



Central Coast Council
Business Paper
Ordinary Council Meeting
11 May 2021





COMMUNITY STRATEGIC PLAN 2018-2028

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

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

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

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

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

RESPONSIBLE

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

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



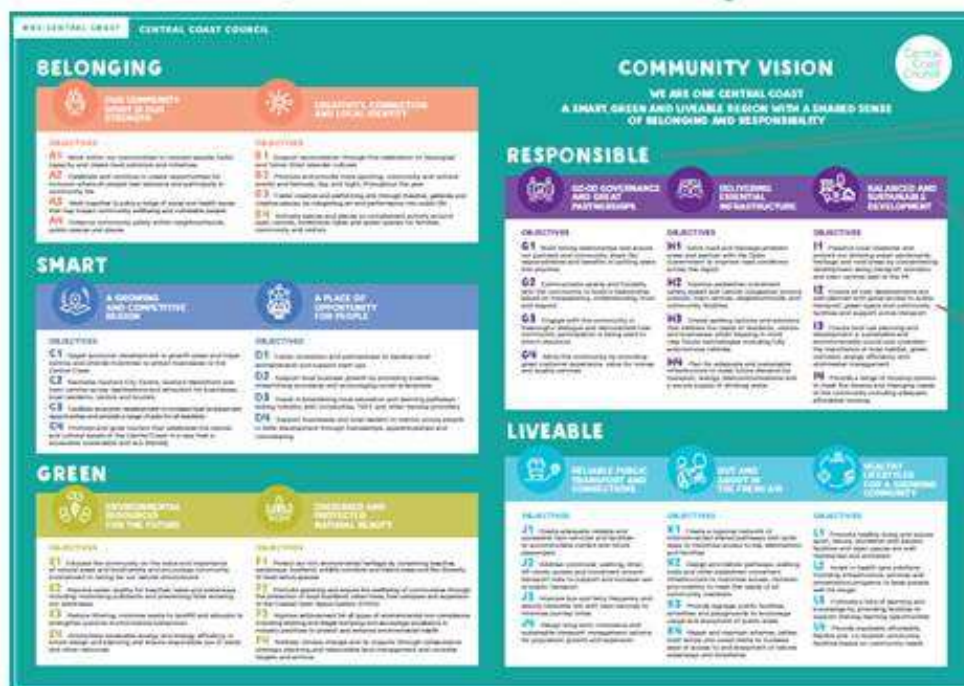
Good governance and great partnerships

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

There are 5 themes, 12 focus areas and 48 objectives



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



Theme

Focus Area

Objective

Meeting Notice

**The Ordinary Council Meeting
of Central Coast Council
will be held in the Council Chamber,
2 Hely Street, Wyong on
Tuesday 11 May 2021 at 6.30 pm,
for the transaction of the business listed below:**

1 Procedural Items

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David Farmer
Chief Executive Officer

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

11 May 2021 Ordinary Council Meeting

Trim Reference: F2021/00035 - D14565793



Recommendation

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

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 conflicts of interests might be managed.

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

11 May 2021 Ordinary Council Meeting

Trim Reference: F2021/00035 - D14538675



Recommendation

That Council confirm the minutes of the Ordinary Meeting of Council held on the 27 April 2021.

Summary

Confirmation of minutes of the Ordinary Meeting of Council held on 27 April 2021.

Attachments

1  Minutes - Ordinary Meeting - 27 April 2021 [Click here for Attachment](#) D14601934

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

11 May 2021 Ordinary Council Meeting

Trim Reference: F2021/00035 - D14565796



Recommendation

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

Summary

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

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

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: Presentation of Financial Reports and related Auditor's Reports for Central Coast Council and Central Coast Council Water Supply Authority for the period 1 July 2019 to 30 June 2020
Department: Corporate Affairs



11 May 2021 Ordinary Council Meeting

Reference: F2020/00030 - D14602519
Author: Peter Correy, Unit Manager, Finance
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

Due notice is given of this matter in accordance with Council's Code of Meeting Practice. The report and any relevant attachments will be provided prior to the Ordinary Meeting of 11 May 2021. The reason for providing this report as a late item is so that it can reflect as far as practicable the current situation with regard to Council's actions and response.

Item No: 2.2
Title: Public Notice for s.33 Reclassification - Parraweena Road, Gwandalan
Department: Environment and Planning



11 May 2021 Ordinary Council Meeting

Reference: RZ/1/2021 - D14544676
Author: Rianan Rush, Senior Strategic Planner
Breanne Bryant, Acting Section Manager, Urban Planning and Development
Manager: Karen Tucker, Acting Unit Manager Strategic Planning
Executive: Scott Cox, Director Environment and Planning

Recommendation

- 1** *That Council note the intent to reclassify Lot 1 DP 1043151 from operational land to community land.*
- 2** *That Council authorise the Chief Executive Officer to issue a public notice for a period of 28 days for the proposed reclassification of Lot 1 DP 1043151 from operational land to community land in accordance with s.33 and s.34 of the Local Government Act 1993;*
- 3** *That Council consider a further report on the outcomes of the public notice and any submissions received.*

Report purpose

To seek endorsement for the issuing of a public notice to reclassify Lot 1 DP 1043151 from operational land to community land under s.33 and s.34 of the Local Government Act 1993 (LG Act).

Executive Summary

Council at its meeting of 14 December 2020 resolved to commence the reclassification of Lot 1 DP 1043151, 50W Parraweena Road, Gwandalan. The land is currently classified as operational land and is required to be reclassified to rectify an anomaly. This reclassification will occur in two stages. At Stage one, Council is seeking to reclassify from operational to community land under s.33 of the LG Act which requires that a public notice be issued and must include the terms of the proposed resolution (current proposal). Stage two will require the preparation of a planning proposal to reclassify the land back to operational land. This will involve further public consultation and a public hearing and will occur following the completion of Stage one.

The reclassification forms part of the proposal for a new centre at Gwandalan, which was considered at the Ordinary Meeting of Council on 14 December 2020. The Gwandalan Centre proposal rezoned the land to enable a mix of commercial and residential development on the site; part Lot 1 DP 1043151 was included in the planning proposal and was rezoned from IN2 Light Industrial to B2 Local Centre. The proposal for Gwandalan centre was notified on 23 December 2020.

The reclassification will enable the potential sale and incorporation of the site into the approved Gwandalan Centre proposal as previously intended.

Background

Lot 1 DP 1043151 is owned by Central Coast Council. Lot 1 was dedicated to Council in 1987 for the purpose of a road landscape buffer and is likely to be subject to a public trust for this purpose. Lot 1 was reclassified, in 2013, to operational land under Schedule 4 Part 1 of Wyong LEP 2013, instead of Schedule 4 Part 2 which resulted in the public trust not being discharged as intended. In order to rectify this, Council is required to reclassify the land to community and then back to operational again discharging any trust at this time.

The reclassification was to initially form part of the Gwandalan Centre Planning Proposal, however, the Department of Planning, Industry and Environment (DPIE) directed Council to determine the Gwandalan Centre Proposal by 31 December 2020. Due to the steps and time required for reclassification under LEP Practice Note PN 16-001 '*Classification and reclassification of public land through a local environmental plan*' 2016 Council was unable to include the reclassification in the Gwandalan Centre Proposal and is now undertaking this through a separate process.

At its Ordinary Meeting held on 14 December 2020, Council resolved:

- 1308/20 *That Council endorse the Planning Proposal as exhibited to rezone part Lot 1 DP 1043151 and Lot 20 DP 1089946 Parraweena Road, Gwandalan to R2 Low Density Residential, R1 General Residential and B2 Local Centre under Wyong Local Environmental Plan 2013 or the Central Coast Local Environmental Plan (whichever is in effect) and forward to DPIE to make the plan.*
- 1309/20 *That Council note the removal of Council's plan making delegation for this proposal.*
- 1310/20 *That all those who made a submission be notified of the decision.*
- 1311/20 *That Council adopt the site-specific Development Control Plan Chapter – Gwandalan Centre as Chapter 6.31 within Wyong Development Control Plan 2013, and as Chapter 5.56 within the Central Coast Development Control*

2.2 Public Notice for s.33 Reclassification - Parraweena Road, Gwandalan (contd)

Plan (when it comes into effect), which shall come into effect upon notification of the plan.

1312/20 That Council commence the reclassification of part Lot 1 DP 1043151.

Following notification of the Gwandalan Centre Proposal on 23 December 2020, Council commenced the process to reclassify the land in accordance with Resolution 1312/20 above. The rezoning of Gwandalan Centre, including the subject land, further reinforced that this land is no longer required for the purpose of a road buffer.

It is noted that the resolution of Council on 26 August 2015 to prepare a planning proposal to rezone the land also resolved to commence negotiations for the potential sale of part Lot 1 DP 1043151 to the owner of Lot 20 DP 1089946, noting that any resolution to sell that land will require a specific resolution of the Council (resolution 788/15). Should Council seek to sell part of Lot 1 for incorporation into the Gwandalan Centre, the public trust must be removed via a land reclassification process.

Current Status

The subject land is classified as operational land under WLEP 2013, however as it was classified under the incorrect Schedule Council is required to undertake the reclassification process again to ensure that the operational land is free of any trust.

This report commences the reclassification of Lot 1 DP 1043151 in accordance with Council resolution 1312/20 which was resolved at the Ordinary Meeting of Council on 14 December 2020.

Report

Lot 1 DP 1043050, 50W Parraweena Road, Gwandalan, is located on the north-eastern corner of the intersection of Kanangra Drive and Summerland Road, Gwandalan. The site is approximately 1 km from the existing Gwandalan neighbourhood centre and approximately 2km from the Summerland Point neighbourhood centre. The land is vacant and there are currently no lease agreements associated with the site.



Consultation

A public notice for the proposed reclassification will be issued for a total of 28 days in accordance with the requirements of the *Local Government Act 1993*. Submissions will be considered, and a report will be prepared for inclusion in Council's business paper. The public notice must include the terms of the proposed resolution and a description of the public land concerned.

Council will undertake further consultation including a public hearing as part of Stage 2 when the land is proposed to be classified back to operational land.

Financial Considerations

At its meeting held on 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.*

There is no financial impact associated with the public notice or reclassification. This will allow for a further reclassification back to operational land which would allow the potential sale of this land should Council see fit.

Link to Community Strategic Plan

Theme 2: Smart

Goal C: A growing and competitive region

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

Risk Management

Compliance with the provisions of the *Local Government Act 1993* and Practice Note PN 16-001 '*Classification and reclassification of public land through a local environmental plan*' 2016 will help to minimise any risk in reclassifying the land.

Options

- 1 Do not proceed with the proposed reclassification of the site
(Not Recommended).

There is a previous resolution of Council to reclassify the site. It was originally intended to include the reclassification as part of the Planning Proposal for Gwandalan Centre, however, timeframes set by DPIE for the completion of the Planning Proposal meant this was no longer possible. The development of the new Gwandalan centre and any future expansion relies on being able to sell part of Lot 1 DP 1043050 for access to the new centre. If the land is not reclassified this cannot proceed.

- 2 Proceed with the reclassification under s.33 and s.34 of the LG Act
This is the Recommended option.

This approach expedites the reclassification by enabling reclassification to Community Land via Council resolution following the issue of a public notice (subject to consideration of submissions) and will allow completion of the reclassification sooner. DPIE have recommended this approach be taken, and this is also outlined in Practice Note PN 16-001. Should Council resolve to reclassify the land under s.33 and s.34 of the LG Act following the 28 day consultation period, Council would prepare a submission to DPIE to amend WLEP 2013 under s 3.22 of the *Environmental Planning and Assessment Act 1979*; DPIE would then expedite the amendment and finalise the instrument.

- 3 Proceed with the reclassification via two separate planning proposals
(Not Recommended)

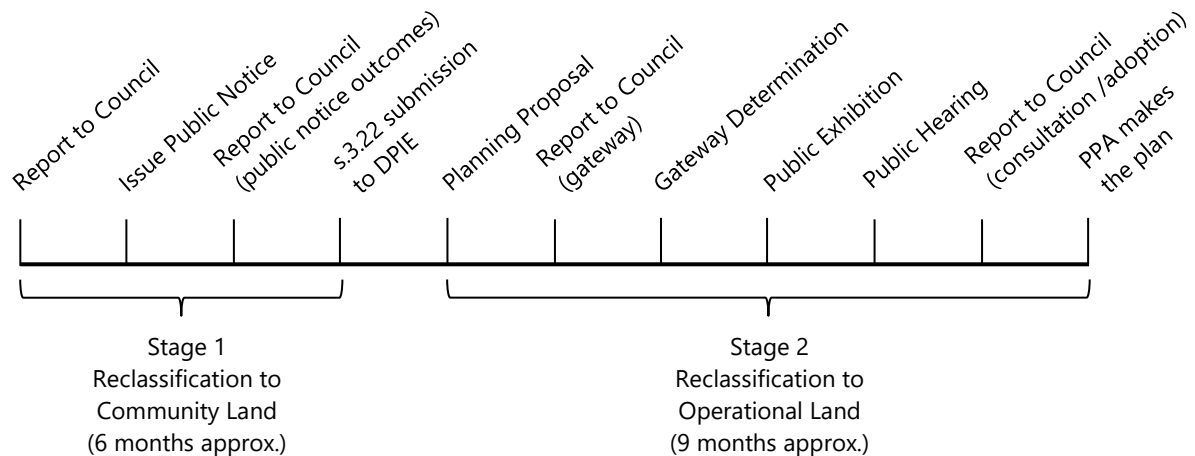
An alternative approach would be to prepare a planning proposal for reclassification from operational land to community land, and upon finalisation, prepare a second

2.2 Public Notice for s.33 Reclassification - Parraweena Road, Gwandalan (contd)

planning proposal to reclassify the land from community land to operational land. This approach is not usually undertaken by Council's due to the time delays and the additional administrative burden associated with preparing two separate planning proposals.


Critical Dates or Timeframes

The reclassification is required to be undertaken in two separate stages in accordance with LEP Practice Note PN 16-001 'Classification and reclassification of public land through a local environmental plan' 2016 as follows:



The public notice must be advertised on Council's website for a period of 28 days.

Attachments

- 1 LEP Practice Note PN 16-001 - Classification and
 Reclassification of Public Land

[Click here for
Attachment](#)

D14550015

Item No: 2.3
Title: Request to Prepare a Planning Proposal for Land at 39 Dell Road, West Gosford
Department: Environment and Planning



11 May 2021 Ordinary Council Meeting

Reference: 083.2020.00000113.001 - D14534454
Author: Dean Fisher, Senior Strategic Planner
Jenny Mewing, Principal Strategic Planner
Manager: Karen Tucker, Acting Unit Manager Strategic Planning
Executive: Scott Cox, Director Environment and Planning

Recommendation

- 1 That Council prepare a Planning Proposal to amend the Gosford Local Environmental Plan 2014 (GLEP 2014), or the Central Coast Council Local Environmental Plan (CCLEP) (if in effect), to rezone Lot 6 DP 3944, 39 Dell Road to IN1 General Industrial and E2 Environmental Conservation.**
- 2 That Council forward the Planning Proposal to the Minister requesting a Gateway Determination.**
- 3 That Council request delegation from the Minister to finalise and make the draft Local Environmental Plan.**
- 4 That Council authorise the Chief Executive Officer (or delegate) to enter into a Planning Agreement (PA), and to negotiate and execute all documentation in relation to the finalisation of the PA (if required).**
- 5 That Council prepare and exhibit a site-specific Development Control Plan Chapter (if required) to support the development of the land subject to this planning proposal.**
- 6 That Council undertake public authority and community consultation in accordance with the Gateway Determination requirements, including the concurrent exhibition of the draft Planning Agreement and draft site-specific Development Control Plan Chapter (if required).**

Report purpose

The purpose of this report is for Council to consider a request to prepare a Planning Proposal for Lot 6 DP 3944 (39 Dell Road), West Gosford to enable industrial development and environmental conservation outcomes.

Executive Summary

The request to prepare seeks Council's endorsement to prepare a Planning Proposal for Lot 6 DP 3944 (39 Dell Road), West Gosford. The request seeks to expand on the existing 1.2 hectares of IN1 General Industrial zoned land (as currently zoned under *Gosford Local Environmental Plan 2014* (GLEP 2014), with an additional 1.4 hectares and zone the remainder of the land to E2 Environmental Conservation (currently zoned Deferred Matter under Gosford Local Environmental Plan 2014, figure 1). The rezoning would amend GLEP 2014 or the Central Coast Local Environmental Plan (CCLEP), whichever is in effect at the time.

The objective of the request is to enable additional opportunities for industrial development of the land and allow for the dedication of 7.3 hectares of E2 Environmental Conservation zoned land, to Council, for inclusion in the Coastal Open Space System (COSS) reserves.

The site was subject to a previous Planning Proposal for the same purpose (lodged in 2015), however, was withdrawn by the applicant in 2020.

The current request to prepare a Planning Proposal remains unchanged from the original proposal, as Council and the applicant have invested considerable resources in the preparation, submission and review of technical studies and reports.

The Planning Proposal was considered by the Local Planning Panel (LPP) on the 22 April 2021 and was supported in principle.

Current Status

A request for the preparation of a Planning Proposal was originally supported by the former Gosford City Council (fGCC) on 8 December 2015. This proposal was withdrawn by the applicant in 2020 based on advice from the Department of Planning, Industry and Environment (DPIE) that all planning proposals unresolved after four years would be discontinued, if not finalised before 31 December 2020.

The current request was lodged with Council on 9 December 2020. Considerable work had been undertaken on the original proposal, which is considered suitable for assessment of the current request, as detailed in the attachments to this report.

The matter was reviewed by the LPP at its meeting of 22 April 2021, who gave in principle support to the proposal.

Report

The request to rezone part of the subject land to IN1 General Industrial and the remainder of the land to E2 Environmental Conservation (as per figure 2) is considered to have strategic merit, subject to the review and amending of studies (post-Gateway Determination). The

negotiation of a Planning Agreement (PA) for the conditions for the transfer of the E2 zoned lands into Council ownership will also occur post-Gateway Determination.



Figure 1: Figure 1 Existing IN1 zone shaded, balance of site zoned 7(a) Conservation (Deferred Matter)

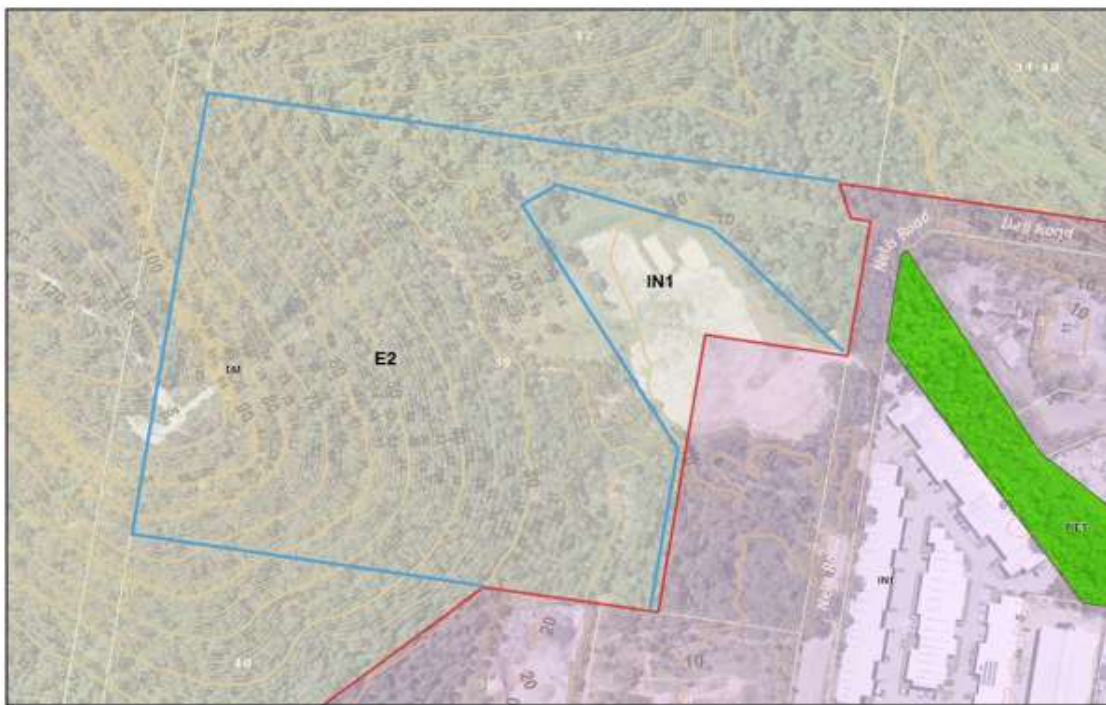


Figure 2: Proposed E2 Environmental Management zone and extension of IN1 General Industrial zone.

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

Consultation

Government agency and public consultation requirements will be detailed in the Gateway Determination and conducted in accordance with relevant guidelines issued by the DPIE.

Financial Considerations

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

1036/20 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.

Link to Community Strategic Plan

Theme 4: Responsible

Goal I: Balanced and sustainable development

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

Central Coast Interim Local Strategic Planning Statement

The Central Coast Interim Local Strategic Planning Statement (LSPS) came into effect on 21 August 2020, after adoption by Council on 29 June 2020. The LSPS aims to identify sites for industrial lands close to infrastructure and services, to promote land for employment and economic development.

The subject land is currently partly zoned IN1 General Industrial and abuts the existing industrial estate of West Gosford and has a history of past industrial uses. The extension of the IN1 zone is considered appropriate as is the rezoning of a portion of the site to E2 Environmental Conservation, for inclusion in Council's COSS reserves.

Risk Management

There have been no risks identified at this stage to Council, or the natural and built environment, associated with seeking a Gateway Determination for the proposed amendment to GLEP 2014 or the draft CCLEP.

Options

- 1 Support the Recommendation. **(This is the Recommended option).**

The proposal is considered to have strategic merit and will contribute to the supply of employment lands and contribute to the COSS reserve network.




- 2 Refuse to support the Request for a Planning Proposal (Not Recommended).

The proposal represents a logical expansion for industrial development, and suitable for the purposes considering existing land constraints.

Conclusion

The request to rezone part of the subject land to IN1 General Industrial and the remainder of the land to E2 Environmental Conservation for dedication to Council for inclusion in the COSS reserves has strategic merit, subject to confirmation by updating of existing studies (post-Gateway Determination). It is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

Attachments

- | | | | | |
|---|---|-----------------------------|---|-----------|
| 1 |  | Planning Assessment Report | Click here for Attachment | D14535498 |
| 2 |  | Strategic Assessment | Click here for Attachment | D14538891 |
| 3 |  | Local Planning Panel advice | Click here for Attachment | D14603591 |



Item No: 2.4
Title: Meeting Record of the Gosford CBD and Waterfront Advisory Committee meeting held 4 March 2021
Department: Community and Recreation Services

11 May 2021 Ordinary Council Meeting

Reference: F2018/00101 - D14577756
Manager: Glenn Cannard, Unit Manager Community and Culture
Executive: Julie Vaughan, Director Community and Recreation Services

Recommendation

- 1 *That Council note the Meeting Record of the Gosford CBD and Waterfront Advisory Committee meeting held 4 March 2021 including the record that some members of the Gosford CBD and Waterfront Advisory Committee oppose the sale of the Broadwater site (previously intended for Performing Arts Centre), Gosford Admin Building, and land behind the Central Coast Conservatorium as part of the asset sale.***
- 2 *That Council having given consideration to the feedback from the Gosford CBD and Waterfront Advisory Committee has determined to proceed with the tender processes for the asset sale as commenced.***

Report purpose

To note the Meeting Record of the Gosford CBD and Waterfront Advisory Committee meeting held 4 March 2021, and consider the recommendations made by the Advisory Group and staff comments on these recommendations.

Executive Summary

The [Gosford CBD and Waterfront Advisory Committee met on 4 March 2021](#). The Meeting Record from this meeting is published on Council's website and has been hyperlinked above for the information of Council.

At the meeting there were two recommendations made to Council regarding Council's asset sale. The recommendations and staff comments on the recommendations are included in the following report for Council consideration.

Background

The Gosford CBD and Waterfront Advisory Committee held a meeting on 4 March 2021. The Meeting Record of that meeting was approved by the Convenor and Chair, and placed on Council's website as hyperlinked above.

At this meeting the Advisory Group further discussed Council's resolution from the [30 November 2020 Ordinary Council Meeting](#) to sell several properties as below.

That Council resolve to sell the following properties for not less than market value as determined by an independent valuer;

1275/20 *That Council resolve to sell the following properties for not less than market value as determined by an independent valuer;*

- a) 200 Thompson Vale Road Doyalson 2262 (Lot 762 DP 746526) 740 Thompson Vale Road Doyalson 2262 (Lot 32 DP 586913) 740 Thompson Vale Road Doyalson 2262 (Lot 78 DP 755245) 1550 Thompson Vale Road Doyalson 2262 (Lot 31 DP 586913)
- b) 15-23 Hely St Wyong 2259 (PT 1 Sec1 DP 3136) 15-23 Hely St Wyong 2259 (PT 2 Sec1 DP 3136) 15-23 Hely St Wyong 2259 (PT 3 Sec1 DP 3136) 15-23 Hely St Wyong 2259 (PT 4 Sec1 DP 3136) 1 5-23 Hely St Wyong 2259 (PT 5 Sec1 DP 3136)
- c) 49-51 Mann Street Gosford 2250 (Lot 1 DP 251476) 49-51 Mann Street Gosford 2250 (Lot 1 DP 564021) 53 Mann Street Gosford 2250 (Lot 3 DP 129268) 55-57 Mann Street Gosford (Lot 2 DP 129268) 59-71 Mann Street Gosford (Lot 1 DP 129268)

This matter was initially discussed at the [Gosford CBD and Waterfront Advisory Committee meeting held 3 December 2020](#), but members felt their concerns were not adequately captured. The Advisory Group consequently made the following recommendations.

- 1 *That Council note some members of the Gosford CBD and Waterfront Advisory Committee oppose the sale of the Broadwater site (previously intended for Performing Arts Centre), Gosford Admin Building, and land behind the Central Coast Conservatorium as part of the asset sale.*
- 2 *That Council requests the Chief Executive Officer ensure tender processes for the asset sale give considerable weight to community deliverables identified in previous strategies for the CBD, including that of a Performing Arts Centre.*

Staff accountable for the asset sale have advised the request to amend tender processes will adversely impact the potential sale price of properties and consequently the financial position of Council, and is therefore not recommended.

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.

If Council decides to amend the tender processes for the asset sale as recommended by the Gosford CBD and Waterfront Advisory Committee, it is likely the sale price of properties will be adversely affected. This may in turn negatively affect the financial position of Council.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G3: Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions.

Attachments

Nil.



Item No: 2.5
Title: Meeting Record of the Protection of the Environment Trust Management Committee held on 20 April 2021
Department: Corporate Affairs

11 May 2021 Ordinary Council Meeting

Reference: F2018/00732 - D14597332
Manager: Shane Sullivan, Unit Manager, Governance and Risk
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

Recommendation

That Council, at the expense of the Protection of the Environment Trust, cause the financial statements of the Protection of the Environment Trust Fund to be audited by an approved auditor in accordance with Clause 26 of the Trust Deed.

Report purpose

The purpose of this report is for Council to note the Meeting Record of the Protection of the Environment Trust Management Committee held on 20 April 2021 and consider the recommendation to Council from the Committee.

Executive Summary

The Protection of the Environment Trust Management Committee held a meeting on 20 April 2021. The Meeting Record was approved by the Convenor who was also the acting Chairperson, then circulated to members via email. A copy of the [Meeting Record is available on Council's website](#).

It is recommended that Council engage approved auditor undertaken an audit of the Trust fund as required under the Trust Deed. Any expenditure of funds from the Trust requires a Council resolution from Council as Trustee.

Background

The Protection of the Environment Trust is a Trust of which Council is the Trustee. A Management Committee is established in accordance with the Trust Deed.

The [Protection of the Environment Trust Management Committee held a meeting on 20 April 2021](#). At that meeting, the Committee considered the agenda items and have made the below recommendation to Council:

2.5 Meeting Record of the Protection of the Environment Trust Management Committee held on 20 April 2021 (contd)

That Council as Trustee engage an approved auditor to undertake an audit of the trust fund in accordance with Clause 26 of the Trust Deed and that this occur annually.

Staff support this recommendation. Clause 26 of the Trust Deed states:

The Trustee must, at the expense of the Trust, cause the financial statements of the Trust Fund to be audited at least once in each accounting period by an approved auditor appointed by the Trustee.

Annual audits of the Trust fund have not been conducted previously. It is unclear why this was the case, however it is planned that audits be undertaken annually as required under the Deed.

If the recommendation is endorsed, staff will engage a suitably qualified auditor to undertake the audit. The results of the audit will be reported to Council as Trustee.

Financial Considerations

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

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

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

There are no financial implications associated with the recommendations in this report as the funds associated with undertaking the audit are available in the Trust Fund and will be at no expense to Council.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G3: Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions.

Attachments

Nil.

Item No: 2.6
Title: Governance Lighthouse report as at 31 March 2021
Department: Corporate Affairs



11 May 2021 Ordinary Council Meeting

Reference: F2020/02182 - D14576472
Author: Shane Sullivan, Unit Manager, Governance and Risk
Executive: Natalia Cowley, Acting Director, Corporate Affairs

Recommendation

That Council note the Governance Lighthouse report as at 31 March 2020 as provided as an Attachment to this report.

Report purpose

To provide a Governance Lighthouse report as at 31 March 2021 for the information of Council.

Executive Summary

As resolved by Council, a quarterly Governance Lighthouse report is provided to Council for information.

The key points noted in the report are:

- The number of Code of Conduct complaints declined this quarter and the number of tier one customer complaints resolved at the first point of contact rose.
- There has been an increase in the number of requests to access information.
- There was 100% compliance with statutory reporting deadlines during the quarter.

The report will continue to be provided quarterly, until such time as Council is able to provide governance reporting in a dashboard format.

Background

The report is updated at the end of each quarter in accordance with the Council resolution of 27 July 2020 and provided to the Audit, Risk and Improvement Committee and then to Council.

The report was also provided to the Audit, Risk and Improvement Committee for comment. No feedback was received.

The report is based upon the NSW Audit Office Governance Lighthouse themes and areas. Data is provided where appropriate with commentary.

Financial Considerations

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

1036/20 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 impact as a result of this report.


Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Attachments

- 1** Quarterly report card - Governance - Report
 commencing Q1 2020/21

[Click here for
Attachment](#)

D14604316



Item No: 2.7
Title: Supply and delivery of chemicals to Council's Water and Sewage Treatment Plants and various Pump Stations
Department: Water and Sewer

11 May 2021 Ordinary Council Meeting

Reference: F2004/06819 - D14538990
Author: Kate Gibbs, Executive Support Officer
Manager: Danielle Hargreaves, Unit Manager Headworks and Treatment
Executive: Jamie Loader, Director Water and Sewer

Recommendation

That Council approves the three-year budget for chemical supply contracts.

Report purpose

The purpose of this report is for Council to consider the future three-year contract budget for the supply and delivery of chemicals to Council's Water and Sewage Treatment Plants and various Pump Stations.

Executive Summary

Council requires various essential process chemicals that are used at Council's Water and Sewage Treatment Plants and Pumping Stations. These process chemicals ensure the complaint delivery of Water and Sewer services to the community.

Historically contracts for processing chemicals have been purchased under multi-year contracts to ensure Council has access to the essential chemicals needed for the water and sewer treatment process. The establishment of multi-year contracts is in line with Council's Procurement Policies, delivers better outcomes for Council and reduces administrative overheads in comparison to annual or ad hoc purchasing arrangements.

Council's budget has not yet been adopted for the required three-year period. For this reason Water and Sewer seeks approval to engage in multi-year contracts and endorsement of the associated budgets.

Council is preparing to award the below contracts for the three-year supply and delivery of essential process chemicals. The required contracts and estimated three-year costs are outlined below:

2.7 Supply and delivery of chemicals to Council's Water and Sewage Treatment Plants and various Pump Stations (contd)

Contract Name	CPA Number	Contract Amount
Supply and delivery of Chlorine Gas	CPA/2063	\$3,023,272
Supply and delivery of Hydrated Lime	CPA/2064	\$1,236,260
Supply and delivery of Sodium Silicofluoride	CPA/2490	\$192,383
Supply and delivery of Hydrofluorosilicic Acid	CPA/3630	\$196,799
Supply and deliver of Soda Ash	CPA/2509	\$947,511
Supply and delivery of Poly Electrolyte	CPA/3105	\$1,337,928
Supply and delivery of Carbon Dioxide	CPA/2067	\$789,985
Supply and delivery of Ferrous Chloride	CPA/3064	\$990,000
TOTAL		\$8,714,138

*Costs are estimated based on previous contract prices and historical chemical usage.

Currently chemicals are being purchased out of contract through a procurement exemption to ensure Council continues to supply compliant water and sewerage services to the community.

While this report considers the option of continuing the procurement of chemicals on an ad hoc basis; due to Council's procurement policy and other operational risks it is recommended Council approve the three-year budgets for essential chemicals.

Background

Council has not yet adopted its future years' budget. For this reason, Council approval is required to engage in multi-year contracts for the supply of essential chemicals.

There are various chemicals used throughout the Water and Sewage Treatment Plants and Pump Stations in order to deliver compliant water and sewerage services. The purpose of each chemical is outlined below:

Chlorine Gas –used for disinfection of potable water at Mardi and Somersby Water Treatment Plants and the Re-chlorination Stations at Forresters, Copacabana and Patonga.

The Sewage Treatment Plants also use Chlorine Gas for disinfection of recycled water supplied externally and used internally within the Treatment Plants. Chlorine Gas is also added into the effluent at Bateau Bay Sewage Treatment Plant prior to discharging to the Ocean Outfall in accordance with Council's Environment Protection Authority (EPA) licence.

Hydrated Lime – used in the treatment of potable water at Mardi and Somersby Water Treatment Plants for pH correction to enable adequate disinfection.

Hydrated Lime is also used at Kincumber Sewage Treatment Plant for pH correction within the secondary treatment process to ensure effluent meets EPA licence conditions.

2.7 Supply and delivery of chemicals to Council's Water and Sewage Treatment Plants and various Pump Stations (contd)

Sodium Silicofluoride – dosed at Mardi Water Treatment Plant to prevent dental decay. It is a requirement of NSW Department of Health to dose Fluoride into Central Coast Council's drinking water supply.

Hydrofluorosilicic Acid – dosed at Somersby Water Treatment Plant to prevent dental decay. It is a requirement of NSW Department of Health to dose Fluoride into Central Coast Council's drinking water supply.

Soda Ash – used in the treatment of potable water at Somersby Water Treatment Plant for pH correction and to increase alkalinity.

Polyelectrolyte – used in the treatment of potable water at Somersby and Mardi Water Treatment Plants to aid the coagulation and flocculation processes and thereby enable increased removal of solids from source waters through sedimentation and filtration processes. In sewage treatment, Polyelectrolyte is used to coagulate digested solids to allow dewatering of the sludge to take place.

Carbon Dioxide – used in the treatment of potable water at Mardi and Somersby Water Treatment Plants after pre hydrated lime dosing to achieve a pH level suitable for coagulation. Carbon dioxide is also used at the end of the Mardi Water Treatment Plant process for pH correction.

Ferrous Chloride – used to minimise corrosion, septicity and odour during the transportation and treatment of sewage. The use of Ferrous Chloride ensures compliance with Council's EPA licences.

Current Status

Currently, Council does not have any contracts in place for the above listed chemicals. Contracts were previously in place under various multi-year agreements which have now expired. Currently essential chemicals are being purchased under individual purchase exemption approvals which is a time consuming and risky procurement process. Ongoing purchases outside of a formal contract is not the recommended procurement method long term.

To comply with procurement requirements, Council has historically and will continue to enter into chemical supply contracts by way of open tender or Local Government Procurement (LGP), depending on the chemical and market availability. Chemical purchases are funded from the Operations Budget, via IPART Water and Sewerage charges.

To meet Council procurement guidelines and legislative requirements, three-year contracts have been/are being developed for the procurement of essential chemicals. The current status of these tenders are as follows:

2.7 Supply and delivery of chemicals to Council's Water and Sewage Treatment Plants and various Pump Stations (contd)

Contract Name	CPA Number	Status
Supply and delivery of Chlorine Gas	CPA/2063	Tender closed, terms and conditions being negotiated
Supply and delivery of Hydrated Lime	CPA/2064	Tender closed and evaluation approved by director. Preparing to award contract.
Supply and delivery of Sodium Silicofluoride	CPA/2490	Currently out to market, closing date 23 March.
Supply and delivery of Hydrofluorosilicic Acid	CPA/3630	Currently out to market, closing date 10 March.
Supply and delivery of Soda Ash	CPA/2509	Currently out to market, closing date 12 March.
Supply and delivery of Poly Electrolyte	CPA/3105	Contract plan approved, expected release to market in April 2021.
Supply and delivery of Carbon Dioxide	CPA/2067	To be released to the market prior to October 2021 when current contract expires.
Supply and delivery of Ferrous Chloride	CPA/3064	Expected to be released to the market in April 2021.

Financial Considerations

Funding is available within the Water and Sewer's annual operational budget. A summary of 2019/20 actual spend and 2020/21 approved budget for Chemicals by cost centre is as follows:

Facility / Cost Centre	2019/20 Full Year Actuals	2020/21 Full Year Budget
60101.Water Treatment Plant - Mardi	\$962,619	\$1,000,000
60102.Water Treatment Plant - Somersby	\$1,394,363	\$1,444,089
70101.Sewage Treatment Plant - Bateau Bay	\$53,074	\$53,074
70105.Sewage Treatment Plant - Kincumber	\$212,140	\$212,140
70107.Sewage Treatment Plant - Toukley	\$16,173	\$16,173
70108.Sewage Treatment Plant - Woy Woy	\$14,291	\$14,291
70109.Sewage Treatment Plant - Wyong Sth	\$50,968	\$50,968
61500.Reservoir - Gosford	\$43,917	\$39,631
71201.Sewage Pump Station - Charmhaven	\$26,475	\$50,097
71203.Sewage Pump Station - Kincumber	\$231,296	\$140,433
71207.Sewage Pump Station - Toukley	\$97,745	\$68,341
TOTAL	\$3,103,062	\$3,089,238

Link to Community Strategic Plan

Theme 4: Responsible

Goal H: Delivering essential infrastructure

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

Risk Management

Failure to approve the budget required to purchase essential chemicals for the three-year period will mean Council can only secure and purchase chemicals on an ad hoc or annual basis.

This would result in:

- Increased administration for staff managing the chemical contracts as tendering process would be undertaken annually.
- A significant risk to the availability of essential chemicals or a delay in the processing of chemical deliveries. This could potentially result in significant breaches to Council's delivery of potable water to the community or EPA license breaches to the environment through sewer treatment processes.
- An increased likelihood of non-compliance with Council's procurement guidelines.
- Potentially higher purchase prices for chemicals due to a reduction in required quantity due to annual tendering.

Options

- A Council approves the three-year budget for chemical supply contracts – Preferred.
- B Council purchases chemicals on an annual basis with exposure to the risks outlined above.
- C Council continues to purchase chemicals under ad hoc arrangements with exposure to the risks outlined above.

Attachments

Nil.