



Central Coast Council
Business Paper
Ordinary Council Meeting
23 January 2024





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.

The infographic details the following structure:

- THEME: BELONGING**
 - Focus Area: OUR COMMUNITY (G1, G2, G3, G4)
 - Focus Area: COMMUNITY CONNECTIONS AND LOCAL SOCIETY (G5, G6, G7, G8)
- THEME: SMART**
 - Focus Area: A GROWING AND COMPETITIVE REGION (S1, S2, S3, S4, S5, S6)
 - Focus Area: A PLACE OF OPPORTUNITY FOR PEOPLE (S7, S8, S9, S10)
- THEME: GREEN**
 - Focus Area: ENVIRONMENTAL PROTECTION (G11, G12, G13, G14)
 - Focus Area: SUSTAINABLE AND RESILIENT REGIONAL ECOSYSTEMS (G15, G16, G17, G18)
- THEME: RESPONSIBLE**
 - Focus Area: GOOD GOVERNANCE AND GREAT PARTNERSHIPS (G19, G20, G21, G22)
 - Focus Area: BELONGING ESSENTIAL INFRASTRUCTURE (G23, G24, G25, G26)
 - Focus Area: ECONOMIC AND SUSTAINABLE DEVELOPMENT (G27, G28, G29, G30)
- THEME: LIVEABLE**
 - Focus Area: RELIABLE PUBLIC TRANSPORT AND CONNECTIONS (L1, L2, L3, L4)
 - Focus Area: SAFE AND SOUND LIVING (L5, L6, L7, L8)
 - Focus Area: HEALTHY LIFESTYLES FOR A THRIVING COMMUNITY (L9, L10, L11, L12)



Meeting Notice

**The Ordinary Council Meeting
of Central Coast Council
will be held in the Central Coast Council Chambers,
2 Hely Street, Wyong
on Tuesday 23 January 2024 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

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David Farmer
Chief Executive Officer



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

23 January 2024 Ordinary Council Meeting

Reference: F2024/00015 - D16014639
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

23 January 2024 Ordinary Council Meeting

Reference: F2023/00021 - D15992945

Recommendation

That Council confirms the minutes of the Ordinary Meeting of Council held on 12 December 2023.

Summary

Confirmation of minutes of the Ordinary Meeting of Council held on 12 December 2023.

Attachments

1	MINUTES - Council Meeting - 12 December 2023	Provided Under Separate Cover	D15991858
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Item No: 1.3
Title: Notice of Intention to Deal with Matters in Confidential Session
Department: Corporate Services

23 January 2024 Ordinary Council Meeting

Reference: F2024/00015 - D16014638

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: Investment report for December 2023
Department: Corporate Services

23 January 2024 Ordinary Council Meeting

Reference: F2004/06604 - D16015627
Author: Michelle Best, Section Manager Financial Accounting and Assets
Manager: Emma Galea, Chief Financial Officer
Executive: Marissa Racomelara, Director Corporate Services

Recommendation

That Council:

- 1 Notes the Investment Report for December 2023.**
- 2 Notes the reduction in total cash and investments is predominantly due to the settlement of the \$100M emergency loan in December 2023.**
- 3 Allocates the required unrestricted funds available in the General Fund to meet its December 2023 unrestricted funds deficit of \$34.24M in the Drainage Fund and \$0.48M in Water Fund.**

Report purpose

To present the monthly Investment Report 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 the investment has been made in accordance with the Act, the regulations and the council's investment policies.*
- 2 *The report must be made up to the last day of the month immediately preceding the meeting.*

Executive Summary

This report details Council's investments as at 31 December 2023.

Note: Due to the impact of business closure during December 2023, the Monthly Finance Report December 2023 will be submitted to the Council meeting in February 2024.

Background

Council's investments are made in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005, Council's adopted Investment Policy, 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 \$719.13M as at 31 December 2023. A summary of investments as at 31 December 2023 is attached as Attachment 1 to this report.

Table 1 - Council's Cash and Investment Portfolio by Type

Type	Value (\$'000)
Investment Portfolio	\$696,817
Transactional accounts and cash in hand	\$22,316
Total	\$719,133

During December, Council's total cash and investments decreased by \$99.09M from \$818.22M to \$719.13M. This increased outflow is predominantly due to the settlement of the emergency loan in December 2023. Council's cash inflows including investment maturities have been used to manage outflows with maturities during the month re-invested taking into consideration operational cashflow requirements.

Table 2 – Council's Portfolio by Fund

Council's Portfolio is held in separate funds by purpose and is summarised as follows:

2.1 Investment report for December 2023 (contd)

Fund	General Fund	Drainage Fund	Consolidated General Fund	Water Fund	Sewer Fund	Domestic Waste Fund
	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)
External Restricted Funds	221,864	36,159	258,023	16,320	28,736	105,263
Internal Restricted Funds	108,915	68	108,983	974	935	45
Total Restricted Funds	330,779	36,227	367,006	17,294	29,671	105,308
Unrestricted Funds	95,037	(34,242)	60,795	(475)	122,157	17,377
Total funds by Fund	425,816	1,985	427,801	16,819	151,828	122,685

Note: The above table consolidates General Fund and Drainage Fund. From 1 July 2026, Drainage Fund fees and charges will no longer be regulated by IPART and will become part of Council's General Fund.

Detailed restrictions have been provided in Attachment 2. The unrestricted funds balances above, across the five Funds will increase and decrease during each financial year as revenues are received and expenditures occur.

As previously reported Council set aside funds in the Emergency Loan restriction to enable settlement of the loan in December 2023. These internally restricted funds have now been applied accordingly, resulting in a reduction in the General Fund internal restrictions amount. Council has now commenced setting aside funds to enable extinguishment of the remaining emergency loan in November 2025. Council will restrict \$1.4M each month for this purpose.

Council is continuing to manage the reported negative unrestricted funds balance in the Drainage Fund through its consolidation with the General Fund. The negative unrestricted funds balance in the Drainage Fund is currently \$34.24M. From 2026/2027 the Drainage Fund will become part of Council's General Fund as IPART will no longer regulate Stormwater Drainage prices. There is also a small unrestricted funds negative balance in the Water fund.

In the interim, the unrestricted funds deficit of \$34.24M in the Drainage Fund is proposed to be funded through the General Fund's available unrestricted cash balance as at 31 December 2023 of \$95.04M.

Whilst on a Fund basis the Water Fund has a negative unrestricted cash balance of \$0.48M, overall the Water Supply Authority (Water and Sewer Funds) has a positive unrestricted cash balance of \$121.68M.

Portfolio Management

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

The total value of the Council's investment portfolio as at 31 December 2023 is outlined in Table 3 below. Total net return on the portfolio for Council in December 2023, comprising entirely of interest earned, was \$3.16M.

Table 3 – Portfolio Movement (Investments only)

Description	2022-23	Jul-Sep Qtr	Oct-23	Nov-23	Dec-23	FYTD
	Financial Year \$'000	2023/24 \$'000	2023/24 \$'000	2023/24 \$'000	2023/24 \$'000	2023/24 \$'000
Opening Balance	628,005	707,301	745,827	737,625	759,516	707,301
movement in cash at call, additions and disposals	76,828	37,117	-7,740	21,060	-63,688	-13,251
Movement in Market Value	2,468	1,409	-462	832	989	2,767
Closing Balance	707,301	745,827	737,625	759,516	696,817	696,817
Interest earnings	22,168	8,346	3,088	2,960	3,156	17,550

The market value of Council's investment portfolio, excluding interest, as at 31 December 2023 is \$696.82M.

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

A summary of the term deposit and floating rate notes maturities are listed in Table 4 below.

Table 4 - Investment Maturities

Time Horizon	Percentage Holdings	Maturity on or before	Value \$'000
At Call	0.99%	Immediate	6,867
Investments			
0 - 3 months	11.70%	Mar-2024	81,497
4 - 6 months	11.48%	Jun-2024	80,013
7 - 12 months	15.16%	Dec-2024	105,651
1 - 2 years	25.09%	Dec-2025	174,799
2 - 3 years	25.31%	Dec-2026	176,393
3 - 4 years	7.49%	Dec-2027	52,203
4 - 5 years	2.78%	Dec-2028	19,394
Total Investments	99.01%		689,950
Total Portfolio	100.00%		696,817
Interest Accrued to December 2023 (Excluding Interest on call accounts)			5,612
Market Value of Investment per Portfolio Valuation Report (Attachment 5)			702,429

2.1 Investment report for December 2023 (contd)

The investment portfolio is concentrated in AA (15.84%), A (42.44%), and BBB (41.72%).

Council monitors and manages the portfolio taking into consideration credit ratings of financial institutions, interest rates offered for the maturity dates required and counterparty exposure. In this regard, all of Council's investments were within policy guidelines as at 31 December 2023.

The current spread of investments and counterparty exposure for December 2023 are shown in Graphs 1 and 2 respectively in Attachment 3.

Environmental, Social and Green (ESG) Investments

Council continues to look for ESG investment opportunities subject to prevailing investment guidelines. A list of current ESG investments held is contained on the Investment listing at Attachment 1 and are highlighted in green.

Council currently holds 2.34% or \$16.32M in ESG investments as at 31 December 2023.

Portfolio Return

Interest rates on investments in the month, ranged from 1.15% to 6.40%. The monthly Bank Bill Swap Rate (BBSW) benchmark was 4.29%. Changes in economic conditions have led to the Reserve Bank of Australia (RBA) maintaining the cash rate at 4.35% at its meeting in December 2023. The next RBA meeting is scheduled for 6 February 2024. BBSW has also followed cash rate trends and has been increasing steadily. Comparative interest rates are shown in the table below.

Table 5 – Interest Rate Increases

Month	RBA Cash Rate	1 Month Bank Accepted Bills
November 2022	2.85%	2.87%
December 2022	3.10%	3.01%
January 2023	3.10%	3.08%
February 2023	3.35%	3.28%
March 2023	3.60%	3.54%
April 2023	3.60%	3.60%
May 2023	3.85%	3.81%
June 2023	4.10%	4.07%
July 2023	4.10%	4.10%
August 2023	4.10%	4.05%
September 2023	4.10%	4.05%
October 2023	4.10%	4.08%
November 2023	4.35%	4.26%
December 2023	4.35%	4.29%

2.1 Investment report for December 2023 (contd)

January 2024	4.35%	Available at end of January
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Source: RBA Statistics [Interest Rates and Yields – Money Market – Monthly – F1.1](#)

Investments are made within Council policy and at the best rates available at the time of placement. Interest rate rises have meant that earnings from some prior month investments have fallen below the current monthly BBSW rate.

The weighted running yield for December 2023 is 4.65%. Performance Statistics for Council are shown in Table 1 in Attachment 3.

Trading Limits are detailed in Attachment 4. Market values reflected in the Portfolio valuation report in Attachment 5 have been used to record the unrecognised gains/(losses) in tradeable fixed rate bonds and floating rate notes. Interest accrued has been recorded separately and is not reflected in portfolio valuations.

Financial Considerations

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

Certification:

I hereby certify the investments summarised in the report have been made in accordance with section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulations 2021 and Council's Investment Policy.

Emma Galea, Responsible Accounting Officer

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's bank and investment accounts are reconciled daily to ensure sufficient funds are maintained for the provision of services.

2.1 Investment report for December 2023 (contd)

Options

Not Applicable

Attachments

1	Summary of Investments as at 31 December 2023	Provided Under Separate Cover	D16027246
			
2	Restrictions as at 31 December 2023	Provided Under Separate Cover	D16027653
			
3	Investment Report Graphs and Table for December 2023	Provided Under Separate Cover	D16027247
			
4	Trading Limit Report as at 31 December 2023	Provided Under Separate Cover	D16027249
			
5	Portfolio Valuation Report as at 31 December 2023	Provided Under Separate Cover	D16027273
			



Item No: 2.2
Title: Changes to the Acknowledgement of Country and minutes of the Aboriginal Advisory Committee Meeting held 13 December 2023
Department: Community and Recreation Services

23 January 2024 Ordinary Council Meeting

Reference: F2023/01359 - D16017463
Author: Glenn Cannard, Unit Manager Community and Culture
Executive: Melanie Smith, Director Community and Recreation Services

Recommendation

That Council:

- 1 *Notes the minutes of the Aboriginal Advisory Committee meeting held 13 December 2023.***
- 2 *Adopts the following Acknowledgement of Country as recommended by the Aboriginal Advisory Committee:***

"We acknowledge the Traditional Custodians of the land on which we live, work and play. We pay our respects to Darkinjung country, and Elders past and present. We recognise the continued connection to these lands and waterways and extend this acknowledgement to the homelands and stories of those who also call this place home. We recognise our future leaders and the shared responsibility to care for and protect our place and people."

Report purpose

To note the unconfirmed minutes of the Aboriginal Advisory Committee meeting held 13 December 2023 (Attachment 1) and consider and adopt the recommended amendment to the Acknowledgement of Country as proposed by the Aboriginal Advisory Committee.

Executive Summary

The Aboriginal Advisory Committee has recommended an amended Acknowledgement of Country, to be formally adopted by Council.

Background

The role of the Aboriginal Advisory Committee is to identify, examine, and formulate a collective response to issues that affect the Central Coast Aboriginal community.

The Committee is responsible for providing advice and feedback to Council and staff on:

2.2 **Changes to the Acknowledgement of Country and minutes of the Aboriginal Advisory Committee Meeting held 13 December 2023 (contd)**

- Any issue that affects the Central Coast Aboriginal community.
- Council initiatives that aim to improve the quality of life of the Central Coast Aboriginal community.
- Approaches to address relevant social issues identified in the Community Strategic Plan.
- Approaches to address outcomes aligned to the Central Coast Council First Nations Accord.

Report

In the Aboriginal Advisory Committee meeting held on 13 December 2023, members of the Committee discussed agenda item 2.4, Workshop CCC Acknowledgement of Country. The recommended change by the Committee is as follows:

"We acknowledge the Traditional Custodians of the land on which we live, work and play. We pay our respects to Darkinjung country, and Elders past and present. We recognise the continued connection to these lands and waterways and extend this acknowledgement to the homelands and stories of those who also call this place home. We recognise our future leaders and the shared responsibility to care for and protect our place and people."

Council uses the Acknowledgement of Country in all appropriate circumstances, including opening meetings and events, formal publications, and within relevant Council platforms such as websites, social media, and email correspondence.

Consultation

Consultation and feedback were obtained at the 13 December 2023 Aboriginal Advisory Committee meeting. With the exception of one Committee member who was an apology for the meeting, the majority were in agreement on the proposed amendment to the wording of Council's Acknowledgement of Country.

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 are no financial implications associated with any recommendation within this report.

2.2 Changes to the Acknowledgement of Country and minutes of the Aboriginal Advisory Committee Meeting held 13 December 2023 (contd)

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

Nil Impact.

Options

- 1 Adopt the Acknowledgement of Country as written in the Recommendation of this report. **This is the recommended option.**
- 2 Not adopt the Acknowledgement of Country as written in the Recommendation of this report. **This is not the recommended option.**

Attachments

- | | | | |
|---|--|-------------------------------|-----------|
| 1 | MINUTES - Aboriginal Advisory Committee - 13 December 2023 | Provided Under Separate Cover | D15989624 |
|---|--|-------------------------------|-----------|



Item No: 2.3
Title: Bulk Reclassification - Operational land to Community land - Confirmation
Department: Environment and Planning

23 January 2024 Ordinary Council Meeting

Reference: F2023/00533 - D15937374
Author: Chris Barrett, Commercial Property Manager Commercial Property
Executive: Matthew Corradin, Director Environment and Planning (Acting)

Recommendation

That Council:

- 1** *Notes the feedback received during the public notification period of the proposed reclassification of 80 lots of operational land in 12 suburbs to community land in accordance with Section 34 of the Local Government Act 1993.
Note: The details of the notified lots are located at Attachment 1 to this Report.*
- 2** *Reclassifies 79 publicly notified lots from operational land to community land:
 - a.** *3 sites with improvements (4 lots in all) at Glenning Valley (part of Berkeley Sports Complex), Kanwal (Lakelands Community Centre) and Wamberal (Wamberal Memorial Hall); and*
 - b.** *9 park and natural area sites (some of which are groups of sites, comprising 75 lots in all) at Buff Point, Davistown, Hamlyn Terrace, Jilliby, Lisarow, Noraville, Springfield and Watanobbi.**Note: The particulars of the lots are listed in the body of this Report.**
- 3** *Takes no further action to reclassify 1 site (1 lot) at Yarramalong (St Barnabas Church) from operational land to community land for the time being based on information received during the public notification period.*
- 4** *Includes the 79 lots of proposed reclassified lots in the 2024 update to the Council Community Land Plan of Management ("the POM update") with the initial draft categorisation to be as per the publicly notified categorisation (if any).*
- 5** *Sets the date on which the reclassification takes effect as 1 February 2024.*

Report purpose

To seek endorsement for the reclassification of multiple lots of Council owned land from operational land to community land. Of the 80 lots that were publicly notified from 7

2.3 Bulk Reclassification - Operational land to Community land - Confirmation (contd)

September to 6 October 2023, a total of 79 lots are recommended for reclassification and a single lot is recommended to remain as operational land for the time being.

Executive Summary

Council staff have carried out a review regarding the classification of Council managed land to determine if changes to that classification is required. The review identified 80 lots across 14 sites in 12 suburbs which are currently classified as operational land but are better classified as community land. The lots include both land with significant property improvements (e.g., community centres) and other sites which are open space or natural areas. In August 2023, Council resolved to undertake public notification for the proposal reclassification of the identified lots that is necessary before the reclassification process can be formalised. Following the receipt of submissions and other information, it is recommended that 79 out of 80 of the publicly notified lots be reclassified as community land.

Background

During consultation on the Council Community Land Plan of Management (POM) in early 2023, a number of submissions noted that some operational land may be better classified as community land. Council staff conducted a follow-up review and identified a number of specific opportunities to reclassify Council-owned operational land as community land.

Community land cannot be sold and must be included in a POM. As a general principle, provisions about leasing and licensing of community land, and about development and use of community land, are much more onerous than for operational land.

Operational land may be reclassified as community land, and community land may be reclassified as operational land. Reclassification to operational involves NSW Government approval, through a Planning Proposal, unlike reclassification to community land, which may be undertaken by Council. A summary of the process is provided in Figure 1 below.

2.3 Bulk Reclassification - Operational land to Community land - Confirmation (contd)

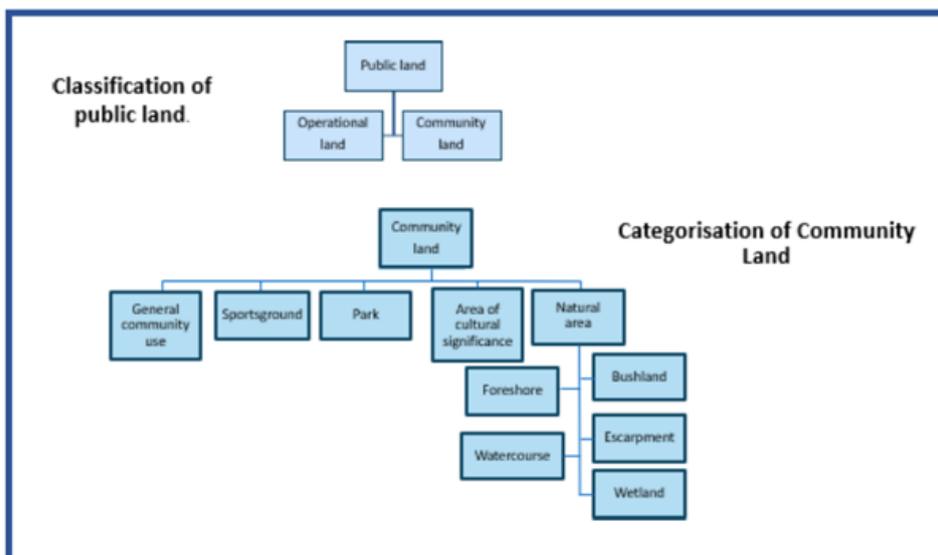


Figure 1 – Public land classification and categories of community land Report

The reclassification of operational land as community land is a multi-step process:

- Council resolves to give notice of its intention to reclassify nominated parcels of land from Operational to Community.

At its meeting held 22 August 2023, Council resolved, the following (in part):

137/23 That Council:

- 1 Commence the reclassification of 80 lots of operational land located in 12 suburbs to community land in accordance with Section 34 of the Local Government Act 1993. The street addresses and legal descriptors of the 80 lots of land proposed for reclassification are listed in Attachment 1 and involve:
 - a. four sites with improvements (five lots in all) at Glenning Valley (part of Berkley Sports Complex), Kanwal (Lakelands Community Centre), Wamberal (Wamberal Memorial Hall) and Yarramalong (St Barnabas Church); and
 - b. nine park and natural area sites (some of which are groups of sites, comprising 75 lots in all) at Buff Point, Davistown, Hamlyn Terrace, Jiliby, Lisarow, Noraville, Springfield and Watanobbi.
- 2 Publicly exhibit the proposed reclassification of these 80 lots of land from operational to community for not less than 28 days.

2.3 Bulk Reclassification - Operational land to Community land - Confirmation (contd)

3 *Note that once reclassified as community land, these sites will be subject to further community engagement through a future categorisation process and included in a revised Council Community Land Plan of Management.*

- A period of public notification of at least 28 days is required.

The public notification period ran from Thursday 7 September 2023 to Friday 6 October 2023 (a total of 30 days) and submissions were received during this period. The details of submissions received are provided in the consultation summary report.

- Submissions must be reviewed, and a consultation report must be prepared that summarises issues raised, identify how relevant issues can be resolved, and if necessary, identify any parcels of the land in relation to which the reclassification process should be deferred on account of issues identified.

The consultation summary report is attached to this report at Attachment 2. Certain issues covered in the consultation summary report are also reported on under the Consultation heading below.

- A further report is submitted to Council to formally reclassify the land in the public notification (less any parcels where reclassification should not proceed).

This report and the associated recommendations fulfill this requirement.

As noted above in the **Executive Summary** and further explained under **Consultation** below, 79 out of 80 of the publicly notified lots are recommended for reclassification & for initial categorisation as per the list of lots that was placed on public exhibition.

Note: for 3 of the notified lots, the proposed categorisation is still pending).

A single lot will be removed from the reclassification process, for reasons outlined under **Consultation** below.

Once land is reclassified, it must be categorized and included in a POM. In the case of the land covered by the current reclassification process, this will be included in the Council Community Land POM.

To do this involves a further process of public exhibition and receipt of community submissions. This also involves public hearings at which the proposed categorisation must be considered. After considering submissions from the public exhibition process and the public hearings reports, Council can then categorise the land and include it in the POM by resolution. This process will be complete by August 2024.

The following lots will be formally reclassified as community land on 1 February 2024:

2.3 Bulk Reclassification - Operational land to Community land - Confirmation (contd)

SITE	Proposed category	Legal descriptor of lots	
SITES WITH BUILT IMPROVEMENTS			
Berkeley Sports Complex 1-3 Berkeley Vale Road GLENNING VALLEY	General Community Use (GCU)	7/DP 729013	8/DP 729013
Lakelands Community Centre 3 Literary Close KANWAL	General Community Use	11/DP1018572	
Wamberal Memorial Hall 182 Ocean View Drive WAMBERAL	General Community Use	1/DP 707133	
OPEN SPACE AND NATURAL AREAS			
29W Karangal Crescent BUFF POINT	Park	68/DP713835	
Davistown wetlands – multiple sections - Emora Avenue, Davistown Road, Pine Avenue & Kincumber Crescent DAVISTOWN	Natural Area – Wetland	85/DP12206 86/DP12206 75/DP12206 88/DP12206 84/DP12206 9/DP12206 90/DP12206 89/DP12206 82/DP12206 5/DP12206 91/DP12206 4/DP12206 83/DP12206 8/DP12206 6/DP12206 7/DP12206 87/DP12206 81/DP12206 3/DP12206 11/DP12206 1/DP12206 10/DP12206 78/DP12206 77/DP12206	79/DP12206 21/DP12206 20/DP12206 19/DP12206 17/DP12206 16/DP12206 22/DP12206 23/DP12206 18/DP12206 26/DP12206 24/DP12206 15/DP12206 25/DP12206 27/DP12206 30/DP12206 29/DP12206 14/DP12206 28/DP12206 2/DP1116234 2/DP580716 1/DP580716 10/DP6014 26/DP5820 28/DP5820

2.3 Bulk Reclassification - Operational land to Community land - Confirmation (contd)

		2/DP12206 74/DP12206 76/DP12206 80/DP12206	27/DP5820 29/DP5820 76/DP6014
Cherry Blossom Crescent HAMLYN TERRACE	Natural Area – Wetland		
446W Hue Hue Road & 317W Dicksons Road & 155W Sandra Street & 11W Buttonderry Way & 95W Sandra Street JILLIBY	Natural Area - Bushland	20/DP875041 212/DP788250 222/DP788251 26/DP830153 7/DP792003	
891 Pacific Highway LISAROW	Not stated	6/DP 1223073	
27W Irene Parade NORAVILLE	Park	8/D/DP 25692 15/D/DP 25692	
Clarence Road & Meadow Road SPRINGFIELD	Natural Area – Bushland	22/1/DP977284 21/1/DP977284 20/1/DP977284 19/1/DP977284 18/1/DP977284 1/1/DP977284	
10 De L'Isle Drive WATANOBBI	Not stated	52/DP 606165	
157W Britannia Drive WATANOBBI	Not stated	5948/ DP1046614	

Consultation

As noted above, this reclassification initiative was commenced in response to community feedback about the Council Community Land POM in early 2023.

Some sites were also identified through internal consultation, which involved areas of Council that have significant responsibility for land asset management, notably Environmental Management, Open Space and Recreation, Water and Sewer, Infrastructure Services, Leisure, Beach Safety and Community Facilities, and Facilities and Asset Management.

A series of preliminary checks was conducted prior to proposing lots for public notification to avoid unintended consequences (for example, loss of leasing/licensing opportunities, loss of ability to grant access over land, constraints on foreshadowed development).

2.3 Bulk Reclassification - Operational land to Community land - Confirmation (contd)

Feedback received during the public notification period is documented in the consultation summary at **Attachment 2**, which is being circulated to each of the community members that made comments or submissions during the public notification period.

As noted in the consultation summary, most comments about the reclassification proposal were general in nature and made via the online submission form. A single detailed formal submission was received via email from the Community Environmental Network (CEN).

The CEN submission is reproduced in full as **Attachment 3** to this report on account of the breadth of issues of relevance covered, including identification of other lots that may be suitable for reclassification as community land in the future.

This submission is generally supportive of the Council reclassification initiative. CEN suggests that some sites should be differently categorised after they have been reclassified and also suggests additional sites that could be considered for reclassification in the future. Specific points in the CEN submission are responded to in the consultation summary.

No issues were raised in any of the responses or submissions that in the view of Council staff would justify withdrawing lots from reclassification or justify a change in categorization.

However, feedback did come from an internal stakeholder during the public notification period about the Yarramalong site (St Barnabas Church) that means this site should be excluded. The only practical access to Yarramalong cemetery is via St Barnabas, however, this is not legally secure. Accordingly, it is proposed to create an easement for access over part of the St Barnabas site in favour of the adjoining cemetery to remedy this. The site must remain as operational until this occurs. Investigations to prepare a suitable easement have revealed that some of the St Barnabas site actually lies outside the boundaries of the nominated lot. Again, to rectify this, the site must be operational for the time being.

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 are some financial impacts associated with a change of land classification from operational to community.

Typically, the value of land is impaired by reclassification. That is because land may not be able to be developed (either because its use and nature must be maintained, or because possible development is constrained under a plan of management) and because the land is

2.3 Bulk Reclassification - Operational land to Community land - Confirmation (contd)

not available for sale in the ordinary course of events. There are some exceptions, for example, if compulsory acquisition is initiated, in which case a valuer may not have to take the constraints into account.

Also, revenue from leasing (especially on commercial sites which would otherwise be subject to very long-term leases) is likely to be constrained.

In the case of the current proposed reclassifications, the total impairment in land value is estimated to be less than one percent of the total value of Council land assets. This is statistically insignificant, given fluctuations of more than 10% in book value that occur from time to time due to changes in market sentiment.

The resources involved in the reclassification processes include staff time, retention of external expertise and processing fees. The estimated additional and non-recoverable cost of the operational to community reclassification processes is estimated at not more than \$50,000, which costs are being managed within existing budgetary allocations.

Link to Community Strategic Plan

Theme 4: Responsible

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

The key proposal – to reclassify a large number of lots from operational to community – has proved to be largely uncontroversial. That is because the initiative has been commenced at least in part in response to previous community feedback.

A series of preliminary checks were conducted in relation to each site, to mitigate the risk of unintended consequences (for example, loss of flexibility for future leasing/licensing, loss of capacity to grant access over land to third party land, constraints on foreshadowed future development). In some cases, access is provided over Council land to other lots.

Where there is not proper legal access in place (for example, a right of carriageway) sites have been excluded, as access cannot be granted over community land.

As reported under Consultation above, issues have been identified in relation to one site (St Barnabas Church) which have resulted in a recommendation that the site be removed from the reclassification process.

2.3 Bulk Reclassification - Operational land to Community land - Confirmation (contd)

Options

Several options are available to Council in relation to this report.

- 1 Council could determine not to proceed any further.

This option is not recommended. There has been some community feedback seeking Council to resolve to reclassify several lots from operational to community.

- 2 Council could determine to reclassify some lots but not to reclassify other lots. Alternatively, Council could determine add extra lots.

This option is not recommended. Each of the lots that is included has been subject to preliminary checks and apart from the Yarramalong site no issues have been identified that would prevent reclassification. In relation to adding additional lots, that would mean subjecting each extra lot to a detailed investigation to establish whether there is preliminary merit. The consequence would be a delay in the reclassification process.

- 3 Council could determine to accept the recommendations in this report.

The logic for each proposed reclassification has been set out in previous reports to Council. No significant objection has been raised during the public notification process and in fact there has been a broadly affirmative response in the one major submission that was received from the Community Environmental Network.

This the recommended option.

Attachments

1	As Notified - Reclassification Sites - Operational to Community	Provided Under Separate Cover	D16015283
2	Community consultation summary - Bulk reclassification - Operational to community	Provided Under Separate Cover	D16015269
3	CEN submission - Bulk reclassification of operational land to community land - October 2023	Provided Under Separate Cover	D16015274



Item No: 2.4
Title: Council and State Road projects including Natural Disaster funding
Department: Infrastructure Services

23 January 2024 Ordinary Council Meeting

Reference: F2020/02479 - D15959123
Author: Rachel Jackson, Unit Manager Engineering Services (Acting)
Executive: Boris Bolgoff, Director Infrastructure Services

Recommendation

That Council notes grant funding applicable to the local and regional road network, including funding associated with the recovery from the natural disaster events of 2022, and actions associated with the expenditure of funding and delivery of works.

Report purpose

This report is provided to advise of the Australian and New South Wales Government grant funding committed to Central Coast Council in relation to management of the local and regional road network and associated delivery methodologies as well as noting some capital works identified for the state road network being undertaken by Transport for New South Wales.

Executive Summary

Central Coast Council is responsible for an extensive road and drainage network and is committed to managing and improving our roads, drainage, and associated infrastructure across the entire Central Coast region. As part of the yearly Capital Works Program, approximately \$65M of funding is allocated to undertake road upgrade, road renewal, drainage, pathways, bridges, wharves, slope stabilisation, traffic facilities and unsealed road improvements. Many of the projects being delivered have received grant funding from either the Australian or New South Wales (NSW) Government. The funding is focused on maintaining and improving the condition of the road network and associated assets.

Substantial grant funding associated with natural disasters is also being received to assist with road restoration works in repairing damage caused by the weather events experienced in 2022. Council is proactively seeking in the order of \$100M in natural disaster funding over the next four years to restore and improve infrastructure resilience.

In addition to the capital works funding commitments, Council allocates in the order of \$35M in operational funding to carry out maintenance of the road and related network, including pothole repairs, clearing drainage, etc. Recently Council has also received

2.4 Council and State Road projects including Natural Disaster funding (contd)

operational grant funding from the NSW Government to assist Council in the repair of our road and related network.

As part of our commitment to delivering an improved road network, road and drainage capital projects which are being delivered this financial year can be viewed at any time by visiting Council's interactive capital works map which displays capital works across Council's disciplines. The map describes project details, budget information and progress of projects via monthly updates. Specific works within individual streets or suburbs can be viewed by simply scrolling through the map, zooming in and clicking on a pin to access the project details. To view the map, residents may visit:

www.centralcoast.nsw.gov.au/council/about-council/current-works-and-projects/capital-works-program.

Council will continue to work with all stakeholders, including the Australian and NSW Governments, to maintain and build upon relationships that assist in the management and efficient delivery of quality outcomes for our community. Council thanks the Australian and NSW Government for providing funding streams and investing in our local and regional road network through successful grant funding initiatives.

Background

Council is responsible for over 2,000 km's of road network and 1,100 km's of drainage and is committed to maintaining and improving our roads and drainage across the entire Central Coast Region. The Central Coast is a mix of old subdivisions and new greenfield development with many of the older suburbs without infrastructure such as drainage and kerb and gutter along with road pavements designed to standard at that time. Some of these older subdivisions were not designed to have the road pavement experience to the current level of loading. As development progresses, additional infrastructure will be provided as part of development consent or through works contained in Development Contribution Plans.

As part of the yearly Capital Works Program, funding is allocated to undertake road upgrade, road renewal, drainage, pathways, bridges, wharves, slope stabilisation, traffic facilities and unsealed road improvements. The funding is focused on maintaining and improving the condition of the road network and associated assets. The level of renewal funding is based on the expected depreciation across the region.

In addition to the capital works funding commitments, Council allocates operational funding to carry out maintenance of the road and related network, including pothole repairs, clearing drainage, etc.

Ongoing severe weather events in February, March and July 2022 impacted Council's roads and cause dangerous road conditions such as embankment failures, minor landslips, and significant pavement damage. Council is still working through restoration and remediation of

2.4 Council and State Road projects including Natural Disaster funding (contd)

these roads and landslip sites following the installation of interim measures to ensure the safety of motorists and residents and to enable the continued use of our road network. Council has been closely liaising with representatives of Transport for NSW (TfNSW) which administers the Disaster Funding Arrangements providing grant funding to investigate and address natural disaster defects and damage including the repair of any damage attributed to the natural disasters experienced across the region.

Council also proactively seeks grant funding from the Australian and New South Wales Governments to assist in the management of the road network. Council has been successful in securing grant funding under several Australian and New South Wales grant funding programs which will see extensive road repair and renewal works undertaken along with road and drainage upgrades and safety improvements.

Report

Council has been successful in securing grant funding under the following Australian and New South Wales grant funding programs which will continue to deliver extensive road repair and renewal works undertaken along with road and drainage upgrades and safety improvements.

Australian Government

Central Coast Roads Package

Council is continuing to deliver a range of grant funded road and drainage upgrade and renewal projects under the Federal Government's \$86.5M Central Coast Roads Package. To-date Council has delivered 25 of the 29 projects identified in this funding package.

Works are underway in delivering two projects currently under construction with two projects on hold and deferred until the 24-25 financial year. The projects currently under construction include St Huberts Island Safety Fencing and Road and Drainage Upgrade of Del Monte Place, Copacabana. The deferment of two projects follows the receipt of advice from the Australian Government that a decision was made to defer a portion of the funding allocated to the Central Coast Roads Package, following the independent review of federally funded infrastructure projects. The projects currently on hold include the Shelly Beach Road upgrade, Empire Bay, and Intersection improvements at Rawson Road and Ocean Beach Road, Woy Woy. Council has been recently advised that the full allocation of \$86.5M has been included in the federal budget.

Council is continuing to work with the Federal Government's funding body to deliver the projects contained within the Central Coast Roads Package. Council is appreciative of this Australian Government grant funding which is assist Council in in delivering these projects.

2.4 Council and State Road projects including Natural Disaster funding (contd)

Local Road and Community Infrastructure (LRCI)

Council has secured grant funding across Phase 1, 2, and 3 of the Local Road and Community Infrastructure program totalling over \$14.4M to deliver 27 projects including car park improvements, construction of shared pathways, road upgrade and renewal, wharf upgrade and bus stop accessibility improvements. Council has recently accepted a further \$4.3M under the Phase 4 allocation, with Council Officers currently identifying priority projects which meet the criteria to be carried out utilising the grant funding under Phase 4.

Council is appreciative of this Australian Government grant funding which is assist Council in delivering these projects.

\$40M Renewal Package

As part of the 2022 Federal Election, the Australian government committed \$40M in investment to the upgrade of 1 road and priority renewal of 45 roads across the local government area.

Council actively worked with the Federal Government to ensure that this pending Renewal Package will target road network condition, address some of our poorest condition roads and reduce Council's Infrastructure Backlog as reported in the Annual Financial Statement.

Council is closely liaising with representatives from the Federal Government and Transport for NSW to progress the agreement in accepting this grant funding. Once grant arrangement has been formally executed, Council will commence scheduling delivery of the projects over a four-year period - it is anticipated that works will commence in the coming months.

This funding is welcomed by the Council as it shows strong alignment with our strategic and asset planning and supports the long-term sustainability of the Central Coast road network.

Investing in our Communities Program and Priority Community Infrastructure Program

The Australian Government has advised that it will deliver on election commitments through a one-off funding round of the new Investing in Our Communities Program and the Priority Community Infrastructure Program. Election commitments up to \$5M will be delivered through the Investing in Our Communities Program and commitments over \$5M will be delivered through the Priority Community Infrastructure Program.

Council was invited to apply to both of these programs to provide a well-evidenced plan for the viable delivery of these projects. Three applications were made under the Investing in our Communities Program and one under the Priority Community Infrastructure Program.

Council is awaiting receipt of the funding deed from the Federal Government's to accept the grant funding for all 4 projects. In the meantime, the grant funding has been factored into our Long-Term Financial Plan. Once grant acceptance has been formalised, Council will

2.4 Council and State Road projects including Natural Disaster funding (contd)

commence scheduling delivery of the projects within the grant timeframe - it is anticipated that works will commence in the 2024/25 financial year.

Blackspot Program

Council has recently been successful in securing grant funding under the Australian Government's Black Spot Program totalling \$330,000 to carry out a road safety improvement project at Fagans Road, Lisarow.

Additionally, Council is awaiting advice on the success or otherwise of the most recent application under the Blackspot Program.

This funding is welcomed by Council as it directly addresses locations where serious injury or fatalities are occurring or are at risk of occurring and improves safety on our road network.

Federal Assistance Grant

The Australian Government, under the Financial Assistance Grant program, provides grant funding to Councils. The grant is provided under the Local Government (Financial Assistance) Act 1995. The Financial Assistance Grant program consists of two components, a general-purpose component, and an identified local road component. Both components of this grant are provided to Council and allows grants funds to be spent according to local priorities. For the 2023/24 financial year, Central Coast Council will receive \$5,495,982 under the local road component.

Roads to Recovery Program

The Australian Government provides grant funding to Council under the Roads to Recovery Program to support the construction and maintenance of local road infrastructure assets to facilitate accessibility and improve safety, economic and social outcomes.

This program requires Council to spend a minimum of \$32M on the construction and/or maintenance of roads from its own source of funds to be eligible for the program. This is the reference amount set for the council and can be a single year spend for the year or average of 2 or 3 consecutive years spend, whichever is greater. As result of Central Coast Council meeting that mandatory requirement, Council receives \$2.78M annually and has been spending this grant on road renewals projects across the region.

Australian and New South Wales Government

Natural Disaster Funding Programs

Council has and is continuing to explore further opportunities to obtain grant funding for the road network and associated infrastructure under Disaster Recovery Funding Arrangement and the Regional Road and Transport Recovery Package. These funding opportunities are

2.4 Council and State Road projects including Natural Disaster funding (contd)

associated with natural disasters to assist with road restoration works in repairing damage caused by weather events experienced in 2022. This grant funding will help Council return the region's weather affected roads and related infrastructure back to a satisfactory condition. Council is appreciative of this grant funding which is and will assist Council in delivering these essential projects.

Council has made significant investment in securing project delivery resources in an effort to meet the increased demand associated with the Natural Disaster remediation effort. To date, Council has stood up a Natural Disaster project team which currently consists of six contract resources and support from an internal staff member on secondment.

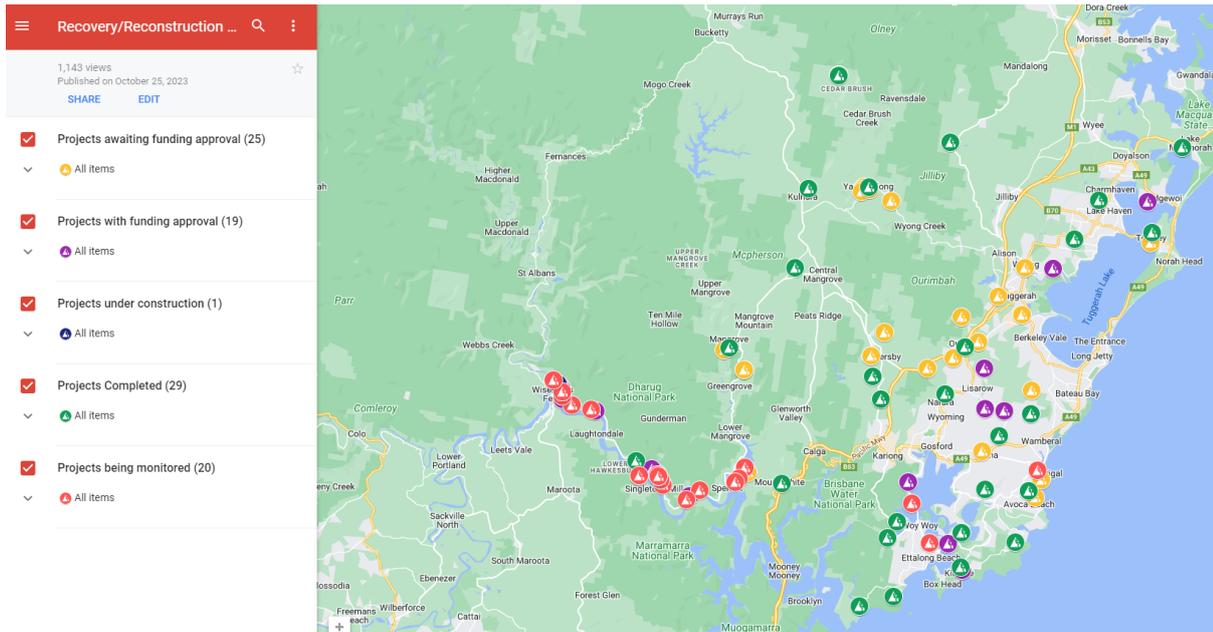
Specialist Council Officers meet monthly with the Government funding representatives, Transport for New South Wales (TfNSW), to discuss project and funding status; conduct inspections of the various sites; review and explain investigations undertaken to-date; discuss concept remediation options and their associated estimated costs. From this concept information discussion, Council submits a formal claim to TfNSW for the estimated cost of the repair work to allow design and remediation works to progress.

Council has identified 103 slip sites across the local government area requiring remediation, with the total remediation effort estimated to cost in the order of \$98M. Planning and design activities are underway and funding applications have been submitted for \$96.3M with all claims fully submitted in December 2023. As of December 2023, Council has received formal approval for \$52.3M.

Significant slips have occurred at Gunderman; Spencer; Wisemans Ferry; North Avoca; Avoca Beach; Berkeley Vale; Ourimbah; Mt Elliott; and Springfield. Location and details of the slip sites have been mapped and are available to the community on Council's website. This interactive map has been available since September 2023 and will be updated monthly with progress reports. To view the map, residents may visit:

<https://www.centralcoast.nsw.gov.au/council/about-council/current-works-and-projects/major-projects/wisemans-ferry-road-natural>

2.4 Council and State Road projects including Natural Disaster funding (contd)



In a further effort to expedite remediation works and following extensive market engagement and acknowledgement of current constraints within the civil contractor labour market, Council Officers have established a prequalified list of contractors to assist in delivering the large scale remediation effort. This list allows Council to more efficiently and expeditiously engage contractors for the delivery of these essential works.

Furthermore, Crown Lands has approved \$2.4M of grant funding to remediate the Buff Point Shared Pathway which is currently closed and requires extensive replacement and stabilisation of the associated embankment. The current intention is that these works will be delivered by the abovementioned supplier panel with design recently completed and construction scheduled to commence in April 2024, which is likely to take around 20 weeks, to allow the shared pathway to be re-opened.

New South Wales Government

Safer Roads Program

Council has been successful in securing grant funding under the NSW Government's Safer Roads Program totalling \$165,000 to carry out road safety improvements on Showground Road, Gosford. Safer Roads funding aims to reduce incidents of road accidents and improve road safety for all road users. Council welcomes this funding to address road network safety and will deliver this project during 2023-24.

Regional Emergency Road Repair Fund

Under the Regional Emergency Road Repair Fund (RERRF), Council has been allocated \$5.7M. The RERRF supports councils across regional NSW to fix damaged roads and improve the

2.4 Council and State Road projects including Natural Disaster funding (contd)

rideability of the road network. This fund builds on the previously allocated grant funding through the Regional and Local Roads Repair Program (RLRRP).

As part of the funding arrangements, Council Officers are now reviewing these documents and in particular the eligibility criteria, as it has been noted that additional scope and activities have been included in the RERRF which were previously ineligible under the RLRRP. Council Officers will be identifying where priority maintenance works and/or immediate repair on local and regional roads are required to ensure this grant funding is utilised in a manner that results in a safe, reliable, and sustainable road network for our community.

Get NSW Active

The Get NSW Active program provides local councils with funding for projects that create safe, easy, and enjoyable walking and bike riding trips. The guidelines state that a maximum of five projects per Council is allowed. Council recently submitted five applications with a total value of \$6M to this grant funding program, which included a focus around schools.

It is anticipated that the announcement of the success or otherwise will be provided in April/May 2024.

State Road Projects

Council is also aware of significant investment from the New South Wales Government in transport and roads around the Central Coast which will be delivered by Transport for NSW as follows:

- \$12M to start planning and design for Stage 4 of the Pacific Hwy Gosford bypass;
- \$7.9M to finalise planning and start pre-construction activities to improve traffic flow and safety on the Tumbi Rd intersection with the Central Coast Hwy;
- \$7.057M for planning and \$16M for the Wyong Town Centre as part of the \$420M upgrade of the Pacific Hwy through Wyong;
- \$5M to start construction on improvement works at Blackwall Rd and McMasters Rd;
- \$4.8M for the \$58.8M Mandalong Rd upgrade;
- \$2M towards the Avoca Dr upgrade between Algona Ave and Joalah Rd;

Specifics of these project including planning, design and construction is the responsibility of Transport for NSW, however consultation between Transport for NSW and Council as key stakeholders in the overall road network occurs as part of the consultation process.

The investment into these projects is welcomed by Council and notes the importance to the community as it provides the funding to complete important infrastructure works on the Central Coast state road network in addressing safety and efficiency for road users.

2.4 Council and State Road projects including Natural Disaster funding (contd)

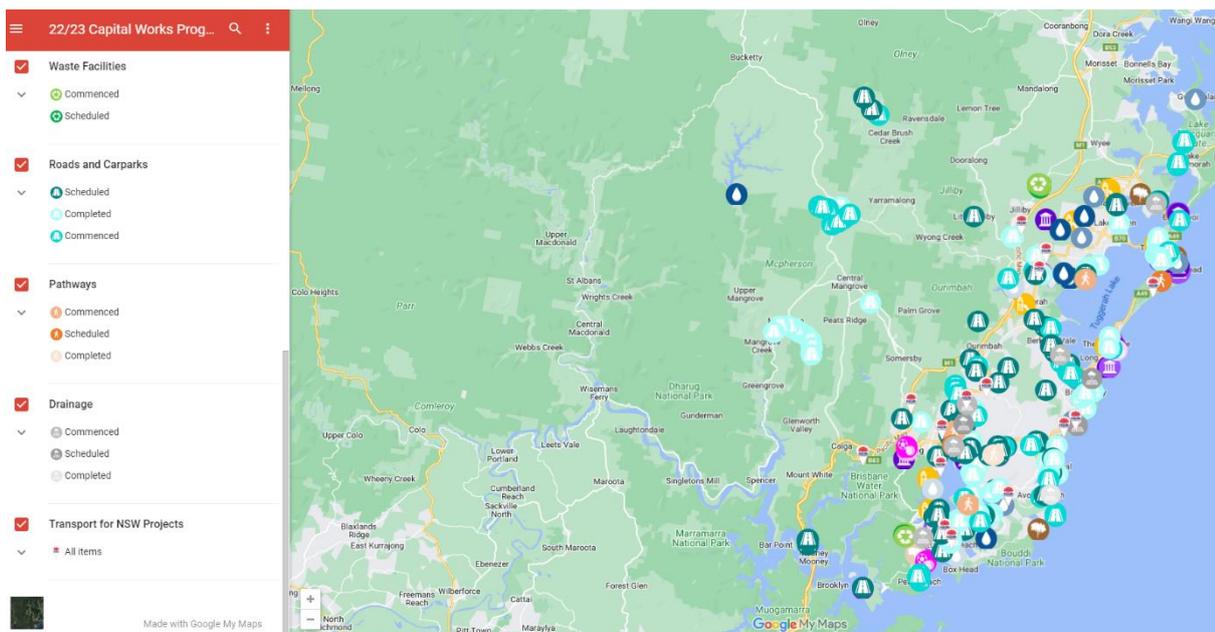
Visibility of Capital Works

Council has documented its commitment to deliver these activities which are identified as part of Central Coast Council's Delivery Program and Operational Plan. A Corporate Capital Works map is also available to ensure that the community has a user-friendly and accessible way to view all of Council's Capital Works projects in one place.

The Corporate map combines capital works projects from across Council's disciplines including Road and Carparks, Water and Sewer, Open Space and Recreation, Natural Areas, Sporting Facilities, Waste, Facilities and Buildings, and Pathways.

The map describes project details, budget information and progress of projects and allows viewers to find works within their street or suburb by simply scrolling through the map, zooming in and clicking on a pin to view the project details.

Updates to the information are made monthly. A screenshot is provided below and to view the map, please visit: www.centralcoast.nsw.gov.au/council/about-council/current-works-and-projects/capital-works-program



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.*

2.4 Council and State Road projects including Natural Disaster funding (contd)

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

Capital Works submitted for consideration of grant funding is reviewed by Council's internal Strategic Infrastructure Committee (SIC). The SIC strategically manages matters relating to asset management, developer contributions, capital project expenditure and delivery in-line with Council's Strategic Plan, financial processes, and annual budget.

Acceptance of grant funding via a Funding Agreement with either the Australian or New South Wales Government (or their representative) is authorised by the Chief Executive Officer.

Over the last 2 years, Council has secured over \$235M worth of grant funding to improve the road and associated network from the State and Federal Governments.

Link to Community Strategic Plan

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.

Risk Management

Entering into a Grant Agreement is executed in accordance with Council's delegations. All successful applications receive a grant agreement outlining Council's requirements of funding, service delivery and accountability for both Council and the funded organisation. All relevant event/activity/milestones and any approvals being provided prior to the release of funds as well as any specified requirements for projects being delivered with grant funds. All grant funding programs require Council to submit a project acquittal reports or final reports after the agreed completion date of the activity/project, these are externally audited, where necessary.

Options

Not Applicable

Attachments

Nil.



Item No: 2.5
Title: Endorsement of Species Management Plans
Department: Environment and Planning

23 January 2024 Ordinary Council Meeting

Reference: F2020/03017 - D16001988
Author: Chris McLean, Principal Strategic Planner Strategic Planning Projects
Manager: Deanne Frankel, Unit Manager Strategic Planning (Acting)
Executive: Matthew Corradin, Director Environment and Planning (Acting)

Recommendation

That Council:

- 1** *Endorses the proposed Species Management Plan (SMP) process as a pathway to achieve improved ecological and development outcomes for key threatened species of the Central Coast.*
- 2** *Endorses the Scrub Turpentine and Broad-footed Myotis SMPs.*
- 3** *Endorses the requirement that all development, including Council's own activities including land management, to be assessed/undertaken in accordance with the SMPs.*
- 4** *Endorses making the SMP mapping publicly accessible.*
- 5** *Endorses, if the SMPs are adopted by Council, the CEO be delegated authority to make minor amendments to both documents if required in the future.*
- 6** *Endorses the preparation of a draft biodiversity chapter for inclusion in Council's Development Control Plan (DCP) following internal consultation and public exhibition.*

Report purpose

To provide an overview of the rationale for the two Species Management Plans (SMP) the subject of this Report and seek their endorsement. The SMP's relate to a critically endangered shrub, being the Scrub Turpentine, and a threatened microbat, being the Broad-footed Myotis, both of which are attached to this Report.

Executive Summary

The introduction of the NSW *Biodiversity Conservation Act 2016* has increased the level of protection of threatened species by requiring development proponents to actively

demonstrate that they have taken reasonable steps to avoid and minimise impacts on biodiversity, in particular, threatened species. This requirement has been confirmed by numerous Land and Environment Court judgments and now forms Case Law in NSW with Council's taking action to formalise these protections. For example, approximately five years ago, Lake Macquarie City Council developed management plans for several threatened plants and iconic threatened animals which have been widely accepted by the development and building industry. These plans have been used as a framework for the proposed SMPs.

Threatened species occur throughout the Central Coast region and often occur on land that is zoned for more intensive urban and housing development.

In response to the requirement to avoid and minimise impacts to biodiversity, SMPs have been developed for a range of threatened species on the Central Coast that regularly interact with Planning Proposals and Development Applications or are on sites under assessment for either land rezoning or development applications.

The SMPs allow for an understanding of the specific ecology of a threatened species that regularly occurs on development sites and provides a framework by which it will be managed on the Central Coast.

Background

Scrub Turpentine

The Scrub Turpentine occurs throughout wet forests on the Central Coast and has significantly declined in the past five years as a result of the introduction of Myrtle Rust fungus around a decade ago, resulting in a listing as Critically Endangered under the *Biodiversity Conservation Act 2016*. The Myrtle Rust fungus does not allow the plant to successfully flower and seed and kills individual stems. Despite this, some resistance has been shown and these plants may eventually be able to develop resistance to the fungus.

The occurrence of Scrub Turpentine on land proposed for development is currently a threat. Planning proposals that have land that contain the Scrub Turpentine need to demonstrate the same or better outcome for the species in the medium term. Development applications that propose to remove Scrub Turpentine require the preparation and implementation of a specific Plan of Management for the management of retained plants on site. To date, one Council project, the realignment of Old Maitland Road, Mardi, interacted with Scrub Turpentine which required mitigation measures to be implemented.

Broad-footed Myotis

The Broad-footed Myotis habitat is largely permanent streams and water bodies, including the foreshores of Brisbane Water and Tuggerah Lake, along with artificial constructed wetlands. They can be affected by poor water quality and light spill into remnant bushland.

The current approach to the assessment of habitat for the Broad-footed Myotis species at the planning proposal and development application stage occurs by requiring that certain mitigation measures are applied. Similar mitigation is also applied as part of a Review of Environmental Factors (REF) for Council's own works.

Current Status

Currently, when either the Scrub Turpentine or Broad-footed Myotis is proposed to be impacted by a development, an assessment is made on a case-by-case basis as to the type of mitigation measures required and if the development presents an acceptable impact or not. When these species occur on land that is proposed for rezoning, the most suitable zoning to protect the habitat and/or individuals occurs, also on a case-by-case basis.

Report

SMPs have now been developed for the Scrub Turpentine and Broad-footed Myotis. The two SMPs, if endorsed, provide a framework by which these threatened species will be managed within the Central Coast Local Government Area (LGA). These SMPs will apply to Planning Proposals, Development Applications, works completed by Council under a REF and for restoration and management opportunities. Recent Land and Environment Court decisions, including *White v Ballina Shire Council [2021] NSWLEC 1468* (available at <https://www.caselaw.nsw.gov.au/decision/17b098435bc9edc17ae32aaa>) have reinforced that no adverse effects on these species should occur as a result of the development process.

The SMPs for both species include a review of the relevant species biology and ecology, a procedure for assessing impacts and a series of recovery actions. The SMPs have been prepared in consultation with relevant Units, Sections and qualified staff within Council. The SMPs are included as attachments to this Report.

To support the SMPs a biodiversity chapter will be drafted, publicly exhibited and if adopted, included in Council's Development Control Plan (DCP). The SMPs will be referred to in the DCP but not be part of the DCP to allow the documents to be readily reviewed and updated as required, as well as allowing additional SMPs to be prepared without triggering additional DCP amendments. The preparation of the draft Biodiversity DCP Chapter will commence if the SMPs are endorsed and adopted.

Consultation

External Stakeholders

The SMPs were provided to a representative of the Urban Development Institute of Australia (UDIA) in early September 2023 with the representative was supportive of the SMP approach. The main critique was determining if adequate avoidance and minimisation of biodiversity values is site dependent and would appreciate a document that did this. They also acknowledged that the document could not do this for every land parcel on the Central

2.5 Endorsement of Species Management Plans (contd)

Coast due to the need to assess impacts on a site-by-site basis. They also noted the benefits of developers and their consultants accessing and using the predictive mapping included in the SMPs and requested that this be made publicly available in the future.

The UDIA also undertook a peer review of the SMPs by local ecological consulting firms. Their relevant comments questioned the need for the level of survey for the Broad-footed Myotis, which is slightly higher than required by the NSW Government and questioned the ability to retain Scrub Turpentine in an Asset Protection Zone around a dwelling and required buffers to the dwelling. In response to these comments, the Broad-footed Myotis survey requirement is set at the level recommended by Broad-footed Myotis experts. Further, the ability to maintain an Asset Protection Zone and large buffers to Scrub Turpentine plants may be difficult but, as human activity is a key vector for Myrtle Rust Fungus, these were informed through discussions with species experts.

Internal Stakeholders

Over the past two years, three workshops have occurred with interested internal parties. A site visit occurred with staff from Council's Environmental Management Unit to inspect Scrub Turpentine plants. Staff from Council's Environmental Reporting Team, Biodiversity and Natural Assets Section, Strategic Planning Unit and Development Assessment Unit have provided comments on the SMPs.

Other Agencies

Dr Karen Sommerville from the NSW Royal Botanic Gardens, an authority on the ecology of Scrub Turpentine, and Craig Stehn from the NSW Department of Planning and Environment Save Our Species team, who is the Scrub Turpentine Recovery Officer, provided comments on the draft Scrub Turpentine SMP.

Drs Brad Law and Leroy Gonsalves from the NSW Government Forest Science Centre, the leading authorities on the Fishing Bat, provided comments on the draft Broad-footed Myotis SMP. There are no dedicated recovery officers for this species in the NSW Department of Planning and Environment.

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 an ongoing cost to implement the SMPs if endorsed. This is currently estimated to be a maximum of \$8000 per year for each SMP. These costs are likely to be less than the cost

of court litigation and staff negotiation with development application proponents. The associated costs are broadly aligned to actions in Council's endorsed Biodiversity Strategy that require that biodiversity monitoring occur in the LGA. The ongoing monitoring of Scrub Turpentine and Broad-footed Myotis will partially address some of these objectives.

The implementation of the SMPs can be budgeted for through Strategic Planning's operational budget.

Link to Community Strategic Plan

Theme 3: Green

Choose Focus Area

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

The following risks have been identified:

- Poor acceptance by the development industry: this has been mitigated through consultation with UDIA.
- Inclusion of inaccurate information/poor ecological outcomes: this has been mitigated through review by relevant species experts.
- Lack of internal acceptance and support: this has been mitigated through extensive internal consultation including dedicated field inspections.

Options

- 1 That Council does not resolve to endorse the report recommendations. This will result in uncertainty for the proponents of developments within the Central Coast and increased development assessment time and potential harm to Scrub Turpentine and Myotis - **Not recommended.**
- 2 That Council endorse the report recommendations in totality. The SMPs allow for an understanding of the specific ecology of a threatened species that regularly occurs on development sites and provides a framework by which such threatened species will be better managed across the Central Coast and provides a level of certainty to proponents of developments regarding their environmental assessment and management responsibilities - **Recommended.**

Attachments

2.5**Endorsement of Species Management Plans (contd)**

1	Scrub Turpentine Species Management Plan (SMP)	Provided Under Separate Cover	D15940301
2	Broad-footed Myotis Species Management Plan (SMP)	Provided Under Separate Cover	D15940315



Item No: 2.6
Title: Community Support Grant Program - November 2023
Department: Community and Recreation Services

23 January 2024 Ordinary Council Meeting

Reference: F2017/02117-002 - D15997695
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 \$36,947.50 (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*** ***The Lloyd McDermott Rugby Development Team Incorporated -2024 KARI Foundation Ella 7s - \$3,300.00***
 - b*** ***Umina Community Group Incorporated - Community Smart Energy Talks - \$1,950.00***
 - c*** ***Tuggerah Lakes Community College Limited – Top Blokes Program for At Risk Youth - \$3,150.00***
 - d*** ***Mannering Park Community Garden Incorporated - Mannering Park Foreshore Reserve Bench Seats - \$4,967.50***
 - e*** ***Central Coast Triathlon Club Incorporated - Financial assistance to cover triathlon fixed costs - \$5,000.00***
 - f*** ***Umina Surf Life Saving Club Incorporated - Training Area Upgrade - \$5,000.00***
 - g*** ***Mangrove Mountain Christian Group Incorporated - Replacing faulty air conditioner - \$3,150.00***
 - h*** ***Playgroup NSW – Room Hire Subsidy - \$440.00***
 - i*** ***Ettalong Public School P&C - EPS P&C Canteen freezer upgrade for health, community, and sustainability - \$5,000.00***
 - j*** ***Northern United Rugby Union Club Incorporated - Sevens by the Sea - \$4,990.00***

2 Declines 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 Central Coast Music and Arts Incorporated – Central Coast Music and Arts Live Artists Initiative - application is ineligible**
- b Mingaletta Aboriginal Torres Strait Islander Corporation - DULILI-Together – application in ineligible**
- c Mingaletta Aboriginal Torres Strait Islander Corporation - Elders and Seniors connecting to cultural – application in ineligible**
- d Toukley Neighbourhood Centre Incorporated - TNC Op Shop – application is ineligible**
- e Toukley Neighbourhood Centre Incorporated - TNC Food Relief – application is ineligible**

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:

2.6 Community Support Grant Program - November 2023 (contd)

- 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	\$182,371.50	\$36,947.50	\$219,319.00
TOTAL			\$182,371.50	\$36,947.50	\$219,319.00

Current Status

Applications submitted from 1 – 30 November 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 fifteen applications were received and assessed by 11 December 2023, with ten applications recommended for funding in this Council report. Five applications are not recommended for funding.

The applications not recommended for funding are ineligible. The applicants 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.

2.6 Community Support Grant Program - November 2023 (contd)

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

- | | | | |
|---|---|-------------------------------|-----------|
| 1 | Community Support Grant Program - November 2023 - Recommended and Not Recommended | Provided Under Separate Cover | D15997882 |
|---|---|-------------------------------|-----------|