast Section 7.11 Contributions Plans as exhibited and the Central Coast Section 7.12 Contributions Plan with amendments to the works schedule within 28 days of its resolution in accordance with the requirements of the Environmental Planning & Assessment Regulations 2000.**
- 3 That Council formally apply Section 7.11 contributions to Secondary Dwellings in the former Gosford Local Government area when the Central Coast Section 7.11 Contributions Plans and the Central Coast Section 7.12 Contributions Plan comes into effect.**
- 4 That Council advise those persons who made submissions of Council's decision.**
- 5 That Council provide a copy of the approved contributions plans to the Minister of Planning & Public Spaces in accordance with Section 7.18 of the Environmental Planning and Assessment Act 1979.**

**Background**

Council at its meeting of 26 August 2019, considered a report on the proposed draft Central Coast Section 7.12 Contributions Plan and amendments to the existing former Wyong Section 7.11 Contributions Plan. The amendments included an to end the discount on contributions levied for secondary dwellings and resolved to public exhibit the proposed new draft contributions plan and the amendments to the existing contributions plans for a period of 28 days in accordance with the Environmental Planning and Assessment Regulation 2000.

Prior to the exhibition period there were administrative amendments undertaken to the former Wyong section 7.11 Contributions Plans. This included removal of any reference to the former Wyong Council other than where this was included in the title of a document, update references to reflect changes in legislation.

**Report**

The draft Central Coast 7.12 Developer Contributions Plan was placed on public exhibition from the 6 November 2019 to 6 December 2019 with two public submissions received. A



submission was also received from Council's Road Assets Planning and Design section. A summary of the relevant issues as they relate to the Section 7.12 and 7.11 contributions plans are outlined below:

### **Section 7.12 Contributions Plan**

*Concern that the money is going to be pooled and that the money raised is not going to be spent in the areas that it should be allocated to.*

#### **Comment**

The draft contributions plan only provides for one category of works and as such there will be no pooling of contributions. The contributions must be spent on the works identified within the works schedule of the Contributions Plan.

*All the money is going to be allocated to the eastern areas of the Central Coast. There is no money spent west of the Pacific Highway.*

#### **Comment**

Agreed.

Priority pathway projects were strategically identified in the development of Council's recently adopted Bike Plan and Pedestrian Access & Mobility Plan (PAMP). The Plans were developed in alignment with RMS guidelines and following extensive community consultation. Every Council Ward is equitably represented in the final Section 7.12 project pathway project lists.

Both Plans applied a structured / industry recognised methodology to identify priority pathway routes for investment. This included a strong emphasis on connecting strategic town centres, public transport hubs, schools, high density residential areas and completing recreational waterway loops.

The Section 7.12 pathway projects included two projects located west of the Pacific Highway – the Mannering Park Shared Pathway (final alignment in development) and the Pacific Highway, Hamlyn Terrace project.

The Bike Plan and PAMP also contain a number of other pathway projects located west of the Pacific Highway. These projects will continue to receive consideration of funding as part of Council's annual Capital Works Budgeting processes.

*There is no provision for purchase of land for community use in developing areas.*

**Comment**

The purchase of land in developing areas is normally identified in a Section 7.11 Contributions Plans where it can be demonstrated that there is a nexus between the land required and the demand for the land generated by the incoming population.

*The use of money is very limited with no money being put into facilities like courts, sports fields or bush walking tracks (which is very limited in the north of the coast). How can open space be improved or embellished if there is no open space. There is no provision for flood mitigation which would increase as development happens with more hard surfaces.*

**Comment**

The facilities discussed above are considered more appropriate in a Section 7.11 Contributions Plan.

*No explanation has been given as to why the draft Contributions Plan proposes to exempt all dwellings and alterations including those on land that paid no contributions at subdivision stage. The previous report to Council incorrectly purports that this change is due to a legislative exemption which is incorrect. There is no acknowledgement that the levy can continue to apply to dwelling houses including alterations and additions and no informed discussion about the financial and equitable merits in continuing the levy on the same basis that applies under the current Section 7.12 Contributions Plan or possibly with modification to the percentage of the levy and /or a change to the threshold i.e. \$400,00 for a dwelling house and \$200,000 for alterations and additions.*

**Comment**

Council wants to encourage the redevelopment of the existing housing stock, therefore, it is considered inappropriate to impose a 7.12 levy for dwellings and additions for residents who request to upgrade or rebuild their current dwellings. Also there is no increased density with the redevelopment of a single dwelling house.

*The draft Contributions Plan appears to be silent on whether Council is volunteering to be committed to fund any shortfall collected under this plan. It is requested that a statement be inserted into the plan specifically stating: "This plan does not impose any obligation on Council to fund works in this plan on behalf of the existing population that cannot be funded under this contributions plan."*

**Comment**

Council is aware that any shortfall in funding as identified in the previous Council Reports will be funded from General Fund or Grants. It is not appropriate to include a statement to this effect in any Contributions Plan.

*If the works in the plan are to satisfy the growth outlined in the Demand for Facilities in the draft plan, why isn't there a S7.11 Nexus plan to collect contributions for this demand?*

**Comment**

Council is implementing a staged approach to the review of all contributions plans including the existing Section 7.11 Contributions Plans which will lead to the preparation of a single Section 7.11 Contributions Plan to cover the entire local government area. This future plan will capture future population growth and provide the relevant public facilities to meet that demand.

*There has been no mention of the funding stream for regional cycleways under the current Wyong Shire Wide Contributions Plan in any reports to Council relating to the proposed Central Coast Regional 7.12 Contributions Plan. Thus, all residential development in the former Wyong LGA will be contributing to regional cycleways, but no residential development in the former Gosford LGA under a s7.11 Plan will. The proposed amendments to the Wyong Shire Wide Plan will mean that contributions to regional cycleways made by secondary dwellings in the former Wyong LGA will in most cases double. It is requested that Council immediately expand the Wyong Shire Wide Contributions Plan to include the former Gosford LGA.*

**Comment**

The proposed cycleways in this plan are not included in any of the current Section 7.12 Plans for the local government area. As stated above, Council is implementing a staged approach to the review and amendment of the existing Section 7.11 Contributions Plans which includes the Wyong Shire Wide Contributions Plan.

*There is a need to question whether Council wishes to have deferred payment provisions and the idea that financial hardship is a justification for deferring contributions is absurd and certainly a judgement that is not a consideration to be made by staff under delegated authority and is a matter for Council to make a judgement. It is requested that Section 1.12 be deleted and replace with a simple statement that deferred payment of contributions may be permitted in accordance with any current Council policy.*

**Comment**

The Environmental Planning and Assessment Regulations 2000 requires that any Contributions Plan must include particulars of the Council's policy concerning the timing of the payment of monetary section 7.11 and 7.12 contributions, and the imposition of Section 7.11 and 7.12 conditions that allow deferred or periodic payment. The clause has been reviewed by Council's legal section who after amendments concur with the wording of the clause. In addition, the clause does not indicate that Council staff would deal with deferred payments under delegated authority. Any requested for deferred payment would be assessed and dealt with having regard to merits of the case.

**Section 7.11 Contributions Plans (existing)**

*The report proposes to double in most case the contribution levied on secondary dwellings under all of the Wyong Contributions Plans which is totally inequitable and foolhardy in advance of adopting a common methodology for how contributions are calculated. Under most of the Gosford Plans a secondary dwelling will pay approximately 40% of the subdivided lot rate and under the current Wyong Plans a secondary dwelling will pay 35% of a subdivided lot rate. The proposed amendments will see a secondary dwelling under the Wyong Plans pay 73% for a two bedroom dwelling and 52% for a one bedroom secondary dwelling. The draft amendments to the Wyong plans have been prepared on the assumption that the 35% of the subdivided lot rate is a discount. No information has been provided to demonstrate that 35% of the subdivided lot rate is not appropriate and compared to the 40% of a secondary dwelling under the Gosford Plans, the 35 % under the Wyong Plans doesn't look out of place. The amendments to the Wyong Section 7.11 plans should be deferred until it has adopted a single methodology for all Contributions Plans.*

**Comment**

The proposed amendments to the existing former Wyong Section 7.11 Contributions Plans removes the current "discount" applied to secondary dwellings which will provide equity between other residential development levied on the number of bedrooms within the applicable contributions plan. The percentage based on the amount paid for a residential lot is irrelevant and is not the appropriate methodology to levy contributions as the existing Contributions Plans levy contributions based on a per person (Gosford) or per bedroom (Wyong) basis which will continue while the existing contributions plans are in place.

*That confirmation be provided as to when Council's resolution will be acted on to recommence the collection of contributions under Gosford s7.11 Contributions Plans for secondary dwellings*

**Comment**

Contributions will be levied for secondary dwellings under the former Gosford Contribution Plans when the new draft Section 7.12 Contributions Plan and the amendments to the existing former Wyong Contributions Plans come into effect.

*The former Gosford resolution to exempt the payment of contributions could only legally be applied to consents issued by Council and not to those issued by a private certifier as certifiers have always been compelled to comply with the requirements of an adopted contributions plan irrespective of what Council may resolve.*

**Comment**

The former Gosford Council's resolution was that applied to all applications made under Part 4 of the Environmental Planning and Assessment Act provided the total floor area was 60 sqm or less. The onus is on the private certifier to act in accordance with any legislation including Ministerial directions.

*There are many areas of the former Gosford LGA that do not have a Section 7.11 Contributions Plan and developments have been approved without contributions being made to community infrastructure. This is proposed to be addressed in the preparation of the draft s7.12 contributions plan. There is a major inequity in the quantum of contributions being paid for developments in the former Gosford LGA under the s7.12 plan compared to the Wyong s7.11 Contributions Plans many of which are based on the cost of providing a standard provision rate for open space and community services. It is requested that Council prepare a generic s7.11 Contributions Plan for those areas of the former Gosford LGA that have no such plan based on the standard open space and community facilities provision rates under the Wyong Plans.*

**Comment**

A generic Contribution Plan cannot legally be made and, as indicated above, Council is implementing a staged approach to the review of all contributions plans including the existing Section 7.11 Contributions Plans. This will lead to the preparation of a single Section 7.11 Contributions Plan supported by appropriate studies and technical reports to cover the entire Local Government Area. This future plan will capture future growth and provide the relevant public facilities generated by the demand of this population growth.

A submission was made by Council's Roads Transport Drainage and Waste section in relation to changing the name cycleways to shared path where ever occurring in the draft contributions plan.

This is to reflect the intended use/ benefit and also to amend the works schedule to ensure regional equity on the cost of the works, to minimise the shortfall in costs required to deliver the works program. The proposed changes to the works schedule are outlined in Table 1 below:

Route	Bike Plan Link ID	Design Status	Suburb	Cost (\$M)	Years 1-5	Years 5-20	Change
Bungary Road	137-141, 168, 237	Complete	Norah Head	\$1.4	Y	-	None
Magenta Boardwalk *	348	Complete	Magenta	\$5.0	Y	Y	-\$7.7m
Tuggerawong *	103	19/20	Tuggerawong	\$3.9	Y	Y	-\$0.1m
Kurrawa Avenue*	357	Complete	Point Clare	\$5.0	-	Y	-\$1.5m
Avoca Drive	56	Complete	Avoca	\$4.3	-	Y	None

Route	Bike Plan Link ID	Design Status	Suburb	Cost (\$M)	Years 1-5	Years 5-20	Change
Malinya Road	356	Complete	Saratoga	\$0.6	-	Y	Deleted
Empire Bay Drive	88	Complete	Empire Bay	\$0.7	-	Y	+\$0.1m
Eastern Road	220, 221	Complete	Bateau Bay	\$0.4	-	Y	Deleted
Pacific Highway	109	19/20	Hamlyn Terrace	\$1.1	-	Y	None
Barrenjoey Road	43	20/21	Ettalong	\$0.5	-	Y	Deleted
Mannering Park	135-136, 349	19/20	Mannering Park	\$3.6	-	Y	New

\* These budgets represent part of the full project budget only. The balance of funding will need to be provided by general rates or grant funding.

### **Table 1: Proposed Works Schedule**

#### **Cost of Works Schedule**

The proposed changes to the projects result in a reduction in the cost of the works from \$32.1 million to \$25 million.

It is estimated that the Contributions Plan will generate an income of approximately \$16,740,000 with an additional \$3,226,040 coming from the former Wyong Section 7.12 Contributions Plan.

#### **Financial Impact**

The reduction in the cost of the works schedule to \$25 million will still result in a shortfall between the estimated income and funds at hand of approximately \$5,033,960. This shortfall can be further reduced either through grant funding opportunities or Council's general revenue.

The adoption of the Contributions Plan will commit Council to the works and costs as outlined in the contributions plan.

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

Theme 1: Belonging

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

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

Theme 5: Liveable

**Goal K: Out and about in fresh air**

K1: Create a regional network of interconnected shared pathways and cycle ways to maximise access to key destinations and facilities.

**Risk Management**

The draft Central Coast Contributions Plans has been prepared in accordance with the legislative requirements of the *Environmental Planning and Assessment Act* and the *Environmental Planning and Assessment Regulation 2000*.

**Conclusion**

The proposed draft Section 7.12 contributions plan and proposed amendments to the former Wyong Council Section 7.11 contributions plans will ensure consistency in approach to the levying of contributions across the Region and will help fund future community infrastructure required, consistent with the Community Strategic Plan.

**Attachments**

Nil



**Item No:** 5.1  
**Title:** Update on Notice of Motion - Protection of Porters Creek Wetland  
**Department:** Environment and Planning

---

27 April 2020 Ordinary Council Meeting

Reference: PL/5/2020 - D13896639  
Author: Rochelle Lawson, Senior Ecologist  
Manager: Luke Sulkowski, Unit Manager, Environmental Management  
Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

The purpose of the report is to provide an update on the progress against the resolutions associated with the 25 November 2019 Notice of Motion – Protection of Porters Creek Wetland.

This report has been amended in consideration of the impacts of COVID-19 (Coronavirus). Further direction from Council is required in order for these works to proceed. The impact on service delivery requirement without a resolution of Council is as follows:

- In the absence of the report, current information and further determinations regarding Protection of Porters Creek Wetland will still not be able to be appropriately considered by Council and the community. Staff recognise that this topic is one that has generated concern and interest amongst our community, and that there are current expectations for a significant body of work to be completed with great immediacy. Further direction from Council is required in order for these works to proceed.

### **Recommendation**

***That Council receive the report on Update on Notice of Motion - Protection of Porters Creek Wetland.***

### **Background**

Following Council's Ordinary Meeting of 25 November 2019, a working group of staff was formed in order to commence implementation of the resolutions associated with Porters Creek Wetland. This report provides Council with an update on progress to date.

At its meeting of 25 November 2019, Council resolved the following:

*1213/19 That Council request the Chief Executive Officer to define the area to be protected as those areas identified as Coastal Wetland and Coastal Wetland*



## 5.1 Update on Notice of Motion - Protection of Porters Creek Wetland (contd)

---

*proximity areas in accordance with the State Environmental Planning Policy (SEPP) Coastal Management (2018) and any other adjacent associated native vegetation communities located on land owned by Central Coast Council (generally located on and defined by the E2 or E3 zoned land), excluding;*

- the current airport runway of 1,196m in length, which is within the maximum length of 1,200m as per Cl. 8(1) of the Warnervale Airport (Restrictions) Act 1996. This includes the current width including flyover areas.*
- the area currently zoned as the education precinct and industrial/business zone*
- the minimum width of road reserve to provide for the future construction of the proposed Link Road*
- easements to allow for planned water and sewer infrastructure, roadworks, utilities and future stormwater to service the Wyong Employment Zone and Warnervale Education and Business Precinct need to be considered when applying any Conservation Agreement over land within Porters Creek Wetland. These should be designed to have the least impact on the environmental values of Porters Creek Wetland.*

- 1214/19 That Council request the Chief Executive Officer to seek a conservation agreement on the area identified in recommendation 1217/19 and acknowledge that future parcels of Porters Creek Wetland that are acquired for conservation purposes will be included in other Conservation Agreements (as per the Biodiversity Conservation Act).*
- 1215/19 That Council request the Chief Executive Officer to include management of the Porters Creek Wetland as part of the Conservation Agreement and consider options in terms of the OLS (Obstacle Limitation Surface) that have the least impact on vegetation.*
- 1216/19 Note that Council can also seek future Biodiversity Stewardship Agreements on land included in the Conservation Agreement*
- 1217/19 That Council request the Chief Executive Officer proceed with the minimum number of subdivisions required to achieve recommendation 1218/19.*
- 1218/19 That Council request the Chief Executive Officer prioritise the actions required to implement this resolution including allocating resources, as identified in resolution 844/19, to ensure completion by end of March 2020.*
- 1219/19 That Council request the Chief Executive Officer keep the Coasts and Catchments Committee Tuggerah Lakes informed of the progress.*

## 5.1 Update on Notice of Motion - Protection of Porters Creek Wetland (contd)

---

This report primarily provides an update in respect to this resolution.

This is a complex project and the timeframe of March 2020 resolved by Council is unachievable for the following reasons:

- 1 Complexity of the project
- 2 Level of consultation required
- 3 Following of due process for development assessment
- 4 The reduced timeframe available to progress Council's desired outcomes with the Notice of Motion being tabled before the Christmas shut down period
- 5 The project was not yet identified in staff works program, and additional resources need to be identified and deployed
- 6 The unplanned diversion of staff resources towards the recent protracted bush fire event that impacted the Central Coast
- 7 The unplanned diversion of staff resources in addressing the recent significant storm event that impacted the Central Coast
- 8 The time required for staff to engage consultants to progress the actions required

In consultation with the Catchment and Coasts Committee – Tuggerah Lakes, Council staff have identified the area referenced by resolution 1213/19. This is shown in Attachment 1 (Map 1).

This matter also needs to consider the following resolutions in relation to the report Deferred Item - Response to Notice of Motion - Proposed Sale - 4 and 10 Warren Road, Warnervale that Council also considered at the Ordinary Meeting of 25 November 2019. At the 25 November 2019 meeting, Council resolved the following in relation to this report:

- 1143/19 *That Council receive the report on Deferred Item – Response to Notice of Motion – Proposed Sale – 4 and 10 Warren Road, Warnervale.*
- 1144/19 *That Council provide a further report on the sale including the type of sale and the bio-certification issues including the departure from the time table 2016 and whether or not the Lots 4 and 10 Warren Road, Warnervale were or were not included in the map on page 43 or 65 of the business paper of 13 July 2016.*
- 1145/19 *That Council authorise the budget allocation to undertake the bio-certification study for the entire Wyong Employment Zone precinct.*
- 1146/19 *That Council progress the sale of 4 and 10 Warren Road, Warnervale and develop a strategic direction for the Wyong Employment Zone; including bio-certification, infrastructure and servicing strategy as well as a development masterplan.*

## **5.1 Update on Notice of Motion - Protection of Porters Creek Wetland (contd)**

---

The two resolutions can be accommodated without impacting each other, and both are being considered by staff as the actions are being implemented.

### *Importance of planning the Conservation Agreement boundary*

A conservation agreement may not be terminated once approved by the Biodiversity Conservation Trust (BCT) and registered on title, and it specifies land management obligations and usage restrictions. Therefore, if the boundary to which the agreement applies is not comprehensively and carefully planned, it could prevent future community use of the wetland reserve or prevent Council maintenance works for flood control, fire control or emergency management.

Council needs to accurately identify all operational areas, such as fire trails (present and future requirements) and ensure that the conservation agreement is applied on the parts of the reserve that need conservation protection and biodiversity management in order to avoid unintended consequences for Council in future. For instance, all stormwater drainage and services infrastructure will need to be designed and constructed prior to the subdivision being registered and the establishment of the conservation agreement.

It has become clear that extensive internal consultation is required in order to appropriately define the boundary prior to lodgement of an application for a conservation agreement. Since 25 November 2019, staff have identified that there are existing land uses and historic agreements that need to be researched and considered prior to establishment of a conservation agreement. For example, there are existing agreements in some areas (i.e. offsets, vegetation management plans) that may conflict with a conservation agreement and may need to be excluded from an agreement.

Upon further review, the additional resolution of 25 November 2019 regarding Biodiversity Certification for the Wyong Employment Zone, overlaps the set of resolutions pertaining to the conservation agreement.

The two sets of resolutions overlap in the area near the airport because the biocertification area has not been defined in terms of the biodiversity offset area required for the WEZ development. Potentially, the offset plan that would be triggered through the biocertification process required by resolution 1146/19, will recommend that some of the Council-owned wetland area should be put under a Biodiversity Stewardship Agreement in order to generate the required biodiversity credits. This change in legal agreements can be accommodated, according to advice from the BCT.

Although these two sets of Council resolutions apply to the same land, staff have reviewed both of them and believe they can both be accommodated.

## 5.1 Update on Notice of Motion - Protection of Porters Creek Wetland (contd)

### Subdivision Process

A subdivision process will clarify the desired end point and allow comprehensive planning and consultation with all internal and external stakeholders, including the community. Further consideration of the proposal had identified that because the proposed subdivision relates to land within an environmentally sensitive area covered by SEPP (Coastal Management) 2018, that the works will be considered designated development for the purposes of Clause 4.10 of the *Environmental Planning and Assessment Act 1979* (the Act). Further, the proposal will require approvals from other governmental agencies (including TfNSW, RMS, DPIE).

Staff have considered an option of applying the Conservation Agreement (CA) prior to the completion of the subdivision. Once the CA is registered on title, the lot cannot be subdivided without the BCT's approval. The implication is that Council cannot subdivide and sell operational areas not included in the CA without BCT approval.

This may compromise Council's capacity to manage its own land (specifically those areas which are not proposed to be included in a CA, but are within a current parcels that are proposed to be encumbered by a CA) as it deems appropriate, given consideration that the CA is registered on the parcel title. With consideration of this, the most suitable process for establishment of a CA over the desired areas would be to first finalise the subdivision of those areas.

A desktop feasibility of the subdivision tasks are summarised in Table 1.

This is a complex project, and initial advice and considerations suggest that the project will take in the vicinity of 1-2 years to complete. The project plan has been developed in order to best address the resolutions relating to "*Proposed Sale - 4 and 10 Warren Road, Warnervale*" and "*Protection of Porters Creek Wetland*" in a coordinated manner. Due to the complexity of the project, staff propose to engage a consultant to project manage it. Existing staff resources do not have capacity to manage this project.

**Table 1:** Subdivision Project Plan – projected project phases and tasks required to be completed with estimated timing for completion of each phase

Task	
Preparation of Application <i>Completion mid to late 2020</i>	Engage External Project Manager (for duration of project).
	Preparation of topographical map and draft plan of subdivision.
	Development of flood modelling, stormwater management plan and design.
	Services plans (Water, Sewer, Electrical).
	Planner to prepare Environmental Impact Statement.
	Ecological studies: for the purpose of a DA and management planning
Assessment	Application to Council (proposal will need to be reviewed by external planning consultant)

**5.1 Update on Notice of Motion - Protection of Porters Creek Wetland (contd)**

<b>Task</b>	
<i>Completion anticipated early 2021</i>	Development Application Assessment
<i>Works Completion anticipated mid 2021</i>	Construction Certificate & undertake physical works
<i>Plan of subdivision Completion anticipated early 2022</i>	Surveyor prepares deposited plan, including identify any easements for utilities, access easements and rights, airport OLS requirements
	Subdivision Certificate
	Register Plan
<i>Lodgement of Conservation Agreement Completion anticipated early to mid-2022</i>	Apply for Conservation Agreement

Whilst Table 1 provides for a high-level breakdown of anticipated tasks and potential timeframes for completion, staff will look at alternative options that may be available in order to secure a conservation agreement sooner.

Cost estimates for delivery of the project range between \$200,000 to \$350,000.

*Progress and issues being worked through against resolutions*

A progress summary against each resolution is provided below for reference:

1213/19      *That Council request the Chief Executive Officer to define the area to be protected as those areas identified as Coastal Wetland and Coastal Wetland proximity areas in accordance with the State Environmental Planning Policy (SEPP) Coastal Management (2018) and any other adjacent associated native vegetation communities located on land owned by Central Coast Council (generally located on and defined by the E2 or E3 zoned land), excluding;*

- *the current airport runway of 1,196m in length, which is within the maximum length of 1,200m as per Cl. 8(1) of the Warnervale Airport (Restrictions) Act 1996. This includes the current width including flyover areas.*
- *the area currently zoned as the education precinct and industrial/business zone*
- *the minimum width of road reserve to provide for the future construction of the proposed Link Road*
- *easements to allow for planned water and sewer infrastructure, roadworks, utilities and future stormwater to service the Wyong Employment Zone*

*and Warnervale Education and Business Precinct need to be considered when applying any Conservation Agreement over land within Porters Creek Wetland. These should be designed to have the least impact on the environmental values of Porters Creek Wetland.*

- See Map 1 (Attachment 1) for an outline of the boundary as defined by resolution. This is the maximum extent and will likely be modified during internal consultation through the subdivision project.
- Coastal wetland and proximity area is defined by the SEPP. It is accepted that the SEPP boundary (a NSW Government spatial product) does not align with Council's vegetation mapping and may not accurately define the wetland. There are currently no guidelines for surveying wetlands in order to adjust Coastal Management SEPP boundaries. Staff are proceeding on the basis of the NSW government mapped boundary.
- Land owned by Council is easily defined. However, the associated vegetation communities need further survey and ground truthing to incorporate the requirements of the resolution and avoid operational areas that should be excluded from the CA.
- The zone boundaries have not been surveyed. They can be used as a rough guide to where the CA boundary should be but require land survey.
- The proposed Link Road width is not yet known (requires further consultation with those parts of Council) and land survey.
- Current and future utilities (stormwater drainage and services) and easements have not yet been determined and this requires extensive internal consultation.
- WEZ and Education/Business precinct boundaries and requirements are not yet known and this requires extensive planning and consultation
- Other considerations are coming to light through initial internal consultation, such as existing offset agreements within the wetland reserve, the resolutions to biocertify the WEZ and future oil/gas easements to the west which will also be given appropriate consideration.

In summary, defining the area to be included in an in perpetuity restrictive covenant requires consultation with all stakeholders and obtaining accurate spatial data.

1214/19

*That Council request the Chief Executive Officer to seek a conservation agreement on the area identified in recommendation 1217/19 and*

## 5.1 Update on Notice of Motion - Protection of Porters Creek Wetland (contd)

---

*acknowledge that future parcels of Porters Creek Wetland that are acquired for conservation purposes will be included in other Conservation Agreements (as per the Biodiversity Conservation Act).*

- Discussions pertaining to the establishment of a Conservation Agreement have been initiated with the Biodiversity Conservation Trust (BCT), who have indicated their support. The agreement has been developed in draft form in consultation with the BCT but it cannot be finalised without an agreed boundary.
- Land adjacent to the reserve acquired in future can be placed under a separate conservation agreement to complement any existing agreement(s).

1215/19 *That Council request the Chief Executive Officer to include management of the Porters Creek Wetland as part of the Conservation Agreement and consider options in terms of the OLS (Obstacle Limitation Surface) that have the least impact on vegetation.*

- A management plan forms part of the conservation agreement and has been drafted. More information about the biodiversity values and management priorities in the reserve are to be gathered by ecological field survey.
- The OLS area is known and input to the management plan from the airport operations team is required. See Map 2 (Attachment 2).

1216/19 *Note that Council can also seek future Biodiversity Stewardship Agreements on land included in the Conservation Agreement*

- With regards to Porters Creek Wetland Conservation Area, having a CA in place does not affect the eligibility of the land for future placement of a Biodiversity Stewardship Agreement (BSA). A BSA enables the landholder to generate biodiversity credits which can be sold to developers, the BCT or other interested parties to offset development occurring elsewhere. Normally, switching from a CA to a BSA would trigger additionality rules as per the Biodiversity Assessment Method. However, in the case of land classed as 'community' or 'operational' land under the *Local Government Act 1993*, Chapter 6, Part 2 Division 1, a maximum 20% reduction would apply to the credits generated from a BSA. Therefore, an additional discount cannot apply in the conversion from CA to BSA.

1217/19 *That Council request the Chief Executive Officer proceed with the minimum number of subdivisions required to achieve recommendation 1218/19.*

## 5.1 Update on Notice of Motion - Protection of Porters Creek Wetland (contd)

---

- Pre-lodgement advice with relevant stakeholders for a subdivision of 15 and 30 Jack Grant Avenue, Warnervale revealed the process for subdivision, including expected timeframes (See Attachment 3 for minutes from 20 January 2020 meeting).
- A project team and budget is required to manage the subdivision tasks through to application and completion.  
Further budget will be drawn from funds still be sourced from savings realised from the Emergency Services Levy contributions in accordance with resolution 844/19.

1218/19 *That Council request the Chief Executive Officer prioritise the actions required to implement this resolution including allocating resources, as identified in resolution 844/19, to ensure completion by end of March 2020.*

- Implementation of the resolution has commenced.
- \$100,000 of the savings generated through the reduction in the Emergency Services Levy have been allocated toward the project as per resolution 844/19. \$345,000 of the savings still remain, which may need to be allocated in subsequent financial years to enable completion of the project.
- Completion of the entire project by end of March 2020 is not achievable in part due to some of the reasons described in this report.

844/19 *Consider allocating funds from the unallocated budget as a result of savings from the Emergency Services Levy increase for the implementation of actions to protect Porters Creek Wetland and other priority actions identified in the TLEMP*

- Funds have been adjusted from the ESL to a project budget (24866) to progress the conservation agreement (\$100,000).
- Porters Creek Wetland and Catchment Restoration and Monitoring Planning Project is being scoped (delivery by June 2019) to also be funded from these savings.
- \$345,000 remains available for allocation to complete the establishment of a Conservation Agreement in future years.

1219/19 *That Council request the Chief Executive Officer keep the Coasts and Catchments Committee Tuggerah Lakes informed of the progress.*

- Presentation given to Coast and Catchment Committee on 26 February 2020



**5.1 Update on Notice of Motion - Protection of Porters Creek Wetland  
(contd)**

---

**Link to Community Strategic Plan**

Theme 3: Green

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

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

**Attachments**

- |          |                                      |                               |           |
|----------|--------------------------------------|-------------------------------|-----------|
| <b>1</b> | Map 1 CA boundary as per resolution  | Provided Under Separate Cover | D13852851 |
| <b>2</b> | Map 2 Airport OLS Resolution 2015/19 | Provided Under Separate Cover | D13852532 |
| <b>3</b> | Approved Pre Development Minutes     | Provided Under Separate Cover | D13860588 |

**Item No:** 6.1  
**Title:** Questions with Notice  
**Department:** Governance

---

27 April 2020 Ordinary Council Meeting

Trim Reference: F2020/00039 - D13865325



## **6.1 Questions with Notice**

No Questions with Notice were received for the Ordinary Meeting 27 April 2020.

## **Attachments**

Nil



**Item No:** 7.1  
**Title:** Deferred Item - Notice of Motion - Gosford Waterfront Marina  
**Department:** Councillor

---

27 April 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13903946  
Author: Bruce McLachlan, Councillor

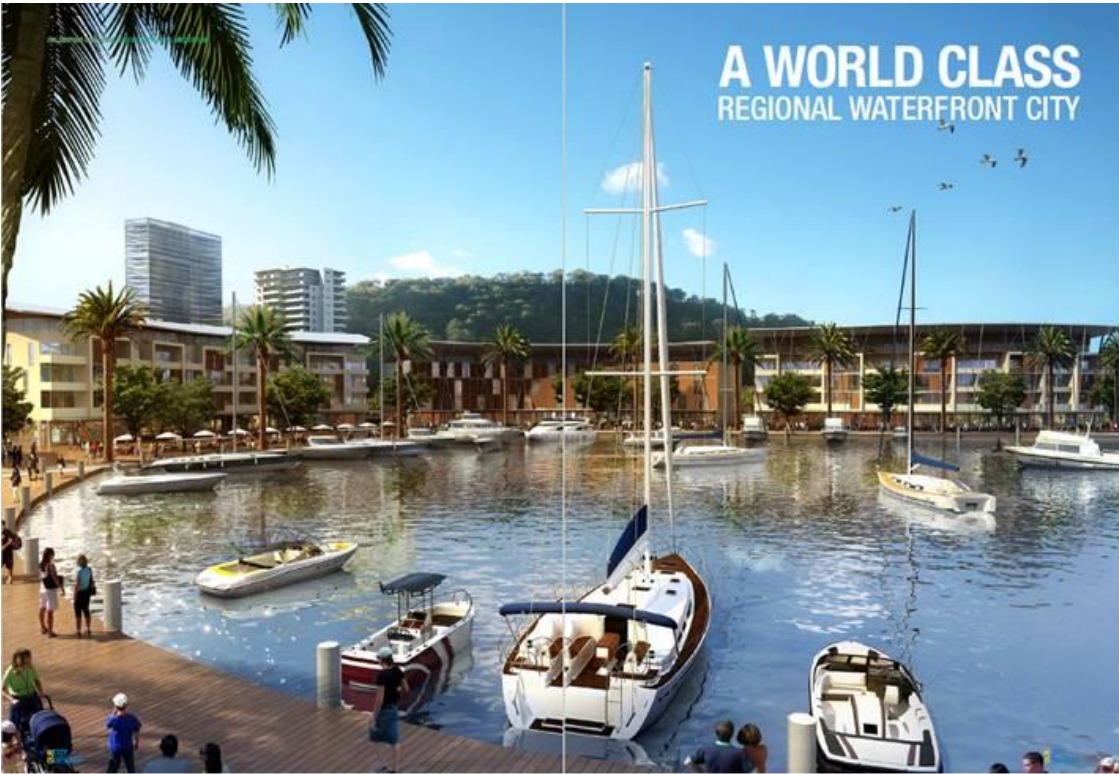
It is noted that the 23 March 2020 Ordinary meeting was cancelled due to the coronavirus (COVID-19) situation, Council conducted an extraordinary meeting on 23 March 2020 to deal with only the urgent items identified. Councillors were consulted to confirm that these items would be considered at the 27 April 2020.

At its meeting held 9 March 2020, the Council resolved as follows;

*213/20 That Council defer consideration of the following items to the 23 March 2020 Ordinary Meeting;*

<i>Item #</i>	<i>Item Title</i>
<i>6.4</i>	<i>Notice of Motion - Gosford Waterfront Marina</i>
<i>6.5</i>	<i>Notice of Motion - Council request for Chief Executive Officer to investigate revenue options and modelling for Central Coast Council</i>

- 1 That Council receive the report of Deferred Item – Notice of Motion – Gosford Waterfront Marina.**
- 2 That Council recognises Gosford is the first major Waterfront city north of Sydney Harbour.**
- 3 That Council acknowledges the lack of any new amenity of over water recreational entertainment facilities.**
- 4 That Council acknowledges the Council ownership of the waterfront Bay area immediately south of the Stadium, and the unique opportunity to provide an immediate transformation of Gosford as a vibrant waterfront City.**
- 5 That Councillors via the Chief Executive Officer, receive a report on the opportunities available to activate the Gosford Waterfront Precinct, including review of previous Masterplan, and fast ferry terminal opportunities. It may be appropriate for Council to start to review what employment initiatives we can instigate, under current economic circumstances.**









**Attachments**

Nil





**Item No:** 7.2  
**Title:** Deferred Item - Notice of Motion - Council request for Chief Executive Officer to investigate revenue options and modelling for Central Coast Council  
**Department:** Councillor

27 April 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13903007  
Author: Kyle MacGregor, Councillor

It is noted that the 23 March 2020 Ordinary meeting was cancelled due to the coronavirus (COVID-19) situation, Council conducted an extraordinary meeting on 23 March 2020 to deal with only the urgent items identified. Councillors were consulted to confirm that these items would be considered at the 27 April 2020.

At its meeting held 9 March 2020, the council resolved as follows;

*213/20 That Council defer consideration of the following items to the 23 March 2020 Ordinary Meeting;*

<i>Item #</i>	<i>Item Title</i>
6.4	<i>Notice of Motion - Gosford Waterfront Marina</i>
6.5	<i>Notice of Motion - Council request for Chief Executive Officer to investigate revenue options and modelling for Central Coast Council</i>

- 1** *That Council receive the report on Deferred Item - Notice of Motion - Council request for Chief Executive Officer to investigate revenue options and modelling for Central Coast Council.*
- 2** *That Central Coast Council request the Chief Executive Officer to investigate new or alternative arrangements for increasing the revenue base for Central Coast Council.*
- 3** *That Council requests the results of this investigation be reported back to Council within six months.*
- 4** *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.*
- 5** *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*

**7.2 Deferred Item - Notice of Motion - Council request for Chief Executive Officer to investigate revenue options and modelling for Central Coast Council (contd)**

---

*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.*

- 6** *That Council rule out paid parking for commuters and locals within town centres and CBD's across our region as part of this study.*
- 7** *That Council rule out land and asset sales of over five hundred thousand dollars without a resolution of full council endorsing the decision to do so.*
- 8** *That Council rule out 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.*
- 9** *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.*
- 10** *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.*
- 11** *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.*
- 12** *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.*
- 13** *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.*



**7.2 Deferred Item - Notice of Motion - Council request for Chief Executive Officer to investigate revenue options and modelling for Central Coast Council (contd)**

---

- 14** *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.*
- 15** *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.*
- 16** *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**

- 1** Chief Executive Officer Response to Notice of Motion - Council request for Chief Executive Officer to investigate revenue options and modelling for Central Coast Council D13852387

**Title:** Chief Executive Officer Response to Notice of Motion - Council request for Chief Executive Officer to investigate revenue options and modelling for Central Coast Council

**Department:** Chief Financial Officer

---



9 March 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13852387  
Author: Vivienne Louie, Unit Manager, Financial Performance  
Carlton Oldfield, Unit Manager, Financial Services  
Manager: Craig Norman, Chief Financial Officer  
Executive: Gary Murphy, Chief Executive Officer

### **Report Purpose**

To provide Council with information to assist in their decision making with regard to the Notice of Motion (NoM) put forward by Councillor MacGregor regarding revenue options and modelling.

Beyond providing an information report to back to Council within six months regarding a review of potential revenue options, the rest of the NoM is considered either unnecessary or should be considered as part of the development of the Operational Plan. In this report, staff outline the rationale against each of the relevant points in the NoM to assist with Council's decision making.

**Motion:** *That Central Coast Council request the Chief Executive Officer to investigate new or alternative arrangements for increasing the revenue base for Central Coast Council*

### **Staff Comments:**

Noted. Central Coast Council continues to investigate new and alternative revenue opportunities to support its delivery of services and capital infrastructure to the community. Revenue raised is in accordance with the *Local Government Act 1993 ("LG Act")*, *Water Management Act 2000 ("WM Act")*, other relevant legislation and Ministerial Orders.

---

**Motion:** *That Council requests the results of this investigation be reported back to Council within six months.*

### **Staff Comments:**

Noted.

**Motion:** *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.*

**Staff Comments:**

Noted. Information has been previously provided to the Councillor group as a result of similar enquiries from the recent Councillor workshop.

---

**Motion:** *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.*

**Staff Comments:**

Noted. Central Coast Council continues to operate within its governing legislative environment including but not limited to the LG Act.

---

**Motion:** *That Council rule out paid parking for commuters and locals within town centres and CBD's across our region as part of this study.*

**Staff Comments:**

Noted. Council is currently undertaking the Central Coast Car Parking Strategy and this item should be considered in the context of this strategy.

---

**Motion:** *That Council rule out land and asset sales of over five hundred thousand dollars without a resolution of full council endorsing the decision to do so.*

**Staff Comments:**

Noted. This item should be considered in the context of a land strategy and we note property transactions are presented to Council at ordinary meetings under s 377(1)(h) of the LG Act.

*377 General power of the council to delegate*

*(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following—*

*(h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)*

---

**Motion:** ***That Council rule out 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.***

**Staff Comments:**

Noted. The former Wyong Shire Council did have a special rate variation of 6.9% over 2013/14 – 2017/18 which represented an increase of 17.6% over rate peg. This revenue was to address an infrastructure backlog resulting in an additional \$10.0 million of capital works for the former Wyong Shire Council for the ten year period of 2013/14 – 2022/23.

The former Gosford City Council last introduced a special rate variation in 1997/98 which impacted residential ratepayers to fund a series of projects call "Financial Strategy levies"

Further a number of special rates variations have been initiated in prior years across both former Gosford City Council and former Wyong Shire which were specifically aimed at as providing economic development and were levied on ratepayers within the business category.

Council levies rates in accordance with the legislative framework including LG Act, *Local Government (General) Regulation 2005*, other relevant legislation and Ministerial Orders.

---

**Motion:** ***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.***

**Staff Comments:**

Noted. Council develops the Delivery Program from which the annual Operational plans are derived from which aligns to the Community Strategic Plan and reflects the strategic

direction of Council. Any changes to services would be reflected in these documents and involve Councillor engagement before the Council Report and attachments are presented at a Council meeting.

The Delivery Program and Operational Plans are publicly exhibited to allow the Community to provide feedback to Council on what is planned to be delivered during the term of Council and in each financial year.

---

**Motion:** *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.*

**Staff Comments:**

Noted. Rates harmonisation is introduced in the 2021-22 financial year based current legislation. This will result in the introduction of a single rates structure for all Central Coast ratepayers.

The introduction of special rate variations for Central Coast ratepayers to provide additional funding to pay for specific projects (e.g. additional footpaths) is a separate process to rates harmonisation and must comply with s.508 of the LG Act.

Council is unable to submit a special rate variation application for the 2020-21 financial year as Councils intending to submit a Special Rate Variation Application needed to notify IPART of their intention to apply by Friday 29 November 2019 with applications to be submitted to IPART by the 10 February 2020.

---

**Motion:** *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.*

**Staff Comments:**

Developer contributions collected are restricted for purpose – the funds are held for the purposes that they have been collected for.

Developer contributions do not cover the full cost of the public infrastructure included in the contribution plans.

The balance of the funding for the public infrastructure will come from other funding sources such as grant funding or general revenue.

---

**Motion:** *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.*

**Staff Comments:**

Noted. It is within Council's normal operations to investigate new revenue streams/models and reduce costs to improve efficiencies within compliance with the LG Act and its prevailing legislative environment.

---

**Motion:** *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.*

**Staff Comments:**

Noted. This request should be considered in the context of the Council's Affordable Housing Strategy.

---

**Motion:** *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.*

**Staff Comments:**

Noted. Council will be looking at borrowing opportunities given the current low interest environment to refinance existing debt.

In respect to Investments, Council's investments are made in accordance with the LG Act, Local Government (General) Regulation 2005, the investment policy adopted at the Ordinary Council Meeting on 28 October 2019, Ministerial Investment Order issued February 2011 and Division of Local Government (as it was then known) Investment Policy Guidelines published in May 2010.

A report is provided to Council monthly that provides information on Council's investment portfolio and specifically the absence of derivatives investments that are prohibited.

---

**Motion:** *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.*

**Staff Comments:**

Noted. Council's ability to raise revenue is covered under Chapter 15 (s.491-612) of the *Local Government Act 1993*. Council does as part of its normal operational activities investigate opportunities to extend its revenue base and investigate other leading Councils. The adoption of new revenue opportunities or changes in existing revenue streams are implemented in accordance with the LG Act and relevant legislation.

Council's sources of income are reflected in the annual Operational Plan budget with sections of the Operational Plan detailing Council's Statement of Revenue and Fees and Charges.

---

**Motion:** *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.*

**Staff Comments:**

Noted.

---

**Link to Community Strategic Plan**

Theme 4: Responsible

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

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

**Attachments**

*Nil.*





**Item No:** 7.3  
**Title:** Notice of Motion - Ourimbah Master Plan  
**Department:** Councillor

---

27 April 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13903018

Author: Kyle MacGregor, Councillor

It is noted that the 23 March 2020 Ordinary meeting was cancelled due to the coronavirus (COVID-19) situation, Council conducted an extraordinary meeting on 23 March 2020 to deal with only the urgent items identified. Councillors were consulted to confirm that these items would be considered at the 27 April 2020.

Councillor MacGregor has given notice that at the Ordinary Council Meeting to be held on 27 April 2020 he will move the following motion:

- 1 That Council thanks the Ourimbah Region Residents Association (ORRA) for its work in representing the interests of its community in relation to the Ourimbah Master and Draft Urban Spatial Plan.**
- 2 That Council also thank the many petitioners who supported the petition prepared by the Member for The Entrance, David Mehan MP, asking for Ourimbah's heritage to be preserved.**
- 3 That Council will incorporate the suggestions made by ORRA and the petitioners in any plan for Ourimbah, including:**
  - a That Ourimbah be classified as a 'Village'.**
  - b That building heights be limited to two storeys except on the Pacific Highway between Station Street and Walmsley Road where it will remain single storey to preserve the heritage streetscape at this location.**
  - c That planning controls be used to preserve the character of the heritage streetscape between the Railway Station and Post Office site on Station Street along the Highway to Walmsley Road.**
  - d That the rural character and streetscape for Dog Trap Road, Ourimbah Creek Road and Baileys Road be preserved by planning controls.**

### **Chief Executive Officer Response**

In accordance with clause 3.14 of the Code of Meeting Practice, 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**

- 1 CEO Response - Notice of Motion - Ourimbah Master Plan D13908726

**Title:** CEO Response - Notice of Motion - Ourimbah Master Plan

**Department:** Environment and Planning

27 April 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13908726

Author: Scott Cox, Director Environment and Planning

Executive: Gary Murphy, Chief Executive Officer



## Summary

This report provides a response to Item 6.3 - Notice of Motion – Ourimbah Master Plan

## Background

Council at its meeting of the 28 October 2019 resolved in relation to the Ourimbah Land Use Strategy and Town Centre Masterplan (the Masterplan) that:

*1027/19 That Council defer the consideration of this item to allow Council to review the plan and its alignment to the Urban Spatial Plan, the Local Strategic Planning Statement and the Ourimbah Creek Floodplain Risk Management Plan.*

**Motion 1:** ***That Council thanks the Ourimbah Region Residents Association (ORRA) for its work in representing the interests of its community in relation to the Ourimbah Master and Draft Urban Spatial Plan.***

### Staff Comments:

Noted

**Motion 2:** ***That Council also thank the many petitioners who supported the petition prepared by the Member for The Entrance, David Mehan MP, asking for Ourimbah’s heritage to be preserved.***

### Staff Comments:

Noted

**Motion 3:** ***That Council will incorporate the suggestions made by ORRA and the petitioners in any plan for Ourimbah, including:***

***a That Ourimbah be classified as a ‘Village’.***

- b That building heights be limited to two storeys except on the Pacific Highway between Station Street and Walmsley Road where it will remain single storey to preserve the heritage streetscape at this location.***
- c That planning controls be used to preserve the character of the heritage streetscape between the Railway Station and Post Office site on Station Street along the Highway to Walmsley Road.***
- d That the rural character and streetscape for Dog Trap Road, Ourimbah Creek Road and Baileys Road be preserved by planning controls.***

**Staff Comments:**

Council staff have undertaken further consultation regarding the Masterplan with the Ourimbah Region Residents Association (ORRA).

A further report will be presented to Council in July 2020 for consideration regarding the Masterplan which will include: -

- a Renaming the masterplan to the *Ourimbah Village Land Use Strategy and Masterplan*.
- b Restriction of development in the local centre to two (2) to three (3) storey (where the third storey is within roof space or comprises less than 60% of the top floor with a flat or skillion roof), subject to merit assessment. Reduced heights will be required where new development abuts existing heritage or lower height development. (Refer Strategy 5 on Page 104 and Strategy 4 on Page 32). A key consideration of the draft Plan is the desired future character and the relationships between the site coverage, height and bulk and the relationship of buildings to the proposed Main Street.

A Public Domain Plan, Development Control Plan (DCP) and Contributions Plan will be prepared following adoption of the draft Plan. The DCP will provide details of public domain improvements, height, built form, car parking, site setbacks, solar access and landscaping requirements to deliver quality outcomes.

- c Acknowledgment of the determined Heritage within Ourimbah in line with the Wyong Shire Heritage Strategy (2014) and outline priorities for managing heritage in the Ourimbah area. These heritage items are listed in Council's Wyong Local Environmental Plan (WLEP 2013) and are afforded statutory protection.

Furthermore, Council has commenced the preparation of the Central Coast Heritage Study which will identify any gaps in current heritage listings in the Local Government Area. This project will provide opportunities for the community to nominate potential heritage items that are valued in their local area and not currently protected under legislation.

This would provide an opportunity for the Ourimbah streetscape between the Railway station and Post Office along the highway to be assessed for potential listing as a conservation area as they are not currently listed.

The rural character and streetscape of Baileys Road in Precinct 12 has been acknowledged in the Masterplan objective of: "Preserve the rural character of the floodplain within the Precinct."

Similarly, the desired future outcome for Dogtrap Road in Precinct 4 is to "maintain a rural character to the west of Dog Trap Gully".

The section of Ourimbah Creek Road having a rural character is located west of the M1 and is not within the study area.

The NSW Government's Central Coast Regional Plan (CCRP) 2036, identifies Ourimbah as a Local Centre. The draft Urban Spatial Plan (USP) referred to Ourimbah as a "Potential" Town Centre due to the University and transport infrastructure.

Following recent consultation and community submissions as part of the Masterplan and the USP, the draft Local Strategic Planning Statement has identified Ourimbah as a local village centre in accordance with the classification in the Central Coast Regional Plan 2036.

A further report to Council on the draft Ourimbah Land Use Strategy and Town Centre Masterplan will be provided by July 2020 providing the outcomes of the additional consultation with residents and consideration of adoption of a draft *Ourimbah Village Land Use Strategy and Masterplan*.

The outlined motions will be addressed within this report.

**Staff Recommendation:**

The Motion is unnecessary.

**Attachments**

Nil



**Item No:** 7.4  
**Title:** Notice of Motion - Telecommunications Tower at Alan Davidson Oval Wyoming  
**Department:** Councillor

---

27 April 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13903024

Author: Kyle MacGregor, Councillor

It is noted that the 23 March 2020 Ordinary meeting was cancelled due to the coronavirus (COVID-19) situation, Council conducted an extraordinary meeting on 23 March 2020 to deal with only the urgent items identified. Councillors were consulted to confirm that these items would be considered at the 27 April 2020.

Councillor MacGregor has given notice that at the Ordinary Council Meeting to be held on 27 April 2020 he will move the following motion:

- 1 That Council notes community concern about the proposal by Optus to erect a telecommunication tower on the grounds of Alan Davidson Oval, Wyoming.**
- 2 Council also notes that while a development application to erect the tower has been granted, an amended application has been declined and a decision on leasing the land to Optus has not been made.**
- 3 That Council not grant a lease to Optus over the grounds at Alan Davidson Oval.**
- 4 That Council directs the Chief Executive Officer to invite all telecommunication providers to develop a strategy for the co-location of telecommunications equipment which maximises service access and minimises the number of stand-alone towers required in an area.**
- 5 That Council directs the Chief Executive Officer to review Councils processes to ensure the decision to lease Council land to a private business is considered before a development application may be made and that there be wide community consultation.**

### **Chief Executive Officer Response**

In accordance with clause 3.14 of the Code of Meeting Practice, 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.

**7.4 Notice of Motion - Telecommunications Tower at Alan Davidson Oval  
Wyoming (contd)**

---

**Attachments**

- 1** CEO Response - Notice of Motion - Telecommunications Tower at Alan Davidson Oval Wyoming D13878098



**Title:** CEO Response - Notice of Motion -  
Telecommunications Tower at Alan Davidson Oval  
Wyoming

**Department:** Connected Communities

23 March 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13878098  
Author: Phil Cantillon, Unit Manager Leisure and Lifestyle  
Manager: Julie Vaughan, Director Connected Communities  
Executive: Gary Murphy, Chief Executive Officer

### Summary

This report provides a response to Item 6.6 - Notice of Motion – Telecommunications Tower at Alan Davidson Oval Wyoming.

### Background

The original Development Application 54415/2018 for the proposed telecommunication tower at Alan Davidson Oval, Wyoming was approved in June 2018. A review of Council's records has revealed that Development Application 54415/2018 was notified in accordance with the notification process outlined in the Gosford Development Control Plan 2013, Chapter 7.3.2.3(a) and was also advertised in the Express Advocate on Thursday, 31 May 2018.

A subsequent Development Application to modify the proposal was refused in September 2019. Optus was left to pursue a Lease with Council under the original application. The Development Application process is finalised apart from any proposed granting of a Lease. The decision to grant a Lease has been on hold since November 2019, pending further community consultation by Optus. Council has been advised that Optus is now currently considering their options. Council will not be making any further decision regarding the site until comprehensive community consultation and information sessions have been completed by Optus. The telecommunication tower provides improved technology with faster delivery, connectivity and increased data for the community.

**Motion 1:** *That Council notes community concern about the proposal by Optus to erect a telecommunication tower on the grounds of Alan Davidson Oval, Wyoming.*

### Staff Comments:

Council received approximately 90 submissions to the Development Application that was refused in September 2019. The vast majority of submissions were concerned with a perceived health risk caused by electromagnetic radiation from the tower.



**Motion 2:** ***Council also notes that while a development application to erect the tower has been granted, an amended application has been declined and a decision on leasing the land to Optus has not been made.***

**Staff Comments:**

As a result of the community submissions received on the modified application in September 2019, Optus has been given the opportunity to undertake community consultation and hold information sessions before a final decision on the Lease is considered. Optus have previously investigated alternative sites, before recommending Alan Davidson Oval, due to its locality and impact on improved connectivity.

**Motion 3:** ***That Council not grant a lease to Optus over the grounds at Alan Davidson Oval.***

**Staff Comments:**

Council retains the option of refusing the Lease to Optus on the basis of the substantial community objection received, however this decision needs to be considered against the benefit of improved technology outputs for the community. Further community consultation and information sessions will need to be undertaken by Optus, before Council considers all the information.

**Motion 4:** ***That Council directs the Chief Executive Officer to invite all telecommunication providers to develop a strategy for the co-location of telecommunications equipment which maximises service access and minimises the number of stand-alone towers required in an area.***

**Staff Comments:**

This approach is already undertaken by telecommunication carriers wherever possible. There are currently 24 existing telecommunication sites under lease, across the region 16 of them have at least two carriers present. The remaining eight sites have only one carrier present or were leased to Telstra approximately 20 years ago. The proposed telecommunication tower at Alan Davidson Oval was a joint venture between Optus and Vodaphone until the modified Development Application was refused. Telecommunication providers are commercial operators and already have coverage strategies in place across Australia.

**Staff Recommendation:**

The Motion is unnecessary.

**Motion 5:** ***That Council directs the Chief Executive Officer to review Councils processes to ensure the decision to lease Council land to a private***

***business is considered before a development application may be made and that there be wide community consultation.***

**Staff Comments:**

The current process for determining whether to lease land to a private business requires extensive consultation with internal Council stakeholders and asset owners. If the Lease is on Community classified land then Section 47 of the Local Government Act applies and the proposed lease is publicly advertised, and the community are fully notified and able to provide their feedback. Telecommunication tower infrastructure also need an approved Development Application, which again provides an opportunity for the community to be consulted and make public comment. Development Application submission and public notification of leases are differing processes and both need to occur separately.

**Staff Recommendation:**

The Motion is unnecessary.

**Attachments**

*Nil.*



**Item No:** 7.5  
**Title:** Notice of Motion - Establishment of a Social Impact Taskforce  
**Department:** Councillor

---

27 April 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13928240

Author: Jane Smith, Councillor

Councillor Jane Smith has given notice that at the Ordinary Council Meeting to be held on 27 April 2020 she will move the following motion:

- 1 That Council request the Chief Executive Officer to convene a Social Impacts Taskforce for an initial period of 6 months to:**
  - a) consider the impacts of the COVID-19 pandemic on our Central Coast community**
  - b) increase communication and clarify roles between organisations, agencies and all levels of government**
  - c) identify and monitor key measures of community wellbeing for the Central Coast**
- 2 That Council request the Chief Executive Officer to invite a Councillor from each Ward to participate in the Taskforce**
- 3 That Council request the Chief Executive Officer to include the Director of Connected Communities and other appropriate staff on the Taskforce**
- 4 That Council request the Chief Executive Officer to develop a process to ensure good governance and transparency of the operation of the Taskforce**
- 5 That Council request the Chief Executive Officer to provide a report on the activities of the Taskforce to the first Ordinary Meeting of Council in October 2020**

#### **Attachments**

*Nil.*