



Central Coast Council  
Business Paper  
Ordinary Council Meeting  
**12 December 2023**





# 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.



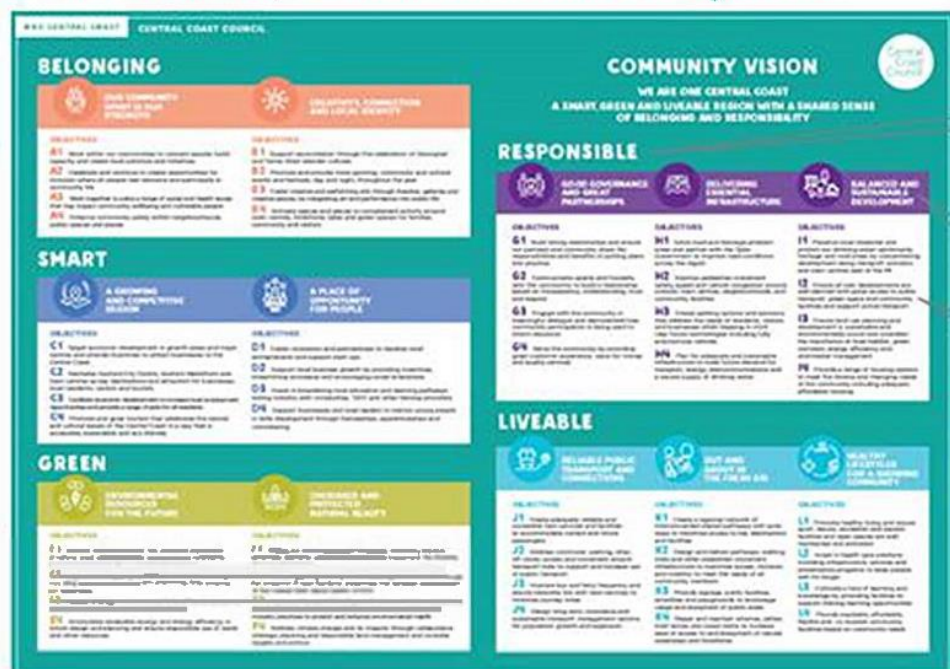
**Good governance and great partnerships**

**G2** Engage and communicate openly and honestly with the community to build a relationship based on trust, transparency, respect and use community participation and feedback to inform decision making

**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.



Theme

Focus Area

Objective

# Meeting Notice

**The Ordinary Council Meeting  
of Central Coast Council  
will be held in Central Council Council Chambers,  
2 Hely Street, Wyong  
on Tuesday 12 December 2023 at 6.30pm,  
for the transaction of the business listed below:**

**The Public Forum will commence at 6.00pm, subject to any  
registered speaker/s to items listed on this agenda.**

Further information and details on registration process:

[www.centralcoast.nsw.gov.au/council/meetings-and-minutes/council-meetings](http://www.centralcoast.nsw.gov.au/council/meetings-and-minutes/council-meetings)

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David Farmer  
**Chief Executive Officer**



**Item No:** 1.1  
**Title:** Disclosures of Interest  
**Department:** Corporate Services

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12 December 2023 Ordinary Council Meeting

Reference: F2023/00021 - D15555938  
Author: Rachel Gibson, Team Leader, Civic Support  
Manager: Edward Hock, Unit Manager Governance, Risk and Legal  
Executive: Marissa Racomelara, Director Corporate Services

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

Section 451 of the LG Act states:

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

- (ii) *the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and*
- (a1) *the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under section 443) in that person's principal place of residence, and*
  - (b) *the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.*
- (5) *The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:*
  - (a) *be in the form prescribed by the regulations, and*
  - (b) *contain the information required by the regulations."*

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

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

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12 December 2023 Ordinary Council Meeting

Reference: F2023/00021 - D15555950



### **Recommendation**

***That Council confirms the minutes of the Ordinary Meeting of Council held on 28 November 2023.***

### **Summary**

Confirmation of minutes of the Ordinary Meeting of Council held on 28 November 2023.

### **Attachments**

<b>1</b>	MINUTES - Council Meeting - 28 November 2023	Provided Under Separate Cover	D15970976
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**Item No:** 1.3  
**Title:** Notice of Intention to Deal with Matters in Confidential Session  
**Department:** Corporate Services

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12 December 2023 Ordinary Council Meeting

Reference: F2023/00021 - D15555942

### **Recommendation**

***That Council notes that no matters have been tabled to deal with in a closed session.***

### **Summary**

It is necessary for the Council to adopt a resolution to formalize 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 categorized 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 categorized as confidential.

### **Context**

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

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



- 2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*
- 2(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.*
- 2(i) alleged contraventions of any code of conduct requirements applicable under section 440*

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

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

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

### **Attachments**

Nil



**Item No:** 2.1  
**Title:** Monthly Finance Report November 2023  
**Department:** Corporate Services

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12 December 2023 Ordinary Council Meeting

Reference: F2020/03205 - D15846754  
Author: Emma Galea, Chief Financial Officer  
Executive: Marissa Racomelara, Director Corporate Services

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 12 December 2023.

**Item No:** 2.2  
**Title:** Investment Report for November 2023  
**Department:** Corporate Services

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12 December 2023 Ordinary Council Meeting

Reference: F2004/06604 - D15950558  
Author: Devini Susindran, Regulatory Reporting Senior Accountant  
Manager: Leslie Chan, Team Leader Financial Accounting  
Executive: Marissa Racomelara, Director Corporate Services

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 12 December 2023.

**Item No:** 2.3  
**Title:** For Public Exhibition - Central Coast Airport Masterplan  
**Department:** Environment and Planning

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12 December 2023 Ordinary Council Meeting

Reference: F2021/01634 - D15949322  
Author: Breelle Varman, Property Development Manager  
Manager: Jamie Barclay, Unit Manager Economic Development and Property  
Executive: Alice Howe, Director Environment and Planning

## **Recommendation**

### ***That Council:***

- 1 Endorses the Draft Central Coast Airport Masterplan (Attachment 1) for public exhibition for not less than 60 days.***
- 2 Seeks feedback on the proposed Porters Creek Wetland stewardship site.***
- 3 Receives a further report in relation to the Airport Masterplan that considers community and aviation sector feedback.***

## **Report purpose**

To seek Council approval to publicly exhibit the *Draft Central Coast Airport Masterplan* for community and industry feedback, and to concurrently seek feedback on the proposed Porters Creek Wetland stewardship site and proposed future investigation area.

## **Executive Summary**

The development of the *Draft Central Coast Airport Masterplan* has been underpinned by the following strategic vision statement:

"Central Coast Airport will develop as a key driver of economic and employment growth for the Central Coast Region".

The strategic objective for the airport is to develop it into a regional general aviation hub, serving the Central Coast, as well as the metropolitan Sydney and Hunter regions.

The airport aims to be a:

- Key driver for regional economic development
- Key driver for the generation of regional employment opportunities, particularly in the skilled, professional and technology-based sectors

- Stimulus for regional investment
- Stimulus for a new tourism sector and the tourism industry
- Stimulus for regional education and innovation
- Key regional infrastructure project, which will provide enhanced air transport options and benchmark for environmentally sensitive and sustainable development in the region.
- Opportunity to capitalise and support emerging technologies such as hydrogen and electric aviation.
- Benchmark for environmentally sensitive and sustainable development in the region.

To further refine the masterplan, staff recommend input from the community and the aviation sector prior to its consideration for adoption.

### **Background**

On 13 April 2021, Council resolved (103/21)

- 1 *That Council approve the development of a Masterplan that includes the runway length of 1200 metres with no extension and a Plan of Management for the Central Coast Airport at Warnervale.*
- 2 *That Council authorise the Chief Executive Officer to publicly exhibit the draft Masterplan and Plan of Management once completed.*
- 3 *That Council authorise the Chief Executive Officer to negotiate and execute agreements that will enhance and promote better utilisation of the Central Coast Airport at Warnervale.*
- 4 *That Council authorise the Chief Executive Officer to hold discussions with the Aviation Industry and affected landowners.*
- 5 *That Council authorise the Chief Executive Officer to explore inclusion of 4 and 10 Warren Road, Warnervale and 140 Sparks Road, Warnervale into the draft Airport Masterplan and to suspend the sales of these land parcels until the Airport Masterplan is finalised.*
- 6 *That Council authorise the Chief Executive Officer to immediately suspend the development of the Warnervale conservation agreement and any agreement with the NSW biodiversity Conservation Trust to permanently protect the Porters Creek Wetland until the Airport Masterplan, plan of Management and a subdivision plan is registered that subdivides the Wetland and surrounding E2 land from the employment land in Warnervale.*

- 7 *That Council acknowledge and thank the support of the Parliamentary Secretary for the Central Coast and Member for Terrigal Adam Crouch, the Minister for Planning Rob Stokes and the reviewers that included the planning expert Abigail Goldberg and aviation specialist Peter Fiegehen for conducting the review and resolving the future of the Central Coast Airport.*
- 8 *That Council as part of the Masterplan process for Central Coast Airport at Warnervale prepare a draft plan showing the environmental and proposed conservation land to be protected as well as the proposed employment land that will be subdivided from the conservation land.*

This report is the culmination of a number of studies that have informed the *Draft Central Coast Airport Masterplan*.

On 27 April 2021 Council further resolved (130/21):

- 1 *That Council exercises its option to purchase Lots 211 and 212 DP 812718 at 25 Jack Grant, Warnervale and enters into a contract of sale with Central Coast Aero Club at a purchase price not exceeding the valuation price as contained in Confidential Attachment 2, with a delayed settlement for 12 months.*
- 2 *That during the 12-month settlement period the Council seek to negotiate a land swap with the Central Coast Aero Club of an equivalent area of land located between Lots 211 and 212 DP 81271825 Jack Grant, Warnervale and the newly created lot (within Lot 3 DP 1230740, set out in Attachment 1), instead of completing the purchase of the Central Coast Aero Club's land.*
- 3 *If the negotiations for a land swap are successful that the Council enters into a contract to do all things necessary to effect the land swap including as appropriate by variation of, or mutually agreed termination of, the contract for sale of the Central Coast Aero Club's land.*
- 4 *That if the negotiations for a land swap are not successful that the Council complete the purchase of the Central Coast Aero Club's land.*
- 5 *That, conditional upon and commencing upon the land swap being effected, Council enter into a licence agreement with the Central Coast Aero Club to access the Aircraft landing area and taxiways for not less than 45 years from the area to be owned by the Central Coast Aero Club after the land swap has been effected.*
- 6 *That Council enter into a short term licence agreement with the Central Coast Aero Club to occupy Lots 211 and 212 DP 812718, at 25 Jack Grant Ave Warnervale after the land swap has been effected, and to access the aircraft landing area and taxiways, for a period of 2 years with a 2 year option to allow time for development approvals and construction of a new Central Coast Aero*

*Club facility at the proposed new location (within Lot 3 DP 1230740, refer to Attachment 1).*

- 7 *That Council provides owners consent for the Central Coast Aero Club to lodge applications for appropriate approvals for development of the land to be transferred to the club as part of the land swap, for the purposes of an aero club.*
- 8 *That Council authorise the Chief Executive Officer to finalise the terms of sale, and any land swap and licences.*
- 9 *That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 2 and 3 remain confidential in accordance with section 10A(2)(d)(i) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Council's ability to obtain value for money services for the Central Coast Community.*

The land swap with Central Coast Aero Club (CCAC) has progressed since the Council resolution. Council working alongside the CCAC have agreed to their new site layout and produced a bulk earthwork drawing. Council will also be undertaking an exempt development boundary adjustment upon agreement of a land swap mechanism

To inform the development of the masterplan, Woolcott Research and Engagement was engaged to undertake a community survey process to seek input for the Central Coast Airport Masterplan. Findings from this report were presented at a Council meeting on 8 February 2022:

On 23 August 2022, Council resolved (144/22):

- 1 *That Council proceeds with the proposal from the preferred consultant (see Confidential Attachment 1 item 1) for CPA/4306 - Warnervale Biodiversity Certification and Biodiversity Stewardship Agreement*
- 2 *That Council resolve, for the purposes of Section 55(3)(i) of the Local Government Act 1993, that a satisfactory result will not be achieved by inviting tenders for contract CPA/4306 - Warnervale Biodiversity Certification and Biodiversity Stewardship Agreement for the following reasons:*
  - i. *The preferred consultant has been selected following a competitive selective Request for Proposal process that involved requesting proposals from seven suitably qualified consultants;*
  - ii. *Significant market research has not been able to identify other suitably qualified consultants that could potentially complete the requirements of the contract;*

- iii. *The additional time required to complete an open tender process at this stage poses unacceptable operational and reputational risk to Council; and*
- iv. *The offer from the preferred consultant has been determined to be competitive.*

### **Current Status**

Council staff have engaged a range of specialist consultants to help guide the development of the *Draft Central Coast Airport Masterplan* based on quadruple bottom line analysis, which has resulted in the draft masterplan provided in Attachment 1.

### **Report**

#### ***The Draft Masterplan***

The aim of the airport masterplan is to deliver an airport and business precinct designed specifically to support the general aviation sector in NSW. The draft masterplan is aligned with the key outcomes from the *Review of the Warnervale Airport (Restrictions) Act 1996* with consideration given to opportunities for expanded aviation. The expanded aviation areas have been identified having consideration for surrounding biodiversity and the Porters Creek Wetland located south of the runway.

The draft masterplan seeks to meet the strategic needs of the Wyong employment zone at Warnervale as identified in the *Central Coast Strategy for Economic Growth* and the *Central Coast Regional Plan 2041*.

The draft masterplan is the culmination of testing various scenarios, weighing up the opportunities and constraints of the site. The preferred scenario is based on land availability, financial feasibility, economic viability, land ownership and ecological constraints. The draft masterplan provides a roadmap for development of the airport precinct over the next 10 years (Figure 1).

The runway is recommended to be widened from 10 metres to 23 metres, with the length remaining at 1200m. This will allow the airport to accommodate a wider array of aircraft up to an initial maximum take of weight (MTOW) of 10,000 kg, including but not limited to commonly utilised aircraft such as Beech King Air, Cessna Citation and the Beechcraft 1900.

The draft masterplan allows for the opportunity to expand employment activities, encourage greater tourism and has been developed in consideration of the important ecological constraints surrounding the airport lands and Warnervale Employment Zone (WEZ).





## Core Precinct

### Stage 1:

1. Vegetation control and power pole removal (underway)
2. Site grading and perimeter road construction
3. ARO / Facilities management relocation (future location TBC)
4. Runway End Safety Area (RESA)
5. Code 2B runway upgrade including full-length parallel taxiway upgrade (widened to be 23 meters, with a runway length remaining at 1200 metres)

### Stage 1:

6. Existing Central Coast Aero club (CCAC)
7. Automated Weather Station (AWS) safeguarding
8. Relocated CCAC

### Stage 2:

9. Instrument procedure design and installation
10. Apron expansion for Patient Transfer Facilities

**Figure 1 - Draft Masterplan Precinct for Exhibition**



### ***Proposed Stewardship Site***

De Witt Consulting undertook a *Biodiversity Constraints Report* in 2022, followed by comprehensive analysis of potential site scenarios and options to inform the development of the masterplan. This assessment identified areas to set aside for conservation in perpetuity as a stewardship site (Figure 2).



#### Legend

1. Central Coast Airport
2. Indicative Boundary realignment for runway and indicative subdivision of aviation lands and employment lands from Porter's Creek Wetland
3. Porter's Creek Wetland area for Bio-Stewardship
4. Warnervale Business Precinct (subject to future draft masterplan)

***Figure 2 – Proposed Stewardship Site***

***Future Investigation Areas***

The draft masterplan provides opportunities to meet expected demand for general aviation activities for the next 10 years.

Areas to the east and west of land (Figure 3) have the potential to support further expansion of the airport or to be included in a future expansion of the Porters Creek Wetland stewardship site. It is proposed that more detailed analysis of these lands be undertaken within the next three years to determine their preferred land use. The outcome of those investigations would be reported to Council for further consideration.



***Figure 3 – Proposed Future Investigation Areas***

**Consultation**

A community survey was undertaken in early 2022. While support was reasonably strong initially, it increased to 75% (up from 64% for the initial read), while those not supporting the idea decreased slightly (from 13% initially, to 10% after all the information was provided).

The independent survey concluded that the respondents place importance on the following development objectives.

1. Creates local employment opportunities.
2. Creates new local business opportunities.
3. Attracts businesses to the area.

The current consultation has two focus areas;

1. The broader community

This round will be guided by the results of the previous phases and will present the community with potential benefits and considerations for developing the existing airport into the Central Coast Aviation Hub

2. The general aviation community

This engagement will inform economic outcomes and the final land uses within the masterplan.

An aviation consultation process is to be conducted in conjunction with the exhibition of the draft masterplan. This will be undertaken by an independent commercial advisory specialist with suitable expertise in leasing of airport and intermodal land and related business development opportunities.

The purpose of the market sounding will provide greater certainty to the level, type and indicative timing of interest by suitable commercial operators. This will inform the potential to take up appropriately zoned land in the airport precinct to undertake aviation related activities. These commercial activities may include hangarage, aircraft maintenance, charter operations, pilot training, aircraft sales and leasing, airport-related intermodal logistics, research and development.

The data and feedback collected from the community engagement and aviation consultation process is expected to be reported back to Council in 2024.

**Financial Considerations**

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

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

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

The cost of community consultation and aviation market engagement is included in Council's adopted 2023/24 Budget.

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

Theme 2: Smart

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

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

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

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

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

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

### **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.

### **Goal J: Reliable public transport and connections**

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

### **Risk Management**

There are no material risks to Council of publicly exhibiting the draft masterplan and proposed stewardship site, as seeking community input is part of the regular business of Council.



There are risks that the community does not support the draft masterplan and/or proposed stewardship site. Presentation of draft proposals provides an opportunity for the community to have input into the final decision of Council.

Should Council resolve to adopt a masterplan for the Central Coast Airport, following public exhibition, there are risks that the proposed airport expansion activities are unable to be funded. Prior to completion of the recommended masterplan, and subject to community and industry feedback, a detailed business plan for the airport will be prepared to identify the costs associated with the masterplan and potential funding sources. These will likely include private sector investment for general aviation facilities as well as investment by Council and other levels of government (through grant funding) for airport infrastructure.


### Options

- 1 Resolve not to endorse public exhibition of the draft masterplan. This will not meet the expectations and needs of the broader Central Coast community and will be in contradiction to the intent of repeal of the *Warnervale Airport Restrictions Act 1996*, which was undertaken after a public inquiry by the NSW Government level.
- 2 Resolve to endorse the exhibition of the draft masterplan. This is the recommended option, as it will allow the Central Coast and aviation communities to comment on this proposed development of the Warnervale site. **This is the recommended option.**

### Critical Dates or Timeframes

The Draft Masterplan will be exhibited between 14 December 2023 and 13 February 2024 Q1 2024.

### Attachments

1	Draft Central Coast Airport Master Plan	Provided Under Separate	D15954272
	2023	Cover	



**Item No:** 2.4  
**Title:** Gosford Regional Library Project Status Update  
**Department:** Community and Recreation Services

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12 December 2023 Ordinary Council Meeting

Reference: CPA/3691 - D15805157  
Author: Mark Butterfield, Project Manager  
Manager: Michael Ross, Unit Manager Procurement and Project Management  
Beth Burgess, Unit Manager Libraries and Education  
Executive: Melanie Smith, Director Community and Recreation Services

## **Recommendation**

***That Council notes the progress on the Gosford Regional Library outlined in this report.***

## **Report purpose**

The purpose of this report is to inform Council on the progress of the Gosford Regional Library project.

## **Executive Summary**

This report provides an update on the progress of the Gosford Regional Library project for the last quarter, to 30 November 2023.

## **Background**

At the 26 September 2023 Ordinary Council Meeting, the following was resolved:

*158/23 Resolved*

- 1 That Council notes that a contract for the Design Development and Construction of Gosford Regional Library has been entered into with North Construction & Building Pty Ltd, in accordance with Resolution 104/23.*
- 2 That Council notes Attachment 1, which details progress on the Gosford Regional Library project.*
- 3 That Council notes that, in accordance with the Office of Local Government, further reports will be provided to Council every quarter to inform Council on the following items for the Regional Library project:*
  - The project's progress*
  - Costs and budget variances*



- *Any issue that may have an adverse impact on the project, both monetary and non-monetary*

This report contains detail on the progress made last quarter on the construction of Gosford Regional Library (Library).

### **Current Status**

North Construction & Building Pty Ltd (North) has completed most scheduled demolition activities over the last 3 months. Construction is currently scheduled to start in January 2024.

Project expenditure is \$4,642,054 as of 30 November 2023, against a total budget of \$32.7M.

The current anticipated date of Practical Completion for contract CPA/3691 is 20 December 2024. The Practical Completion date for this contract drives the projected opening date for the Library as delivery of this contract makes up a bulk of activities required to open the new building. The current projected timeframe for opening the Library is February 2025.

Project risks are being controlled using a Risk Management Plan and Risk Register.

The reporting milestones for the Community Development Grants Programme grant for the library project are being updated for the Library's delivery timeline with a variation request to the Federal Funding Body.

The progress report for the next quarter will be reported to Council at the March 2024 Ordinary Council Meeting.

### **Progress of Works**

North completed the following works as of 30 November 2023:

- Mobilisation
- Interior demolition
- Demolition of roof
- Demolition of exterior walls

North plans the following works for next quarter:

- Issue of Construction Certificate
- Completion of demolition activities
- Completion of foundation and ground floor slab
- Start construction of upper floor slabs and supporting columns

### **Current Open Contracts**

The following contracts are open for the Library project:

- CPA/3691 – Design Development and Construction of Gosford Regional Library

## Financial Considerations

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

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

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

Project spend has been rephased for North's predicted spend. The project spend will be monitored and progressively rephased if required to reflect the anticipated spend for the rest of the current financial year. Current performance against project budget is shown in the following table.

<b>Central Coast Council*</b>									
<b>Natural Account Details</b>									
<b>For Period Nov 23</b>									
<b>Nov 23 Actuals</b>									
Natural Account	2023/24 This Period Actuals	2023/24 This Period Budgets	2023/24 This Period Variance	2023/24 YTD Actuals	2023/24 YTD Budgets	2023/24 YTD Variance	2023/24 Full Year Budget	2023/24 Current Encumbrance	YTD Act % YTD Bud
<b>24215. Gosford Regional Library and Innovation Hub</b>									
270002. WIP Labour	15,740	0	(15,740)	53,885	0	(53,885)	0	0	
270003. WIP Labour Hire	0	0	0	0		0		0	
270004. WIP Internal Expense - Plant and Fleet Hire	0	0	0	0	0	0	0	0	
270007. WIP Materials and Contracts	648,645	440,000	(208,645)	1,980,157	1,893,003	(87,154)	8,495,253	28,267,046	
270011. WIP Labour - Overtime	0		0			0			
270012. WIP Oncost - Leave and Super	4,455	0	(4,455)	19,140	0	(19,140)	0	0	
<b>Total 24215. Gosford Regional Library and Innovation Hub</b>	<b>668,841</b>	<b>440,000</b>	<b>(228,841)</b>	<b>2,053,182</b>	<b>1,893,003</b>	<b>(160,179)</b>	<b>8,495,253</b>	<b>28,267,046</b>	<b>108.5%</b>
<b>Grant Revenue</b>									
760020. Capital Grants - Library	0	0	0	(1,050,000)	(1,050,000)	0	(2,800,000)	0	0.0%
<b>Actuals for 19-20, 20-21, 21-22, 22-23 &amp; 23-24 at 30th Nov</b>									
Natural Account	2019/20 Full Year Actuals	2020/21 Full Year Actuals	2021/22 Full Year Actuals	2022/23 Full Year Actuals	2023/24 YTD Actuals	Total Cost as at 30th Nov 23			
<b>24215. Gosford Regional Library and Innovation Hub</b>									
270002. WIP Labour	30,401	81,108	65,518	62,805	53,885	293,717			
270003. WIP Labour Hire			294	0	0	294			
270004. WIP Internal Expense - Plant and Fleet Hire		17	0	0	0	17			
270007. WIP Materials and Contracts	140,930	588,783	681,375	908,924	1,980,157	4,300,169			
270011. WIP Labour - Overtime				1,151	0	1,151			
270012. WIP Oncost - Leave and Super	0	0	5,271	22,296	19,140	46,707			
<b>Total 24215. Gosford Regional Library and Innovation Hub</b>	<b>171,331</b>	<b>669,908</b>	<b>752,458</b>	<b>995,175.58</b>	<b>2,053,182</b>	<b>4,642,054</b>			

The Library is partially funded from Department of Infrastructure, Transport, Regional Development and Communications through a Community Development Grants programme grant of \$7M. The funding agreement for this grant requires regular reporting as detailed in the funding deed.

### Performance Against Time

Delivery timeframes for the Library project are heavily influenced by the performance of contract CPA/3691, as delivery of this contract makes up the bulk of activities required to open the new building. Key time milestones are listed in the following table.

DESCRIPTION	DATES/DURATIONS (As of 30 November 2023)
Projected Date for Completion of Demolition	22 December 2023
Projected Start of Construction	January 2023
Original Date for Practical Completion of CPA/3691	20 December 2024
Extensions of Time Granted	0 days
Current Date for Practical Completion of CPA/3691	20 December 2024
Projected Date of Practical Completion of CPA/3691	20 December 2024
<b>Projected Timeframe of Library Opening</b>	<b>February 2025</b>

At this stage of the project's delivery phase, four weeks are estimated post Practical Completion of CPA/3691, for completion of Council's change management and transition projects from existing facilities to the new building. This estimate is subject to change as the scope of these projects are developed and CPA/3691 progresses.

There is currently one extension of time request of 2 days for inclement weather outstanding for CPA/3691.

### Link to Community Strategic Plan

Theme 5: Liveable

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

L-L3: Cultivate a love of learning and knowledge by providing facilities to support lifelong learning.

### Risk Management

Council implemented a risk management plan and associated risk register to capture and monitor risks and implement appropriate risk controls for the Library project when required.

The project's Risk Management Plan defines the requirements for the identification, management, escalation, and report of risks identified for all phases of the project. The outcomes of this plan are to:

- Ensure all relevant potential project risks are identified
- Develop risk mitigation measures

- Identify the governance structure by which risks are monitored and mitigation measures implemented
- Detail specific risk management and reporting requirements, at project team and Project Control Group levels

The project's risk register is the document in which project risks are identified; uncontrolled risk ratings identified for various categories; controls document; and controlled risk rating identified. The risk register is used to capture risks identified and associated mitigation measures developed as outcomes of the implementation of the Risk Management Plan.

No risk or issue that may have a material adverse impact on the project, either monetary or non-monetary, was realised in this reporting quarter.

**Options**

*Nil.*

**Attachments**

*Nil.*

**Item No:** 2.5  
**Title:** Outcomes of Public Exhibition - Planning Agreement Crangan Bay  
**Department:** Environment and Planning

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12 December 2023 Ordinary Council Meeting

Reference: DA/967/2013 - D15937381  
Author: Shannon Turkington, Unit Manager Strategic Planning  
Executive: Alice Howe, Director Environment and Planning

## **Recommendation**

***That Council requests the Chief Executive Officer to undertake all necessary actions to finalise the Planning Agreement for Lot 194 DP 1247440 (also known as Bargan Road, Crangan Bay), included at Attachment 1.***

## **Report purpose**

To consider the outcomes of the exhibition of a Planning Agreement for Lot 194 DP 1247440 (also known as Bargan Road, Crangan Bay) and seek endorsement for the Chief Executive Officer to finalise the Planning Agreement as outlined in Attachment 1.

## **Executive Summary**

Council has exhibited a draft Planning Agreement, Explanatory Note and draft Concept Plan for a local park at Crangan Bay. This report outlines the outcomes of the exhibition, feedback received and proposed changes to the Planning Agreement.

## **Background**

The Planning and Assessment Commission issued an approval under the transitional provisions of Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for a Concept Plan to develop Lot 11, DP 118029685 Kanangra Drive, Crangan Bay in July 2012 (10\_0084). The approval provided for:

- Residential development to a maximum of 623 dwellings over a 62.24 hectare development site;
- A conceptual layout including local open space, bushland and access network; and
- The dedication of 205.75 hectares of conservation land to the NSW Government adjoining or adjacent to the site.

A Statement of Commitments and Landscape and Open Space Design Concepts were also approved as part of the Concept Approval, which required the delivery of open space and

## **2.5 Outcomes of Public Exhibition - Planning Agreement Crangan Bay (contd)**

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payment of development contributions as well as approving the location of the proposed local park.

The Statement of Commitments provides that, in lieu of monetary contributions for open space, local parks and cycleway networks will be developed by the owner in accordance with the Concept Plan, Illustrative Landscape Plan and Urban Design Guidelines and then dedicated to the [then] Wyong Council after completion of all stages of the development. The owner will management these parks for a five year period or until all lots in each relevant stage are sold whichever is the latter.

The Concept Approval required further applications for development to be undertaken under Part 4 or Part 5 of the *Environmental Planning and Assessment Act 1979*. DA/967/2013 for a 405-lot subdivision was approved by the Joint Regional Planning Panel on 5 June 2014, which also approved the location of the open space and local infrastructure contributions applying to the development.

To enable Council to consider the proposed works as Works In Kind and dedication of the land, Scape Properties offered to enter into a Planning Agreement with Council to enable a pathway for the detailed design and approval of the local park, dedication of the land and to provide a mechanism for the cost of the land and park embellishment to be appropriately valued and partially offset against the open space local infrastructure contributions levied under DA/967/2013.

The draft Planning Agreement, Explanatory Note and Concept Plan for the local park were publicly exhibited between 10 July 2023 and 6 August 2023. Council received 25 submissions in response to the public exhibition.

### **Current Status**

The submissions received have been reviewed by Council's Strategic Planning Unit and Open Space and Recreation Unit and a summary is provided in Attachment 2.

### **Consultation**

The draft Planning Agreement, Explanatory Note and Concept Plan for the local park were publicly exhibited between 10 July 2023 and 6 August 2023. Council received 25 submissions in response to the public exhibition. The submissions raised the following points:

- Support for the proposed local park
- Request for the local park to include public amenities and BBQs
- Request for the playspace to include inclusive design principles such as replacing mulch with softfall, providing more inclusive play equipment and changing places restroom.
- Inclusion of a fenced dog park and/or dog exercise area

## 2.5 Outcomes of Public Exhibition - Planning Agreement Crangan Bay (contd)

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- Inclusion of a range of activities such as skatepark, hard courts, merry go round, additional shade, outdoor gym equipment, linking paths to Gwandalan, soccer goals, sports facilities, public art and removal of trees to allow more sport.

The feedback has been provided to Council's Open Space and Recreation Unit as well as the developer to consider in the detailed design of the local park. The space is considered a local park and therefore public amenities, BBQs and off street car parking will not be included in the design.

Tunkuwallin Oval in Gwandalan (approximately 1.5km from Crangan Bay) is a district level facility and includes sporting fields, courts, skate park, shower and toilet facilities and therefore these facilities will not be duplicated in the design at Crangan Bay. The new playground at Tunkuwallin Oval was completed in September 2021 and Council's Operational Plan includes \$30,000 in 2023-24 and \$100,000 in 2024-25 for renewal of the skate park.

The revised draft Dogs in Open Space Action Plan (recently exhibited) proposes an off the leash area at Tunkuwallin Oval Precinct. This area was included in the revised Action Plan in response to community feedback.

The detailed park design will be prepared to ensure the design complies with *Everyone Can Play – A guideline to create inclusive playspaces* (updated 2023) prepared by the Department of Planning and Environment to ensure the playspace is being designed and delivered according to best practice and can be used and enjoyed by everyone in the community.

The draft concept plan for the local park will be revised to incorporate the community feedback, noting that the playspace to be provided is at a local level and therefore will not be able to incorporate all suggestions into the design.

The draft Planning Agreement has also been reviewed by Council's Governance Risk and Legal Unit following public exhibition. Administrative changes have been made to include additional definitions and updating of outdated references.

### Financial Considerations

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

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

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

Endorsement of the Planning Agreement allows for the formalisation of the approval process for the detailed design and delivery of the local park as well as the dedication of the land to Council. The draft Planning Agreement includes specifications for delivery of the work, a



## 2.5 Outcomes of Public Exhibition - Planning Agreement Crangan Bay (contd)

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methodology for valuation of the works and how they will be offset against the local infrastructure contributions required for the development. Local Infrastructure Contributions will be calculated and indexed as outlined in the Contributions Schedule in DA/967/2013.

The cost of the preparation of the Planning Agreement has been charged as per Council's fees and charges.

### Link to Community Strategic Plan

Theme 5: Liveable

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

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

### Risk Management

Entering into a Planning Agreement provides certainty for Council, the developer and the community. The approval process for the detailed design, conditions for delivery of the local park and playspace, dedication of land and payment of development contributions are outlined in the Planning Agreement.



The draft planning agreement has been reviewed by Council's Governance Risk and Legal Unit following public exhibition to ensure it is fit for purpose and minimises risk to Council.

### Options

The options available to Council are to:

- 1 Endorse the draft Planning Agreement to allow for a coordinated approach to the delivery of the local park and dedication of land– **This is the recommended option.**
- 2 Resolve not to endorse the Planning Agreement. This is not the recommended option.

### Attachments

	1 Planning Agreement Scape Properties and Central Coast Council - November 2023	Provided Under Separate Cover	D15973838
	2 Summary of Submissions	Provided Under Separate Cover	D15973844

**Item No:** 2.6  
**Title:** Draft Public Interest Disclosure Policy and Procedure  
**Department:** Corporate Services

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12 December 2023 Ordinary Council Meeting

Reference: F2010/00542 - D15931052  
Author: Jade Maskiewicz, Disclosures and Investigations Coordinator Governance Risk and Legal  
Manager: Edward Hock, Unit Manager Governance, Risk and Legal  
Executive: Marissa Racomelara, Director Corporate Services

## **Recommendation**

### ***That Council:***

- 1 Rescinds the Internal Reporting Policy and Internal Reporting Procedure that are attachments 1 and 2 to this report.***
- 2 Adopts the Public Interest Disclosure Policy and Public Interest Disclosure Procedure that are attachments 3 and 4 to this report.***

## **Report purpose**

To adopt the new Public Interest Disclosure Policy and Procedure in accordance with the *Public Interest Disclosure Act 2022* (PID Act).

## **Executive Summary**

To meet the obligations of the new PID Act, Council has developed a new PID Policy and Procedure to replace the former Internal Reporting Policy and Procedure.

## **Background**

The new PID Act commenced on 1 October 2023. The PID Act aims to encourage a 'speak up' culture regarding wrongdoing. To assist agencies with their obligations the NSW Ombudsman released guidance and a Model PID Policy, for agencies to adapt in developing their own PID Policy.

An integral part of a 'speak up' culture is having in place a framework that facilitates public interest disclosures of wrongdoing by:

- Protecting public officials, witnesses and other persons who speak up from detrimental action or liability;
- Taking active steps to maintain the confidentiality of reports; and

- Imposing duties on agencies that receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

The PID Act introduces several changes to the way public interest disclosures are handled by agencies in New South Wales, and what protections are available to whistle-blowers.

The key changes to the PID Act include:

- A simple 'no wrong door' approach which supports the making of disclosures in a way that is likely to be the most natural and convenient.
- More comprehensive protections for whistle-blowers, including a more straightforward test to determine whether the PID was a contributing factor to the detrimental action.
- The scope of serious wrongdoing has been significantly broadened, for example, 'maladministration' has been renamed 'serious maladministration' but redefined to conduct 'other than conduct of a trivial nature'.
- An obligation to specify PID requirements in agency contracts, including specifying that individuals involved in providing services are considered public officials and the obligations around PID awareness and training apply to these service providers in the same way they do to other public officials.
- Agencies must provide appropriate training to the head of the agency, disclosure officers for the agency and managers of public officials associated with the agency.
- An obligation to annually report to the NSW Ombudsman on the voluntary PIDs received.

Under Section 42 of the PID Act, Council is required to have a public interest disclosure policy. The PID Policy must include the following mandatory information and procedures:

<b>Procedures that must be included in the PID Policy</b>
<p><i>Receipt of Voluntary PIDs</i></p> <ul style="list-style-type: none"> <li>• Acknowledging receipt of voluntary PIDs</li> <li>• Providing information to the makers of voluntary PIDs</li> <li>• Dealing with disclosures that are, or may be, voluntary PIDs</li> </ul> <p>(s 43(1)(a) – (b))</p>
<p><i>Risk management</i></p> <p>Detail the agency's procedures for assessing and minimising the risk of detrimental action, other than reasonable management action, being taken against a person as a result of a voluntary PID being made.</p> <p>(s 43(1)(c))</p>
<p><i>Detrimental action</i></p> <p>Detail the agency's procedures for dealing with allegations that a detrimental action offence has been committed by or against a public official associated with the agency.</p> <p>(s 43(1)(e) and (3))</p>
<p><i>Maintaining confidentiality and protections</i></p> <p>Detail the agency's procedures for maintaining confidentiality in relation to voluntary PIDs and protecting the identity of the makers of voluntary PIDs.</p>

Include information about protections available under the PID Act to makers of voluntary, mandatory and witness PIDs.

(s 43(1)(e) and (3))

*Corrective action*

Specify the agency's procedures for taking appropriate corrective action in response to findings of serious wrongdoing or other misconduct that arise from voluntary PIDs relating to the agency.

(s 43(1)(f))

*Record-keeping*

Outline the agency's record-keeping procedures including how information is stored and confirm that security/access levels will be applied to all communications regarding disclosures made in accordance with the PID Act.

(s 43(1)(g))

*Reporting obligations*

Specify the agency's procedures for reporting in relation to voluntary PIDs to the NSW Ombudsman and how the agency will prepare its annual return.

(s 43(1)(g))

*Establishing internal oversight and complying with the PID Act*

Provide details about how the agency will ensure it complies with the PID Act, including who or what business unit has internal oversight over compliance with the PID Act.

(s 43(1)(h)–(i))

*Roles and responsibilities*

Specify the responsibilities under the PID Act given to:

the head of the agency

disclosure officers for the agency

Specify the responsibility imposed by section 51(1) on managers of public officials associated with the agency.

(s 43(2))

*List of disclosure officers*

Prominently include a list identifying the agency's disclosure officers by class, position, role or name, as well as information enabling them to be contacted.

(s 43(4))

## Current Status

Council currently has an Internal Reporting Policy and Procedure that was adopted in November 2021.

Given the large number of changes to the PID Act and to the handling of PIDs, it was considered appropriate to develop a new PID Policy that incorporated the Model Policy provided by the NSW Ombudsman.

A new Public Interest Disclosures Procedure was also developed that incorporates the procedural elements required by the Act.

**Consultation**

Internal consultation was undertaken with Council's:

- Executive Leadership Team,
- Disclosures and Investigations Coordinator,
- Unit Manager Governance Risk and Legal,
- Section Manager Governance, and
- Senior Governance Officer.

As there is a legislative requirement for Council to adopt this policy, public exhibition is not required.

**Financial Considerations**

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

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

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

There is limited financial impact adopting this Policy and Procedure. All proposed training for the new Policy and Procedure is to be provided in-house using current resources.

**Link to Community Strategic Plan**

Theme 4: Responsible

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

R-G2: Engage and communicate openly and honestly with the community to build a relationship based on trust, transparency, respect and use community participation and feedback to inform decision making.

**Risk Management**

Council could be in breach of its obligations under the *Public Interest Disclosures Act 2022* if it does not adopt a new PID Policy that aligns with the new legislation.

### Options

- 1 That Council rescinds the existing Internal Reporting Policy and Procedure and adopt the new Public Interest Disclosures Policy and Procedure. **This is the recommended option.**
- 2 That Council retains the current Internal Reporting Policy and Procedure.

### Critical Dates or Timeframes

The new PID Act commenced in October 2023 so the immediate adoption of the new PID Policy and Procedure will align Council with this legislation.

### Attachments

<b>1</b>	Internal Reporting Policy	Provided Under Separate	D14780429
		Cover	
<b>2</b>	Internal Reporting Procedure	Provided Under Separate	D14682984
		Cover	
<b>3</b>	Draft Public Interest Disclosure Policy	Provided Under Separate	D15810716
		Cover	
<b>4</b>	Draft Public Interest Disclosure	Provided Under Separate	D15810938
	Procedure	Cover	



**Item No:** 2.7  
**Title:** For Public Exhibition - Draft Privacy Management Plan Policy and Data Breach Policy  
**Department:** Corporate Services

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12 December 2023 Ordinary Council Meeting

Reference: F2010/00542 - D15972512  
Author: Alysha Croussos, Senior Governance Officer, Governance  
Manager: Edward Hock, Unit Manager Governance, Risk and Legal  
Executive: Marissa Racomelara, Director Corporate Services

## **Recommendation**

### ***That Council:***

- 1** ***Places the following documents on public exhibition for a period of 28 days as per this report:***
  - ***Privacy Management Plan Policy***
  - ***Data Breach Policy***
- 2** ***Considers a further report be presented following the public exhibition period for consideration of any relevant submissions and adoption of the documents.***

## **Report purpose**

To outline Council's obligations under the Mandatory Notification of Data Breach Scheme arising from the recent amendments to the *Privacy and Personal Information Protection Act 1998 (PIIP Act)* and seek endorsement to place the reviewed Data Breach Policy and Privacy Management Plan Policy on public exhibition.

## **Executive Summary**

This report details the proposed changes made to the enclosed documents following recent amendments to the PPIP Act and seeks Council endorsement to seek community feedback.

## **Background**

The recent amendments made to the PPIP Act came into effect on 28 November 2023.

The key change to the PPIP Act is the introduction of the Mandatory Notification of Data Breach Scheme (**MNDB Scheme**). The MNDB Scheme requires public sector agencies (such



as Council) bound by the PPIP Act to notify the Privacy Commissioner and affected individuals of **eligible data breaches** involving personal or health information that are likely to result in serious harm.

Under the MNDB Scheme, Council has an obligation to:

- Immediately make all reasonable efforts to contain a data breach and undertake an assessment **within 30 days** where there are reasonable grounds to suspect there may have been an '*eligible data breach*' (the timeframe for assessment can be extended in accordance with the PPIP Act),
- During the assessment period, make all reasonable attempts to mitigate the harm done by the suspected breach,
- Decide whether a breach is an eligible data breach or there are reasonable grounds to believe the breach is an eligible data breach,
- Notify the Privacy Commissioner and affected individuals of the eligible data breach, and
- Comply with other data management requirements as set out in the PPIP Act.

An eligible data breach occurs where:

1. There is unauthorised access to, or unauthorised disclosure of, personal information held by a public sector agency or there is a loss of personal information held by a public sector agency in circumstances that are likely to result in unauthorised access to, or unauthorised disclosure of, the information; **and**
2. A reasonable person would conclude that the access or disclosure of the information would likely to result in serious harm to an individual to whom the information relates.

The obligations set out above, in addition to other obligations imposed by amendments to the PPIP Act, require Council to ensure it has a robust data governance framework that complies with the MNDB Scheme. This includes:

- Establishing clear roles and responsibilities for managing a data breach or suspected data breach,
- Reviewing and updating Council's *Privacy Management Plan* to include provisions in relation to the procedures and practices used by Council to ensure compliance with the obligations and responsibilities set out in Part 6A of the PPIP Act. The Plan is required to reference Council's *Data Breach Policy*,
- Preparing and publishing (or in Council's case, review) a *Data Breach Policy* that sets out how Council will respond to a data breach, the roles and responsibilities of Council staff in relation to managing a data breach and the steps Council will follow if a breach occurs,
- Establishing and maintaining an internal register of data breaches, and

## 2.7 For Public Exhibition - Draft Privacy Management Plan Policy and Data Breach Policy (contd)

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- Establishing and maintaining a public notification register of any public notifications made. The information in the public notification register must be publicly available for at least 12 months after the date of publication.

### Current Status

In response to these requirements, Council has reviewed the following documents relevant to the MNDB Scheme:

- Privacy Management Plan Policy
- Data Breach Policy
- Data Breach Procedure

A summary of the changes is outlined below:

<b><i>Policy Name</i></b>	<b><i>Changes</i></b>
Privacy Management Plan Policy	<ul style="list-style-type: none"><li>• Transferred to Council's new Policy template as required under Council's Policy Documents Framework</li><li>• Renamed to the <i>Privacy Management Plan <b>Policy</b></i> to align with Council's policy Documents Framework</li><li>• Confirmed that actual processes and procedures are outlined correctly within the Policy</li></ul>
Data Breach Policy	<ul style="list-style-type: none"><li>• Transferred to Council's new Policy template as required under Council's Policy Documents Framework</li></ul>
Data Breach Procedure	<ul style="list-style-type: none"><li>• Reviewed to align with the requirements of the PPIP Act and MNDB Scheme as well Council's current processes and procedures</li><li>• Further information provided in terms of roles and responsibilities</li></ul>

While the Data Breach Procedure is not presented for public exhibition as it is operational in nature, it is provided as part of this report for consideration and context.

### Consultation

Executive Leadership Team  
Governance  
Customer Service  
Information Technology  
Procurement  
Legal

People and Culture  
Facilities and Asset Management  
Communications

### **Financial Considerations**

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

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

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

It is anticipated that there are limited financial impacts in adopting the proposed documents. Any new or additional training that needs to be provided to staff can be provided in-house using current resources and/or additional training materials provided free of charge by the Information and Privacy Commission (**IPC**) on their website.

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

Theme 4: Responsible

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

R-G2: Engage and communicate openly and honestly with the community to build a relationship based on trust, transparency, respect and use community participation and feedback to inform decision making.

### **Risk Management**

If Council does not align with the requirements of the MNDB Scheme, it will be in breach of the PPIP Act and may face regulatory action.




### **Options**

1. Endorse the draft policies and place on public exhibition for community feedback and consultation. **This is the recommended option.**
2. Resolve not to endorse the draft policies and not exhibit the documents as reviewed. This is not the recommended option as the review ensures compliance with the MNDB Scheme and PPIP Act.

### **Critical Dates or Timeframes**

The amendments to the PPIP Act and the commencement of the MNDB Scheme commenced on 28 November 2023. It is noted that Council is broadly compliant already; however, these recommended changes align with the amended legislation and the requirements of the MNDB Scheme.

### **Attachments**

- |   |                                      |                               |           |
|---|--------------------------------------|-------------------------------|-----------|
| <b>1</b>  | DRAFT Privacy Management Plan Policy | Provided Under Separate Cover | D15782319 |
|  |                                      |                               |           |
| <b>2</b>  | DRAFT Data Breach Policy             | Provided Under Separate Cover | D15871538 |
|  |                                      |                               |           |
| <b>3</b>  | DRAFT Data Breach Procedure          | Provided Under Separate Cover | D15871576 |
|  |                                      |                               |           |



**Item No:** 2.8  
**Title:** Outcomes of Public Exhibition - Amendments to Guidelines for Resource & Waste Management Planning and DCP Chapter - Site Waste Management  
**Department:** Environment and Planning and Infrastructure Services

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12 December 2023 Ordinary Council Meeting

Reference: F2020/00039 - D15927626  
Author: Bruce Ronan, Strategic Planner Local Planning and Policy  
Darren North, Section Manager Waste Services  
Sarah Hartley, Senior Strategic Planner Local Planning and Policy  
Scott Duncan, Section Manager Local Planning and Policy  
Manager: Shannon Turkington, Unit Manager Strategic Planning  
Andrew Pearce, Unit Manager Waste and Resource Recovery  
Executive: Alice Howe, Director Environment and Planning  
Boris Bolgoff, Director Infrastructure Services

## **Recommendation**

### ***That Council:***

- 1 Adopts the new Development Control Plan Chapter 2.14 – Site Waste Management within the Central Coast Development Control Plan 2022 (Attachment 1).***
- 2 Adopts the DA Guidelines for Resource and Waste Management Planning (Attachment 2), as amended in response to community feedback.***
- 3 Publishes a public notice of its decision regarding the adoption of the Development Control Plan Chapter 2.14 within 28 days.***
- 4 Provides the Planning Secretary with a copy of the Development Control Plan Chapter 2.14 within 28 days.***
- 5 Notifies all those who made submissions during the public exhibition of Council's decision.***

## **Report Purpose**

To adopt the *DA Guidelines: Resource and Waste Management Planning* (Waste Guidelines) and associated amendments to *Central Coast Development Control Plan 2022* (CCDCP 2022) Chapter 2.14 Site Waste Management. This will ensure that the updated Waste Guidelines are considered during the development assessment process.

## **Executive Summary**

## 2.8 Outcomes of Public Exhibition - Amendments to Guidelines for Resource & Waste Management Planning and DCP Chapter - Site Waste Management (contd)

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The proposed Waste Guidelines reflect the current changes to legislation and both Council and NSW Government waste strategies. The proposed Waste Guidelines have been developed to take a less prescriptive and more proactive outcome and solution-based approach to improving waste and resource recovery outcomes in new developments. Should the proposed Waste Guidelines be adopted, they will replace Council's current *Waste Control Guidelines*.

To give effect to the proposed Waste Guidelines there needs to be a corresponding change to Chapter 2.14 Site Waste Management in the CCDCP 2022.

Community feedback was sought regarding both the draft Waste Guidelines and proposed amendments to CCDCP 2022. A minor amendment was included on safety around vehicles.

### Background

Council's current *Waste Control Guidelines* are a combination of historical approaches and guidelines from both the former Gosford City Council and Wyong Shire Council. In 2022 Council began the extensive process of reviewing the approach and outcomes relating to waste control and management within the DA process. The outcome is the proposed Waste Guidelines, which have been developed in consultation with relevant Council staff and the development industry and with due regard to new NSW and local strategies, industry best practice and include input from, and the practices of, other similarly sized councils.

A corresponding amendment is required to Chapter 2.14 Site Waste Management of CCDCP 2022 to reflect the terminology and processes contained in the draft Waste Guidelines.

Council considered a report on 26 September 2023 regarding the exhibition of the draft Waste Guidelines and the corresponding changes to Chapter 2.14 of CCDCP 2022. Council resolved:

*164/23 That Council:*

- 1 Publicly exhibit draft DA Guidelines for Resource and Waste Management Planning (Attachment 1) and proposed amendments to Chapter 2.14 Site Waste Management of the Central Coast Development Control Plan 2022 (Attachment 2) for not less than 28 days.*
- 2 Consider a further report following the public exhibition period.*

## 2.8 Outcomes of Public Exhibition - Amendments to Guidelines for Resource & Waste Management Planning and DCP Chapter - Site Waste Management (contd)

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- 3     *Once the DA Guidelines for Resource and Waste Management Planning are adopted by Council, delegate authority to the CEO to make minor amendments to both documents.*

### Report

The proposed Waste Guidelines and Chapter 2.14 of CCDCP 2022 have been prepared having regard to the provisions of the *Waste Avoidance and Resource Recovery Act, 2001* and the *Protection of the Environment Operations Act, 1997*.

The proposed Waste Guidelines cover all stages of development including clearing, demolition, site preparation, subdivision, construction, and long-term operation/on-going use. Chapter 2.14 Site Waste Management applies to all categories of development and provides Council's requirements for the management of waste including waste minimisation, storage, handling, recycling, and disposal via reference to the proposed Waste Guidelines.

The proposed DCP Chapter requires a Resource and Waste Management Plan (RWMP) to be submitted and approved as part of a development application for new development. In the RWMP, the applicant must demonstrate that each of the following four outcomes can be satisfied, as outlined in the draft Waste Guidelines:

- Create safety
- Protect amenity
- Deliver efficiency
- Build a circular economy.

Each development stage (i.e. site preparation, construction, occupancy) requires a different approach and solution to resource and waste management, thus each stage requires a separate RWMP to be prepared.

### Consultation

The draft Waste Guidelines and draft Chapter 2.14 Site Waste Management of CCDCP 2022 were placed on public exhibition for 28 days from 3 October 2023 to 31 October 2023.

There were two submissions received with the following issues summarised and addressed by Council's Section Manager of Waste Services.

- ***Developments with more than 6 units are required to have waste collection points wholly on site where a heavy rigid truck can drive in and out in a forward direction. This is not feasible for smaller developments (6-20 units).***

Response: The Guidelines are designed to preference the following where physically possible:

- On-site solutions.

## 2.8 Outcomes of Public Exhibition - Amendments to Guidelines for Resource & Waste Management Planning and DCP Chapter - Site Waste Management (contd)

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- require a drive in and drive out solution to improve safety.
- avoid the reversing of Heavy Goods Vehicles.

This approach improves amenity and reduces the numbers of individual bins and piles of bulky waste presented on the street. However, the Guidelines allow for different service methodologies to be considered where appropriate and feasible.

- ***If Council wants to facilitate medium density development, waste servicing should include other options such as medium rigid vehicles and/or manually bringing the bins to the truck.***

Response: The guidelines recommend that multi-unit developments should be designed to support combined bulk bin and bulky waste service, preferably collected from within the property boundary. However, the Guidelines allow for different service methodologies to be considered where appropriate and feasible.

- ***The draft Waste Guidelines appears to contain strategic justification, whereas it should contain guidelines only.***

Response: The new Guidelines have been developed for a range of perspectives and understandings to provide information and supporting documents to be development specific. The new Guidelines have been structured to provide education and understanding to assist with promoting improved waste outcomes. In addition, not all sections of the Guidelines would be relevant to each applicant, and the Guidelines have been structured to allow users to easily identify the sections relevant to them.

The Guidelines also incorporate Council's branding and image requirements and have included designs and layouts that align with Web Content Accessibility Guidelines (WCAG) 2.1 which defines how to make Web content more accessible to people with disabilities. The use of Non-Text Content (diagrams) is challenging when considering WCAG requirement to include text descriptions for Non-Text Content.

- ***Different levels of documentation should be required for different types of development.***

Response: The new DCP wording has been selected to reinforce the key objectives of the new Guidelines and the mandatory requirement to complete a Resource and Waste Management Plan (RWMP). This does allow for flexibility to adapt identified principles and objectives across a range of development types and site-specific circumstances.

- ***The DCP does not contain particular controls and re-states the strategy. The DCP should be concise and contain measurable objectives and requirements.***



## 2.8 Outcomes of Public Exhibition - Amendments to Guidelines for Resource & Waste Management Planning and DCP Chapter - Site Waste Management (contd)

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Response: The new DCP wording has been updated to reflect the wording and legislative requirements contained in the new Guidelines. The new DCP wording has been selected to reinforce the key objectives of the new Guidelines and the mandatory requirement to complete a Resource and Waste Management Plan (RWMP).

The use of Guidelines within the waste management planning context has been steadily increasing to assist in managing waste complexities, legislation, and improving development and community outcomes by providing an objective based approach. This allows for greater flexibility in the guideline to adapt identified principles and objectives across a range of development types and site-specific circumstances.

- ***The Guideline should include provision for a collection vehicle within the collection or service zone to allow the collection operatives to safely manoeuvre and empty bins.***

Response: In response to this submission, a minor amendment has been made to the exhibited Guideline document referenced by the DCP following the exhibition period. This change includes a change at page 49 to include this additional guideline:

*8. Sufficient space around the collection vehicle must be allowed within the collection or service zone to allow the collection operatives to safely manoeuvre and empty bins.*

*The development must allow at least the following:*

- *1m pedestrian clearance for operatives to walk*
- *1.5 x the largest bin size for wheeling bins*
- *2.5 x the largest bin size within the emptying zone.*

This amendment has been included in the final version of the Guidelines provided in Attachment 2.

There are no further changes made to the exhibited materials.

### **Financial Considerations**

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

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

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

Adoption of the staff recommendation has no direct bottom-line budget implications for Council.

## **Link to Community Strategic Plan**

Theme 3: Green

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

G-E3: Reduce littering, minimise waste to landfill and educate to strengthen positive environmental behaviours.

### **Risk Management**

There are no material risks identified to the natural or built environment associated with the proposed amendment to Council's waste guidance for development.

### **Options**

- 1 Support the recommendation as the proposed amendments to Council's waste guidance for development has strategic merit in that it will apply improved practice to the consideration of waste in the development assessment process.  
**This is the recommended option.**
- 2 Retain the existing waste guidance for developers (not recommended).

### **Conclusion**

The proposed amendments to waste guidance for development has strategic merit in that the proposed changes will apply more contemporary practices to the management of waste as part of the development assessment process.

### **Attachments**

<b>1</b>	Draft DCP Chapter 2.14 Site Waste Management	Provided Under Separate Cover	D15788593
<b>2</b>	DA Guidelines Resource and Waste Management Planning	Provided Under Separate Cover	D15967199

**Item No:** 2.9  
**Title:** Community Support Grant Program - October 2023  
**Department:** Community and Recreation Services

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12 December 2023 Ordinary Council Meeting

Reference: F2017/02117-002 - D15565257  
Author: Belinda McRobie, Section Manager Community Development  
Manager: Glenn Cannard, Unit Manager. Community and Culture  
Executive: Melanie Smith, Director Community and Recreation Services

## **Recommendation**

### ***That Council:***

- 1 *Allocates \$31,399.47 (inclusive of GST where applicable) from the 2023/24 grants budget to the Community Support Grant program, as outlined below and in Attachment 1.***
  - a Toukley Neighbourhood Centre Incorporated - Look & feel refresh & B3 - \$3,597.00.***
  - b Educar Foundation Limited - Gosford RSL Max Potential 2024- \$5,000.00.***
  - c Pearl Beach Progress Association Incorporated – Rates Subsidy - \$3,910.16.***
  - d Wyong Creek Literary Institute Incorporated - Rates Subsidy - \$892.19.***
  - e EDSACC Croquet Club - Lawn Renovations- \$5,000.00.***
  - f Killcare Surf Life Saving Club Incorporated - Change Station & Replacement Door Beverage Display Fridge Purchase - \$4,442.12.***
  - g Iris Foundation Australia Limited - Community Connections - \$4,808.00.***
  - h Chain Valley Bay Progress Association Incorporated - Australia Day Community Celebrations in Joshua Porter Reserve - \$3,750.00.***
- 2 *Declines the applications as outlined below, for the reasons indicated in Attachment 1, and the applicants be advised and where relevant, directed to alternate funding sources.***
  - a Toukley Neighbourhood Centre Incorporated – community murals relocation- insufficient information provided to make an accurate assessment***

## **Report purpose**

To seek endorsement of the recommendations for the Community Support Grant Program.

### Executive Summary

This report considers the applications and recommendations for the Community Support Grant Program.

The Community Support Grant Program remains open throughout the year to provide assistance for community activities that require in-kind support through the provision of subsidised access to Council services and financial assistance for community activities that require a smaller amount of support.

This program enables applicants to apply for funding support in a faster response time

### Background

Council's grant programs are provided to support the community to deliver quality programs, projects or events that build connections, celebrate our local community, and align with the One-Central Coast Community Strategic Plan and build capacity across the entire Central Coast community.

The Community Support Grant Program is provided to support the community to deliver activities which require a small amount of funding and/or in-kind support. The Community Support Grant provides 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 original budget of \$300,000 annually as detailed in table one below.

**Table 1: Community Support Grant Program**

Program	Original Budget	Opening Period	2023/2024 allocation to date (inclusive of GST where applicable)	Recommendation allocation within this report (Inclusive of GST where applicable)	Allocation to date + Recommendation within report (Inclusive of GST where applicable)
Community Support Grant Program	\$300,000	Ongoing	\$150,972.03	\$31,399.47	\$182,371.50
<b>TOTAL</b>			<b>\$150,972.03</b>	<b>\$31,399.47</b>	<b>\$182,371.50</b>

**Current Status**

Applications submitted from 1 – 31 October 2023 are considered in this report. The Community Support Grant Program provides up to \$5,000 per project per financial year in combined funding and in-kind Council services to applicants who are a legally constituted not-for profit organisations, or auspiced by one.

**Assessment**

A total of nine applications were received and assessed by 10 November 2023, with eight applications recommended for funding in this Council report. One application is not recommended for funding.

The application not recommended for funding did not provide sufficient information to make an accurate assessment. The applicant will be advised to discuss their proposal further with Council's Grants Officers prior to resubmission in a future round.

Council's Unit Manager Community and Culture and the Community Grants Team assessed the Community Support Grant program applications, 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 conducted two grant writing workshops with 59 attendees and four grant information sessions with 116 attendees.

Additionally, Council staff also undertook two drop-in support sessions with three attendees to assist applicants with their submissions where required.

**Financial Considerations**

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

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

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

Council's 2023/2024 Council Operational Expenditure original budget allocates \$300,000 to the Community Support Grant Program.

Expenditure is approved until the end of the 2023-2024 financial year. Unspent funds will lapse on 30 June 2024.

No additional budget is required nor sought through this report. All actions within have been funded through existing and approved operational plan budgets.

### **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.

Applications recommended for funding are conditional on all relevant event/activity approvals being provided prior to the release of funds, and successful applicants are required to return any unspent funds for projects not able to be delivered as planned.

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.


### **Options**

- 1 Approval of all recommended applications as submitted will provide a community benefit to residents of the Central Coast Local Government Area.  
**This is the recommended option.**
- 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. **Not recommended.**

**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 Grant Program - October 2023	Provided Under	D15967485
	- Recommended and Not Recommended	Separate Cover	