



Central Coast Council
Business Paper
Ordinary Council Meeting
23 July 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.

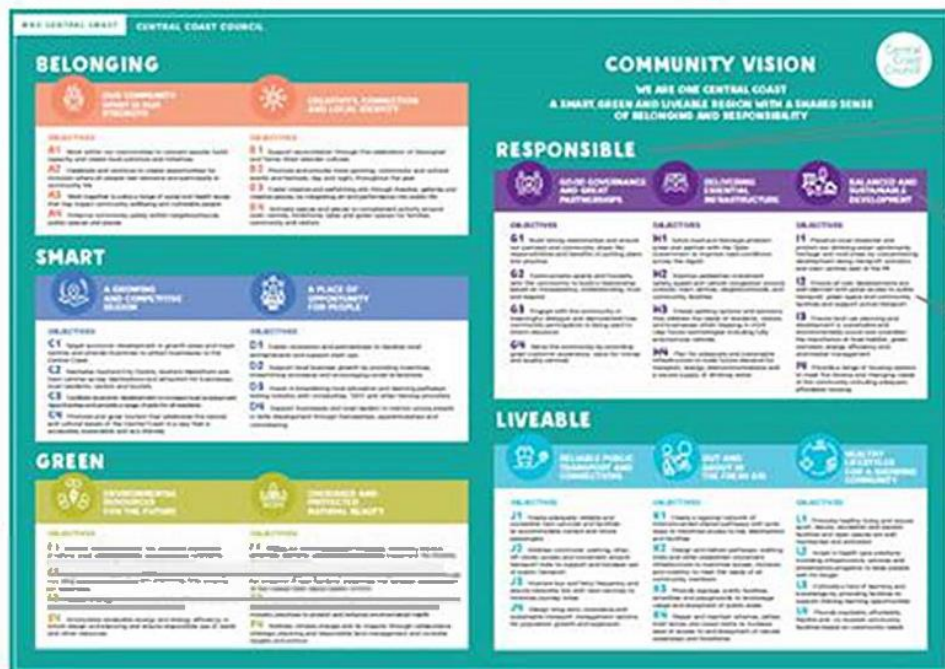
 **Good governance and great partnerships**

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.



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 July 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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3 Confidential Items

- 3.1 Central Coast Roads Package Compulsory Land Acquisition for Ocean Beach
Road and Rawson Road Intersection Upgrade, Woy Woy

The reason for dealing with the report confidentially is that it contains 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.

David Farmer
Chief Executive Officer

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



23 July 2024 Ordinary Council Meeting

Reference: F2024/00015 - D16050661
Author: Briony Stiles, Team Leader - Civic Support
Manager: Teresa Chadwick, 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 July 2024 Ordinary Council Meeting

Reference: F2024/00015 - D16050655



Recommendation

That Council confirms the minutes of the Ordinary Meeting of Council held on 25 June 2024.

Summary

Confirmation of minutes of the Ordinary Meeting of Council held on 25 June 2024.

Attachments

1	MINUTES - Council Meeting - 25 June 2024	Provided Under Separate Cover	D16267752
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Item No: 1.3
Title: Notice of Intention to Deal with Matters in Confidential Session
Department: Corporate Services

23 July 2024 Ordinary Council Meeting

Reference: F2024/00015 - D16050667

Recommendation

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

Item 2.22 – Central Coast Roads Package Compulsory Land Acquisition for Ocean Beach Road and Rawson Road Intersection Upgrade, Woy Woy

Reason for considering in closed session:

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

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

That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report 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. Consideration of the matter in open Council would, on balance, be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services for the Central Coast community.

Summary

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in a closed and confidential session. The report is incorporated in the "Confidential" business paper which has been circulated.

The *Local Government Act 1993* requires the Chief Executive Officer to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the *Local Government Act 1993*. It is then a matter for Council to determine whether those matters will indeed be 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 June 2024
Department: Corporate Services

23 July 2024 Ordinary Council Meeting

Reference: F2020/03205 - D16294418
Author: Garry Teesson, Section Manager Financial Planning and Business Support
Manager: Emma Galea, Chief Financial Officer
Executive: Marissa Racomelara, Director Corporate Services

Recommendation

That Council receives the report Monthly Financial Reports – June 2024 (Preliminary).

Report purpose

To present to Council the preliminary high level financial position as at 30 June 2024. The preliminary result as at 30 June 2024 also represents the indicative result for the 2023-24 Financial Year (FY), noting that the result is subject to change as end of financial year processes continue.

Executive Summary

This report presents the indicative financial result for the 2023-24 FY. As at 17 July 2024, based on amounts already processed and amounts yet to be included, it is estimated that Council will have an operating surplus on a consolidated basis ranging from \$17M to \$32M. Council's budgeted operating surplus for 2023-24 FY is \$25.9M.

The financial result included in this report is subject to changes due to end of financial year adjustments yet to be processed, and adjustments that may be requested as part of the audit of the 2023-24 FY Annual Financial Statements by the NSW Audit Office.

The 2023-24 Draft Financial Statements will be presented to Council for referral to audit in August 2024.

Background

The monthly financial reports have been prepared in accordance with the requirements of the *Local Government Act 1993* ("LG Act"), the *Local Government (General) Regulation 2005* ("LG Reg"), and the relevant accounting and reporting requirements of the Office of Local Government prescribed Code of Accounting Practice and Financial Reporting and Australian Accounting Standards.

2.1 Monthly Finance Report June 2024 (cont'd)

The June 2024 financial report is a high-level summary report aimed at providing an indicative financial position for 2023-24 FY, subject to end of financial year adjustments and any adjustments arising from the audit of Council's Financial Statements.

Following the completion of all the necessary end of financial year adjustments, including accounting for all revenue and expenditure attributable to the 2023-24 FY, Council's Annual Financial Statements will be compiled in the mandated format and submitted to Council to refer to audit.

Report

For the 2023-24 FY, at the time of preparing this report, and based on identified adjustments yet to be processed, Council has an indicative consolidated net operating result surplus range of \$17M to \$32M. Council's budgeted operating surplus for 2023-24 FY is \$25.9M. It is anticipated that Council's final consolidated operating surplus will be within an appropriate variance range compared to budget.

It is to be noted that the operating result is subject to changes due to several material end of year adjustments yet to be processed, including, but not limited to:

- Accrual of revenue
- Accrual of expenditure
- Processing of provisions
- Grant recognition adjustments

At this stage, there is limited scope to analyse the budget variations associated with each component of the Operating Statement, as amounts are subject to change. Results by Fund are also subject to change to the end of year restrictions adjustments being still in progress at the time of preparing this report. This analysis will be provided in August 2024.

Financial Performance Benchmarks

At the time of preparing this report the Financial Performance Benchmarks for 2023-24 FY was still being finalised as per the production of Council's financial statements.

Cash and Investments

Details on cash and investments as at June 2024 are included in the Monthly Investment Report June 2024, included as a separate report in this business paper.

Restricted Funds

At the time of preparing this report restrictions for 2023-24 FY were still being finalised as per the production of Council's financial statements.

Capital Works

At the time of preparing this report capital expenditure attributable to 2023-24 FY was still being finalised as per the production of Council's financial statements.

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.

Attachments

Nil



Item No: 2.2
Title: Monthly Investment Report June 2024
Department: Corporate Services

23 July 2024 Ordinary Council Meeting

Reference: F2004/06604 - D16194811
Author: Leslie Chan, Team Leader Financial Accounting
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 June 2024.***
- 2 *Allocates the required unrestricted funds available in the General Fund as at 30 June 2024 to offset unrestricted funds deficit in the Drainage Fund, as part of year end processes for June 2024.***
- 3 *Notes the June 2024 Restrictions have not been finalised and will be completed as part of June 2024 year end processes and audit.***

Report purpose

To present the monthly Investment Report in accordance with cl. 212 of the *Local Government (General) Regulation 2021* 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 30 June 2024.

Background

Council's investments are made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2021*, 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 \$773.80M as at 30 June 2024. A summary of investments as at 30 June 2024 is attached as Attachment 1 to this report. It is noted that this value is subject to change upon the finalisation of the June 2024 year end processes and audit.

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

Type	Value (\$'000)
Investment Portfolio	\$704,398
Transactional accounts and cash in hand	\$69,406
Total	\$773,804

During June 2024, Council's total cash and investments decreased by \$9.72M from \$783.52M to \$773.80M. 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.

Council's Investment Portfolio is split across the various funds. Details regarding restricted and unrestricted cash have not been included as part of this investment report as they are subject to change pending the finalisation of the year end process and audit for the year ended 30 June 2024.

As has been reported each month, Council is managing the ongoing negative unrestricted funds balance in the Drainage Fund through its consolidation with the General Fund. The unrestricted funds deficit in the Drainage Fund as at 30 June 2024 will be calculated after year

2.2 Monthly Investment Report June 2024 (cont'd)

end processes are completed and will be consolidated with General Fund for the year ended 30 June 2024.

Portfolio Management

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

The total value of Council's investment portfolio as at 30 June 2024 is outlined in Table 2 below. Total net return on the portfolio for Council in June 2024, comprising entirely of interest earned, was \$3.00M.

Table 2 – Portfolio Movement (Investments only)

Description	2022-23	Jul-Sep Qtr	Oct-Dec Qtr	Jan-Mar Qtr	Jun-24	Apr - Jun Qtr	FYTD
	Financial Year \$'000	2023/24 \$'000	2023/24 \$'000	2023/24 \$'000	2023/24 \$'000	2023/24 \$'000	2023/24 \$'000
Opening Balance	628,005	707,301	745,827	696,817	668,915	663,227	707,301
movement in cash at call, additions and disposals	76,828	37,117	-50,368	-35,114	35,337	40,502	-7,863
Movement in Market Value	2,468	1,409	1,358	1,524	145	669	4,960
Closing Balance	707,301	745,827	696,817	663,227	704,398	704,398	704,398
Interest earnings	22,168	8,346	9,204	8,736	2,999	8,914	35,200

The market value of Council's investment portfolio, excluding interest, as at 30 June 2024 is \$704.40M.

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 is presented in Table 3 below.

Table 3 - Investment Maturities

Time Horizon	Percentage Holdings	Maturity on or before	Value \$'000
At Call	3.92%	Immediate	27,624
Investments			
0 - 3 months	13.07%	Sep-2024	92,054
4 - 6 months	6.96%	Dec-2024	49,008
7 - 12 months	16.46%	Jun-2025	115,957
1 - 2 years	30.08%	Jun-2026	211,849
2 - 3 years	26.79%	Jun-2027	188,689
3 - 4 years	0.72%	Jun-2028	5,036
4 - 5 years	2.01%	Jun-2029	14,179
Total Investments	96.08%		676,774
Total Portfolio	100.00%		704,398
Interest Accrued to June 2024 (Excluding Interest on call accounts)			5,157
Market Value of Investment per Portfolio Valuation Report (Attachment 4)			709,555

The investment portfolio is concentrated in AA (14.33%), A (42.96%), and BBB (42.71%).

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 30 June 2024.

The current spread of investments and counterparty exposure for June 2024 are shown in Graphs 1 and 2 respectively in (Attachment 2).

Environmental, Social and Green (ESG) Investments

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

Council holds 2.29% or \$16.13M in ESG investments as at 30 June 2024.

Portfolio Return

Interest rates on investments in the month, ranged from 1.20% to 6.40%. The monthly Bank Bill Swap Rate (BBSW) benchmark was 4.30%. Changes in economic conditions have led to the Reserve Bank of Australia (RBA) maintaining the cash rate at 4.35% at its meeting in June 2024. The next RBA meeting is scheduled for 5-6 August 2024. BBSW has also followed cash

2.2 Monthly Investment Report June 2024 (cont'd)

rate trends and has been stable since February 2024. Comparative interest rates are shown in the table below.

Table 4 – Interest Rate Increases

Month	RBA Cash Rate	1 Month Bank Accepted Bills
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%
January 2024	4.35%	4.31%
February 2024	4.35%	4.30%
March 2024	4.35%	4.30%
April 2024	4.35%	4.30%
May 2024	4.35%	4.30%
June 2024	4.35%	4.30%

Source: RBA Statistics [Interest Rates and Yields – Money Market – Monthly – FL.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 June 2024 is 4.79%. Performance Statistics for Council are shown in Table 1 in (Attachment 2).

Trading Limits are detailed in (Attachment 3). Market values reflected in the Portfolio valuation report in Attachment 4 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-G3: Provide leadership that is transparent and accountable, makes decisions in the best interest of the community, ensures Council is financially sustainable and adheres to a strong audit process.





Risk Management

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

Options

Not Applicable

Attachments

	1 Summary of Investments as at 30 June 2024	Provided Under Separate Cover	D16293870
	2 Investment Report Graphs and Table for June 2024	Provided Under Separate Cover	D16293877
	3 Trading Limits Reports as at 30 June 2024	Provided Under Separate Cover	D16293878
	4 Portfolio Valuation Report as at 30 June 2024	Provided Under Separate Cover	D16293881

Item No: 2.3
Title: Open Space Strategy - For Public Exhibition
Department: Community and Recreation Services



23 July 2024 Ordinary Council Meeting

Reference: F2023/00021 - D16213910
Author: Brett Sherar, Unit Manager, Open Space and Recreation
Executive: Melanie Smith, Director Community and Recreation Services

Recommendation

That Council:

- 1 Endorses the draft Central Coast Council Open Space Strategy 2024-31 for public exhibition for a period of 28 days.***
- 2 Receives a subsequent report noting submissions received during the period of public exhibition.***

Report purpose

To seek Council endorsement to publicly exhibit the draft Central Coast Council Open Space Strategy 2024-31 (Attachment 1).

Executive Summary

The draft Central Coast Council Open Space Strategy 2024-31 (the Strategy) is a strategic planning document designed to inform the current and future planning for Open Space provision across the Local Government Area (LGA).

The Strategy contains a gap analysis of current open space supply and future open space demand based on projected population growth across the Central Coast. The Strategy recommends Open Space Planning Principles, Provision Framework for Parks and Sporting Facilities, and Open Space Benchmarks for Council to reference over the life of the document.

This strategy also identifies sports and recreation action plans that need to be reviewed or developed to ensure the provision of recreation opportunities on the Central Coast is well planned.

Background

To ensure quality open space planning for the Central Coast, it was determined that a review of the open space provision for future development was undertaken, and a strategic direction adopted, that would inform Council's decision making for future provision of open space.

Subsequently, Council engaged Otium Planning Group to lead the preparation of an Open Space Strategy, given their extensive experience in developing similar Open Space documents for local Councils, both within NSW and nationally.

The Open Space Strategy is primarily concerned with ensuring that the supply and development of public open space is sufficient to support anticipated growth and that it is acquired and developed in a timely manner.

The development of the Strategy has the following overarching objectives:

- Increasing participation in outdoor recreation and sport and encouraging active lifestyles.
- Improving access to public open space opportunities.
- Ensuring parks and sporting areas are fit for purpose, inclusive and accessible.
- Engaging the community and partners in the next 10 years of planning for public open space.
- Adopting a whole of life approach to active lifestyle opportunities that ensures diversity of opportunity.
- Ensuring efficient use of open space assets and multiple use design where appropriate.

It should be noted that future planning for natural areas, aquatic and leisure centres, community halls, individual sport and mountain biking in natural areas and land not managed by Council, is excluded from the scope of this Strategy.

Current Status

The majority of the research, consultation and strategy development was undertaken by Otium Planning Group in 2021 and 2022, with a final draft report provided to Council in late 2022. During 2023, key staff from Council's Open Space and Recreation, Strategic Planning Projects, and Natural Assets and Biodiversity units, reviewed and amended the draft document. The Strategy is now ready for public exhibition.

Report

The Strategy provides guiding principles and a strategic framework to assess the functionality of open space for community sport, recreation, and physical activity.

Guiding Principles

Council will implement the following guiding principles of the Open Space Strategy:

- The open space network will provide a range of environmental benefits.
- Engaging and partnering with the community and other planning agencies.
- Investment in open space should maximise the return for the community.
- Open space infrastructure will be aesthetically appropriate, fit for purpose and robust.
- No net loss for fit for purpose parks and sporting areas.
- Plan for a greater diversity of recreational opportunities.
- Meet the needs of a changing community.
- Equity of access to the open space network.

Functions of Open Space

Primary functions of open space include:

- Community parkland/general recreation.
- Sport and recreation.
- Civic, heritage and cultural spaces.
- Foreshore.
- Linear open space.

Open Space Provision Benchmarks

Recommended benchmarks are 3.1ha/1000 population for open space, comprising 1.3ha/1000 for sport and 1.8ha/1000 for parks/recreation.

Strategic Open Space Planning Implications

The Strategy identifies several high-level themes that are likely to have implications for current and future open space planning. These themes are:

- Planning for Growth.
- Planning for an Ageing Population.
- Addressing Inactivity and Obesity.
- Integrating the Open Space Strategy into Central Coast Planning.

Stakeholder Engagement

Council's consultant undertook extensive consultation with the community and sporting clubs and associations during the development of the Strategy.

Several face-to-face community meetings were held but due to COVID restrictions, the consultation heavily relied on the completion of online surveys which was open from February to April 2021.

In total, 533 online surveys were completed at the time comprising of 438 community surveys and 95 sports club and associations surveys.

Outcomes of the consultation are contained in Attachment 2 –Engagement Summary of the Community Survey; Attachment 3 – Engagement Summary – Club Survey and Attachment 4 – Engagement Report.

The attached engagement summaries are named Active Lifestyle Strategy – Engagement Summary as this was the original working name of these documents.

Public exhibition of the draft Strategy

The draft Strategy will be exhibited for a period of 28 days on Council's website, allowing the community the opportunity to provide detailed feedback in relation to the content of the document.

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 no cost in adopting the Open Space Strategy for community consultation. The cost of adopting the principles within the Open Space Strategy for Council cannot be determined as it is primarily about providing guiding principles that will be used in land use and structure planning to source suitable land for sport and recreation on the Central Coast based on population growth. This land can be donated, conditioned on development, purchased using developer contributions or through general revenue.

The cost of land provision and asset construction will need to be a consideration for Council when determining new structure plans and subdivisions.

Link to Community Strategic Plan

Theme 1: Belonging

Goal B: Creativity, connection and local identity

B-B4: Activate spaces and places to complement activity around town centres, foreshores, lakes and green spaces for families, community and visitors.

Risk Management

The reason for preparing this Open Space Strategy is to reduce the risk of undertaking development on the Central Coast to allow for population growth without the recreational infrastructure to support a healthy lifestyle.

Options

1. Endorse the draft Central Coast Council Open Space Strategy for public exhibition. **(This is the recommended option).**
The Strategy is a critical document that will provide strategic direction to multiple business units of Council.
2. Do not endorse draft Central Coast Council Open Space Strategy for public exhibition. (This is not recommended).
Council does not currently have an overarching planning framework to assess the need and function of Open Space. The lack of an Open Space Strategy is a critical issue for council when planning for Open Space provision.

Attachments

1	CCC - Open Space Strategy 2022-2031 - Final Exhibition Draft - July 2024	Provided Under Separate Cover	D16300665
2	Active Lifestyles Strategy - Engagement Summary - Community Survey	Provided Under Separate Cover	D16212196
3	Active Lifestyles Strategy - Engagement Summary - Club Survey	Provided Under Separate Cover	D16212194
4	Active Lifestyles Strategy - Engagement Report - Otium Planning Group - June 2021	Provided Under Separate Cover	D16212180



Item No: 2.4
Title: Greater Warnervale Structure Plan - Outcomes of Public Exhibition and Adoption
Department: Environment and Planning

23 July 2024 Ordinary Council Meeting

Reference: F2017/01544-002 - D16132479
Author: Charlotte Ryan, Senior Strategic Planner Local Planning and Policy
Manager: Sharon McLaren, Section Manager Corporate Planning and Reporting
Executive: Shannon Turkington, Director Environment and Planning (Acting)

Recommendation

That Council:

- 1 Considers the submissions and matters during the exhibition period, as outlined in Attachments 1, 2 and 3.***
- 2 Endorses the amendments, as outlined in Attachment 4.***
- 3 Adopts the Greater Warnervale Structure Plan (Attachment 5) and Background Report (Attachment 6).***
- 4 Submits the final Structure Plan to the Department of Planning, Housing, and Infrastructure (DPHI) for endorsement.***
- 5 Authorises the Chief Executive Officer (CEO) to make any minor changes required to achieve DPHI approval.***
- 6 Notifies those persons who made submissions of Council's decision.***

Report purpose

To consider the submissions received during public exhibition of the draft Greater Warnervale Structure Plan (GWSP), outline amendments made post-exhibition in response to these submissions and request that Council adopt the final GWSP and Background Report.

Executive Summary

The Greater Warnervale Structure Plan (GWSP) has been prepared to guide the growth of the Study Area over the next 20 years. Greater Warnervale is one of the fastest growing

2.4 Greater Warnervale Structure Plan - Outcomes of Public Exhibition and Adoption (cont'd)

regions within the Central Coast Local Government Area (LGA), expected to accommodate the majority of population, housing and employment growth until 2041. Council recognises the growth pressures this area is under and the need to manage and plan for sustainable growth.

The Structure Plan is a long-term plan that establishes a vision and land use planning framework to guide where growth and development occurs, ensure development is appropriately located and sequenced, and supported by the necessary infrastructure and services required to meet the needs of existing and future residents.

The draft GWSP was exhibited from 30 January 2023 to 31 March 2023. Following public exhibition, finalisation of the Structure Plan was extended while Council staff worked through the submissions received.

This report recommends that Council considers the submissions received during exhibition and the amendments made in response to submissions. Further, Council is requested to adopt the GWSP (Attachment 5) and supporting Background Report (Attachment 6) and make the document publicly available.

Background

The GWSP Study Area is 3,900 hectares in size and comprises the suburbs of Jilliby, Halloran, Warnervale, Wallarah, Woongarah, Hamlyn Terrace, Wadalba and parts of Charmhaven, Kanwal, Wyongah, Tuggerawong, Tacoma and Wyong (see Figure 1).

The Study Area has been growing for over 20 years and is expected to accommodate the majority of housing and employment growth within the Central Coast LGA. A Structure Plan has been prepared to establish a framework to guide the future growth of the Study Area from approximately 36,846 people (ABS 2021) to approximately 64,044 people by 2041 (Forecast ID, May 2024).

The Structure Plan is presented for consideration in (Attachment 5). It is supported by a Background Report (Attachment 6) which includes a detailed analysis of current conditions, observations and opportunities of the Study Area including strategic context, demographics, the environment, hazards, servicing, transport, economy, open space and recreation, community, land use conflicts and built environment. The findings of the Background Report and outcomes of community consultation have informed the land use vision and objectives of the Structure Plan.

The Structure Plan does not rezone land, however, will form the basis for future planning and land use outcomes (see Figure 2). It will guide and inform future amendments to Council's Local Environmental Plan and/or the preparation of Development Control Plan chapters, character statements, public domain plans and development contributions plans.

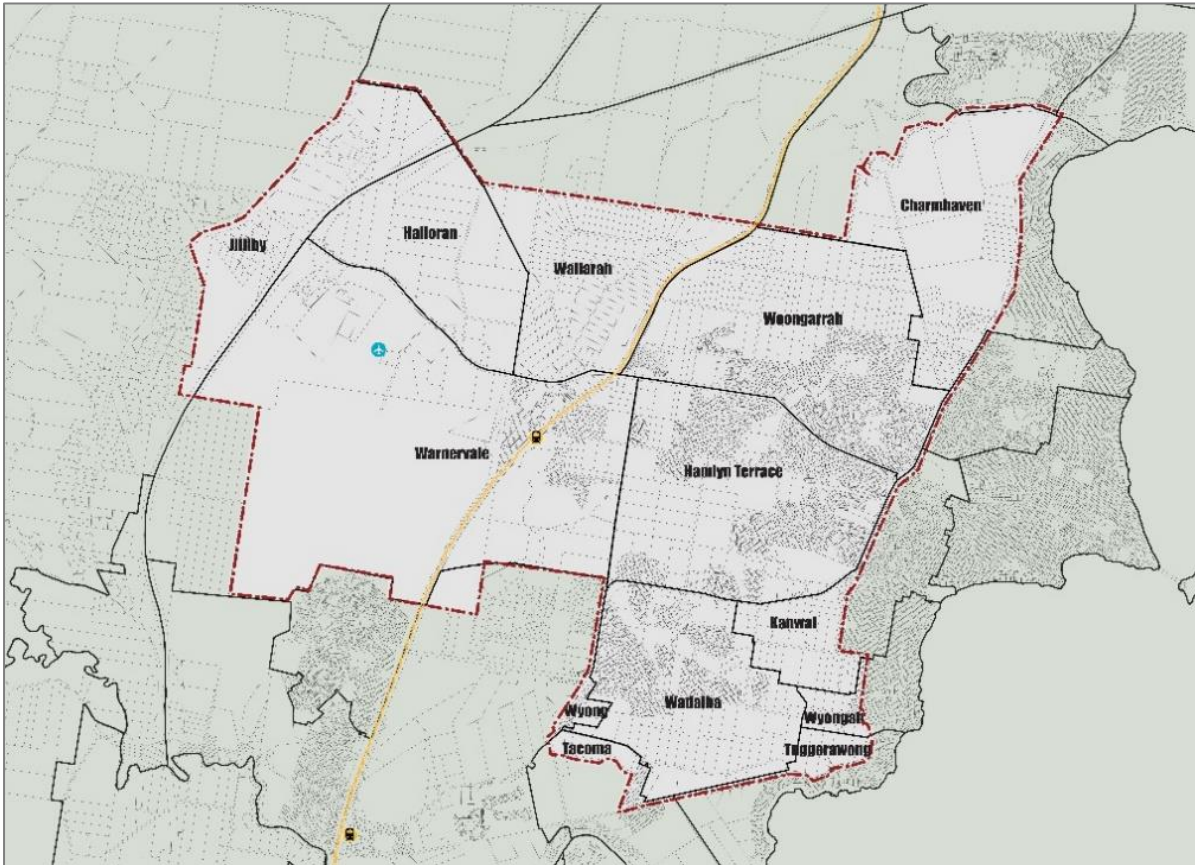


Figure 1 – Study Area with suburbs

At the Ordinary Meeting of Council on 22 November 2022, Council resolved the following:

201/22 Resolved

1. *That Council, for the purposes of community consultation, endorse the exhibition of the draft Greater Warnervale Structure Plan for a period of not less than 60 days.*
2. *That Council consider a further report following conclusion of the public exhibition period.*

Current Status

Since the above resolution, the GWSP has been placed on public exhibition and has been extensively reviewed by internal and external stakeholders. Council staff have worked through all the submissions received and made amendments to the final Structure Plan (see Figure 2 and Attachment 6) in response to the feedback received. It is now considered appropriate to refer this matter to Council for endorsement of the final Structure Plan.

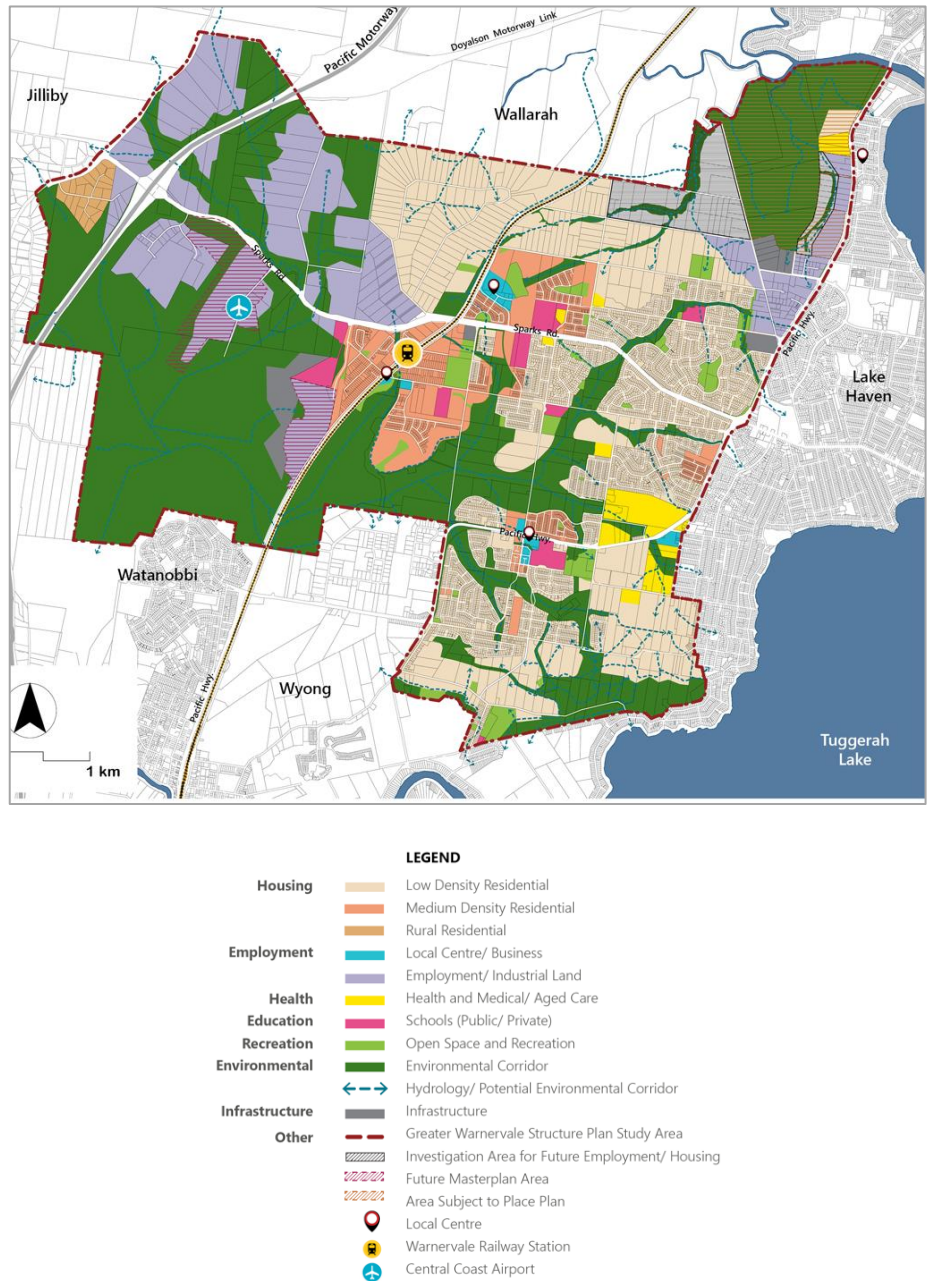


Figure 2 – Final Structure Plan

Stakeholder Engagement

The draft GWSP was placed on public exhibition for a period of no less than 60 days from 30 January 2023 to 31 March 2023. Engagement was undertaken online in the form of a social pinpoint map and a feedback form. Two public information sessions were also held in February and March 2023. Meetings were also conducted with key agency stakeholders. A total of 73 submissions were received, comprising nine (9) from agencies, two (2) from industry and 62 from the public. In addition, 115 comments were left on the interactive concept map.

2.4 Greater Warnervale Structure Plan - Outcomes of Public Exhibition and Adoption (cont'd)

A summary of the submissions received and amendments in response to submissions is provided below, with further detail provided in:

- Attachment 1 – Agency Submissions and Council response
- Attachment 2 – Internal Council Submissions and Council response
- Attachment 3 – Community Submissions and Council response

Proposed amendments to the draft GWSP are listed in (Attachment 4) and the final version of the GWSP and Background Report is provided in (Attachment 5 and Attachment 6).

Community Consultation

A total of 62 submissions were received from the public in addition to 115 comments on an interactive concept map. Below are key points raised within the community submissions:

- The natural environment needs to be protected and cared for. Waterways and natural areas need to be managed in a sustainable way.
- Support a mix of dwelling type, density, and lot sizes.
- Plant more trees to compensate for clearing of vegetation.
- Increase street tree planting to provide shade, greenery, and improved pedestrian amenity.
- Support fauna crossings and street planting subject to implementation of a maintenance plan.
- Identify suitable locations for new schools to alleviate pressure on existing schools.
- Support more open space and recreational parks, walkways, sportsfields etc.
- Reduce traffic congestion at key pinch points before increasing population and improve pedestrian and cycle connections.
- Deliver more health and medical services to service the current and future population.
- Improve access to active and public transport options.
- Provide certainty regarding a new town centre.
- Deliver more local shops and services within walking distance of residential areas.
- The importance of considering climate change in land use planning.
- Minimise land use conflict with residential and employment areas.
- The need to consider sequence and staging of land release and development.

A full summary of community submissions and Council's response is provided in (Attachment 1).

Internal Council Consultation

Extensive internal consultation has been undertaken with Council staff during the development of the draft Structure Plan. Information provided by internal stakeholders has been utilised to inform the constraints analysis and to identify recommendations and opportunities. Internal consultation included staff from the following areas within Council:

- Assets and Project
- Road and Drainage Infrastructure
- Community and Culture

2.4 Greater Warnervale Structure Plan - Outcomes of Public Exhibition and Adoption (cont'd)

- Open Space and Recreation
- Economic Development and Property
- Environmental Management
- Strategic Planning

A full summary of internal submissions and Council's response is provided in (Attachment 2).

Agency consultation

Council consulted with the following government agencies:

- Biodiversity, Conservation and Science Group
- Department of Agriculture
- Department of Planning, Housing and Infrastructure
- Environment Protection Authority
- Mining, Exploration and Geoscience
- NSW Rural Fire Service
- Schools Infrastructure NSW
- Subsidence Advisory NSW
- Transport for New South Wales

A full summary of agency submissions and Council's response is provided in (Attachment 3).

Proposed Amendments

Council staff have spent time working through all submissions received and amending the draft GWSP to respond to the matters raised. A key change to the Structure Plan is the layout of the document. Community feedback suggested that the exhibited Plan was very detailed and difficult to comprehend. Accordingly, the Structure Plan has been amended to be smaller and more concise; the Structure Plan now comprises two documents – the Structure Plan and a Background Report (Appendix A).

The Background Report is an appendix to the Structure Plan. It is intended as a reference document for landowners and proponents of Planning Proposals to refer to when seeking information on the environmental, economic, and social context of land within the Study Area. It outlines in detail the constraints within the Study Area such as biodiversity, flooding, hazards, servicing etc.

Conversely, the Structure Plan uses the findings of the Background Report and outcomes of community consultation to identify opportunities and how the existing constraints/conditions of the Study Area have shaped the vision, objectives, and guiding principles for the Structure Plan. The revised Structure Plan more clearly articulates the vision for each precinct within the Study Area and provides clarity to the community on the desired future character and development outcomes for each area.

2.4 Greater Warnervale Structure Plan - Outcomes of Public Exhibition and Adoption (cont'd)

The following amendments have also been made to the Structure Plan:

Submission theme	Amendments to Structure Plan
<p>Consistency with new strategies</p> <ul style="list-style-type: none"> • How the GWSP will achieve the density targets in CCRP 2041 • Consistency with the new directions and concepts in CCRP 2041 such as Place Strategies, 15-minute neighbourhoods 	<p>CCRP 2041</p> <p>The Structure Plan has been amended to address and respond to the new directions contained within the Central Coast Regional Plan (CCRP) 2041. In particular, the concept of 15-minute neighbourhoods and the introduction of “Place Strategies.”</p> <p>The Structure Plan focuses on the development of 15-minute neighbourhoods which focuses on ensuring future urban development occurs in locations where people can access their daily needs within 15 minutes from where they live. The intent is to create more walkable neighbourhoods that are compact, mixed use and supported by high amenity and good quality infrastructure.</p> <p>Land within the vicinity of Warnervale Train Station and Warnervale Local Centre (former Town Centre) has been earmarked for medium density residential with the intent of creating two local centers within walking distance of public transport, shops, and amenities.</p> <p>The Structure Plan also now references the densities within CCRP 2041, noting that whilst these density targets may be achievable in undeveloped precincts within the Study Area, they will also need to align with market demand. Recent development in the area has been trending towards densities of 15-20 dwellings/hectare. Notwithstanding this, the Structure Plan seeks to encourage a diversity of housing types and increase density in high amenity locations, close to schools, shops, public transport, open space.</p> <p>Central Coast Strategic Conservation Plan</p> <p>The Structure Plan has been updated to facilitate discussion on the Central Coast Strategic Conservation Plan, which is being led by the Department of Planning, Housing, and Infrastructure (DPHI). DPHI is undertaking strategic conservation planning in the Central Coast region to balance expected urban growth with the protection of biodiversity at a landscape scale. A conservation plan will be prepared to set out the avoidance, mitigation, and offset measures to address impacts of development. DPHI have not yet released maps of areas to be certified and avoided. It should be noted that the</p>

Submission theme	Amendments to Structure Plan
	<p>recommendations for new conservation areas may impact the future urban boundaries identified in this Structure Plan.</p>
<p>Out of date data or references</p>	<p>Demographics</p> <p>The GWSP has been amended to reflect the most recent 2021 ABS and forecast ID population and dwelling forecasts. The exhibited Structure Plan projected a population increase of 37,669 people between 2021 and 2036 (Forecast ID).</p> <p>Prior to finalising the Structure Plan, Forecast ID released new data with projections up until 2046. The new population and dwelling forecasts expect a population increase of 27,198 people and 10,130 additional dwellings by 2041 (Source: Census data 2021 and Forecast ID, May 2024).</p> <p>The Structure Plan proposes a target range for population, dwelling and job growth in the Study Area. These projections are based on census data (2021) and forecast ID data (May 2024). They will be reviewed and refined as part of future work.</p> <p>The updated projections are less than originally anticipated. The assumptions have been refined to account for recent trends in residential development including the addition of dwellings to the housing stock, relocation of people to the area, availability of land, conversion of industrial lands to residential lands, and densification of housing by building up.</p> <p>A preliminary capacity analysis has been undertaken to identify how many people and dwellings could be accommodated within the Study Area. The analysis suggests that the Study Area has capacity for approximately 34,925 people and 11,680 dwellings until 2036. This is based on the assumption that all precincts are developed in their entirety. It should be noted that not all precincts will be developed by 2036. Rezoning and delivery of housing and employment in accordance with the Structure Plan is dependent upon proponent led precinct rezonings, outcomes of the Central Coast Strategic Conservation Plan and undertaking further detailed technical investigations at a finer scale to better define development footprints of each precinct.</p> <p>Notwithstanding this, based on the census and forecast ID presumptions, the Study Area has capacity to accommodate</p>

Submission theme	Amendments to Structure Plan
	<p>the number of residents expected to live within Greater Warnervale by 2041.</p> <p>Updated Employment Lands Strategy The exhibited Structure Plan included findings from an Economic Report prepared by SGS Economics in 2018. Reference to the SGS economics analysis has been removed. Council is currently preparing an Employment Lands Strategy (ELS) which will provide strategic direction for employment land in the Study Area and broader LGA. The key findings, opportunities and constraints identified within the draft ELS have been included in the Structure Plan. It is noted that the draft ELS is yet to be finalised and it is expected to be publicly exhibited in Q3 of 2024.</p> <p>State Environmental Planning Policies The Structure Plan has been updated to include an assessment of the Structure Plan's consistency with all new State Environmental Planning Policies and remove reference to ones that are now repealed.</p>
<p>Implementation</p> <ul style="list-style-type: none"> Assumption that the GWSP will rezone land. Uncertainty how the land use recommendations will be implemented 	<p>The Structure Plan has been updated to better explain the Structure Plan process, purpose of a Structure Plan and how land use recommendations will be implemented. There was a presumption that the Structure Plan rezoned land, proponents will need to undertake detailed studies to determine the feasibility of the land use recommendations and submit precinct wide planning proposals to rezone land in accordance with the recommendations of the GWSP.</p>
<p>Improvements to education, health, recreation, and community facilities</p> <ul style="list-style-type: none"> Concern about growing population and impact on education, health, recreation, and community facilities 	<p>The Structure Plan has been updated to address these concerns and inform the community of Council's intent to continue to liaise with agencies such as Schools Infrastructure NSW to monitor the capacity of existing school sites to accommodate the student demand anticipated as a result of this Structure Plan.</p> <p>The Structure Plan also plans for the development of a health precinct around Wyong Hospital. Local strategic planning will leverage significant NSW Government investment to establish a broader health precinct, offering specialised medical services and complementary and supporting services. This will be done in collaboration with Health Infrastructure NSW and the Central Coast Local Health District.</p>

Submission theme	Amendments to Structure Plan
<p>Mapping</p> <ul style="list-style-type: none"> • Legibility • Cluttered • Difficult to interpret 	<p>The Structure Plan maps have been amended to be clearer and more legible in terms of colours and icons. The amended maps have focused on portraying the desired future land use for each area, supported by detailed maps that more clearly show finer details such as future transport connections, open space areas, parks, community facilities, intersections etc. The Structure Plan which shows the entire Study Area has been simplified to depict potential future land use, potential environmental corridors, and areas subject for further investigation/masterplan area. The Structure Plan is supported by detailed precinct maps which identify further details such as existing and proposed schools, sportsgrounds, playgrounds, community facilities etc.</p>
<p>Environment</p> <ul style="list-style-type: none"> • Impacts on flora and fauna as a result of clearing. • More green space needed, concerned about loss of trees, green space and destruction of wildlife and wetlands. • More trees to compensate for clearing, provide shade, greenery, and support wildlife. 	<p>A key theme throughout the Structure Plan is the importance of protecting and enhancing the landscape and biodiversity values of the Central Coast – this includes the retention of trees, green space and investigating ways to protect, restore and management significant natural assets such as Porters Creek wetland and Tuggerah Lakes estuary. Various opportunities have been added to address concerns regarding clearing of trees and vegetation.</p> <p>The amended Structure Plan provides more information on the process proponents will need to go through to rezone land. The intent is to reassure the community that prior to the clearing of trees and vegetation, detailed ecological investigations must be undertaken that demonstrate how development avoids, minimises and offsets the clearing of native vegetation, threatened ecological communities and threatened species habitat. It is also reiterated that the Structure Plan is a high-level land use strategy and not all land earmarked for change will in fact be rezoned due to various constraints such as biodiversity, flooding, hazards etc.</p> <p>Submissions were received regarding the location of biodiversity corridors. Rather than identify specific locations and widths, the Structure Plan has been amended to identify “high level” potential connections based on the former North Wyong Shire Structure Plan, location of existing corridors, culverts, drainage lines, waterways etc. This allows flexibility in width and location. At the rezoning stage, Council staff will</p>

Submission theme	Amendments to Structure Plan
	<p>work with proponents of planning proposals to determine the most appropriate and viable location and width.</p> <p>Further information has also been included on the Central Coast Strategic Conservation Plan (SCP) being prepared by DPHI. At the time the Structure Plan was exhibited there was very little information to share on the SCP. It is noted that the SCP recommendations for new conservation areas may impact the future urban boundaries identified in the Structure Plan.</p>
Central Coast Airport	<p>The Structure Plan has also been updated to reflect the most recent Central Coast Airport Masterplan which was exhibited between December 2023 and February 2024.</p>
Traffic congestion/road upgrades/improvements to public transport	<p>The Structure Plan has been updated to identify the issues raised by the community in the Existing Conditions section and identify opportunities to alleviate such issues. Council has consulted with TfNSW who are preparing an Integrated Transport Plan (ITP) for Greater Warnervale which seeks to benchmark the current performance of transport networks and identify initiatives to support the future land use vision for the area. The purpose of the ITP is to better understand the changing transport needs of the area in connection with increases to population and employment. This will better future decision making and investment.</p>
Future of Warnervale Town Centre	<p>A large portion of submissions requested clarification on the future of Warnervale Town Centre. Given TfNSW has now confirmed the new train station will no longer be proceeding, the amended Structure Plan more clearly articulates the vision and desired future character of this Precinct (Precinct 4). References to the new train station have been removed.</p> <p>The revised Structure Plan provides clarity on the future of the former Warnervale Town Centre, now defined as a "local centre." Warnervale Local Centre will become the second local centre for the Study Area and provide a mix of residential, commercial, civic, recreation and community facilities.</p> <p>The Study Area will also be supported by a Local Centre at Warnervale Village, adjoining the Warnervale Station. With the upscaling of this centre from a neighbourhood centre to a local centre, there is an opportunity to provide a mix of low and medium density housing supported by complementary</p>

Submission theme	Amendments to Structure Plan
	<p>retail, educational and recreational land uses. This Precinct will transition to a mixed-use centre where people can access everyday needs within a short walk or cycle from where they live. This will allow a greater number of residents and workers to reside within walking distance of a busy hub of shops, restaurants, and open spaces around the rail station.</p>
Action Table	<p>The Action Table has been simplified and amended to be consistent with the new process for setting up actions and strategies in all corporate strategy documents. Many of the actions previously identified remain in the Structure Plan as opportunities.</p>
Servicing and staging	<p>The staging plan has been updated to reflect recent discussions with proponents of development applications in the Mountain Road precinct. Further information has also been provided on proposals significantly outside the recommended development timeframes. Such proposals will need to take into account required infrastructure provision, such as water, sewer, electricity, and gas and be supported by service provider confirmation that these services can be provided as part of any future rezoning or development application.</p>
<p>General community concerns</p> <ol style="list-style-type: none"> 1. The natural environment needs to be protected and cared for. Waterways and natural areas need to be managed in a sustainable way. 2. Support a mix of dwelling type, density, and lot sizes. 	<ol style="list-style-type: none"> 1. Opportunities have been added to Chapter 4 that seek to protect and enhance the rich biodiversity of the Study Area. Prior to the rezoning of land, detailed ecological investigations will need to be undertaken and demonstrate how the clearing of native vegetation has been avoided, minimised and offset. 2. The Structure Plan identifies suitable low or medium density development. This is consistent with the CCRP which promotes a mix of densities and diverse housing types to achieve housing targets and support walking, cycling and public transport in 15-minute neighbourhoods. Medium density development will be focused in areas serviced by high quality public transport, shops, and services.

Submission theme	Amendments to Structure Plan
3. Plant more trees to compensate for clearing and increase street tree planting.	3. The Structure Plan provides more detail on the biodiversity offset framework whereby proponents must always avoid, minimise and offset impacts to biodiversity. As part of future planning proposals, Council supports the implementation of appropriate planning controls to protect biodiversity and will seek to ensure the CCLEP 2022 strengthens protection of biodiversity in the Study Area. Consideration will also be given to the Central Coast Greener Places Strategy which seeks to strengthen tree removal and replacement processes to avoid the net loss of tree canopy cover.
4. Identify suitable locations for new schools to alleviate pressure on existing schools.	4. An action has been added to liaise with School Infrastructure NSW to encourage early identification of school sites and maximise opportunities for co-locating recreational facilities and community facilities.
5. Support more open space and recreational parks, walkways, sports fields etc.	5. An action has been added to investigate improvements to existing community parks and sporting facilities to support additional demand created by the Structure Plan.
6. Reduce traffic congestion and improve pedestrian and cycle connections.	6. Council will also continue to work with TfNSW on upgrades to the State Road network and Warnervale Station. A key objective of the Structure Plan is to improve active and public transport infrastructure within the Study Area to reduce car dependency and alleviate traffic congestion. Areas close to public transport and key transit corridors have also been identified for medium density to encourage walkability and greater use of public transport.
7. Deliver more health and medical services.	7. The Structure Plan plans for the development of a health precinct around Wyong Hospital. As per the CCRP, its redevelopment will increase health capacity on the Central Coast and meet the growing healthcare needs of the community. Local strategic planning will leverage NSW Government investment to establish a broader health precinct, offering specialised medical services and complementary and supporting services.
8. Provide certainty regarding a new town centre.	8. The Structure Plan has been updated to provide clarity on the future of the former Warnervale Town Centre.

2.4 Greater Warnervale Structure Plan - Outcomes of Public Exhibition and Adoption (cont'd)

Submission theme	Amendments to Structure Plan
9. Deliver more local shops and services within walking distance of residential areas.	9. The Structure Plan includes a focus on the creation of 15-minute neighbourhoods, infill development and strategies to achieve this. The revised Plan better articulates where areas of increased density are encouraged e.g., Warnervale Village (adjoining the station), Warnervale Local Centre and along key transit corridors. The Structure Plan seeks to improve local services and encourage a greater mix of land uses to create 15-minute neighbourhoods.
10. Consider climate change in land use planning.	10. Opportunities have been added that seek to alleviate the impacts of climate change such as strengthening tree removal and replacement processes to avoid the net loss of tree canopy cover, implementing initiatives identified within the Central Coast Climate Change Policy and Greener Places Strategy.
11. Minimise land use conflict with residential and employment areas.	11. The Structure Plan includes a specific section discussing land use conflict and strategies to minimise it.
12. Sequence and stage land release and development.	12. The Structure Plan includes a staging plan informed by criteria based on the level of difficulty to service the land. Development should be in accordance with the staging plan.

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.

This project has been completed in-house utilising existing staff resources. Therefore, no budget has been required for preparation of the draft GWSP. Following adoption, rezoning proposals to facilitate the land use recommendations of the GWSP will need to be proponent led and funded by landowners in accordance with Council’s adopted Fees and Charges.

2.4 Greater Warnervale Structure Plan - Outcomes of Public Exhibition and Adoption (cont'd)

The Warnervale District Development Contributions Plan 2021 will also need to be updated to accommodate certain infrastructure required to service the anticipated future population growth associated with the GWSP.

Some planning proposals under assessment may also require planning agreements for specific infrastructure/works where there is a direct link with a planning proposal.

Link to Community Strategic Plan

Theme 1: Belonging

Goal B: Creativity, connection and local identity

B-B4: Activate spaces and places to complement activity around town centres, foreshores, lakes and green spaces for families, community and visitors.

Theme 2: Smart

Goal C: A growing and competitive region

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

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

S-C4: Promote and grow tourism that celebrates the natural and cultural assets of the Central Coast in a way that is accessible, sustainable and eco-friendly.

Theme 3: Green

Goal F: Cherished and protected natural beauty

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

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

G-F4: Address climate change and its impacts through collaborative strategic planning and responsible land management and consider targets and actions.

Theme 4: Responsible

Goal H: Delivering essential infrastructure

2.4 Greater Warnervale Structure Plan - Outcomes of Public Exhibition and Adoption (cont'd)

R-H1: Solve road and drainage problem areas and partner with the State Government to improve road conditions across the region.

R-H2: Improve pedestrian movement safety, speed and vehicle congestion around schools, town centres, neighbourhoods, and community facilities.

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

Theme 5: Liveable

Goal J: Reliable public transport and connections

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

Goal K: Out and about in fresh air

L-K1: Create a regional network of interconnected shared pathways and cycle ways to maximise access to key destinations and facilities.

L-K2: Design and deliver pathways, walking trails and other pedestrian movement infrastructure to maximise access, inclusion and mobility to meet the needs of all community members.

L-K3: provide signage, public facilities, amenities and playgrounds to encourage usage and enjoyment of public areas.

Risk Management

As the GWSP will not amend any zoning or development standards, there have been no material risks identified to the natural and built environment if the Structure Plan is supported. Following adoption, any proposed amendments to the Central Coast LEP 2022 will require funding by landowners. The implementation of the GWSP through the rezoning of land will consider and mitigate any risks by ensuring:

- Appropriate consultation is undertaken with relevant public authorities and major stakeholders;
- Community consultation in accordance with the LEP Making Guideline (Department of Planning, Housing, and Infrastructure); and
- Relevant legislative requirements are followed.

2.4 Greater Warnervale Structure Plan - Outcomes of Public Exhibition and Adoption (cont'd)

Options

1. Adopt the final GWSP and Background Report - The draft GWSP has undergone extensive consultation with both internal and external stakeholders. The result is a robust plan that will assist Council in meeting the population, dwelling and employment targets, as set by the Central Coast Regional Plan 2041 and provides guidance for the future development of the area. **(This is the recommended option).**
2. Further amend the GWSP - Extensive community and stakeholder consultation has been undertaken, and amendments have been made in response to this feedback. (This is not recommended).
3. Not adopt the GWSP - Failure to adopt the GLMSP will mean that the area will develop in an unplanned manner without a cohesive vision or appropriate planning for development, infrastructure, and services. (This is not recommended).

Critical Dates or Timeframes

The draft GWSP was exhibited for a 60-day period and given the extent of community interest and growth occurring in the Study Area, it is considered important that the Structure Plan be finalised and published to enable the community and proponents of planning proposals to have certainty on the future growth of this area.

Attachments

1	Attachment 1 - Community Submission Summary and Council Response	Provided Under Separate Cover	D16260707
2	Attachment 2 - Council Comments - Draft Greater Warnervale Structure Plan	Provided Under Separate Cover	D16260708
3	Attachment 3 - Agency Submissions and Council Response	Provided Under Separate Cover	D16260711
4	Attachment 4 - Summary of Changes to Greater Warnervale Structure Plan	Provided Under Separate Cover	D16260712
5	Attachment 5 - Final Greater Warnervale Structure Plan	Provided Under Separate Cover	D16288219
6	Attachment 6 - Greater Warnervale Structure Plan Background Report (Appendix A)	Provided Under Separate Cover	D16288227



Item No: 2.5
Title: Dogs in Open Space Action Plan - Progress Update following Public Exhibition
Department: Environment and Planning

23 July 2024 Ordinary Council Meeting

Reference: F2021/01691 - D15906731
Author: Samantha Cummins, Business Performance, and Integration Leader. Business Performance and Integration
Manager: Matthew Corradin, Unit Manager, Environmental Compliance Services
Executive: Shannon Turkington, Director Environment and Planning (Acting)

Recommendation

That Council:

- 1** *Notes the extensive community input received in response to the first version of the draft Dogs In Open Space Action Plan (the first Draft Plan) and the revised version of the Dogs In Open Space Action Plan (the revised Draft Plan).*
- 2** *Notes that recent court precedent identified during the exhibition of the revised Draft Plan (Palm Beach Protection Group Incorporated v Northern Beaches Council [2020] NSWLEC 156) has resulted in a detailed exploration of the implications of this case and the approvals that may be required for new and/or modified Off Leash Areas (OLA) or Fenced Off Leash Areas (FOLA). This has resulted in delays in this Report being brought back to Council and has influenced the final recommendations.*
- 3** *Notes that for 22 of the 68 sites proposed to be nominated as an OLA or FOLA in the revised Draft Plan, there is a corresponding change to the current use, proposed change to the location of the current use, or a proposed inclusion of additional infrastructure to support the intended use for these 22 sites.*
- 4** *Notes that for the 22 sites where changes are proposed, and with consideration of NSWLEC 156, it is now necessary to obtain any and all relevant approvals for these sites and uses in accordance with the requirements of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the Companion Animals Act 1998 (CA Act).*
- 5** *Notes that the current Dogs in Open Space Areas Policy (2002) and the Dogs in Open Space Strategy (2012) are intended to be revoked upon adoption of the final Dogs In Open Space Action Plan 2024 (the final Plan) (if adopted).*
- 6** *Endorses Council staff progressing with a Review of Environmental Factors (REFs) for the 22 sites identified above to ensure that any and all relevant approvals for these sites and uses are lawfully obtained where possible, and*

2.5 Dogs in Open Space Action Plan - Progress Update following Public Exhibition (cont'd)

that following, and with consideration of the outcomes of this project, a further report will be presented to Council with the final Plan for adoption.

Report Purpose

The purpose of this Report is:

- To provide Council with an update on the progress being made to finalise the revised Draft Plan, and
- To seek Council's endorsement to:
 - Progress REFs for 22 sites that have a change to the current use, proposed change to the location of the current use, or a proposed inclusion of additional infrastructure to support the intended use; and
 - Provide a further Report to Council that outlines the results and findings of these REFs and where a final Plan is put forward for adoption that incorporates the results and findings from these REFs.

Executive Summary

The Plan has been prepared in order to provide Council with a 10-year planning framework to support an effective dogs in open space strategy. The framework will allow for considered implementation of identified actions to support the harmonious interaction of dog owners/their dogs with non-dog owners and the environment while considering other relevant statutory factors including, but not limited to, those outlined in the *Local Government Act 1993* (LG Act) and the CA Act.

The Plan has also been prepared in recognition of the high rates of dog ownership within the Central Coast Local Government Area (LGA) and in consideration of the various and sometimes competing uses of Council's open space network and the need for Council to balance those uses.

Background

Dog ownership rates on the Central Coast are one of, if not the highest in NSW, which demonstrates the need for a 10-year planning framework to inform and support Council action. This project acknowledges the importance of dog ownership within the Central Coast community, which is a vital component of mental and physical wellbeing for many of our residents, while acknowledging that there are times when the provision of dog infrastructure and open spaces needs to be balanced with community, operational, environmental and safety factors.

2.5 Dogs in Open Space Action Plan - Progress Update following Public Exhibition (cont'd)

The first Draft Plan followed the adoption of the Responsible Dog Ownership Policy by Council on 5 April 2022 which was developed to provide guidance to the Central Coast community on the responsibilities of owning a dog. The first Draft Plan provided a strategic approach to support opportunities for the Central Coast community to take part in recreational activities in public spaces with dogs in a manner that compliments the use of these spaces for all community members while balancing the above-mentioned considerations, such as community, operational, environmental, and safety factors.

On 28 June 2022, the first Draft Plan was endorsed by Council to be placed on public exhibition (*Minute 109/22*) from 1 July to 26 August 2022 for the community to provide input.

A summary of feedback and a detailed Consultation Report were prepared for Council which provided an overview of the feedback received during this exhibition period. This first round of engagement showed that there was a need to refine the first Draft Plan to improve its readability and to address key areas of community interest or concern.

On 13 December 2022, Council considered community feedback and resolved (*Minute 260/22*):

That Council:

- 1. Note the Engagement Summary from the exhibition of the first Draft Plan.*
- 2. Endorse the development and exhibition of a revised and simplified Draft Plan (the revised Draft Plan) given the feedback received from the Central Coast community to date.*
- 3. Note that current arrangements for use of Council managed open space by dogs be maintained until such time as Council adopts an updated Plan.*

A revised Draft Plan was then prepared based on further internal technical assessments, expert advice and community feedback, including detailed community workshops.

On 22 August 2023, Council resolved (*minute 135/23*):

That Council:

- 1. Note the extensive community input received in response to the first Draft Plan.*
- 2. Publicly exhibit the revised Draft Plan, which takes into consideration that feedback, as well as additional feedback from workshops held in Aug 2023, for not less than 28 days.*
- 3. Receive a further report that considers community feedback following completion of this public exhibition period.*
- 4. Note that the Dogs in Open Space Areas Policy (2002) and the Dogs in Open Space Strategy (2012) are intended to be revoked upon adoption of an updated Plan.*

2.5 Dogs in Open Space Action Plan - Progress Update following Public Exhibition (cont'd)

5. Note that current arrangement for use of Council managed open space by dogs be maintained until such time as Council adopts the updated Plan.
6. Prepares an option for developing a fenced off-leash area at the Terrigal Haven, and publicly exhibit this option alongside the revised Draft Plan for not less than 28 days. The option must include information on funding, aesthetics, and other impacts. The community's feedback on this option should be included in the further report.
7. Adds Memorial Oval, Davistown, as an additional off-leash area to increase the total number of off-leash areas in Davistown.

The revised Draft Plan was then placed on public exhibition, along with an additional OLA at Memorial Oval, Davistown and a fenced option for The Haven, Terrigal, from 1 August 2023 to 1 September 2023. Throughout the development of the revised Draft Plan and associated extensive community consultation activities across almost 3 years, the most contentious OLAs remain to be Illoura Reserve, Davistown and The Haven, Terrigal.

Illoura Reserve, Davistown (Pippi Point)

Illoura Reserve, Davistown was recommended for decommissioning as an OLA and its conversion to an on-leash area in the first Draft Plan due to the proximity to known habitat of the endangered Bush Stone-curlew (consistent with the NSW Government's Bush Stone-curlew Recovery Plan). Illoura Reserve, Davistown has been previously identified as environmentally sensitive by two independent ecologists (2010, 2013) where it has been noted to include a number of listed threatened species. A list of species identified during a further study completed in 2023 is shown below:

1. Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and Southeast Corner Bioregions (endangered under the *Biodiversity Conservation Act 2016* (BC Act)),
2. Coastal Swamp Oak (*Casuarina glauca*) Forest of New South Wales and Southeast Queensland ecological community (endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)),
3. Coastal Saltmarsh in the New South Wales North Coast, Sydney Basin and Southeast Corner Bioregions (endangered under the BC Act),
4. Subtropical and Temperate Coastal Saltmarsh (vulnerable under the EPBC Act),
5. Seagrass (*Posidonia australis*) (Endangered Population under the BC Act),
6. Eastern Curlew (critically endangered under the EPBC Act),
7. Bar-tailed Godwit (vulnerable under the EPBC Act),
8. Pied Oystercatcher (endangered under the BC Act),

2.5 Dogs in Open Space Action Plan - Progress Update following Public Exhibition (cont'd)

9. Bush Stone-curlew (endangered under the BC Act),
10. Eastern Osprey (vulnerable under the BC Act),
11. White-bellied Sea-eagle (vulnerable under the BC Act), and
12. Grey-headed Flying-fox (vulnerable under the EPBC Act).

Following the first round of public exhibition and criticism of the studies in 2010 and 2013, Council commissioned the abovementioned 2023 study. The study supported the findings from the 2010 and 2013 studies, and internal ecologists, and recommended *"that an updated REF (Review of Environmental Factors) be prepared for this activity under the EP&A Act and that a new location for a leash free dog exercise area be located away from Pippi Point"*.

During consultation for the revised Draft Plan, some community members questioned the validity of the previous studies and the suitability of alternative sites proposed in relation to Illoura Reserve, Davistown and The Haven, Terrigal. Other community members supported the changes proposed for both Illoura Reserve, Davistown and The Haven, Terrigal, while others wanted both OLA's closed.

The independent studies have all drawn similar findings and conclusions regarding Illoura Reserve, Davistown. Internal expert advice from Council's ecologists has supported the advice contained in the studies. In relation to the suitability of alternative sites, targeted stakeholder workshops were held in August 2023 that explored the potential off leash use of a site near Pine Avenue, Davistown an alternative site at Memorial Oval, or a reduced OLA at Illoura Reserve that provides an increased buffer to the area of most suitable Bush Stone Curlew habitat. The latter two options, being an alternative site at Memorial Oval and a reduced OLA at Illoura Reserve were exhibited in August 2023 as part of the revised Draft Plan.

Council's COSS Committee met on 5 September 2023 to discuss the revised Draft Plan and the Council's commissioned 2023 environmental report and resolved:

"That the COSS Advisory Committee recommends the decommissioning of the Illoura Reserve Pippi Point, Davistown site as a dog off leash area because dog behaviour within the off leash dog exercise area will impact on foraging time or foraging efficiency of shorebirds including these threatened species whilst also potentially impacting breeding cycles".

This recommendation was presented at the Ordinary Council Meeting in October 2023.

The Haven, Terrigal

The Haven, Terrigal was recommended for conversion to an on-leash area in the first Draft Plan due to the proximity of the cliff edge and the adjoining high use roads and parking area,

2.5 Dogs in Open Space Action Plan - Progress Update following Public Exhibition (cont'd)

which creates safety risks for both dog owners and their dogs as well as other community members.

This OLA has also been the subject of ongoing complaints over time regarding the conflict between dogs and other users of the locality, dogs not being under effective control when off leash including around the cliff tops, dogs being off leash in adjoining areas including car parks and complaints of accidents within the carpark, because of uncontrolled dogs. The natural amenity and surface of the locality has also been impacted by dog activity because of its gradient and maintenance has proven to be costly.

During consultation in 2022 and at stakeholder workshops in 2023, local community members expressed their concern about this proposal. Council staff undertook a further risk assessment of the locality in response to these concerns that supported the OLA's conversion to an on-leash area. An alternative OLA was proposed at Wiles Ave, Wamberal for exhibition. Additionally, the Administrator recommended a fenced option be exhibited with the revised Draft Plan in August 2023.

The revised Draft Plan, with a draft FOLA option for The Haven, Terrigal, was placed on public exhibition from 1 August to 1 September 2023. Since this public exhibition period, Council has explored potential concept designs for the proposed FOLA at The Haven, Terrigal, as shown at (Attachment 4) noting these are concepts only and subject to further development should this option be endorsed.

Current Status

The revised Draft Plan has been updated and refined based on further internal technical assessments, expert advice and community feedback during the second exhibition period.

In reviewing all feedback associated with the exhibition of the revised Draft Plan and in progressing updates and refinements to the revised Draft Plan, Council staff became aware of relevant NSW Caselaw being *Palm Beach Protection Group Incorporated v Northern Beaches Council [2020]* NSWLEC 156, 20 November 2020. There has been other NSW Caselaw since this time that re-enforces NSW 156 being *Narrawallee Beach Environmental Group Inc v Shoalhaven City Council [2023]* NSWLEC 78. NSWLEC 156 from the NSW Land and Environment Court sets a precedent that impacts Council both broadly and specifically and impacts Illoura Reserve, Davistown, and potentially other sites, which requires additional investigation.

This NSW Caselaw requires that Councils carefully consider the provisions of both Parts 4 (Development Assessments and Consents) and 5 (Infrastructure and Environmental Impact Assessment) of the EPA Act when making decisions about the creation of on- and off-leash areas for dogs under the CA Act. Given the status of the three previous Ecological Reports for Illoura Reserve, Davistown, qualified staff input, community consultation, NSW legislation and NSW Caselaw, Council sought external and independent legal advice on how to progress with the preparation of the final Plan given NSWLEC 156. The advice received noted:

2.5 Dogs in Open Space Action Plan - Progress Update following Public Exhibition (cont'd)

"Before carrying out or approving an activity under Part 5, Division 5.1 of the EPA Act, a determining authority is required to examine and take into account to the fullest extent [reasonably] possible all matters affecting or likely to affect the environment by reason of that activity (s5.5)"

Given NSWLEC 156 and the advice received as above, it is recommended that Council commission an REF for those sites that have a change to the current use, proposed change to the location of the current use, or a proposed inclusion of additional infrastructure to support the intended use prior to formally adopting the final Plan, including Illoura Reserve, Davistown, and The Haven, Terrigal. A list of these sites is provided further below.

Report

Presented with this report are the following documents:

1. A summary report which outlines the levels of engagement in relation to the interactions and feedback received regarding the exhibition of the revised Draft Plan,
2. A consultation report which details the feedback received regarding the exhibition of the revised Draft Plan,
3. The updated and refined revised Draft Plan which would form the basis for the final Plan, and
4. The early FOLA concept designs for The Haven, Terrigal.

The updated and refined revised Draft Plan has been prepared as far as possible with the abovementioned NSW Caselaw in mind meaning that ongoing actions are required in relation to a number of the OLAs and FOLAs.

It is recommended that Council endorse the following:

- REFs being prepared for 22 sites that have a change to the current use, proposed change to the location of the current use, or a proposed inclusion of additional infrastructure to support the intended use, and
- Provide a further Report to Council that outlines the results and findings of these REFs and where a final Plan is put forward for adoption that incorporates the results and findings from these REFs.

It is given and assumed that in seeking to acquire the required approvals, that they are obtained by appropriately qualified personnel.

Wiles Ave, Wamberal was not favoured as an alternative site for The Haven, Terrigal throughout the second round of community consultation therefore is not included in the updated and refined Draft Plan.

2.5 Dogs in Open Space Action Plan - Progress Update following Public Exhibition (cont'd)

Sites requiring REF prior to any change

1. North Avoca Beach, North Avoca (Boundary Change)
2. Greenvale Road Reserve, Green Point (Boundary Change)
3. Lake Munmorah fenced OLA, Lake Munmorah (Boundary Change)
4. Mataram Ridge Park Reserve, Woongarra (Boundary Change)
5. Craigie Reserve , Kanwal (Boundary Change)*
6. James Watt Drive, Chittaway Bay (Boundary Change)*
7. Captain Cook Reserve, Green Point (Boundary Change)*
8. Peppercorn Ave Reserve, Woongarra (Boundary Change)*
9. Illoura Reserve, Davistown (Determination/Boundary Change)
10. Robertson Rd. Reserve (Killarney Vale)
11. Wyong Rd, (Killarney Vale)
12. Wattle St. Reserve (Canton Beach)
13. Tunkuwallin / Kanangra Dr. reserve (Gwandalan)
14. Warwick Av. Reserve (Mannering Park)
15. Karrawa Reserve (Pt. Claire)
16. Watanobbi Knoll (Watanobbi)
17. Lara Cl. Reserve (Ourimbah)
18. Linga Longa Reserve (Yarramalong)
19. Hilltop Park (Woongarra)
20. Portside Close (Bensville)
21. Memorial Oval (Davistown)
22. The Haven, Terrigal (Development into FOLA)

* Relates to boundary reduction only and therefore REF may not be required and potentially replaced by a Rapid Screening Assessment. For future determination.

The remaining OLAs listed in the revised and updated Draft Plan are proposed to continue to operate under existing use arrangements without need to acquire a new REF.

Stakeholder Engagement

The first draft Plan was placed on public exhibition from 1 July 2022 to 26 August 2022 with the revised draft Plan placed on public exhibition from 1 August 2023 to 1 September 2023. The exhibition periods were advertised via various platforms and outreach methods to ensure extended reach due to the subject matter and potential interest. Council received submissions during the public exhibition periods in addition to other submissions made via local Members of Parliament.

In the first round of Community Consultation (2022), Council received a total of 3,159 submissions via written submissions and the online guided submission form.

2.5 Dogs in Open Space Action Plan - Progress Update following Public Exhibition (cont'd)

A summary of the feedback from the first round of consultation (2022) was presented to Council in December 2022.

In the second round of Community Consultation (2023), Council received a total of 1,359 submissions via written submissions and the online guided submission form.

A summary of the feedback from the second round of consultation (2023) is provided in Attachment 1 and a detailed Consultation Report is provided in (Attachment 2).

The key findings from the community and stakeholder feedback were:

- Dogs are an important part of many households on the Central Coast,
- The community generally agree with the principles of the Plan, however, there is a level of disagreement with actions proposed that may affect them directly (i.e., where OLAs are proposed or are proposed to be decommissioned in their neighborhood, and timed/seasonal beach access), and
- The environment (including relevant biodiversity values) needs to be protected in planning for OLAs.

During this period and as detailed above, Council staff became aware of NSWLEC 156 and subsequently obtained independent legal advice regarding the applicability of NSWLEC 156 to this project. This legal advice confirmed the applicability of NSWLEC 156 to this project and informed the recommendations contained within this report.

Financial Considerations

Actions identified in the final Plan have cost implications in relation to delivery, and funding for delivery of all actions has not yet been quantified or identified. If adopted, some actions can be addressed and actioned utilising existing Council time and resources while more complex actions, such as the establishment of specific infrastructure at OLAs/FLOAs would be implemented based on priority, pending availability of funding in future annual budgets or as a result of successful grant applications. Outlining required actions will provide considered support for any grant applications that may arise.

Budget for the recommended REF's will be sourced through potential underspends across Council if they exist or through alternate fundings streams such as grants if applicable.

Link to Community Strategic Plan

Theme 5: Liveable

Goal L: Healthy lifestyle for a growing community

2.5 Dogs in Open Space Action Plan - Progress Update following Public Exhibition (cont'd)

L-K3: provide signage, public facilities, amenities and playgrounds to encourage usage and enjoyment of public areas.

Risk Management

Ineffective management of dogs in open space areas can negatively affect the community and pose a safety risk to dog owners, non-dog owners, the environment and open space facilities. The project aims to reduce these risks with appropriate use and definition of off leash, on leash and dog exclusion areas.

Council have sought external legal and environmental advice to inform the final Plan and mitigate any potential risks.

Options

1. Council endorses the following:
 - a) Progress REFs for 22 sites that have a change to the current use, proposed change to the location of the current use, or a proposed inclusion of additional infrastructure to support the intended use on consideration of NSWLEC 156 while ensuring any and all relevant approvals are properly obtained, and
 - b) provide a further Report to Council that outlines the results and findings of these REFs and where a final Plan is put forward for adoption that incorporates the results and findings from these REFs.

This is the recommended option as it takes into consideration the detailed work undertaken by Council staff to date to progress this project while considering the input received from the community, NSWLEC 156 and a range of other factors. Furthermore, while this project has incurred ongoing delays due to its interest in the community and the complexity in resolving some contentious issues, Council staff believe having one consolidated final Plan put to Council is in the best interests of the community to avoid confusion. **(This is the recommended option).**

2. Adopt the actions listed at Option 1 above but discontinuing the Illoura Reserve, Davistown options thereby maintaining this site as is without change.

This is not recommended as it would not take into consideration the 3 independent ecological studies undertaken in respect of this locality, would not take into consideration internal ecological advice regarding this locality, would not take into consideration the COSS Committee recommendation or the competing views within

2.5 Dogs in Open Space Action Plan - Progress Update following Public Exhibition (cont'd)

the community, including of residents, regarding the future use of this locality. (This is not recommended).

3. Adopt the actions within the revised and updated Draft Plan and provisionally endorse the 22 sites that require further approvals outlined in this report dependent on an REF with all other sites to progress without the need for an REF.

This includes the Illoura Reserve option and the FOLA at The Haven, Terrigal option exhibited with the revised Draft Plan which will be subject to the findings of an REF undertaken by an independent and qualified person.





Upon obtaining appropriate approvals under an REF, listed sites can be formally endorsed as part of the Plan and activated under the CA Act. For those sites where approval was unable to be obtained, then a report is to be brought back to Council for review that details alternative options.

Final changes to the revised and updated Draft Plan will need to be undertaken were this option adopted prior to its finalisation.

All sites subject to REFs, including the existing Illoura Reserve, Davistown OLA and The Haven, Terrigal OLA, are proposed to stay in their current states without change until the respective REF is completed, and recommendations are adopted by Council. (This is not recommended).

4. Discontinue the project and maintain the status quo across the Central Coast LGA in regarding to current dog OLAs and FOLAs noting that this will limit the expansion of OLAs/FOLAs for the community. (This is not recommended).

Attachments

1 	Engagement Summary_Revised DIOSAP	Provided Under Separate Cover	D16235490
2 	Consultation report_Revised DIOSAP	Provided Under Separate Cover	D16235493
3 	Dogs in Open Space Strategy 2024-2034 (final PLAN)	Provided Under Separate Cover	D16245058
4 	Terrigal Haven Concept Examples	Provided Under Separate Cover	D16297762



Item No: 2.6
Title: Progress of Sale of Gosford CBD Sites to Minister administering the TAFE Commission Act
Department: Environment and Planning

23 July 2024 Ordinary Council Meeting

Reference: F2020/03179 - D16289406
Author: Chris Barrett, Commercial Property Manager Commercial Property
Manager: Jamie Barclay, Unit Manager, Economic Development and Property
Director: Shannon Turkington, Director, Environment and Planning (Acting)

Recommendation

- 1 That Council reaffirms its intention to complete the sale of Council-owned land in Gosford CBD ("the Gosford CBD sites") to the Minister administering the TAFE Commission Act 1990 with the intent of developing a new TAFE campus which will have a positive and transformative effect on growth of Gosford CBD and deliver educational and economic benefits for Central Coast residents and businesses.**
- 2 That the land included in the sale ("the Gosford CBD sites") to the Minister administering the TAFE Commission Act 1990 be reconfirmed as:**
 - a) 126 Georgiana Terrace Gosford (Lot 454 DP 77721)**
 - b) 49 to 51 Mann Street Gosford (Lot 1 DP 251476 & Lot 1 DP 564021)**
 - c) 53 Mann Street Gosford (Lot 3 DP 129268)**
 - d) 55 to 57 Mann Street Gosford (Lot 2 DP 129268)**
 - e) 59 to 71 Mann Street Gosford (Lot 1 DP 129268)**
 - f) 73 Mann Street Gosford (Lot B DP 321076)**
 - g) 75 Mann Street Gosford (Lot 2 DP 543135)**
- 3 That the sale of Lot 1 in DP 251476 be noted as being subject to completion of its expected imminent reclassification from community to operational.**
- 4 That Council authorises the Chief Executive Officer to negotiate and finalise any contract variations necessary to the contract of sale, provided any such variations are of financial or strategic benefit to Council.**
- 5 That, if the contract of sale with the Minister administering the TAFE Commission Act 1990 is for any reason rescinded by either party before 31 July 2025, the Chief Executive Officer be authorised to invite open market offers for any or all of the Gosford CBD sites (via expression of interest or via tender) in accord with Council's Land Transactions Policy.**

2.6 Progress of Sale of Gosford CBD Sites to Minister administering the TAFE Commission Act (cont'd)

Report purpose

To reaffirm Council's intention to complete the sale of the following parcels of land ("the Gosford CBD sites") in preference to the Minister administering the TAFE Commission Act 1990:

- a 126 Georgiana Terrace Gosford (Lot 454 DP 77721)
- b 49 to 51 Mann Street Gosford (Lot 1 DP 251476 and Lot 1 DP 564021)
- c 53 Mann Street Gosford (Lot 3 DP 129268)
- d 55 to 57 Mann Street Gosford (Lot 2 DP 129268)
- e 59 to 71 Mann Street Gosford (Lot 1 DP 129268)
- f 73 Mann Street Gosford (Lot B DP 321076) (subject to reclassification)
- g 75 Mann Street Gosford (Lot 2 DP 543135) (subject to reclassification),

so that a new TAFE campus can be developed on the site that contributes to the revitalisation and activation of the Gosford CBD.

In the event that sale of the Gosford CBD sites is not finalised on suitable terms by 31 July 2025, to reaffirm Council's intention to sell the sites on the open market.

Executive Summary

Extensive negotiations took place in relation to the sale of Council's Gosford CBD Landholdings in accordance with the terms of a memorandum of understanding (MOU) between Council, Landcom, and the Minister administering the *TAFE Commission Act 1990* which was entered in to following the meeting of Council on 14 December 2021.

A contract of sale was entered in to by both parties in February 2023. The contract of sale provides certain protections to both parties (that is, it may be rescinded without compensation) in the event that either Council or the Minister are unable to fulfil certain requirements which are necessary for the sale to proceed.

Background

At the meeting of 14 December 2021, Council resolved to enter into a MOU with the Minister administering the *TAFE Commission Act 1990* and Landcom to bring about a direct sale of the CBD Landholdings to the NSW Government with the intent of developing a new TAFE NSW campus on the site.

The land parcels involved in the sale are located along or adjacent to Mann Street in the Gosford CBD and include the former Gosford Administration Centre and Council Chambers.

2.6 Progress of Sale of Gosford CBD Sites to Minister administering the TAFE Commission Act (cont'd)

The development of a major new TAFE campus on the site of the Gosford CBD Landholdings will make a strategic contribution to revitalisation of the Gosford CBD and the activation of the Gosford waterfront.

The community benefits that will be realised by the project progressing as noted in the attached Hadron Group Community Economic Benefits report include;

1. Urban renewal that will enhance CBD vibrancy that will become an attractor for visitors and foster economic activity
2. Economic Impacts of almost \$1 billion in economic output from construction and between \$46 million and \$49 million in operational output from the 212 to 218 jobs per year
3. Additional community use facilities that will preserve the heritage of the site and provide Gosford with a new cultural centre
4. Land for social and affordable housing through the use of the vacated TAFE NSW Gosford campus (35,340m² of developable land)
5. Promoting public accessibility and amenity
6. Environmentally sustainable 6 star Green Star building that will deliver a 30% reduction in energy consumption compared to the existing site.
7. Education enrolment uplift which expects to attract over 2000 extra enrolments by 2030
8. Internationally competitive workforce that will allow local students the achieve higher education outcomes and contribute to a more productive local workforce

At the meeting of 13 December 2022, the following resolution was adopted:

- 1 *That Council reaffirm its intent to sell the following properties located in Gosford central business district:*
 - a *126 Georgiana Terrace Gosford (Lot 454 DP 77721)*
 - b *49 to 51 Mann Street Gosford (Lot 1 DP 251476 and Lot 1 DP 564021)*
 - c *53 Mann Street Gosford (Lot 3 DP 129268)*
 - d *55 to 57 Mann Street Gosford (Lot 2 DP 129268)*
 - e *59 to 71 Mann Street Gosford (Lot 1 DP 129268)*
 - f *73 Mann Street Gosford (Lot B DP 321076) (subject to reclassification)*
 - g *75 Mann Street Gosford (Lot 2 DP 543135) (subject to reclassification)*
- 2 *That Council reaffirm its preference to sell these landholdings to the Minister administering the TAFE Commission Act 1990, the Minister for Skills and Training, for the prime purpose of developing a new TAFE NSW campus.*
- 3 *That Council delegate to the Chief Executive Officer authority to execute a contract of sale for these landholdings with the Minister for Skills and Training on terms that the Chief Executive Officer considers will achieve educational and economic benefits for the Central Coast community.*

2.6 Progress of Sale of Gosford CBD Sites to Minister administering the TAFE Commission Act (cont'd)

- 4 *That the contract sale price is not less than the market price determined by a suitably qualified independent valuer.*
- 5 *That, if a sale contract is not executed with the Minister for Skills and Training by 31 March 2023, Council authorise the Chief Executive Officer to invite open market offers for these landholdings (via expression of interest or via tender) in accord with Council's Land Transactions Policy.*
- 6 *That Attachment 1 to this report remain confidential in accordance with section 10A(2)(c) of the Local Government Act as it contains information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

Current Status

A contract of sale between Council and the Minister administering the *TAFE Commission Act 1990* (who is now known as the Minister for Skills TAFE and Tertiary Education) was entered in to in February 2023.

The sale is at a market price (as at December 2022) that was determined by reference to independent expert valuation.

The overall contract terms is on normal commercial terms but completion of the sale will be subject to certain conditions.

In the case of the seller, Council is obliged under the contract to complete the reclassification of certain parcels of land included in the sale from community land to operational land. In the case of two parcels of land at 73 and 75 Mann Street, this process is now complete. In the case of a small sliver of land adjacent to Henry Parry Drive known as 49 Mann Street and referred to as the access land (being Lot 1 in DP 251476), the process is expected to have been completed by the end of August 2024 (final approval for the reclassification must be given by the NSW Minister for Planning and Public Spaces).

In the case of the purchaser, being the Minister administering the *TAFE Commission Act 1990*, the sale is subject to completion of a final business case for the new TAFE campus. The preparation of this business case is complete. The sale is also subject to funding approval, which is normally achieved as part of the annual state budget cycle.

On account of multiple challenges to the expected level of state revenue, which have been publicly identified by both the NSW Premier and the NSW Treasurer, it has not been possible for the State Government to confirm funding approval for the purchase of the site as part of the 2024 State Budget as was previously expected.

2.6 Progress of Sale of Gosford CBD Sites to Minister administering the TAFE Commission Act (cont'd)

Accordingly, senior representatives of NSW TAFE reached out to Council to seek further time for the funding approval at State Government level to be confirmed and finalised. A letter has been provided from TAFE confirming the continued interest in extending the contract for a further 12 months and that the contract price be reviewed and updated to reflect a revised value that reflects the current circumstances of the consolidated holdings.

Report

Negotiations have commenced between Council staff and senior representatives of NSW TAFE in relation to the terms which should apply in relation to an extension of time to bring about funding approval at State Government level, subject to Council endorsement of the recommendations in this report.

The price at which the sale is conducted will be reviewed as part of the variation in contract terms on account of the effluxion of time and on account of substantial works that have been undertaken by Council (in particular, to bring about the demolition of the Broadwater Hotel) which add significant value both to individual parcels of land and to the Gosford CBD sites as a whole.

Stakeholder Engagement

Extensive consultations took place prior to the execution to the contract of sale. Regular fortnightly meetings took place between Council and its NSW Government counterparts throughout 2022. These meetings covered such matters as heritage factors (notably, retention of the Administration Centre façade), review of draft valuation advice and negotiation of sale contract terms. Government representatives had extensive access to the actual land and the existing properties on the land and also to a series of technical evaluations of site conditions including such matters as hazardous waste, service locations, heritage considerations, fire safety compliance, condition reports.

Since the execution of the contract of sale occurred, there have also been extensive public consultations in relation to the reclassification of the community land at 73 and 75 Mann Street and also in relation to the reclassification of the access land fronting Henry Parry Drive (Lot 1 in DP 251476).

The details of these public consultations have been progressively reported to Council as part of respective reclassification reports which were considered in 2023 (for 73 and 75 Mann Street) and again in 2024 (for Lot 1 in DP 251476),

Financial Considerations

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

2.6 Progress of Sale of Gosford CBD Sites to Minister administering the TAFE Commission Act (cont'd)

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 sale of the Gosford CBD Landholdings delivers substantial direct financial benefits to Council. It will remove Council's ongoing costs of insuring, maintaining and securing the Gosford CBD Landholdings and the buildings that are currently located on the land. It will also produce a large cash injection that will allow Council to substantially reduce the level of its borrowings.

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

The sale of the Gosford CBD Landholdings will directly reduce the overall level of risk to which Council is exposed by reducing the level of Council's property insurance, maintenance and security obligations.

The sale price risk is mitigated by ensuring that the price is re-benchmarked against an independent valuation to be agreed by Council in consultation with TAFE representatives.

Options

Alternative options for open market sale of the Gosford CBD Landholdings were considered prior to an approach to Council by TAFE and Landcom in late 2021.

The preferred approach that has been identified (and which continues to be pursued) is for a direct sale to the NSW Government interests with the prime purpose of developing a new TAFE campus in the Gosford CBD.

In the event that the sale to the Minister does not for any reason proceed, an alternative purchaser will be sought such as a government agency, a public institution or a developer committed to create a landmark development that contributes to the revitalisation of the Gosford CBD and the activation of the Gosford waterfront.

2.6 Progress of Sale of Gosford CBD Sites to Minister administering the TAFE Commission Act (cont'd)

Critical Dates or Timeframes

The timeframes that are identified in this report are as follows:

- By 31 July 2024:
Finalise Interim agreed variations to the terms of the contract of sale.
- By 31 December 2024:
Finalise updated valuation and final variation deed to the terms of the contract of sale.
- By 31 July 2025 :
Complete the sale of the Gosford CBD Landholdings to the Minister administering the *TAFE Commission Act 1990*.

Attachments

1	TAFE NSW - Letter to Council regarding  Extension of CP Date	Provided Under Separate Cover	D16306310
2	 Memorandum of Understanding - TAFE NSW	Provided Under Separate Cover	D16306347
3	 Hadron Group - Community Economic Benefit Summary	Provided Under Separate Cover	D16306387



Item No: 2.7
Title: Woy Woy Commuter Carpark - Transfer to Transport for NSW
Department: Environment and Planning

23 July 2024 Ordinary Council Meeting

Reference: F2020/00698 - D16162028
Author: Chris Barrett, Commercial Property Manager Commercial Property
Manager: Jamie Barclay, Unit Manager Economic Development and Property
Executive: Shannon Turkington, Director Environment and Planning (Acting)

Recommendation

That Council:

- 1 Endorses the Chief Executive Officer to negotiate, finalise and execute an agreement to transfer the commuter car park at 93 Blackwall Road, Woy Woy (being lot 9951 in DP 1169224) to Transport for NSW, or to a related entity such as the Transport Asset Holding Entity (TAHE) in accordance with authorisations already provided by Council at its meeting of 26 April 2023.***
- 2 Authorises the Chief Executive Officer to finalise and effect the grant of a stratum easement in favour of Transport for NSW (or related entity) over the pedestrian overpass above Railway Street between Woy Woy Railway Station and the property at 26 Railway Street Woy Woy.***
- 3 Authorises the Chief Executive Officer to finalise and effect the grant of a stratum easement in favour of Transport for NSW (or related entity) over the above-ground pedestrian walkway on Lot 9952 DP 1169224 between Woy Woy commuter car park and the property at 26 Railway Street Woy Woy.***
- 4 Authorises the Chief Executive Officer to finalise and execute an assignment of Council's rights and obligations under the agreement dated 29 November 2001 between the former Gosford City Council and the Owners Corporation of the strata plan comprising the property at 26 Railway Street, Woy Woy, to Transport for NSW (or related entity).***
- 5 Notes that the commuter car park land already benefits from rights of footway for pedestrians to pass via the property at 26 Railway Street Woy Woy to transit between Woy Woy Railway Station and the Woy Woy commuter car park.***
- 6 Resolves that Attachment 1 be kept confidential in accordance with Section 10A(2)(c) of the Local Government Act 1993 on the basis that it includes information that would, if disclosed, prejudice the commercial position***

of the person who supplied it and may confer a commercial advantage on a person with whom the council is conducting business.

Report purpose

To authorise the Chief Executive Officer to negotiate, finalise and execute the transfer of the Woy Woy commuter carpark to Transport for NSW and to provide a more permanent property interest to Transport for NSW in the pedestrian access route that links the commuter car park to Woy Woy railway station.

Executive Summary

For several years negotiations have been ongoing between Council and Transport for NSW over the future ownership of Woy Woy commuter car park (for the location, see Figure 1).

Construction of the commuter car park was largely funded with assistance from successive federal and state governments, and the car park is leased to Transport for NSW for the next 41 years (i.e., until 2065).

Transfer of the ownership of the commuter car park to Transport for NSW will achieve better alignment with the long-term interests of the agency which benefits most from the existence of the car park, which primarily serves rail commuters transferring to and from Woy Woy Railway Station.

A confidential analysis of commercial aspects of transfer of ownership is provided in an attachment to the report.

Background

A multi-level commuter car park was first established on land at 93 Blackwall Road Woy Woy in the early 1980s i.e., at the location indicated in Figure 1.

The commuter car park was extended upwards and outwards with the assistance of federal and state government funding in the 1990s and in the early 2000s to provide an increase in the availability of parking for rail commuters using Woy Woy railway station.

State government funding was also provided to the former Gosford City Council to construct above ground pedestrian linkages between the commuter car park and Woy Woy railway station.

For many years the commuter car park has been leased to Transport for NSW or a related/precursor entity. The existing lease arrangements were revised and extended in 2011 and a further long-term lease was entered in to that runs until 2065.



Figure 1: The site of the commuter car park in central Woy Woy. Note that part of the car park extends over the adjoining shopper car park at the other levels.

In recent years, Council has been reviewing the ongoing ownership arrangements for the commuter car park and has approached Transport for NSW to consider accepting ongoing ownership of the commuter car park and the land on which the commuter car park stands.

In late 2022, Council was approached by the incoming owner of the Deepwater Plaza shopping centre in relation to the rationalisation of long-term ownership and management of car parking in Woy Woy CBD. The shopping centre owns and operates the shopper car park on the site immediately to the west of the commuter car park. The proposal put forward by the incoming shopping centre owners included an offer to take over the ownership of the commuter car park and land on which it stands.

The offer was considered but it was determined that it would be preferable to continue negotiations over transfer of ownership with Transport for NSW. In doing so, Council took account of representations from sections of the local business community and from the local state member of parliament.

2.7 Woy Woy Commuter Carpark - Transfer to Transport for NSW (cont'd)

At the meeting of Council on 26 April 2023 the preferred position was formalised as follows:

66/23 *Resolved*

... Continue to negotiate with Transport for NSW for the transfer of the commuter carpark at 93 Blackwall Road, Woy Woy to Transport for NSW and authorise the CEO to execute a contract if a mutual agreement can be reached on satisfactory terms.

....

Current Status

On 12 April 2024, Council received advice from the Executive Director of the Property Group for Transport for NSW to the effect that, subject to certain conditions, the Transport Asset Holding Entity of New South Wales division (TAHE) within Transport for NSW would be prepared to take over freehold ownership of the Woy Woy commuter carpark.

The following pre-conditions for transfer have been stipulated by Transport for NSW:

1. Satisfactory outcomes of due diligence investigations currently underway by Transport for NSW and TAHE;
2. The transfer including an appropriate property interest over the pedestrian walkway linking the car park and train station. This is currently leased by TAHE, but a more permanent interest will be needed;
3. The transfer from Council to TAHE occurring at \$1;
4. Each party paying their own transaction costs; and
5. Neither TAHE or Transport for NSW being bound until TAHE has approved and executed a written agreement regarding the transfer.

Report

On receipt of the advice from Transport for NSW, investigations were immediately commenced to ensure that the conditions for transfer could be met.

As it is a pre-condition for Transport for NSW to be willing to accept the commuter car park, it is essential to establish if Council can provide a more permanent property interest in favour of Transport for NSW (or related entity) in relation to the pedestrian walkway between the commuter car park and Woy Woy railway station.

An aerial view of the pedestrian linkage is set out in Figure 2.



Figure 2: Central Woy Woy, showing the pedestrian route between the commuter car park and the railway station.

"A" - easement for pedestrian overbridge to be created over roadway in favour of commuter car park land.

"B" - existing easements for right of pedestrian access through Clocktower centre. Deed of agreement for maintenance to be novated to Transport for NSW.

"C" - easement for pedestrian access to be created over surface car park in favour of commuter car park land.

The commuter carpark land (being Lot 9951 in DP 1169224) has the benefit of easements for right of footway through the common property in SP 61422 which is the strata plan for the property at 26 Railway Street.

However, the commuter carpark land does not currently have the benefit of a similar easement for right of footway over the pedestrian bridge from the car park land to 26 Railway Street over the intervening council-owned land being Lot 9952 in DP 1169224 or over the pedestrian overbridge that links the property at 26 Railway Street to Woy Woy Railway Station.

It is proposed to create appropriate easements over both the pedestrian overpass and the pedestrian walkway that will satisfy the requirements of Transport for NSW in that regard as part of the transfer of ownership of the commuter car park land.

The easements will provide that the responsibility for maintenance and repair work of the walkway and overbridge will lie with Transport for NSW. Consideration will need to be given

to whether Council (or a subsequent owner) should have the right to develop Lot 9952 and replace the current pedestrian bridge with alternative suitable pedestrian connectivity from the car park to the Clocktower Centre.

Finally, as part of any transfer of the commuter car park to Transport for NSW, it would be appropriate for Council, Transport for NSW and the Owners Corporation for SP 61422 (the Clocktower Centre) to enter into a further deed in relation to the Deed of Agreement dated 20 November 2001 between the former Gosford City Council and the Owners Corporation, the purpose of the deed being to assign Council's rights and obligations under the Deed of Agreement to Transport for NSW.

Stakeholder Engagement

Consultation with the Woy Woy community and the local state member of parliament in 2023 have confirmed that transfer of the commuter car park to Transport for NSW is an acceptable outcome.

Financial Considerations

As set out in (Confidential Attachment 1), on account of the long-term lease to transport for NSW, the current market value of the Woy Woy car park (being the built assets and the council-owned land on which the built assets sit) is determined to be zero. Although there is an underlying value in the land on which the car park sits, and there is some current retained value in the asset, this is offset by the combined impact of depreciation of the asset over the next 40 years (the expected remaining life of the asset), the ongoing costs of asset renewal activities over the lease period, and decommissioning costs at the end of the assets life. In summary, potential costs associated with the asset over the next 40 years including anticipated end of life make good/ demolition costs are expected to exceed the future value of the land.

Accordingly, transfer at a consideration of \$1 is considered to be fair value.

The proposed transfer of ownership is considered to meet the definition of a Held for Sale asset and will be accounted for as such. An asset is considered as Held for Sale (in accordance with AASB 5 Non-current Assets Held for Sale and Discontinued Operations) if the following conditions are met:

- Management is committed to a plan to sell. For Council, a resolution to transfer the asset to another public authority would meet this requirement.
- The asset is available for immediate sale/transfer.
- The sale/transfer is highly probable within 12 months.
- The asset is being actively marketed at a fair price.

Subject to the recommendations being adopted by Council, the commuter car park will be classified as Held for Sale. As such, the asset will be measured at the lower of carrying value and fair value. In this case, the fair value of \$1 is the lower value.

Incidental costs which are usual in the creation of easements and deeds of assignment as well as property conveyancing expenses will be associated with the proposed transfer.

The strata of land to be covered by the additional easements will need to be fully surveyed. The surveying costs are estimated at approximately \$20,000 excl. GST.

Depending on the actual arrangements that are agreed on and depending on the extent and complexity of the negotiations with both Transport for NSW and with third parties (specifically, the owners of the Clocktower Centre), a further cost of approximately \$25,000 excl. GST for legal and related professional costs is expected to be incurred to finalise and execute the required documentation.

The surveying, negotiation, and documentation costs can be absorbed within the annual budget for the Economic Development and Property Unit, taking into account that ongoing savings will be achieved in terms of insurance, risk management, and lease management expenses that form part of the cost of ownership of the commuter car park.

It is noted that the accounting treatment for the proposed transfer and the associated financial impact remains subject to change as a result of the 2023-24 Annual Financial Statements audit by the NSW Audit Office.

Link to Community Strategic Plan

Theme 4: Responsible

Goal J: Reliable public transport and connections

R-H3: Create parking options and solutions that address the needs of residents, visitors and businesses.

Risk Management

Review of documents relating to the following has taken place and has revealed:

- The circumstances of the funding and construction of the initial commuter car park infrastructure (in 1994) and the expansion of the commuter car park infrastructure (in and around 2010); and

2.7 Woy Woy Commuter Carpark - Transfer to Transport for NSW (cont'd)

- The initial lease over the commuter car park to Transport for NSW (in about 1994) and updating and extension of the lease (in and around 2011).

Document review found no other legal or regulatory matters that present risk and impede the transfer of the commuter car park to Transport for NSW.

Options

Two options have been identified in the past 15 months in relation to the ongoing ownership of the Woy Woy car park.

1. Council accepts the offer from Transport for NSW and transfers its freehold interest in the site to Transport for NSW. This is the recommended option because it achieves the object of rationalising overall long-term ownership and management of commuter car parking in Woy Woy CBD. **(This is the recommended option).**
2. Council rejects the offer from Transport for NSW. This is not recommended because it removes the opportunity to rationalise overall long-term ownership and management of both shopper and commuter car parking in Woy Woy CBD. The opportunity is unlikely to re-occur for many years as change of shopping centre ownership occurs very infrequently, in the case of Deepwater Plaza only twice in over 40 years. (This is not recommended).

Critical Dates or Timeframes

It is desirable to confirm the intention to transfer the commuter car park site to Transport for NSW before the end of the current financial year, so that the decision to transfer the site can be reflected in the Council's consolidate financial statements as at 30 June 2024.

Attachments

- | | | | |
|---|--|-------------------------------|-----------|
| 1 | Confidential Attachment A - Establishment of market value & accounting treatment - | Provided Under Separate Cover | D16185378 |
|---|--|-------------------------------|-----------|



Item No: 2.8
Title: Site of New Rural Fire Service Facility in Mooney Mooney - Land Transfer to Council
Department: Environment and Planning

23 July 2024 Ordinary Council Meeting

Reference: F2024/01212 - D16260241
Author: Chris Barrett, Commercial Property Manager Commercial Property
Manager: Jamie Barclay, Unit Manager Economic Development and Property
Executive: Shannon Turkington, Director Environment and Planning (Acting)

Recommendation

That Council:

- 1 Resolves to acquire land from State Government at nominal cost as the location for a new Rural Fire Service facility at Mooney Mooney.***
- 2 Notes the land to be acquired be approximately 2000 square metres in area, be subdivided out of Lot 12 in DP 1158746 and be located adjacent to Peats Ferry Road.***
- 3 Notes the land when acquired be classified as operational land in order to ensure that the site can be managed in the most appropriate manner on a day-to-day basis as an operational facility.***
- 4 Nominates the Chief Executive Officer be authorised to negotiate, finalise and execute the land transfer agreement.***

Report purpose

To authorise the acquisition of land by Council at Mooney Mooney at nominal cost for the purpose of housing a new Rural Fire Service (RFS) facility that is being designed and funded by State Government.

Executive Summary

The existing Rural Fire Service facility at Mooney Mooney on the eastern side of the Pacific Motorway is to be relocated in conjunction with the decommissioning of the former specialist health institution on Peat Island and the prospective transfer of Peat Island to Aboriginal Land Council ownership.

2.8 Site of New Rural Fire Service Facility in Mooney Mooney - Land Transfer to Council (cont'd)

The replacement rural fire service facility is to be located on land that is vested in the ownership of Central Coast Council. A suitable piece of State Government land on the western side of the Pacific Motorway has been identified and is being prepared for transfer to Council ownership.

Background

The historic health care institution at Peat Island in the Hawkesbury River was decommissioned some years ago.

In 2022, the then, State Government announced that the facility would be proposed for transfer to Aboriginal ownership in parallel with anticipated redevelopment of Peat Island for a mix of tourism, residential, and recreational activities.

Darkinjung Local Aboriginal Land Council is considering the possible development of an Aboriginal Discovery Centre, Indigenous Walking Path and cultural tourism opportunities that will capture and help preserve the area's rich Aboriginal cultural heritage in ways that will also respect Peat Island's past institutional use.

As part of preparations for the proposed transfer of ownership and redevelopment of Peat Island, it has been determined that the Rural Fire Service (RFS) facility in Mooney Mooney should be relocated to other land that is associated with Peat Island (but actually on the mainland rather than the island).

RFS is proposing to develop a Category 2B(S) station. This station specification incorporates a 2-bay station with multi-purpose room, amenities, and a secure store module. The land parcel needs to accommodate a concrete apron in front of the engine bays, a water tank and a hose drying rack. A typical station would incorporate a minimum of six standard, and one disabled, car parking spaces. A station of this specification would typically require a minimum site area of approximately 1500 square metres depending on site constraints.

Funding for the new facility is being provided from the Rural Fire Fighting Fund that was set up under the *Rural Fires Act 1991*, to which Central Coast Council makes contributions.

In accordance with section 119 of the *Rural Fires Act*, the new facility when constructed must be vested in Central Coast Council. Accordingly, the land on which the facility sits must be under Council control, which has resulted in the identification of a suitable site.

Following a review of options, Property and Development NSW has identified part of Lot 12 in DP 1158746 adjacent to the proposed Marine Rescue NSW facility as a suitable site.

2.8 Site of New Rural Fire Service Facility in Mooney Mooney - Land Transfer to Council (cont'd)

Following operational review, RFS have determined that this site would provide an operationally suitable location for the Brigade to access incidents on both sides of the motorway as well as ease of access to both north and south bound lanes of the motorway.

Current Status and Report

Preliminary investigations have now confirmed the suitability of the proposed site show in figure 1 and 2 for a new RFS facility.

NSW RFS has held pre-DA consultations with Council, and it is anticipated that a DA for the new facility will be lodged with Council before the end of the 2024 calendar year.

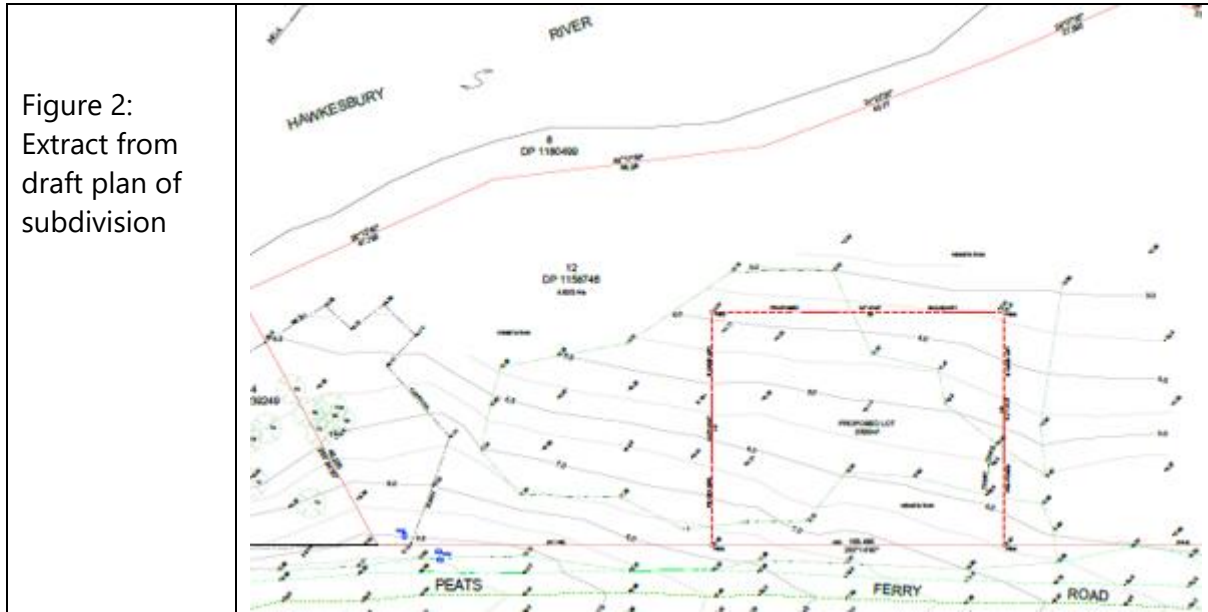
In tandem, Property and Development NSW is managing the subdivision of the land on which it is planned to locate the new RFS facility.

A draft plan of subdivision has been prepared and this will form the basis for the transfer of the land into Council ownership once the subdivision has been finalised and approved.

An aerial photograph showing the location of the site is at Figure 1.



A snapshot of the plan of subdivision is at Figure 2.



Stakeholder Engagement

To manage the engagement between the various stakeholders to the proposed relocation of the RFS facility, an officer-level working group was established and an inter-agency Memorandum of Understanding (MoU) was developed and signed in mid-2023 by representatives of the NSW RFS, Property and Development NSW and Central Coast Council. The MoU has since been renewed to make allowance for the more extended period required by Property and Development NSW and by NSW RFS to finalise arrangements for the proposed new RFS facility.

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.

No direct costs apart from the cost of officer time have to date been expended on this project. The direct cost of the transfer to Council will be minimal (less than \$1000) as it will be conducted at nominal cost using in-house legal resources.

2.8 Site of New Rural Fire Service Facility in Mooney Mooney - Land Transfer to Council (cont'd)

Once constructed, the new RFS facility will need to be maintained by Council for the term of its operational life. Maintenance (cash) and depreciation (non-cash) costs will be borne by Council. This will have some impact on emergency services and facility management budgets.

Having access to a new state-of-the-art firefighting facility in an area that has experienced severe and repeated fire emergency incidents, the efficiency and effectiveness of the local emergency response effort is likely to be significantly improved.

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

No unusual risks have been identified in association with the proposed land transfer.

Options

1. Proceed with the transfer. The benefits of this option are identified in the report. **(This is the recommended option).**
2. Not proceed with the land transfer. The implication is that the existing firefighting facility in the Mooney Mooney area would not be upgraded. This is self-evidently unacceptable. (It is not recommended).

Critical Dates or Timeframes

Transfer of the land at Mooney Mooney by the end of the 2024 calendar year is targeted. This is dependent on the timing of the submission of the plan of subdivision.

Attachments

Nil.



Item No: 2.9
Title: 126 Somersby Falls Road, Somersby - Planning Proposal for Endorsement
Department: Environment and Planning

23 July 2024 Ordinary Council Meeting

Reference: F2020/00039 - D16159671
Author: Bruce Ronan, Strategic Planner Local Planning and Policy
Manager: Sharon McLaren, Section Manager Corporate Planning and Reporting
Executive: Shannon Turkington, Director Environment and Planning (Acting)

Recommendation

That Council:

- 1 *Endorses the Planning Proposal provided in Attachment 1 in relation to Lot 1 DP 712505, 126 Somersby Falls Road, Somersby which seeks to amend the Central Coast Local Environmental Plan 2022 to:***
 - a) Rezone land from RU1 Primary Production to E4 General Industrial.***
 - b) Apply a minimum lot size of 4,000m² to the subject lot.***
- 2 *Forwards the Planning Proposal to the Minister for Planning and Public Spaces in accordance with Section 3.35(2) of the Environmental Planning and Assessment Act 1979, requesting a Gateway Determination, pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.***
- 3 *Requests delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.***
- 4 *Undertakes community and public authority consultation in accordance with the Gateway Determination requirements.***

Report purpose

To consider a request to prepare a Planning Proposal to rezone Lot 1 DP 712505, 126 Somersby Falls Road, Somersby, from RU1 Primary Production to E4 General Industrial.

Executive Summary

The planning proposal seeks to rezone Lot 1 DP 712505, 126 Somersby Falls Road, Somersby, from RU1 Primary Production to E4 General Industrial under the Central Coast Local Environmental Plan 2022 (CCLEP).

The Planning Proposal has strategic planning merit for the following reasons:

- The subject land is surrounded by E4 General Industrial zoned land, which is now being developed for industrial uses, and is incompatible with the rural residential use of the isolated RU1 Primary Production zoned lot. Therefore, the site no longer has the character associated with a rural setting.
- Rezoning of this infill site for industrial purposes will add to the employment opportunities available on the Central Coast.

Background

In 1981, the land to the north and east of the subject lot was zoned to 4(a1) General Industrial under Gosford Local Environmental Plan No 22. Under this LEP subdivision of land fronting Wisemans Ferry Road was required to have a minimum lot size of 2 Ha and all other land a minimum lot size of 4,000m².

In 2014, the land on the opposite side of Somersby Falls Road to the subject site was zoned IN1 General Industrial under Gosford Local Environmental Plan 2014 (Amendment No 2) with a minimum lot size of 4,000m².

In 2016, the former Gosford City Council initiated a Planning Proposal to zone the subject lot and other miscellaneous land on the periphery of Somersby Business Park to IN1 General Industrial. In 2018, Central Coast Council discontinued this Planning Proposal, in part, because not all the landowners wanted to fund the additional studies required. The justification for zoning the subject lot has only intensified since the time the 2016 Planning Proposal was initiated as industrial development has been, and is being, undertaken on adjoining land.

The existing RU1 Primary Production zone is now incompatible with the surrounding E4 General Industrial zone and resultant industrial activities. The intended outcome of the proposal is to rezone the site to E4 General Industrial to be consistent with the adjoining land therefore permitting similar industrial development.

The Planning Proposal was referred to the Local Planning Panel (LPP) on 20 June 2024. The LPP considered the Planning Proposal to have strategic planning merit and advised the following:

The Central Coast Local Planning Panel considered the report on the matter and the material presented in the briefing meeting. The Panel's role in this matter is to provide advice, which is as follows:

1. *The Panel considers the planning proposal to have strategic and site specific merit.*
2. *The site is located within an existing employment lands precinct and the Panel supports the contextual relationship of the proposal.*
3. *The Panel notes the planning proposal is supported by an initial bushfire risk assessment given the land is mapped as bushfire prone, and that the site immediately adjoins vegetated land to its north and east which the proposal identifies has some ecological and scenic quality value, including some vegetation that overhangs the boundary with the subject site. The Panel recommends that further clarity and certainty in regard to the relationship between any future APZs and the protection of ecology as outlined in the planning proposal be considered as part of the gateway determination to determine whether site specific DCP provisions are required.*

Accordingly, the Panel supports the staff recommendation and considers the Planning Proposal to have merit.

A copy of the LPP minutes is included in (Attachment 2).

Proposal

The subject land is triangular and has an area of 1.064 Ha. It is generally cleared and accommodates a dwelling-house and miscellaneous outbuildings.

The Planning Proposal request is to:

- Rezone the subject site to E4 General Industrial; and
- Apply the minimum lot size of 4,000m² to the land.

The site is an isolated remnant of RU1 Primary Production zoned land surrounded by E4 General Industrial zoned land which is now being developed for industrial uses. The Planning Proposal will result in a logical expansion of the E4 zone within the existing boundary of the Somersby Business Park (Figure 1).

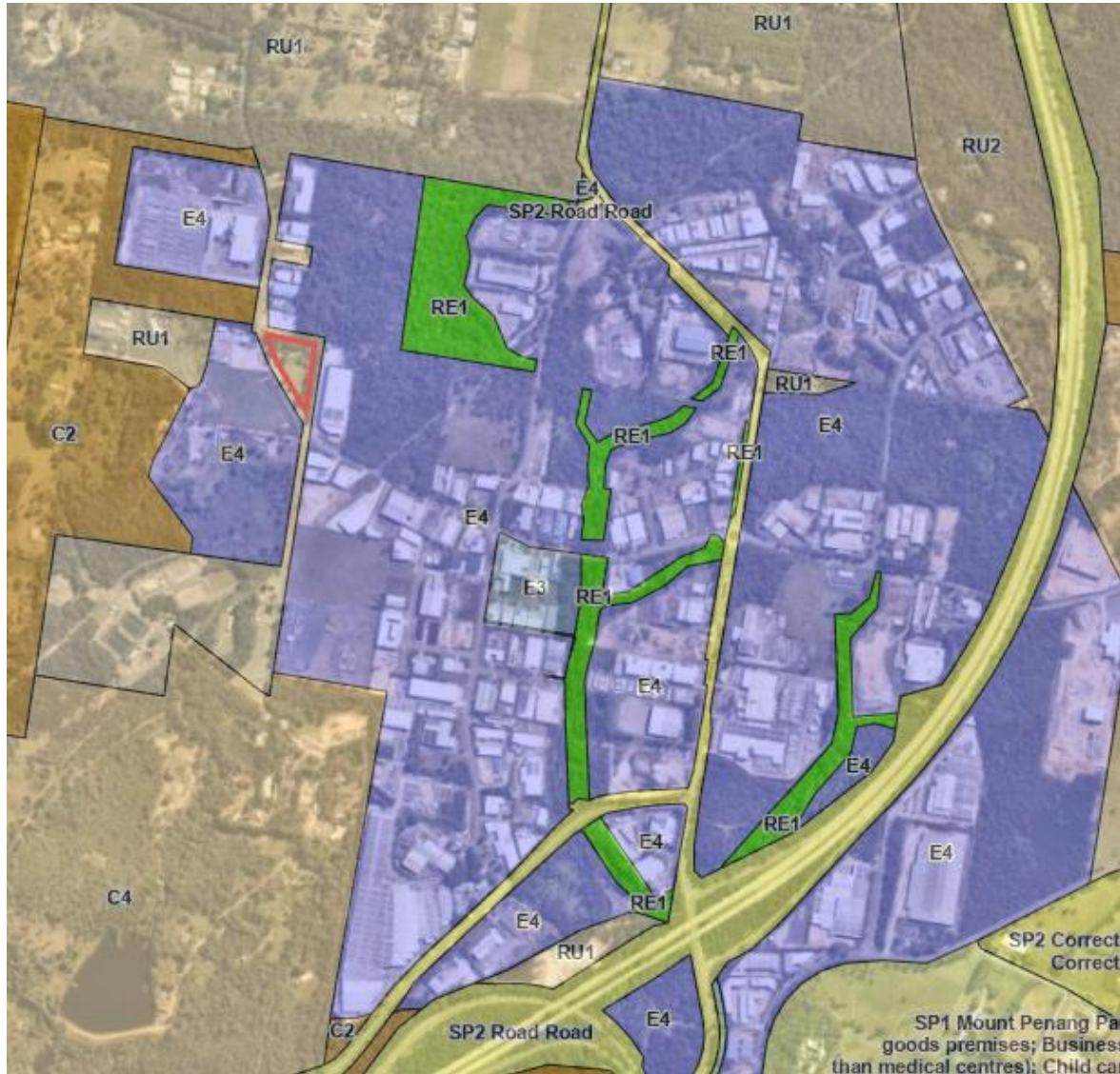


Figure 1 – Contextual Locality Plan- Subject site shown in red bold line.

Most of the existing land zoned General Industrial in the Somersby Business Park is subject to a Service Contribution Agreement between the State Government, Council, and the landowners. The Agreement came into effect when the industrial area was zoned under Gosford Local Environmental Plan No 22 and outlines responsibilities of each party regarding the provision of the following infrastructure:

- Water supply;
- Sewerage service;
- Drainage; and
- Roads.

There is no provision in the Agreement that prevents the making of a subsequent LEP to zone other land for industrial purposes. Water and sewer charges can be levied and paid under the *Water Management Act 2000* and matters directly relevant to future development such as

2.9 126 Somersby Falls Road, Somersby - Planning Proposal for Endorsement (cont'd)

roads and drainage will be addressed at the Development Application stage. This is the same process that occurred with the development resulting from the 2014 General Industrial rezoning of land on the western side of Somersby Falls Road.

In addition, the proposal is consistent with the Interim Local Strategic Planning Statement (LSPS), which is Council's guide to how the Central Coast will respond to future population growth. Various strategies and planning priorities outlined in the LSPS are applicable to this Planning Proposal.

As the proposal has strategic merit it is recommended that the Planning Proposal as generally shown in Attachment 1, be forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

Current Status

The proposal is currently at an early stage in the Local Environmental Plan amendment process (Figure 2).

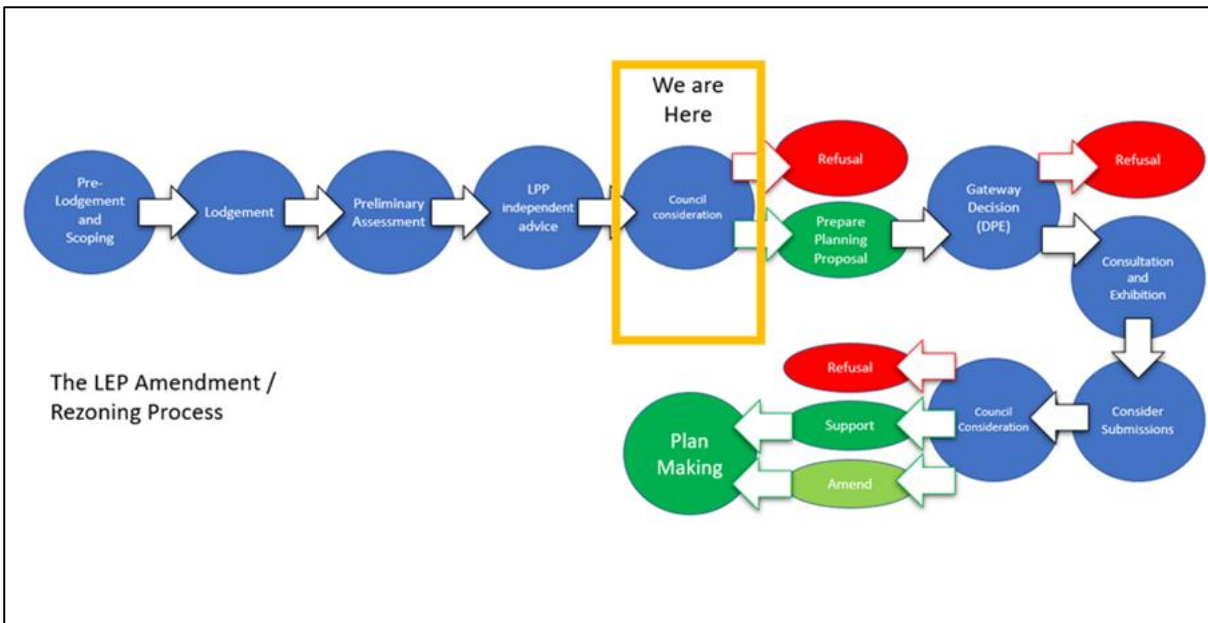


Figure 2 – Local Environmental Plan Amendment Process

Stakeholder Engagement

Internal Consultation

Environmental Planning

The property has minimal constraints due to historic clearing and ongoing maintenance of exotic lawns and garden beds.

The dam and surrounding land may provide habitat for threatened amphibians and foraging for bats. It would need to be surveyed according to appropriate Central Coast Flora and Fauna Guidelines at the Development Assessment stage.

The land surrounding the subject lot contains a vegetated road reserve along the northern and eastern boundaries. This native vegetation provides connectivity and a habitat corridor. Hollow-bearing trees in the northern road reserve overhang the property. They may provide nesting opportunities for fauna. These native trees that overhang the northern boundary of the property need to be retained.

Environmental Health

The Preliminary Site Investigation ('PSI') has been reviewed and it has been generally prepared in accordance with the NSW EPAs Guidelines. The PSI concludes that the site is suitable for residential land use therefore it is considered suitable for industrial land use. Recommendations include the preparation of an Unexpected Finds Protocol, Hazardous Buildings Materials Survey, Asbestos Clearance Certificate and Waste Classification which can all be addressed at the DA stage.

The land is mapped as Acid Sulfate Soils Class 5 with no known occurrence of acid sulfate soils, therefore further consideration of acid sulfate soils is not required.

Water and Sewer

Water and sewer are available to the land. Future development will be required to lodge a S305 application under *Water Management Act 2000* and obtain a S307 Compliance Certificate prior to issue of Occupation/Subdivision Certificate.

Floodplain Management

No issues from Floodplain Management.

External Consultation

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

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 budget implications for Council. The direct cost to Council is the preparation of the planning proposal which will be charged as per Council's fees and charges on a cost recovery basis.

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.

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

Theme 3: Green

Goal F: Cherished and protected natural beauty

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

Theme 4: Responsible

Goal I: Balanced and sustainable development

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

R-I3: Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management.

Risk Management

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

Options

1. Support the recommendation as the Planning Proposal has strategic planning merit **(This is the recommended option)**.
 - The site is an isolated remnant of RU1 Primary Production zoned land surrounded by E4 General Industrial zoned land which is now being developed for industrial uses.
 - The zoning of the land will contribute to the development of employment generating development on the Central Coast.
 - The site is serviced with water and sewer and road infrastructure.
2. Refuse to support the request for a Planning Proposal (This is not recommended).
 - Should the Planning Proposal not be supported, an opportunity will be missed for rezoning an infill site for industrial purposes and add to the employment opportunities for the Central Coast.

Attachments

1	Draft Planning Proposal for 126 Somersby Falls Road	Provided Under Separate Cover	D16211565
2	Local Planning Panel Minutes	Provided Under Separate Cover	D16276900



Item No: 2.10
Title: Draft Investments Management and Borrowings Policy - For Adoption
Department: Corporate Services

23 July 2024 Ordinary Council Meeting

Reference: F2023/00021 - D16198331
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 Adopts the Draft "Investments Management and Borrowings Policy", as attached to this report.***

- 2 Revokes the "Policy for Investment Management" and the "Debt Management Policy", and for these to be replaced by the "Investments Management and Borrowings Policy".***

Report purpose

The purpose of this report is to submit the "Investments Management and Borrowings Policy" for Council adoption.

Executive Summary

Council adopted the "Policy for Investment Management" at its meeting on 25 July 2023. The "Debt Management Policy" was adopted on 26 April 2017. Council is required to review these Policies on a regular basis.

Council must review its Investment Policy at least annually. The Investment Policy has been reviewed, and no changes to the content are recommended.

Council's current "Debt Management Policy" (that deals with Borrowings) has been reviewed and substantially rewritten to align with Council's Policy template and to improve clarity. Several other NSW councils' policies were used as a reference.

The investment of surplus funds and the seeking of additional cash through borrowings, are both concerned with the management of Council's cash. It is therefore appropriate to have one policy covering both matters. It is therefore proposed that the two existing

2.10 Draft Investments Management and Borrowings Policy - For Adoption (cont'd)

policies be revoked, and a consolidated "Investments Management and Borrowings Policy" be adopted.

Background

Legislation requires Council to maintain an Investment Policy that complies with the *Local Government Act 1993*, Local Government (General) Regulation 2021, Ministerial Investment Order of 12 January 2011 and the Investment Policy Guidelines, issued by the then Division of Local Government in May 2010.

The purpose of the "Policy for Investment Management" is to provide the framework within which Council invests funds that are surplus to its immediate needs in a way that maximises returns whilst safeguarding Council's cash.

The current "Policy for Investment Management" was adopted by Council at its meeting on 25 July 2023. A review of the content of this Policy has been undertaken and no changes are recommended. The wording in the Policy remains appropriate in providing a good framework that enables Council to undertake investments in a prudent manner that appropriately balances risks and return through diversification, whilst maintaining adequate liquidity to support Council's operations.

Council may be required to supplement its own cash through loans. It is important for Council to have a Policy to guide its approach to borrowing money to ensure that loans are used for appropriate purposes and in a manner that is financially responsible and sustainable.

The current "Debt Management Policy" was adopted by Council on 26 April 2017. This Policy has been reviewed and substantially rewritten to align with Council's Policy template and to improve clarity. The wording applicable to the management of borrowings is aimed at providing guidance to Council regarding the circumstances where it is appropriate to borrow funds, and the approach to considering Council's restricted cash prior to seeking external loans.

The wording of the "Policy for Investment Management" and the "Debt Management Policy" has been used to develop the Draft "Investments Management and Borrowings Policy", which is proposed for Council adoption.

Current Status

Council has reviewed the current Policies that deal with Council's investments and borrowings, and it is proposed that these existing policies be revoked, and a consolidated "Investments Management and Borrowings Policy" be adopted.

2.10 Draft Investments Management and Borrowings Policy - For Adoption (cont'd)

The Policy establishes an effective, accountable, and transparent framework for decision making with respect to managing Council's cash and related investment portfolio and borrowings undertaken by Council.

The proposed Policy is aimed at:

- Ensuring that investments and borrowings are undertaken in accordance with the relevant legislation.
- Maximising investment returns while maintaining the security of investments and preserving capital through the prudent management of risk.
- Ensuring there is sufficient liquidity to meet all reasonably anticipated cashflow requirements as and when they fall due.
- Ensuring funding of long dated assets achieves intergenerational equity, that is, that current and future ratepayers both contribute towards the assets they utilise now and in the future.

The proposed Policy sets out:

- the approach to investing surplus funds.
- the management of risks associated with investing activities.
- the approach to borrowing.
- permissible reasons to borrow.
- the management of interest rates.

The proposed Policy has been reviewed by the Chair of Council's Audit Risk and Improvement Committee.

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 additional costs associated with this Policy review. The proposed Policy provides a framework for the management of Council's investments and borrowings, including maximising interest income, and managing costs associated with borrowings and the impact on Council's financial performance measures.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G3: Provide leadership that is transparent and accountable, makes decisions in the best interest of the community, ensures Council is financially sustainable and adheres to a strong audit process.

Risk Management

All investments will be managed in accordance with the proposed Policy. Any specific circumstances, including, but not limited to, any changes to the rating of the financial institutions, and changes in the wider economic environment, will be taken into consideration through the application of the Policy.

The proposed Policy is aimed at ensuring that borrowings are undertaken in a financially sustainable manner as measured through the industry benchmark for debt.

The proposed Policy will be reviewed annually, or sooner in the event of a legislative change impacting on the Policy.

Options

The proposal is to revoke the existing "Policy for Investment Management" and existing "Debt Management Policy", and to adopt the "Investments Management and Borrowings Policy".

Council has the option to:

1. Adopt the attached "Investments Management and Borrowings Policy" which consolidates the existing two policies. **(This is the recommended option).**
2. Resolve not to adopt the new Policy. This is not recommended because:
 - a) The "Policy for Investment Management" must be reviewed at least annually.
 - b) The "Debt Management Policy" has not been reviewed since 2017 and the review has identified improvements to the current policy.
 - c) As the current two separate Policies are both concerned with the management of Council's cash it is appropriate to combine the relevant guidance in a single Policy.

Critical Dates or Timeframes

The "Policy for Investment Management" must be reviewed at least annually. The current Policy was adopted in July 2023, and it is therefore due for review.

**2.10 Draft Investments Management and Borrowings Policy - For Adoption
(cont'd)**

The "Debt Management Policy" has not been reviewed since April 2017 and it timely that it is reviewed.

Attachments

1	Investments Management and Borrowings Policy	Provided Under Separate Cover	D16236207
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Item No: 2.11
Title: Draft Restricted Funds Policy - For Adoption
Department: Corporate Services



23 July 2024 Ordinary Council Meeting

Reference: F2024/00015 - D16302250
Author: Emma Galea, Chief Financial Officer
Executive: Marissa Racomelara, Director Corporate Services

Recommendation

That Council adopts the Draft Restricted Funds Policy attached as Attachment 1 to this report.

Report purpose

To present the Draft Restricted Funds Policy for Council's consideration and adoption.

Executive Summary

Council has significant cash, cash equivalents and investments. Some of this cash is restricted for specific uses in line with legislative requirements or set aside to allocate funds against future projects and activities, and to ensure sufficient funding is available to meet current and long-term financial obligations.

Council has a Restricted Funds Policy to provide a framework for the establishment and management of Council's restricted cash. The Policy was last updated on 22 November 2022. A review of Council's cash restrictions has indicated that there is scope to simplify the approach to restricting cash, as well as the need to ensure that cash restrictions are underpinned by long-term plans regarding additions to, and utilisation of, the restricted amounts. The changes have been reflected in the proposed Draft Restricted Funds Policy attached as (Attachment 1) to this report.

Background

As at the end of May 2024 Council held over \$780M in total cash and investments. Approximately \$545M of this cash is restricted for specific purposes and is held in several separate restrictions.

There are two types of cash restrictions – external and internal.

An external restriction means that the money can only be used for the purpose identified by legislation or agreement such as a grant funding agreement. Examples of external restrictions are Water and Sewer, Domestic Waste and Developer Contributions. Council does not have any flexibility to not restrict this money, but there is an element of discretion regarding the specific expenditure funded from those restrictions provided it remains within the intent of the legislated or agreed purpose.

An internal restriction means that the money can only be used for the purpose the money has been set aside for by way of a Council resolution. Money held in an internal restriction can be unrestricted or re-purposed by way of a Council resolution.

Internal restrictions have traditionally been used as a mechanism to ensure that funds are available in the future for a planned major expenditure. These types of restrictions may also be used to have cash to cover a liability: for example, an Employee Leave Entitlement restriction is aimed at partly covering the liability associated with leave entitlements as reported on Council's Balance Sheet, and a Tip Rehabilitation restriction supports the liability to remediate the waste management facility site.

Whilst external restrictions are required by legislation, internal restrictions have traditionally been used across the industry as a mechanism to ensure that funds are available when required in the future. The introduction of the Integrated Planning and Reporting Framework, and the associated requirement for councils to have a Long Term Financial Plan, reduces the reliance on holding internal restrictions. As Council's Long Term Financial Plan continues to become more sophisticated, there will be scope to further reduce internal cash restrictions as planned expenditure and the required cash would already be included in the Plan.

It is important to note that a cash restriction is not a source of revenue. It is simply a separately identifiable amount set aside for a specific purpose. As opposed to an operating grant that has both a revenue and an expenditure component, an operating expense funded by a restriction will only have an expenditure component, and therefore has an impact on the operating result. In basic terms, money spent would not be offset by revenue thereby depleting Council's projected surplus.

Spending restricted funds on capital works does not have an immediate impact on the operating result, however, may impact future depreciation which will affect the operating result.

Current Status

Council last updated the current Restricted Funds Policy at its meeting on 22 November 2022. The current Policy generally addresses matters that are relevant to the restriction of cash.

2.11 Draft Restricted Funds Policy - For Adoption (cont'd)

The review process has highlighted that there is scope to review whether the merit to retain certain restrictions is still valid, as well as refining the approach to accessing certain restrictions.

The review resulted in one of the following outcomes for each respective restriction:

1. No change to cash restriction status (may include rewording of purpose to improve clarity).
2. Retain cash restriction but combine with another restriction/s where suitable. Current or future specific projects may be identified, as well as unallocated funds to be retained within the restriction.
3. Unrestrict the cash.
4. Remove restriction from Policy as the restriction holds no funds.

The planned income and expenditure for each respective restriction will be reflected in Council's Long Term Financial Plan.

A summary of the proposed changes is per Table 1 below:

Table 1 Summary of Proposed Changes to Restrictions

	<i>Proposed Change to Restriction status</i>
<i>External Restrictions</i>	
Biobanking	No change but <i>Rename to Biobanking Agreement 161</i>
Crown Land Restrictions <ul style="list-style-type: none"> • Cemeteries • Crown Land Business Enterprises • Holiday Parks and Camping Grounds 	Cemeteries – No change. Restriction to include income from cemeteries and fund expenditure for asset maintenance and renewals, perpetual maintenance requirements and new initiatives supported by a business case. Crown Land Business Enterprises and Holiday Parks and Camping Grounds to be combined in a new Crown Lands restriction. <i>Crown Lands</i> restriction to include income from Crown Lands Business Enterprises and Holiday Parks and Camping Grounds, and fund expenditure for asset maintenance and renewals, new initiatives supported by a business case, and all permitted expenditure on Crown Land managed by Council.
Coastal Open Space System (COSS)	No change

Developer Contributions	No change
Domestic Waste	No change
Drainage	No change. Restriction will no longer be required from FY 2026-27.
Sewer	No change
Water Supply	No change
Stormwater Levy	No change
Special Rates	No change
Self-Insurance Workers Compensation	Change from an external restriction to an internal restriction
Unexpended Grants and Specific Purpose Contributions	No change but include current <i>Transport for NSW (TfNSW) Advances</i> restriction
Unexpended Loans	Remove
<i>Internal Restrictions</i>	
Conservation Fund - NEW	New restriction as per Council resolution on 22 November 2022.
Davistown Wetland	Combine into the new <i>Conservation Fund</i> restriction
Emergency Services Levy Savings	Combine into the new <i>Conservation Fund</i> restriction
Emergency Loan Repayment	No change
Employee Leave Entitlements	No change
Tip Rehabilitation	No change
Waste Disposal Facility	No change – Rename to <i>Waste Management Infrastructure</i> . The purpose has been expanded to allow this restriction to support the provision of infrastructure required for waste management services. The original purpose being solely to purchase land for waste management after the closure of the Woy Woy Waste Management Facility is considered no longer relevant considering land availability at the Buttonderry Waste Management Facility.
Future Projects	No change but Rename to <i>Strategic Priorities</i>
Employment Generating Projects	Combine into new <i>Strategic Priorities</i> restriction
Land and Economic Development	Combine into new <i>Strategic Priorities</i> restriction
Regional Library	No change
Multi Year Projects - NEW	New restriction to hold funds for projects that cross over financial years. This restriction will be refreshed at the end of

2.11 Draft Restricted Funds Policy - For Adoption (cont'd)

	each financial year. All funds in this restriction will be fully allocated and any funds no longer required will be unrestricted at the end of each financial year.
Section 355 Committees	Remove – Unrestrict Funds
St Huberts Island Drainage Licence Fee	Retain until fully expended on works on St Huberts Island.
Surf Clubs	Remove – No Cash held

Minor administrative changes have been made to improve clarity but retaining the current purpose of the restriction. This has been identified as "No change" in the Table above.

Restrictions identified to be removed either have no cash, are no longer required, there is no basis to restrict for a specific purpose, or funds are already being allocated in Council's Long Term Financial Plan.

The matter of borrowing from cash restrictions is addressed in the Investments Management and Borrowings Policy included as a separate item for consideration on this business paper.

Relationship to Previous Decisions/Resolutions

Council last reviewed the Restricted Funds Policy on 22 November 2022.

Stakeholder Engagement

The review of the restrictions has included internal engagement with various business units and the Executive Leadership Team.

Financial Considerations

The proposed changes will not impact on the current or projected operating result of the Council.

Where applicable, the proposed changes will result in improved clarity and simplicity, as well as providing a more structured and prioritised approach to the utilisation of the restricted funds.

Unrestricting of funds will result in a shift between restricted and unrestricted cash, but no change to overall cash.

A prudent approach has been taken regarding internal restrictions, recognising that there may be scope for further review as Council's Long Term Financial Plan continues to improve.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G3: Provide leadership that is transparent and accountable, makes decisions in the best interest of the community, ensures Council is financially sustainable and adheres to a strong audit process.

Risk Management

The proposed changes will simplify the management of Council's restrictions, thereby reducing the risk of restricted cash being utilised for purposes other than for which funds are being set aside.

Options

1. Adopt the Draft Restricted Funds Policy attached as (Attachment 1) to this report.
(This is the recommended option)
2. Resolve not to adopt the Draft Restricted Funds Policy. (This is not recommended).

Attachments

- 1  Draft Restricted Funds Policy Provided Under Separate Cover D16306678



Item No: 2.12
Title: Complaints Feedback Management Policy - For Adoption, and Unreasonable Complainant Conduct Policy - For Public Exhibition
Department: Community and Recreation Services

23 July 2024 Ordinary Council Meeting

Reference: F2022/00887 - D16256461
Author: Ellen Suarez, Section Manager, Customer Experience
Executive: Melanie Smith, Director Community and Recreation Services

Recommendation

That Council:

- 1 Adopts the minor changes to the Complaints and Feedback Management Policy as per the Attachment 1.***
- 2 Notes the changes to the Unreasonable Complainant Conduct Policy as per the Attachment 2.***
- 3 Places the draft Unreasonable Complainant Conduct Policy on public exhibition for a minimum period of 28 days.***
- 4 Considers a further report on the outcome of the public exhibition.***

Report purpose

To seek adoption of the minor changes to the Complaints and Feedback Management policy.

To note the changes to the Unreasonable Complainant Conduct policy as per the new policy template, which include minor changes in titles and substantive changes in wording to improve the clarity of the policy and responsibilities. The intent of the policy has not changed.

Executive Summary

The regular review of policies ensures incorporation of best practice with the aim of meeting the outcomes and community priorities which is an important function of Council and ensures good governance. Due to the nature of minor changes to the Complaints and Feedback Management policy and the community consultation undertaken during the previous review period, adoption of the changes is being requested.

2.12 **Complaints Feedback Management Policy - For Adoption, and Unreasonable Complainant Conduct Policy - For Public Exhibition (cont'd)**

The substantive wording changes to the Unreasonable Complainant Conduct policy makes it simpler for the community to identify and understand where the policy will and will not be applied and behaviour that constitutes unreasonable conduct. It also clarifies that when required, NSW Police may be called if there is a threat to staff. No changes have been made to the definitions nor the intent of the policy. As community consultation did not occur during the previous review period, it is recommended the policy be placed on public exhibition.

Background

Council's Complaints and Feedback Management Policy was last revised in July 2021 and endorsed by Council on 23 November 2021. This revision included significant updates including recommendations from the Centium Internal Audit, changes to definitions, title changes due to organisational structure changes, updated responsibility changes as well as public consultation. There were 11 submissions received with only one submission about the policy, the other 10 were complaints made by the community about other issues.

Council's Unreasonable Complainant Conduct Policy was last reviewed in July 2021 and endorsed by Council on 28 September 2021. This revision included updates to a new template, naming conventions, and authority officers. As these were only minor changes, there was no public consultation.

Current Status

In fiscal year 2022-23 Council received 480 complaints and 543 compliments. This included both community and staff (sensitive) complaints.

Complaints		Compliments	
Community	358	Community	337
Staff	122	Staff	206
Total	480	Total	543

For the fiscal year 2023-24 Council has received 552 complaints and 547 compliments. This includes both community and staff (sensitive) complaints.

Complaints		Compliments	
Community	431	Community	393
Staff	121	Staff	154
Total	552	Total	547

2.12 Complaints Feedback Management Policy - For Adoption, and Unreasonable Complainant Conduct Policy - For Public Exhibition (cont'd)

Only one customer has had their access to Council services limited by the Unreasonable Complainant Conduct policy since endorsement and this occurred in March 2023 due to the customer behaviour posing significant risk to staff including acts of physical and verbal aggression at the Wyong Administration Building in the Customer Service Reception area.

Report

The minor changes in the revised Complaints and Feedback Management policy are:

1. The policy review cycle has been changed from two to four years as per the Policy Development and Review Protocol.
2. Position title change has been made from Internal Ombudsman to Disclosures and Investigations Coordinator.
3. The three tier complaints management model has been added as an appendix to identify the complaints escalation process.
4. As procedures are internal documents reference to "see procedures" has been removed.
5. As Public Interest Disclosure does not apply to this policy, reference has been removed.
6. Responsibility section – as per new template requirement.
7. Delegations of Authority Policy has been replaced with Delegations of Authority Register.

The substantive changes in the revised Unreasonable Complainant Conduct policy are:

1. The policy review cycle has been changed from two to four years as per the Policy Development and Review Protocol.
2. Clarifying statement that the policy is not intended to be used by customers to restrict others reporting matters within the Local Government Area.
3. Inclusion of a statement that Council may report any threatening behaviour to NSW Police.
4. Position title change has been made from Internal Ombudsman to Disclosures and Investigations Coordinator.
5. Updated associated documents to current resources available online.
6. Inclusion of Council owned social media channels in the policy.
7. Responsibility section – as per new template requirement.
8. Addition of section called "identifying unreasonable complainant conduct" which clarifies the information provided in the definitions section.

2.12 Complaints Feedback Management Policy - For Adoption, and Unreasonable Complainant Conduct Policy - For Public Exhibition (cont'd)

Stakeholder Engagement

Stakeholder engagement for both policies was sought with the Governance, Risk and Legal team, Executive Assistants, and Personal Assistants to ensure that the existing policies are meeting the needs of the key internal stakeholders. Changes from the feedback are reflected in revisions of this report.

External consultation is being sought for the Unreasonable Complainant Conduct Policy as it has not been on exhibition since before the 2019 policy review.

No external consultation is being sought for the Complaints and Feedback Management Policy due to the minor nature of the changes and public exhibition occurred during the last review period.

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 no financial consideration to note.

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

The management and response to complaints is an identified risk within Council's Enterprise Risk Management Framework. The changes to both policies do not impact the intent of the

2.12 **Complaints Feedback Management Policy - For Adoption, and Unreasonable Complainant Conduct Policy - For Public Exhibition (cont'd)**



policies. Clarifying the wording about unreasonable complainant conduct reduces the risk of community members trying to use the policy to limit access for other customers to Council services. It also clearly indicates that when required, NSW Police will be informed of conduct which is threatening, physical or abusive, also reducing the risk to staff and the community.

Options

Council has the option to:

1. Adopt the minor changes to the Complaints and Feedback Management policy which aligns to Council's Code of Conduct. **(This is the recommended option).**
2. Resolve not to adopt the Complaints and Feedback Management policy. This is not recommended as Council has previous versions of this policy that align to Council's Code of Conduct.
3. Note the changes to the Unreasonable Complainant Conduct policy and place the draft on public exhibition for a minimum of 28 day. Consider a further report on the outcome of the public exhibition. **(This is the recommended option).**
4. Resolve not to adopt the Unreasonable Complainant Conduct policy. This is not recommended as Council has previous versions of this policy that align to Council's Code of Conduct.

Attachments

1	Unreasonable Complainant Conduct Policy	Provided Under Separate	D16124039
	CCC013_2024	Cover	
2	Complaints and Feedback Management	Provided Under Separate	D16059036
	Policy 2024	Cover	



Item No: 2.13
Title: Suite of Councillor Policies - For Adoption
Department: Corporate Services

23 July 2024 Ordinary Council Meeting

Reference: F2024/00015 - D16242162
Author: Alysha Coussos, Section Manager Governance
Manager: Teresa Chadwick, Unit Manager Governance Risk and Legal
Executive: Marissa Racomelara, Director Corporate Services

Recommendation

That Council:

- 1 *Adopts the following draft policy documents:***
 - a) Code of Conduct (Attachment 1)***
 - b) Procedures for the Administration of the Code of Conduct (Attachment 2)***
 - c) Code of Meeting Practice (Attachment 3)***
 - d) Councillor Briefings and Workshops Policy (Attachment 4)***
 - e) Councillor and Staff Interaction Policy (Attachment 5)***
 - f) Councillor Induction and Professional Development Policy (Attachment 6)***

Report purpose

To present the exhibited and revised draft suite of councillor policies to Council for adoption following the 28-day public exhibition period.

Executive Summary

This report details information in relation to feedback received during the public exhibition of the draft suite of policies which were presented to Council on 28 May 2024.

Background

In preparation for the 2024 Local Government Election in September, and the return of a democratically elected governing body, policies and procedures relevant to Councillors were reviewed, with key policies presented to Council for endorsement and approval for endorsement and approval for adoption.

2.13 Suite of Councillor Policies - For Adoption (cont'd)

Whilst Council had existing policies in place to guide both Councillors and staff, several of these policies were in need of review in accordance with recent model policy updates, industry best practice and to align with Council's Policy Framework.

Current Status

The draft policies are now presented to Council for final adoption.

Report

On 28 May 2024, Council resolved to place the suite of policies on public exhibition for 28 days and invite submissions (with submissions accepted for a period of not less than 42 days in accordance with section 361 of the *Local Government Act 1993*).

During the exhibition period, no formal submissions were received.

Council has taken this opportunity to address suggestions and submissions that were made internally whilst on public exhibition and make other minor administrative or grammatical changes.

The table below provides a summary of key suggestions or changes raised:

Policy	Clause No.	Current Clause	Proposed Change
Code of Conduct	3.27	3.27. On social media, such as council's Twitter, Instagram and Facebook accounts, the communication and media team are generally the spokesperson on all council business. Other staff can apply to use these sites if a particular project warrants it.	3.27. On social media, such as council's Twitter, Instagram and Facebook accounts, Council spokespeople will be delegated by the chief executive officer. the communication and media team are generally the spokesperson on all council business. Other staff can apply to use these sites if a particular project warrants it.
Code of Meeting Practice	9.1	At a meeting of the Council, the general order of business is as fixed by resolution of the Council.	The general Order of Business for an Ordinary Meeting of Council shall be:

<i>Policy</i>	<i>Clause No.</i>	<i>Current Clause</i>	<i>Proposed Change</i>
			<ul style="list-style-type: none"> • Opening the Meeting; • Acknowledgement of Country; • Apologies/Requests for Leave of Absence; • Disclosures of Interest; • Confirmation of Minutes • Notice of Intention to Deal with Matters in Confidential Session; • Items Considered by Exception; • Minutes of the Mayor • Reports of the Chief Executive Officer and the Executive Leadership Team • Notice of Motion • Questions With Notice; • Answers to Questions With Notice; • Confidential Items; and • Conclusion of the Meeting.
Code of Meeting Practice	13.1	Council or a Committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution with the exception of items dealing with financial matters of Council.	Council or a Committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution with the exception of items dealing with financial matters of Council, including the Monthly Finance Report and Investment Report.
Code of Meeting Practice	18.1 – 18.3	18.1. Meetings of Council and Committees of the Council are to conclude no later than 10:30 PM on the night of the meeting.	18.1. Meetings of Council and Committees of the Council are to conclude no later than 10: 00 30 PM on the night of the meeting.

Policy	Clause No.	Current Clause	Proposed Change
		<p>18.2. If the business of the Meeting is unfinished at 10:30 PM, Council or the Committee may, by resolution, extend the time of the Ordinary Meetings of Council.</p> <p>18.3. An extension granted under Clause 18.2 will extend the meeting time by 30 minutes with a maximum of two (2) extensions per meeting.</p>	<p>18.2. If the business of the Meeting is unfinished at 10:0030 PM, Council or the Committee may, by resolution, extend the time of the Ordinary Meetings of Council.</p> <p>18.3. An extension granted under Clause 18.2 will extend the meeting time by 30 minutes with a maximum of two (2) extensions per meeting.</p>
Councillor and Staff Interaction Policy	5.2.25	Councillors may choose to lodge Customer Service Requests on behalf of members of the public via Council's customer service request process. Any response to a customer service enquiry lodged by a Councillor on behalf of members of the public will be provided directly to the member of the public, with a copy sent to the Councillor.	Clause to be removed.
Councillor and Staff Interaction Policy	5.5.2	<p>5.5. Councillors can use the Councillor Requests Portal to:</p> <p>5.5.2. bring concerns that have been raised by members of the public to the attention of staff;</p>	5.5.2. bring extensive and long-standing process complaints or inappropriate staff behaviour concerns that have been raised by members of the public to the attention of staff;
Councillor and Staff Interaction Policy	6.2	6.2 Any staff member may talk to a Councillor provided they have an approved staff member present as listed in Appendix B.	Clause to be removed due to inconsistency with subsequent clauses.

Policy	Clause No.	Current Clause	Proposed Change
Councillor Briefings and Workshops Policy	9.3	A copy of the Agenda and any briefing notes / attachments shall be circulated to Councillors electronically a minimum of five (5) full calendar days (must include a Saturday and Sunday) prior to the meeting.	A copy of the Agenda and any briefing notes / attachments shall be circulated to Councillors electronically a minimum of five (5) full calendar days (must include a Saturday and Sunday) prior to the meeting. Any briefing notes/attachments will be made available to Councillors at least fifteen (15) minutes prior to the meeting. In exceptional circumstances, where a meeting is convened at short notice outside of the regular schedule, briefing material is to be provided at the earliest opportunity. Where external responsibilities are providing materials, best efforts are made to have briefing material in advance in line with the above provisions.
Councillor Briefings and Workshops Policy	9.8 and 9.9	<p>9.8. To demonstrate and support a transparent decision-making process, minutes from briefing sessions and workshops are published online following the completion of the related Council Meeting or no later than thirty (30) days following.</p> <p>9.9. Minutes are required to include:</p>	<p>9.8. To demonstrate and support a transparent decision-making process, minutes records from briefing sessions and workshops are published online no later than thirty (30) days following the completion of the related Council Meeting. or no later than thirty (30) days following.</p> <p>9.9. Minutes Records are required to include:</p>

Policy	Clause No.	Current Clause	Proposed Change
		<p>9.9.1. The name of each Councillor who attended the meeting,</p> <p>9.9.2. Other persons (e.g. members of the public, other Council officers) who attended the meeting, other than Councillors,</p> <p>9.9.3. The matters discussed at the meeting, and</p> <p>9.9.4. Any conflicts of interest declared.,</p> <p>9.9.5. A copy of presentation material providing during the briefing (including slide decks, handouts, etc., but not confidential documents), and</p> <p>9.9.6. Any matters arising as a result of the discussion.</p>	<p>9.9.1. The name of each Councillor who attended the meeting briefing session or workshop,</p> <p>9.9.2. Other persons (e.g. members of the public, other Council officers) who attended the meeting, other than Councillors,</p> <p>9.9.3. 9.9.2. The matters discussed at the meeting briefing session or workshop, and</p> <p>9.9.4. 9.9.3. Any conflicts of interest declared.,</p> <p>9.9.5. A copy of presentation material providing during the briefing (including slide decks, handouts, etc., but not confidential documents), and</p> <p>9.9.6. Any matters arising as a result of the discussion.</p>
Councillor Induction Policy	4.2.1 and 4.2.9	<p>4.2. The induction program will cover:</p> <p>4.2.1. An orientation of Council facilities and the local government area;</p> <p>...</p> <p>4.2.9. The support available to the Mayor and Councillors and where they can go to get more information or assistance; and...</p>	<p>4.2. The induction program will cover:</p> <p>4.2.1. An orientation of to Council facilities and the local government area;</p> <p>...</p> <p>4.2.9. The support available to the Mayor and Councillors and how they can access more where they can go to get more information or assistance; and...</p>
Councillor Induction Policy	9.5.1	9.5. The Chief Executive Officer will publicly report	9.5. The Chief Executive Officer will publicly report each year in Council's

Policy	Clause No.	Current Clause	Proposed Change
		each year in Council's annual report: 9.5.1. The name of the Mayor and each individual Councillor that completed Council's induction program (where an induction program has been delivered during the relevant year).	annual report and other sources : 9.5.1. The name of the Mayor and each individual Councillor that completed Council's induction program (where an induction program has been delivered during the relevant year).

Stakeholder Engagement

Council undertook significant internal consultation in addition to reviewing information and guidance from the Office of Local Government (OLG). Similar policies from other councils were also reviewed to determine common practice and maximise industry consistency.

Financial Considerations

There are no financial implications associated with this report.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G3: Provide leadership that is transparent and accountable, makes decisions in the best interest of the community, ensures Council is financially sustainable and adheres to a strong audit process.

Risk Management

Reviewing and adopting these policies ensures that Council can confidently refer to and rely on them as they will be current and alignment with both the model policies set by the OLG and industry best practice.

If these policies are not kept current, they may not be fit for purpose and may expose Council to the risk of challenge and potential litigation.







Options

1. Adopt the draft policies. **(This is the recommended option).**
2. Resolve not to adopt the draft policies. (This is not recommended).

Critical Dates or Timeframes

Having these key policies adopted before the election and return of Councillors will ensure that there is a strong foundation of best practice policies to support both the newly elected Councillors and staff to carry out their roles and responsibilities from the outset.

Attachments

1	DRAFT Code of Conduct	Provided Under	D16000605
		Separate Cover	
2	DRAFT Procedures for the Administration of the	Provided Under	D16000613
	Code of Conduct	Separate Cover	
3	DRAFT Code of Meeting Practice	Provided Under	D15775526
		Separate Cover	
4	DRAFT Councillor Briefings and Workshops	Provided Under	D16137707
	Policy	Separate Cover	
5	DRAFT Councillor and Staff Interaction Policy	Provided Under	D15806015
		Separate Cover	
6	DRAFT Councillor Induction and Professional	Provided Under	D15890588
	Development Policy	Separate Cover	



Item No: 2.14
Title: Central Coast Section 7.12 Local Infrastructure Contributions Plan 2024 - Outcome of Public Exhibition
Department: Environment and Planning

23 July 2024 Ordinary Council Meeting

Reference: F2019/01285 - D16290256
Author: Richard Griffiths, Section Manager. Local Infrastructure and Planning
Manager: Sharon McLaren, Section Manager Corporate Planning and Reporting
Executive: Shannon Turkington, Director Environment and Planning (Acting)

Recommendation

That Council:

- 1 Adopts the Central Coast Section 7.12 Local Infrastructure Contribution Plan 2024 (Attachment 1) following public exhibition.***
- 2 Notifies those persons who lodged submissions of Council's decision.***

Report purpose

To provide an update on the outcome of the public consultation period, and to seek adoption of the Central Coast Section 7.12 Local Infrastructure Contributions Plan 2024 (Attachment 1).

Executive Summary

Council resolved at the Ordinary Council Meeting of 23 April 2024 to publicly exhibit the draft Central Coast Section 7.12 Local Infrastructure Contributions Plan 2024. The draft plan was publicly exhibited between 29 April and 27 May 2024. Two submissions were received during the public exhibition period.

Background

At its meeting of 23 April 2024, Council resolved to endorse the draft Plan for public exhibition and noted that a further report would be provided following the public exhibition period.

Current Status

The submissions received have been reviewed and a summary is provided in (Attachment 2).

Report

The Draft Section 7.12 Development Contributions Plan 2024 was exhibited at the same time as the Draft Operational Plan 2024-25 and Fees and Charges 2024-25, from Monday 29 April 2024 to Monday 27 May 2024.

During exhibition two submissions were received across the exhibition platform. It should be noted that the low number of submissions may relate to the simultaneous exhibition of the Draft Operational Plan, which included the 4-year schedule of works, to which the Draft Section 7.12 Development Contributions Plan 2024 responds. Most submissions on the draft Capital Works Program were made to the exhibition of the draft Operational Plan.

Stakeholder Engagement

The Draft Central Coast Section 7.12 Local Infrastructure Contribution Plan 2024 was publicly exhibited from 29 April to 27 May 2024 and available on Council's engagement platform, 'Your Voice Our Coast'. The page received 195 views from 143 total users, with two submissions received, raising the following points:

- Requests for more signage for open space areas.
- Improvements to shared paths (signage and line marking).
- Drainage improvements at Jilliby.

A summary of submissions is provided in (Attachment 2), with no changes proposed to the draft Plan as a result of these submissions.

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.

2.14 Central Coast Section 7.12 Local Infrastructure Contributions Plan 2024 - Outcome of Public Exhibition (cont'd)

Council receives on average \$2M per year in Section 7.12 contributions and holds approximately \$49M in its externally restricted reserve. Revoking and updating Council's Section 7.12 plan does not change the requirements for the payment of development contributions on development consents that are already issued. Where payments are received under revoked plans, these funds will be used to fund the infrastructure proposed in the Central Coast Section 7.12 Local Infrastructure Contribution Plan 2024.

Link to Community Strategic Plan

Theme 4: Responsible

Goal I: Balanced and sustainable development

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

Risk Management

It is intended that the Section 7.12 plan will be reviewed annually to ensure it is consistent with Council's Operational Plan and Delivery Program. The draft Central Coast Section 7.12 Local Infrastructure Contribution Plan 2024 has been prepared to be consistent with relevant legislation and the Department of Planning, Housing and Infrastructure practice notes relating to developer contributions.

Options

1. Adopt the draft Central Coast Section 7.12 Local Infrastructure Contribution Plan 2024. **(This is the recommended option).**
2. Resolve not to adopt the draft Central Coast Section 7.12 Local Infrastructure Contribution Plan 2024. This option will not allow a review of Council's local infrastructure contribution plan. (This is not recommended).
3. Retain the existing Section 7.12 Local Infrastructure Contribution Plan 2023. (This is not recommended), as the current plan is out of date.

2.14 Central Coast Section 7.12 Local Infrastructure Contributions Plan 2024 - Outcome of Public Exhibition (cont'd)

Attachments

1	Draft Central Coast Section 7.12 Local Infrastructure Contributions Plan 2024 - Final version for adoption July 2024	Provided Under Separate Cover	D16290259
2	Summary of Submissions to the Draft Central Coast Section 7.12 Development Contributions Plan 2024	Provided Under Separate Cover	D16290260



Item No: 2.15
Title: Community Strategic Plan - Engagement Report 2024
Department: Environment and Planning

23 July 2024 Ordinary Council Meeting

Reference: F2024/00102 - D16278279
Author: Sharon McLaren, Section Manager Corporate Planning and Reporting
Executive: Shannon Turkington, Director Environment and Planning (Acting)

Recommendation

That Council receives the Community Strategic Plan Engagement Report 2024 presented in Attachment 1.

Report purpose

To present the Community Strategic Plan Engagement Report 2024.

Executive Summary

The Community Strategic Plan Engagement Report 2024, as presented in (Attachment 1), provides the outcomes of the engagement activities conducted for the Community Strategic Plan and Local Strategic Planning Statement. The results and findings from this report will inform the review of both these key strategic documents.

Background

The Community Strategic Plan (CSP) is a ten-year plan that outlines the community's priorities, vision, and aspirations for the future of the Central Coast. Under the "Integrated Planning and Reporting (IP&R) Framework" the CSP is the highest level of strategic planning and guides the development of other strategies and plans including the Delivery Program, Operational Plan and Resourcing Strategy.

While the CSP is the community's document, Council has a custodial role in engaging, preparing, and refining the plan on behalf of its community. As per the IP&R Framework, a review of the existing or development of a new CSP is required to be undertaken in line with the NSW Local Government election cycle. For NSW councils, the next Local Government election is September 2024, which means that part of the newly elected body's role will be to review, exhibit and adopt a CSP. The existing CSP may still be deemed appropriate or a revised or new CSP can be developed. Whichever the case, for the upcoming term of Council (2024 to 2028), this means the CSP is required to be adopted by 30 June 2025.

The Local Strategic Planning Statement (LSPS) is a 20-year plan that guides the strategic and statutory land use planning of the local government area.

The LSPS is legislated through the *Environmental Planning and Assessment Act 1979* and guided by the LSPS Guideline for Councils. It is required to be reviewed at least every seven years but should be revised on a needs basis to ensure it remains responsive, relevant, and local.

Current Status

The inaugural Community Strategic Plan, One – Central Coast, was endorsed by Council in June 2018. Since its adoption, the Central Coast community has faced major issues such as the COVID-19 pandemic, the financial crisis, rising cost of living, and natural disasters such as bushfires, floods, and coastal erosion.

Since the adoption of the LSPS in 2020, several relevant planning strategies for the Central Coast have been prepared or are in development, including the Central Coast Regional Plan 2041, Central Coast Local Housing Strategy and Central Coast Employment Lands Strategy. It is deemed necessary that a review is undertaken.

To understand what changes may be required to the CSP and LSPS, engagement with the community is necessary. Given the similar objectives to identify community priorities and aspirations across all matters lived by the community, it was considered that the engagement of the CSP and LSPS be amalgamated for the benefit of reducing engagement fatigue, duplication of questions and increasing community engagement and responses.

A comprehensive report on the process undertaken, results and findings of the engagement work conducted over the last 12 months is presented in (Attachment 1) Community Strategic Plan Engagement Report 2024 and will be published on Council's website and available for community view.

Financial Considerations

There are no financial implications associated with this report.

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

The report will serve as an important means to inform the incoming elected body of the community's values, perceptions, and desires, which will in turn help to guide the elected body in the CSP and LSPS review and determine their priorities over the term.

Critical Dates or Timeframes

While the report presented in (Attachment 1) will inform the review of both the CSP and LSPS, the immediate focus is on the CSP due to the legislative timeframes.

Attachments

1	Community Strategic Plan Engagement  Report 2024	Provided Under Separate Cover	D16292406
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Item No: 2.16
Title: Code of Conduct Review Panel - Appointment of Members
Department: Corporate Services

23 July 2024 Ordinary Council Meeting

Reference: F2024/00015 - D16289452
Author: Jade Maskiewicz, Disclosures and Investigations Coordinator
Manager: Teresa Chadwick, Unit Manager Governance Risk and Legal
Executive: Marissa Racomelara, Director Corporate Services

Recommendation

That Council appoint the following five applicants, endorsed by the Chief Executive Officer, to Council's Code of Conduct Review Panel:

- a) Mr Andrew Patterson;***
- b) Centium Pty Ltd;***
- c) Mr David Gillett, Lodestone Investigations;***
- d) Ms Kath Roach, SINC Solutions; and***
- e) Riskwise Consulting.***

Report purpose

To appoint members to Council's Code of Conduct Review Panel.

Executive Summary

Council has undertaken an Expression of Interest (EOI) process for suitable members to be appointed to its Code of Conduct Review Panel in accordance with the Procedures for the Administration of the Code of Conduct.

Background

Part 3, of Central Coast Council's Procedures for the Administration of the Code of Conduct "the Procedures", states that Council is required to establish, by resolution, a panel of Conduct Reviewers following an EOI process.

- 3.1 The council must establish a panel of conduct reviewers.***
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.***

- 3.4 *An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.*

An EOI for suitable Conduct Reviewers was advertised in the Coast Community News, the Sydney Morning Herald, LinkedIn, and on Council's webpage, for a period of two weeks, from Thursday 13 June 2024.

To be eligible to be a member of the panel a provider must, at a minimum, meet the criteria of clauses 3.5 and 3.6 of the Procedures:

- 3.5 *To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:*
- a) an understanding of local government, and*
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the Public Interest Disclosures Act 2022, and*
 - c) knowledge and experience of one or more of the following:*
 - i) investigations, or*
 - ii) law, or*
 - iii) public administration, or*
 - iv) public sector ethics, or*
 - v) alternative dispute resolution, and*
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.*
- 3.6 *A person is not eligible to be a conduct reviewer if they are:*
- a) a councillor, or*
 - b) a nominee for election as a councillor, or*
 - c) an administrator, or*
 - d) an employee of a council, or*
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or*
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or*
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.*

2.16 Code of Conduct Review Panel - Appointment of Members (cont'd)

The term of appointment to Central Coast Council's Code of Conduct Review Panel is four years from the date of appointment, pursuant to clause 3.9 of the Procedures, which states:

3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.

Selection Panel and Appointment

A selection panel, comprising of the Unit Manager of Governance Risk and Legal, and the Disclosures and Investigations Coordinator, reviewed a total of six submissions received following the closing of the expression of interest process on 28 June 2024.

The selection panel reviewed each application and agreed that the following applicants have merit in respect of the selection criteria outlined in clause 3.5, have not breached any components of clause 3.6, and would not have a conflict of interest:

1. Mr Andrew Patterson,
2. Centium Pty Ltd,
3. Mr David Gillett, Lodestone Investigations,
4. Ms Kath Roach, SINC Solutions,
5. Riskwise Consulting.

The selection panel did not endorse one of the six applications as the submission was incomplete and did not address the selection criteria detailed in part 3 of the Procedures.

The Chief Executive Officer has reviewed and endorsed the applicants recommended by the selection panel.

Financial Considerations

Ongoing funding will be required to pay for the services of Conduct Reviewers when engaged to conduct preliminary inquiries and/or investigations, specifically relating to Code of Conduct matters about Councillors and staff. This will be funded within existing budgets.

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.

Options

1. Council appoints the recommended applicants to Council's Code of Conduct Review Panel for a period of 4 years. **(This is the recommended option).**
2. Council does not appoint the recommended applicants to Council's Code of Conduct Review Panel and undertakes a further expression of interest process. (This is not recommended).

Attachments

Nil.



Item No: 2.17
Title: Audit, Risk and Improvement Committee -
Appointment of Independent Member
Department: Corporate Services

23 July 2024 Ordinary Council Meeting

Reference: F2021/00030 - D16292679
Author: Edward Hock, Unit Manager Enterprise Risk Project
Executive: Marissa Racomelara, Director Corporate Services

Recommendation

That Council:

- 1 Appoints Michelle Lawson as an Independent External Member of the Central Coast Council Audit, Risk and Improvement Committee for an initial period of three years.***
- 2 Writes to each of the unsuccessful applicants to the Audit, Risk and Improvement Committee Independent External Member role and advise them of the outcome, thanking them for their interest in the role.***
- 3 Resolves, pursuant to section 11(3) of the Local Government Act 1993, that the Attachments to this report remain confidential in accordance with section 10A(2)(a) of the Local Government Act as they contain personnel matters concerning particular individuals (other than Councillors).***

Report purpose

To recommend the appointment of a new Independent External Member to the Audit, Risk and Improvement Committee (ARIC).

Executive Summary

The appointment of one of three Independent External Members became invalid upon the commencement on 1 July 2024 of the Office of Local Government's Guidelines for Risk Management and Internal Audit, resulting in a vacancy on ARIC. An expression of interest campaign was undertaken, and it is now recommended that Council appoint Michelle Lawson to ARIC for an initial period of three years. Ms Lawson was the preferred candidate following a competitive recruitment process.

Background

Appointment of Independent Member

The Office of Local Government has released Guidelines for Risk Management and Internal Audit ('the Guidelines'), which became binding and enforceable on local councils on 1 July 2024. The Guidelines provide that councillors from one local government are not eligible to serve as independent members on the ARIC of another council. As Peter McLean is a serving councillor on Camden Council, he became ineligible to serve on the Central Coast Council ARIC on 1 July 2024.

There were 17 expressions of interest in the role. The selection panel, consisting of the ARIC Chair, Council's CEO, and the Director Corporate Services, shortlisted 3 candidates and interviews were conducted. The selection panel has made a recommendation to Council as to a preferred applicant from the shortlist, as provided in (Confidential Attachment 1).

As a result, it is now recommended that Ms Lawson be appointed to the ARIC as an independent member for an initial period of three years.

Ms Lawson has significant relevant experience including Chair and Director positions in both private and not-for-profit entities, and former executive and executive director roles in large commercial operations. Ms Lawson also has experience in local government, serving on ARICs, and has qualifications from the Governance Institute of Australia and the Australian Institute of Company Directors. Accordingly, Ms Lawson is eminently qualified for service on Central Coast Council's ARIC, and it is anticipated she will provide significant value to the incoming elected Council based on her skills, experience, and qualifications. Full details of Ms Lawson's experience can be found in her CV, which is included as (Confidential Attachment 2).

It is recommended that Ms Lawson be appointed for an initial period of three years. Clause 15 of the [ARIC Charter](#) states:

15. *The three Independent External Members will be appointed, by resolution of the Council for up to an initial period no less than three years and not exceeding five years, after which they will be eligible for extension or re-appointment following a formal review of their performance by Council (noting that the total term on the Committee will not exceed eight years).*

Financial Considerations

The recommendations contained in this report will not impose any additional spending by Council in the current or next financial year over and above what is already planned. Independent External Members will be paid as follows:

The standard fee that will be paid for attendance is:

2.17 Audit, Risk and Improvement Committee - Appointment of Independent Member (cont'd)

- \$20,920 (ex GST) per annum for the Chairperson; and
- \$2,092 (ex GST) per meeting for other Independent Members.

Fees are inclusive of travel, preparation and all other costs associated with attending the meetings.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G3: Provide leadership that is transparent and accountable, makes decisions in the best interest of the community, ensures Council is financially sustainable and adheres to a strong audit process.

Risk Management

The recommended appointment of Ms Lawson continues to manage Council's risks by leveraging independent expertise in oversight and advisory roles for the benefit of the Administrator and will continue to do so upon the appointment of the incoming elected representatives.

The purpose of ARIC is to provide Council with advice and recommendations for the management of risk, the appropriateness of the audit focus and workplan, and opportunities for improvements across these management areas, and service delivery. The appointment of Ms Lawson would satisfy these objectives.

Options

1. Appoint Ms Michelle Lawson as an independent member of ARIC for an initial term of 3 years. **(This is the recommended option).**
2. Reject Ms Lawson's application and reopen the expression of interest campaign. (This is not recommended).

Critical Dates or Timeframes

The next meeting of ARIC is scheduled for 22 August 2024. It is important for the appointment of a third independent member to be concluded prior to that meeting.

**2.17 Audit, Risk and Improvement Committee - Appointment of
Independent Member (cont'd)**

Attachments

- 1** Confidential - ARIC Interview Panel Provided Under Separate D16292682
 Assessment Summary - Cover
- 2** Confidential - Michelle Lawson Board CV April Provided Under Separate D16292701
 2024 - Cover



Item No: 2.18
Title: Central Coast Local Planning Panel - Appointment of New Panel Members
Department: Environment and Planning

23 July 2024 Ordinary Council Meeting

Reference: F2020/02502 - D16215519
Author: Andrew Roach, Unit Manager. Development Assessment
Executive: Shannon Turkington, Director Environment and Planning (Acting)

Recommendation

That Council:

- 1 Notes the background information in relation to Local Planning Panels generally, and the correspondence from the Minister of Planning & Public Spaces in Attachment 2 in relation to the nomination of Chair and alternate Chairs for the Central Coast Local Planning Panel.***

- 2 Resolves, in accordance with Section 2.18(1) of the Environmental Planning and Assessment Act 1979 the appointment of Chair, Deputy Chairs, Professional Panel Members and Community Panel Members to the Central Coast Local Planning Panel, as set out in Attachment 1 to this report, and that, in accordance with Schedule 2, Clause 11(1) of the Environmental Planning & Assessment Regulation 2021, that such appointments be for a period expiring on 30 June 2027.***

Report Purpose

To appoint members to the Central Coast Local Planning Panel in accordance with the requirements of the *Environmental Planning & Assessment Act 1979*.

Executive Summary

Central Coast Council must, by virtue of Section 2.17 of the *Environmental Planning and Assessment Act 1979*, have a functioning Local Planning Panel to determine a range of development applications and provide advice on strategic matters, such as Planning Proposals. The term of the previous Panel expired on 30 June 2024.

This report recommends the appointment of a revised Panel membership (as set out in Attachment 1) in accordance with Section 2.18(1) of the *Environmental Planning and Assessment Act 1979*, for a period expiring on 30 June 2027.

(Note that limits on sitting terms for Panel membership set out in Schedule 2 of the *Environmental Planning & Assessment Regulation 2021* prevents the reappointment of some existing Panel members).

Background

The Central Coast Local Planning Panel was constituted by resolution at the Ordinary Meeting of Central Coast Council on 11 May 2020 and, at that time, the inaugural Panel members were appointed. The membership of the Panel has been amended by the resolution of Council on several occasions, in response to changing Regulatory arrangements, and revised Ministerial Directions. Most recently, at the Ordinary Meeting of Council on 27 February 2024, it was resolved to extend membership arrangements to a period expiring on 30 June 2024, in accordance with revised Ministerial Directions, dated 22 January 2024.

On 3 June 2024, correspondence was received from the Office of the Minister for Planning and Public Spaces (see Attachment 2) advising that the new chair and deputy chair for the Central Coast Local Planning Panel had been nominated by the Minister, and that correspondence also sets out the broad arrangements for the appointment of new Local Planning Panel membership. Details of the selection and appointment process are included later in this report, with recommended Panel membership included as (Attachment 1).

The Ministerial correspondence requires the appointment of Local Planning Panel membership to a term expiring on 30 June 2027, which is consistent with the requirements of Schedule 2, Clause 11(1) of the Environmental Planning & Assessment Regulations 2021.

The Role & Membership of the Local Planning Panel

Local Planning Panels determine a range of development applications and provide advice on strategic matters, such as Planning Proposals. Ministerial Directions (updated from time to time) set out which matters are referred to the Panel.

A pool of members is appointed, and, at each meeting, the Panel is comprised of four members from the pool, being:

- The Chair,
- Two professional Panel members with expertise in urban design, urban planning, or other related field,
- One community representative.

Selection of Panel Members

The appointment of members to the Local Planning Panel is to be undertaken in accordance with the provisions of the *Environmental Planning & Assessment Act 1979* (and associated Regulations), with guidance from the 'Panel Member Selection Guide for Council's' document (published by the NSW Department of Planning Housing & Infrastructure, dated May 2021).

2.18 Central Coast Local Planning Panel - Appointment of New Panel Members (cont'd)

A summary of the appointment process is as follows:

The Chair (and Alternates)

- The Chair, and alternate Chairs, are directly nominated by the Minister for Planning & Public Spaces. Correspondence from the Minister (received 3 June 2024) provides information on the Chair/alternates approved by the Minister. The Minister's nominated Chair is the Hon Terence (Terry) Sheahan AO. The nominated alternate chairs are Jason Perica and Heather Warton.

Professional/Expert Panel Members

- Not less than 15 professionals with expertise in urban design, urban planning or other related field are to be selected by Council from a pool of candidates provided by the Department of Planning Housing & Infrastructure.
- The Department has provided the 'approved list' of approximately 200 professionals who have registered interest in being part of the Local Planning Panel process across NSW.
- Although the Departments Guidance for Councils on Appointing Panel Members does not provide any specific guidance on selection criteria for expert panel members, the extensive list was evaluated for breadth of skills, knowledge of the local government area, experience in local government planning, experience in statutory planning and the like.
- The Department of Planning, Housing and Infrastructure has undertaken appropriate background and probity checks for professional/expert panel members, including criminal, financial and academic checks.

Community Representative/s

- Community panel members are selected in accordance with the Departments 'Panel Member Selection Guide for Council's' and includes an Expression of Interest advertising process (not less than 28 days) and an evaluation against criteria set out within the Guideline.
- The formal Expressions of Interest process was advertised for a period of 28 days concluding on 18 June 2024. 28 Expressions of Interest were received.
- The Departments Guidance for Councils on Appointing Panel Members provides a range of criteria for the assessment of community panel members, including being current residents of the local government area, having an understanding of issues of concern to the local community, basic understanding or planning policy (local environmental plan, development control plan, and the like), committed to the operational procedures of the Local Planning Panel and capacity to attend meetings.
- The Expressions of Interest were shortlisted using Councils SCOUT recruitment system, with each applicant scored against the criteria within the Departments Guidance.
- Appropriate background checks are currently underway in accordance with the 'Panel Member Selection Guide for Council's' and Ministerial Directions, including a check

2.18 Central Coast Local Planning Panel - Appointment of New Panel Members (cont'd)

against the public register of real estate agents, bankruptcy records check and national police check. Any applicant who fails any of these tests will be automatically struck from the Panel.

The recommended Panel membership is provided in (Attachment 1).

Term of Appointment of Local Planning Panel Members

In accordance with Schedule 2 Clause 11(1) and (6) of the *Environmental Planning & Assessment Act, 1979*, panel members are to be appointed for a single term of not greater than 3 years and may hold office for a total period of not greater than 6 years.

The Ministerial correspondence, received on 3 June 2024, requires the appointment of Local Planning Panel membership to a term expiring on 30 June 2027, which is consistent with the requirements of Schedule 2, Clause 11(1) of the *Environmental Planning & Assessment Regulations 2021*.

Given that the initial constitution of the Central Coast Local Planning Panel and appointment of the inaugural members was made on 11 May 2020, there are a number of current Panel members who are not entitled to be re-appointed to the Panel, given the period served on the Panel for a 3-year appointment will exceed the total permitted 6 years.

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 provisions of the *Environmental Planning and Assessment Act 1979* are clear that Council must make all the necessary arrangements for the operation of the Local Planning Panel. For this reason, provision is already made in Council's budget for costs associated with operation of the Local Planning Panel, and the decisions recommended in this report will have no additional cost implications.

Link to Community Strategic Plan

Theme 4: Responsible

Goal I: Balanced and sustainable development

2.18 Central Coast Local Planning Panel - Appointment of New Panel Members (cont'd)

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

Central Coast Council must, by virtue of Section 2.17 of the *Environmental Planning and Assessment Act, 1979* have a functioning Local Planning Panel to determine a range of development applications and provide advice on Planning Proposals. Failure to select and appoint a Panel membership may result in Council failing to meet its legislative obligations.

Options

1. That Council resolve to appoint Panel membership as set out in (Attachment 1). **This is the recommended option** to support continuity for Panel operations and ensure that Council meets its obligations under Section 2.17 of the *Environmental Planning and Assessment Act 1979* to have a functioning Local Planning Panel.
2. Resolve not to appoint a Panel membership. This action is not recommended as it does not provide continuity for operation of the Panel.
3. Do nothing. This action is not recommended as it does not provide continuity for the operation of the Panel and may result in Council failing to meet its statutory obligations to ensure a functioning Panel as required under Section 2.17 of the *Environmental Planning and Assessment Act 1979*.

Critical Dates or Timeframes

Appropriate decision making will need to be made to ensure Panel members are in place as soon as possible, given that the previous Panel membership has already expired (on 20 June 2024).

The nomination of the Chair/alternate Chairs, and the revised expert/professional list for selection (received on 2 June 2024), as well as the required timeframe for a 28-day Expression of Interest process for community panel members has precluded the appointment of a revised Panel at an earlier date.

Attachments

1	Attachment 1 - Proposed LPP Membership July 2024	Provided Under Separate Cover	D16308527
2	Attachment 2 - Letter from Minister - Propose LPP Membership - July 2024	Provided Under Separate Cover	D16298237



Item No: 2.19
Title: Community Support Grant Program - May 2024
Department: Community and Recreation Services

23 July 2024 Ordinary Council Meeting

Reference: F2017/02117-002 - D16270829
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 \$21,161.70 (inclusive of GST where applicable) from the 2024/25 grants budget to the Community Support Grant program for the month of May as outlined below and in Attachment 1.***
 - a) Sparkd CC Incorporated- Makerspace Rent Subsidy - \$5,000.00***
 - b) Wallarah Point Physical Culture Club - Interclub Sporting Event - \$4,650.00***
 - c) Halekulani Community Library Incorporated - Rental Subsidy -\$690.00***
 - d) Toukley Neighbourhood Centre Incorporated – Community ‘Yadhu’ Garden \$2,039.08***
 - e) North Avoca Surf Life Saving Club Incorporated - Plumbing compliance & maintenance to NASLSC - \$2,745.60***
 - f) Lions Club of Toukley Incorporated - Purchase Gazebo - \$1,554.00***
 - g) Tuggerah Lakes Art Society Incorporated - Our Natural World the Sea Expo - \$2,853.95***
 - h) The Scout Association of Australia New South Wales (1st Tumbi Scout Group) - Campsite First Aid Enhancement - \$314.07***
 - i) Killcare Surf Life Saving Incorporated - Enhancing Community Connection through upgraded noticeboards - \$1,315.00***
- 2 *Declines the following applications, for the reasons indicated in Attachment 1:***
 - a) Mingaletta Aboriginal Torres Strait Islander Corporation - Walking Together – insufficient information to make an accurate assessment.***
 - b) Wyong District Cricket Club Incorporated - Kick Start Blasters – application is ineligible.***
- 3 *Advises the unsuccessful applicants in point 2 (above) and direct them to alternate funding sources if relevant.***

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	Adopted budget	2024-25 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	\$300,000	\$300,000.00	\$21,161.70	\$21,161.70
TOTAL			\$300,000.00	\$21,161.70	\$21,161.70

Current Status

Applications submitted from 1 – 31 May 2024 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 eleven applications were received and assessed by 17 June 2024, with nine applications recommended for funding in this Council report. Two applications are not recommended for funding.

Of the two applications not recommended for funding, one is ineligible, and one does not provide sufficient information to make an accurate assessment. All 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.

Stakeholder Engagement

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 three grant writing workshops with thirty-seven (37) attendees and four grant information sessions with sixty-six (66) attendees.

Additionally, Council staff also undertook two drop-in support sessions with twelve 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 2024-25 Council Operational Expenditure original budget allocates \$300,000 to the Community Support Grant Program.

Expenditure is approved until the end of the 2024-25 financial year. Unspent funds will lapse on 30 June 2025.

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. (This is 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	Attachment 1 CSP May 2023 Recommended and Not Recommended	Provided Under Separate Cover	D16270848
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Item No: 2.20
Title: Request to Change the October 2024 Council Meeting date
Department: Corporate Services

23 July 2024 Ordinary Council Meeting

Reference: F2024/00015 - D16296452
Author: Briony Stiles, Team Leader Civic Support
Manager: Teresa Chadwick, Unit Manager Governance Risk and Legal
Executive: Marissa Racomelara, Director Corporate Services

Recommendation

That Council adopts the proposed revised October 2024 Ordinary Council meeting date from 22 October 2024 to 29 October 2024.

Report purpose

To seek approval to adopt a revised meeting date for the Ordinary Council Meeting in October 2024.

Executive Summary

A comprehensive induction will be provided to Councillors to set them up for success including Council meeting protocols and conduct. To enable this to occur it is proposed to move the first Ordinary Council meeting of the new Council term from 22 October 2024 to 29 October 2024.

Report

At its Ordinary Meeting of 31 October 2023, Council resolved:

182/23 That Council adopts the proposed Ordinary Council Meeting dates for 2024.

Council has been informed that the declaration of polls post the 2024 local government elections is anticipated to occur by 2 October 2023. Should the declaration occur on or around this date, Council aims to hold an extraordinary meeting on 8 October 2024 to swear in the newly elected Councillors.

The proposal to modify the Ordinary meeting date is to allow Councillors sufficient time to undertake necessary inductions, professional development, and briefings to perform their civic duties.

The proposal is to move the October Ordinary Council meeting from the fourth Tuesday in October (22 October 2024) to the fifth Tuesday in October (29 October 2024).

Financial Considerations

This report has no financial implications as the proposed change to this Council meeting, and related activities, is cost neutral.

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.

Options

1. Council could resolve to adopt the revised October 2024 Ordinary Council Meeting date from 22 October 2024 to 29 October 2024. **(This is the recommended option).**
2. Council could resolve to not adopt any amendments to the Ordinary Council Meeting schedule. (This is not recommended).

Attachments

Nil



Item No: 2.21
Title: Status Update on Active Council Resolutions
Department: Corporate Services

23 July 2024 Ordinary Council Meeting

Reference: F2024/00015 - D16301016
Author: Briony Stiles, Team Leader - Civic Support
Manager: Teresa Chadwick, Unit Manager Governance Risk and Legal
Executive: Marissa Racomelara, Director Corporate Services

Recommendation

That Council receives and notes the Status Update on Active Council Resolutions report (Attachment 1).

Report purpose

To provide Council and the community with a status update on all active and ongoing actions arising from resolutions made at Council meetings.

Executive Summary

The quarterly Status Update on Active Council Resolutions Report (Attachment 1) is presented to Council for noting. Council staff proactively track Council resolutions and the completion of these actions. Council is committed to keeping the community informed on the status and progress of all active Council resolutions.

Background

It is a requirement under the *Local Government Act 1993* that lawful decisions of Council are implemented without undue delay. It is prudent to track the status of Council resolutions to ensure that what Council has resolved to do is subsequently carried out in a timely manner by the CEO. Therefore, reporting of all active Council resolutions is provided to Council quarterly.

Report

(Attachment 1) outlines all active resolutions as of 16 July 2024 and provides commentary on the status of the active resolution actions and their target completion dates.

2.21 Status Update on Active Council Resolutions (cont'd)

There are currently a total of 20 active Council resolutions (a decrease from 29 active resolutions last quarter, presented to Council on 23 April 2024). Some of these are long-term actions and regular status updates are provided in the commentary.

The timing of this report is to coincide with the quarters of the financial year. The next quarterly status update on active resolutions report will outline the actions which have been completed since this report and provide a status update on those which are still in progress, as well as any new resolutions that have been adopted since the last report. This information is outlined below.

Actions completed since the last Status Update on Active Council Resolutions report.

Fifty-eight (58) actions have been completed since the last Status Update on Active Council Resolutions report to Council in April 2024.

New active Council resolutions since last report to Council (April 2024)

There are six (6) new active Council resolutions since the last report to Council.

Remaining active actions

Remaining active Council resolutions and commentary against reasons for the actions outstanding are listed in (Attachment 1) of this report. Outstanding actions are noted in bold text for ease of reference.

Stakeholder Engagement

The status of the actions arising from the Council resolutions has been updated to reflect the progress in implementation of the actions by the relevant business area of Council. Council's Executive Leadership Team has ongoing oversight of the progress in implementing Council resolutions to ensure timely and effective completion.

Financial Considerations

This report has no financial impact on Council's adopted budget.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

2.21 Status Update on Active Council Resolutions (cont'd)

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

By proactively tracking and reporting on the status of Council resolutions and their actions, Council is actively keeping both Council and the community updated on their progress. This transparency with the governing body and the community can reduce the risk of not meeting the community's expectations or not delivering on Council resolutions in a timely manner.

Options

Not applicable.

Critical Dates or Timeframes

See (Attachment 1) for specific deadlines of each action. The next quarterly report will be presented to the October 2024 Ordinary Council Meeting.

Attachments

- 1  Outstanding Actions as at 16.7.24 Provided Under Separate Cover D16301026