



Central Coast Council

## **Ordinary Council Meeting**

### **Attachments**

**Tuesday, 11 May, 2021**

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**Central Coast Council**  
**Attachments Provided Under Separate Cover to the**  
**Ordinary Council Meeting**  
 to be held in the Council Chamber,  
 2 Hely Street, Wyong  
 on Tuesday, 11 May 2021,  
 commencing at 6.30pm

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Central Coast Council

**Ordinary Council Meeting**Held in the Council Chamber  
2 Hely Street, Wyong

27 April 2021

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**MINUTES**

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**Present**

Dick Persson AM

**In Attendance**

David Farmer	Chief Executive Officer
Natalia Cowley	Director Corporate Affairs and Chief Financial Officer
Boris Bolgoff	Director Infrastructure Services
Julie Vaughan	Director Community and Recreation Services
Scott Cox	Director Environment and Planning
Jamie Loader	Director Water and Sewer

**Notes**

The Administrator, Dick Persson AM, declared the meeting open at 6.30pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Administrator, Dick Persson AM acknowledged the traditional custodians of the land on which the meeting was being held, and paid respect to Elders past, present and emerging.

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**1.1 Disclosures of Interest**

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Time commenced: 6.38pm

Moved: Mr Dick Persson AM

**107/21 Resolved**

*That Council receive the report on Disclosure of Interest and the fact that no disclosure was made be noted.*

**1.2 Confirmation of Minutes of Previous Meeting**

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Time commenced: 6.38pm

Moved: Mr Dick Persson AM

**108/21 Resolved**

*That Council confirm the minutes of the Ordinary Meeting of Council held on the 13 April 2021 and of the Extraordinary Meeting of Council held on 15 April 2021.*

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

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Time commenced: 6.38pm

Moved: Mr Dick Persson AM

**109/21 Resolved**

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

**1.4 Administrator's Minute - Responsible Pet Ownership Policy**

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Time commenced: 6.38pm

Moved: Mr Dick Persson AM

**110/21 Resolved**

- 1 *That Council develops a 'Responsible Pet Ownership' Policy, which provides a framework for what is expected of pet owners on the Central Coast.*
- 2 *That Council adopts a zero-tolerance approach for dog attacks with mandatory penalties where an attack has led to the fatality of another dog unless there are extenuating circumstances and they are reviewed by an Enforcement Review Panel led by a Council Executive.*
- 3 *That Council writes to the Minister/Premier, seeking a review of the list of dangerous dog breeds.*

**2.1 Audit, Risk and Improvement Committee membership**

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Time commenced: 6.41pm

Moved: Mr Dick Persson AM

**111/21 Resolved**

- 1 *That Council appoint Mr Arthur Butler as an Independent External Member of the Central Coast Council Audit, Risk and Improvement Committee for an initial period of three years.*
- 2 *That Council write 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 *That Council adopt the amended Audit, Risk and Improvement Committee Charter as attached to this report.*
- 4 *That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 1 to this report remain confidential in accordance with section 10A(2)(a) of the Local Government Act as they contain personnel matters concerning particular individuals (other than Councillors).*

**3.1 Affordable Housing**

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Time commenced: 6.43pm

Moved: Mr Dick Persson AM

**112/21 Resolved**

- 1 *That Council endorse 23-25 Ashton Avenue The Entrance NSW 2261 (the site) for development of affordable housing (see land detail in Attachment 1).*
- 2 *That Council endorse the exhibition of the Council Affordable Housing Land (CAHL) Proposal for 28 days (Attachment 2)*
- 3 *That Council staff make appropriate adjustments to the CAHL Proposal based on submissions received during the public exhibition period and report back to Council only if changes are significant and material.*
- 4 *That Council commence the Expression of Interest (EOI) process for the site to identify a panel of Affordable Housing Providers.*

- 5 That Council authorise the Chief Executive Officer to commence the Request for Proposal process for the site and report back to Council with preferred provider and contractual arrangements.

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**3.2 Community Grants Program 2021-22**

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Time commenced: 6.46pm

Moved: Mr Dick Persson AM

**113/21 Resolved**

- 1 That Council endorse the recommended changes to the Community Grants Program for 2021-22. The modified program will include –
- a Community Development Grant Program
  - b Community Events and Place Activation Grant Program
  - c Community Support Grant Program
- 2 That Council endorse the recommended changes to the Policy for Community Grants as per Attachment 1.

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**3.3 Central Coast Academy of Sport Financial Partnership Support 2020-21**

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Time commenced: 6.49pm

Moved: Mr Dick Persson AM

**114/21 Resolved**

That Council provide \$45,000 financial partnership support to Central Coast Academy of Sport in 2020/2021.

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**3.4 Adoption of Events on Open Space Areas Policy and Adoption of Temporary Licensing of a Trade or Business on Open Space Areas Policy**

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Time commenced: 6.50pm

Moved: Mr Dick Persson AM

**115/21 Resolved**

*That Council adopt the attached Events on Open Space Areas Policy and Temporary Licensing of a Trade or Business on Open Space Areas Policy having given consideration to submissions made during the public exhibition period.*

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**4.1 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**

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Time commenced: 6.51pm

Moved: Mr Dick Persson AM

**116/21 Resolved**

*That Council defer consideration of the Presentation of Financial Reports and related Auditor's Reports for the Central Coast Council and Central Coast Water Supply Authority for the period of 1 July 2019 to 30 June 2020 report, to the meeting of Council to be held on 10 May 2021.*

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**4.2 Investment Report for March 2021**

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Time commenced: 6.52pm

Moved: Mr Dick Persson AM

**117/21 Resolved**

*That Council receive the Investment Report for March 2021.*

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**4.3 Consideration of Submissions and Adoption of Code of Meeting Practice**

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Time commenced: 6.52pm

Mr Kevin Armstrong addressed the meeting at 6.52pm.

Moved: Mr Dick Persson AM

**118/21 Resolved**

- 1 *That Council in accordance with section 363 of the NSW Local Government Act 1993 adopt the amended Code of Meeting Practice that is Attachment 1 to this report having given consideration to all submissions and feedback received concerning the amended Code of Meeting Practice as required by section 362 of the NSW Local Government Act 1993 with the following additions:*

- *That Council cannot deal with Finance Reports by exception in accordance with Part 13 of the Code of Meeting Practice*
  - *That Council Meetings be conducted on Tuesdays during the period of Administration*
- 2 *That Council write to those who made submissions, thanking them and advising them of the outcome.*

#### **4.4 Fire Protection Systems and Equipment - Inspection, Servicing and Maintenance**

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Time commenced: 6.59pm

Moved: Mr Dick Persson AM

##### **119/21 Resolved**

- 1 *That Council enters into a contract with the preferred proponent identified in confidential Attachment 1 for the provision of fire protection systems and equipment services for a period of 2 years.*
- 2 *That Council approve the provision of forward budget for financial years FY2021/2022 through to FY2022/2023 up to a maximum of \$1.401 million over the maximum contract term.*
- 3 *That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 1 remains confidential in accordance with section 10A(2)(d)(i) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Council's ability to obtain value for money services for the Central Coast Community.*

#### **4.5 Sale of 11-23 Wyong Road, Tuggerah**

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Time commenced: 6.59pm

Moved: Mr Dick Persson AM

##### **120/21 Resolved**

*That this matter be deferred to allow for the conduct of community consultation for a period of not less than 21 days, with a further report to be provided to Council to consider submissions made during the exhibition period.*



**4.6 Metro Cinema - Variation of Rent**

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Time commenced: 7.00pm

Moved: Mr Dick Persson AM

**121/21 Resolved**

- 1 *That Council adopt a 20% turnover rent from April 2021 to December 2021 in keeping with Council's obligations as landlord under the Retail and Other Commercial Leases (COVID-19) Regulation 2020 (NSW) and associated Mandatory Code of Conduct.*
- 2 *That Council review the retail and commercial Mandatory COVID regulation in December 2021 and report back to Council on implication to Metro Lease if applicable.*
- 3 *That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachments 1, 2 and 3 remain confidential in accordance with section 10A(2)(d)(i) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Council's ability to obtain value for money services for the Central Coast Community.*

**4.7 Sale of 15-23 Hely Street, Wyong (Oasis)**

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Time commenced: 7.01pm

Moved: Mr Dick Persson AM

**122/21 Resolved**

- 1 *That this matter be deferred to allow for the conduct of community consultation for a period of not less than 21 days, with a further report to be provided to Council to consider submissions made during the exhibition period.*
- 2 *That Council resolve, pursuant to Section 10A(2)(d)(ii) of the Local Government Act 1993, that Attachment 1 remain confidential as it contains commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Council's ability to negotiate a land sale.*

**4.8 Sale of Part Lot 2 in DP550364 - 77 Howarth St, Wyong**

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Time commenced: 7.01pm

Moved: Mr Dick Persson AM

**123/21 Resolved**

*That this matter be deferred to allow for the conduct of community consultation for a period of not less than 21 days, with a further report to be provided to Council to consider submissions made during the exhibition period.*

**4.9 Part lot sale of 325 Pacific Hwy, Wyong**

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Time commenced: 7.02pm

Moved: Mr Dick Persson AM

**124/21 Resolved**

- 1 *That this matter be deferred to allow for the conduct of community consultation for a period of not less than 21 days, with a further report to be provided to Council to consider submissions made during the exhibition period.*
- 2 *That Council resolve, pursuant to Section 10A(2)(d(ii)) of the Local Government Act 1993, that Attachment 1 remain confidential as it contains commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Council's ability to negotiate a land sale.*

**4.10 Part Lot Sale of 1 Austin Butler Acc Woy Woy**

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Time commenced: 7.02pm

Moved: Mr Dick Persson AM

**125/21 Resolved**

- 1 *That this matter be deferred to allow for the conduct of community consultation for a period of not less than 21 days, with a further report to be provided to Council to consider submissions made during the exhibition period.*
- 2 *That Council resolve, pursuant to Section 10A(2)(d(ii)) of the Local Government Act 1993, that Attachment 1 remain confidential as it contains commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a*

*competitor of the Council and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Council's ability to negotiate a land sale.*

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**4.11 Sale of Council Operational Assets (Tranche 3)**

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Time commenced: 7.02pm

Moved: Mr Dick Persson AM

**126/21 Resolved**

*That this matter be deferred to allow for the conduct of community consultation for a period of not less than 21 days, with a further report to be provided to Council to consider submissions made during the exhibition period.*

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**4.12 Proposed reclassification, rezoning and sale of Council Assets (Tranche 3)**

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Time commenced: 7.02pm

Moved: Mr Dick Persson AM

**127/21 Resolved**

- 1 *That this matter be deferred to allow for the conduct of community consultation for a period of not less than 21 days regarding the lots identified in the Council report with the exception of 4 Wilson Road, Terrigal (Lot 2 DP 630641) which is not to be considered for sale.*
- 2 *That a further report to be provided to Council to consider submissions made during the exhibition period.*

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**4.13 Proposed reclassification and sale of Council Assets (Tranche 3)**

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Time commenced: 7.03pm

Moved: Mr Dick Persson AM

**128/21 Resolved**

*That this matter be deferred to allow for the conduct of community consultation for a period of not less than 21 days, with a further report to be provided to Council to consider submissions made during the exhibition period.*

**4.14 Proposed agreement for lease NG Central School**

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Time commenced: 7.03pm

Moved: Mr Dick Persson AM

**129/21 Resolved**

- 1 *That Council resolve to enter into an agreement for lease of an area of 1,000m2 with the Ngaruki Gulgul School, or associated company, within Part Lot 2 in DP1234942 (known as the Warnervale Education and Business Precinct, 30 Jack Grant Ave, Warnervale) to build an educational facility.*
- 2 *That Council authorise the Chief Executive Officer to execute all necessary documentation relevant to the Agreement for Lease and Lease with Ngaruki Gulgul School, or associated company, at Warnervale Education and Business Precinct.*

**4.15 Central Coast Aero Club**

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Time commenced: 7.04pm

Mr Wolfgang Koerner addressed the meeting at 7.04pm.

Mr Michael Allen addressed the meeting at 7.08pm.

Ms Zina Harije addressed the meeting at 7.13pm.

Mr Andrew Smith addressed the meeting at 7.17pm.

Moved: Mr Dick Persson AM

**130/21 Resolved**

- 1 *That Council exercises its option to purchase Lots 211 and 212 DP 812718 at 25 Jack Grant, Warnervale and enters into a contract of sale with Central Coast Aero Club at a purchase price not exceeding the valuation price as contained in Confidential Attachment 2, with a delayed settlement for 12 months.*
- 2 *That during the 12 month settlement period the Council seek to negotiate a land swap with the Central Coast Aero Club of an equivalent area of land located between Lots 211 and 212 DP 81271825 Jack Grant, Warnervale and the newly created lot (within Lot 3 DP 1230740, set out in Attachment 1), instead of completing the purchase of the Central Coast Aero Club's land.*
- 3 *If the negotiations for a land swap are successful that the Council enters into a contract to do all things necessary to effect the land swap including as appropriate by variation of, or mutually agreed termination of, the contract for sale of the Central Coast Aero Club's land.*

- 4 *That if the negotiations for a land swap are not successful that the Council complete the purchase of the Central Coast Aero Club's land.*
- 5 *That, conditional upon and commencing upon the land swap being effected, Council enter into a licence agreement with the Central Coast Aero Club to access the Aircraft landing area and taxiways for not less than 45 years from the area to be owned by the Central Coast Aero Club after the land swap has been effected.*
- 6 *That Council enter into a short term licence agreement with the Central Coast Aero Club to occupy Lots 211 and 212 DP 812718, at 25 Jack Grant Ave Warnervale after the land swap has been effected, and to access the aircraft landing area and taxiways, for a period of 2 years with a 2 year option to allow time for development approvals and construction of a new Central Coast Aero Club facility at the proposed new location (within Lot 3 DP 1230740, refer to Attachment 1).*
- 7 *That Council provides owners consent for the Central Coast Aero Club to lodge applications for appropriate approvals for development of the land to be transferred to the club as part of the land swap, for the purposes of an aero club.*
- 8 *That Council authorise the Chief Executive Officer to finalise the terms of sale, and any land swap and licences.*
- 9 *That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 2 and 3 remain confidential in accordance with section 10A(2)(d)(i) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Council's ability to obtain value for money services for the Central Coast Community.*

#### **4.16 Albany Street, Masterplanning and Private Partners**

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Time commenced: 7.28pm

Moved: Mr Dick Persson AM

#### **131/21 Resolved**

*That this matter be deferred to allow for the conduct of community consultation for a period of not less than 21 days, with a further report to be provided to Council to consider submissions made during the exhibition period.*

**4.17 Gosford Waterfront Renewal Framework**

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Time commenced: 7.28pm

Mr Mark Ellis addressed the meeting at 7.28pm.

Moved: Mr Dick Persson AM

**132/21 Resolved**

- 1 *That Council adopt the proposed Waterfront Renewal Framework for the Gosford Waterfront, ensuring the execution and delivery of various opportunities which have been identified in previous proposals and current local and state government documents.*
- 2 *That Council leads this development renewal initiative via the Gateway phases as outlined in the Waterfront Renewal Framework.*
- 3 *That the Chief Executive Officer engages with relevant stakeholders such as the Greater Sydney Commission, Government Departments and other relevant stakeholders.*
- 4 *That Council negotiates where applicable any aboriginal land claims or crown land leases or licences.*
- 5 *That Council, based on previous Masterplans, prepares three options for renewal of the Gosford Waterfront accompanied by further financial assessment to assure proof of concept. This would occur in consultation with relevant specialist consultants outlined in this report.*
- 6 *That Council stage the execution and delivery of those various opportunities that have been identified in previous proposals and current local and state government documents to achieve optimal development outcomes.*
- 7 *That Council, based on the preferred option, lodge a Planning Proposal to amend the SEPP zoning categorisation which will amend the current land use, permitted building heights and FSR.*
- 8 *That Council issues an Expression of Interest to private partners, exploring potential development sites along the Waterfront once a detailed business case has been completed.*
- 9 *That Council award an Expression of Interest to a private partner to execute and deliver those development sites that have been identified as part of the detailed business case.*

**4.18 Central Coast Stadium- Rezoning and Reclassification**

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Time commenced: 7.37pm

Moved: Mr Dick Persson AM

**133/21 Resolved**

*That this matter be deferred to allow for the conduct of community consultation for a period of not less than 21 days, with a further report to be provided to Council to consider submissions made during the exhibition period.*

**5.1 Exhibition of the draft Operational Plan 2021-22**

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Time commenced: 7.37pm

Moved: Mr Dick Persson AM

**134/21 Resolved**

- 1 *That Council endorse the draft Operational Plan (Attachment 1), including Fees and Charges (Attachment 2), for the 2021-2022 financial year for the purposes of public exhibition from Thursday 29 April to Wednesday 26 May 2021 and invite public submissions in accordance with the Local Government Act 1993.*
- 2 *That Council give public notice of the draft Operational Plan 2021-2022, including Fees and Charges, in accordance with s.405(3) of the Local Government Act 1993, and publicly exhibit that draft Operational Plan 2021-2022 in accordance with that public notice.*
- 3 *That Council resolve, for the purpose of s. 405(4) of the Local Government Act 1993, that maps showing the parts of the Central Coast local government area to which each category and sub-category of ordinary and special rates proposed in the draft Operational Plan 2021-2022 be made available in Council's Gosford and Wyong Administration Offices.*
- 4 *That Council consider submissions and final adoption of the draft Operational Plan 2021-2022, including Fees and Charges, at a meeting of the Council on 28 June 2021.*

## 5.2 Strategic Planning 2 Year Priority Projects

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Time commenced: 7.40pm

Moved: Mr Dick Persson AM

### **135/21 Resolved**

*That the draft Strategic Planning Priority Projects program for financial years 2021/2022 and 2022/2023 be adopted.*

## 5.3 Planning Proposal RZ/4/2019, 6-8 Pacific Highway Wyong

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Time commenced: 7.42pm

Ms Katy Gregory addressed the meeting at 7.42pm.

Mr Tim Shelley addressed the meeting at 7.45pm.

Moved: Mr Dick Persson AM

### **136/21 Resolved**

1 *That Council refuse the request to prepare a planning proposal to amend the Wyong Local Environmental Plan 2013 on Lot 1 DP 335938, Lot 1 DP781734, Lot 135 DP 755245 (6-8 Pacific Highway, Wyong) to enable a height and floor space ratio increase for the following reasons:*

- a) *The Applicants justification for increased height and floor space cannot be supported because they have not been adequately justified and are not supported by any Strategic Study;*
- b) *The Planning Proposal is considered to be inconsistent with:*
  - *The Central Coast Regional Plan*
  - *Ministerial Directions 2.2 Coastal Management and 4.3 Flood Prone Land*
  - *State Environmental Planning Policy (Coastal Management)) 2018*
  - *State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development*
- c) *The proposed height and floor space ratio are out of scale with the current and desired future character of the area.*
- d) *Vehicular access to the site has not been adequately resolved with respect to providing:*
  - *Access to the site which does not pass through a Flood Planning Area.*
  - *Legal and physical access to the site via the creation of a right-of-way*



**5.4 Request to Prepare a Planning Proposal for Part of 121 and 129 Newling Street, Lisarow**

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Time commenced: 7.54pm

Moved: Mr Dick Persson AM

**137/21 Resolved**

- 1 *That Council prepare a Planning Proposal to amend the Gosford Local Environmental Plan 2014 (GLEP 2014), or draft Central Coast Council Local Environmental Plan (if in effect), by rezoning proposed lot 2 under the consolidation and re-subdivision of Lot 122 DP 1218619 and Lot 4 DP 660988 (DA 58001/2020 of 21/7/20) from B2 Local Centre to R1 General Residential.*
- 2 *That Council forward the Planning Proposal to the Minister requesting a Gateway Determination.*
- 3 *That Council request delegation for Council to finalise and make the draft Local Environmental Plan.*
- 4 *That if required 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.*
- 5 *That if required Council prepare and exhibit an amendment to the relevant Section 7.11 Development Contributions Plan and Development Control Plan 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 any draft Voluntary Planning Agreement, draft Development Control Plan amendment and / or draft Section 7.11 Development Contributions Plan amendment (if required).*

**5.5 Request to Prepare a Planning Proposal for land at Bakali Road and Central Coast Highway, Forresters Beach**

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Time commenced: 7.55pm

Mr Paul Bowditch addressed the meeting at 7.56pm.

Moved: Mr Dick Persson AM

**138/21 Resolved**

- 1 *That Council prepare a Planning Proposal to:*

- a) *Rezone the following lots to R2 Low Density Residential under Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan (whichever is in effect at the time):  
Lot 1 DP 405510,  
Lot 51 DP 1028301,  
Lot 62 DP 838562,  
Lots 155 & 156 DP 531710,  
Lots 1-14, 18 & 19 DP 23283,  
Lots 1-8 DP 24187,  
Lots 1-3 DP 101649,  
part of Lot 522 DP 1077907,  
Lots 1, 2 & 4 DP 1000694, and  
part of Lot 3 DP 1000694.*
  - b) *Rezone part of Lot 522 DP 1077907 and part of Lot 3 DP 1000694 to E2 Environmental Conservation under Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan (whichever is in effect at the time);*
  - c) *Rezone part of Lot 522 DP 1077907 (or part of Lot 522 DP 1077907 and part of Lot 3 DP 101649) Central Coast Highway, Forrester's Beach to RE1 Public Recreation under the Gosford Local Plan 2014 or Central Coast Local Environmental Plan (whichever is in effect at the time);*
  - d) *Apply a Minimum Lot Size of:*
    - *1850 m<sup>2</sup> to land proposed to be zoned R2 Low Density Residential and fronting Bakali Road on Lot 3 DP 1000694 and parts of Lots 1 & 2 DP 1000694, and*
    - *550 m<sup>2</sup> to all other land proposed to be rezoned R2 Low Density Residential,*
    - *40 Ha for the land proposed to be rezoned E2 Environmental Conservation.*
  - e) *Apply a maximum building height of 8.5 m to all land proposed to be rezoned R2 Low Density Residential and E2 Environmental Conservation.*
- 2 *That Council submit the Planning Proposal to the Minister for Planning 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 *That Council request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.*
  - 4 *That Council prepare appropriate Development Control Plan provisions to support the development of the land subject to this Planning Proposal.*

- 5 That Council authorize the Chief Executive Officer (or delegate) to enter into a Planning Agreement with the owner of Lot 522 DP 1077907, Lot 4 DP 1000694 and Lot 3 DP 101649 to require:
- Dedication of 4000m<sup>2</sup> of land to Council for a park;
  - Undertake roadworks to satisfy the requirements of Transport for NSW and Council;
  - Preparation and Implementation of a Vegetation Management Plan for the area proposed to be zoned E2 Environmental Management.
- 6 That Council undertakes community and public authority consultation in accordance with the Gateway Determination requirements, including the concurrent exhibition of the draft Planning Agreement and draft Development Control Plan.

## **5.6 Request to Prepare a Planning Proposal for Central Coast Local Environmental Plan Deferred Matters Lands**

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Time commenced: 7.58pm

Mr Gary Chestnut addressed the meeting at 7.59pm.

Moved: Mr Dick Persson AM

### **139/21 Resolved**

- 1 That Council prepare a planning proposal for the integration of Deferred Matters land under Central Coast Local Environmental Plan into Central Coast Local Environmental Plan.
- 2 That Council submit the Planning Proposal to the Minister for Planning and Public Places, 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 That Council request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.
- 4 That Council prepare appropriate Development Control Plan provisions to support the rezoning of the land subject to this Planning Proposal.
- 5 That Council undertakes community and public authority consultation in accordance with the Gateway Determination requirements.
- 6 That Council, following public authority and community consultation as required under the Gateway Determination, consider a report on the outcome of this process.

## **5.7 Central Coast Local Planning Panel – Membership**

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Time commenced: 8.11pm

Moved: Mr Dick Persson AM

### **140/21 Resolved**

*That Council resolve, in accordance with Schedule 2 Clause 11 (1) of the Environmental Planning & Assessment Act 1979, to continue the existing CCLPP Chair, Expert and Community Panel membership (as noted in Attachment 1), to the maximum allowable period of three years, expiring on 11 May 2023.*

## **5.8 Tree Vandalism Statistics Report**

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Time commenced: 8.11pm

Moved: Mr Dick Persson AM

### **141/21 Resolved**

- 1 *That Council receive the report on Tree Vandalism Statistics*
- 2 *That the Chief Executive Officer provide a report on tree vandalism statistics twice a year and to also include properties where a Penalty Infringement Notice or prosecution where tree vandalism has occurred.*

## **5.9 Central Coast Council Flood Recovery Report**

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Time commenced: 8.13pm

Moved: Mr Dick Persson AM

### **142/21 Resolved**

- 1 *That Council acknowledge the efforts of our community, Central Coast Council staff and external emergency response agencies thanking them for their response and recovery efforts in the clean-up, following the recent flood events on the Central Coast.*
- 2 *That Council request the Chief Executive Officer to express Council's appreciation to the staff involved in the response and recovery of the recent flood event.*

**The Meeting** closed at 8.18 pm.



Planning &  
Environment

## LEP practice note

### LOCAL PLANNING

Ref No.	PN 16-001
Issued	5 October 2016
Related	Supersedes PN 09-003

## Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update guidance on classifying and reclassifying public land through a local environmental plan (LEP). This practice note emphasises the need for councils to demonstrate strategic and site specific merit, includes a comprehensive information checklist and clarifies issues arising for public reserves and interests in land. It should be read in conjunction with *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

### Classification of public land

Public land is managed under the *Local Government Act 1993* (LG Act) based on its classification. All public land must be classified as either community land or operational land (LG Act ss.25, 26).

- **Community land** – is land council makes available for use by the general public, for example, parks, reserves or sports grounds.
- **Operational land** – is land which facilitates the functions of council, and may not be open to the general public, for example, a works depot or council garage.

#### What is public land?

*Public land* is defined in the LG Act as any land (including a *public reserve*) vested in, or under council control. Exceptions include a public road, land to which the *Crown Lands Act 1989* applies, a common, land subject to the *Trustees of Schools of Arts Enabling Act 1902* or a regional park under the *National Parks and Wildlife Act 1974*.

#### Why classify public land?

The purpose of classification is to identify clearly that land made available for use by the general public (community) and that land which need not (operational). How public land is classified determines the ease or difficulty a council can have dealings in public land, including its sale, leasing or licensing. It also provides for transparency in council's strategic asset management or disposal of public land.

Community land must not be sold, exchanged or otherwise disposed of by a council. It can be leased,

but there are restrictions on the grant of leases and licences, and also on the way community land can be used. A plan of management (PoM), adopted by council, is required for all community land, and details the specific uses and management of the land.

There are no special restrictions on council powers to manage, develop, dispose, or change the nature and use of operational land.

#### How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- council resolution under ss.31, 32, or 33 (through LG Act s.27(2)), or
- an LEP under the *Environmental Planning and Assessment Act* (through LG Act s.27(1)).

Councils are encouraged to classify or reclassify land by council resolution where suitable.

**Classification** of public land occurs when it is first acquired by a council and classified as either community or operational.

**Reclassification** of public land occurs when its classification is changed from community to operational, or from operational to community.

### Reclassification through an LEP

Classification and reclassification of public land through an LEP is subject to both the local plan-making process in the EP&A Act and the public land management requirements of the LG Act.

A planning proposal to classify or reclassify public land, will need to be prepared in accordance with this practice note and the additional matters specified in Attachment 1 to this practice note.

Reclassification through an LEP is the mechanism by which council can remove any public reserve status applying to land, as well as any interests affecting all or part of public land (LG Act s.30).

It is critical that all interests are identified upfront as part of any planning proposal. If public land is reclassified from community to operational, without relevant interests being identified and discharged, then the land will need to be reclassified back to community (usually by council resolution under LG Act s.33<sup>1</sup>) before being reclassified in a new planning proposal to operational, to explicitly discharge any interests.

While a reclassification proposal to remove the public reserve status of land and/or discharge interests may not necessarily result in the immediate sale or disposal of the land, the community should be aware the public land in question is no longer protected under the LG Act from potential future sale once it has been reclassified to operational.

Councils should obtain their own advice when proposing to discharge any interests and be aware that this may attract a claim for compensation under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Where land has been dedicated to council by a State agency for a particular purpose and a trust exists, it is advisable for council to seek the views of that agency prior to council commencing any planning proposal affecting the land.

**Public reserve** is defined in the LG Act and includes a public park and land declared or dedicated as a public reserve.

Land can be dedicated as a public reserve by either:

- registering a deposited plan with a statement creating a lot(s) as 'public reserve', or
- publishing a notification in the Government Gazette for an existing parcel.

**Interests in land** refers to property ownership as well as rights and privileges affecting land, such as leasehold, easements, covenants and mortgages.

For the purpose of reclassification through an LEP, 'interests' means trusts, estates, dedications, conditions, restrictions and covenants affecting the land.

A legal owner of land may not be the only person with an interest in the land. For example, one person may have the benefit of an easement for services, such as water, electricity or sewerage over someone else's land.

Certain interests are registered on title to ensure they are on record and cannot be disregarded if sold to a new owner. An electronic title search is generally conducted to determine the land owner, correct land description and the type of interests which may affect the land.

### Standard Instrument LEP requirements

Clause 5.2—Classification and reclassification of public land in Standard Instrument LEPs enables councils to classify or reclassify public land as operational land or community land in accordance with the LG Act. The land to be reclassified or classified is described in Schedule 4 of the LEP.

Schedule 4 is not to refer to any land already classified or reclassified.

Where there is no public land to be classified, or reclassified, through a principal LEP (i.e. the LEP applies to the whole of a local government area), Schedule 4 will appear blank.

Note: At a later stage council may lodge a planning proposal to remove previous listings in Schedule 4. This will not affect the classification status of these parcels of land.

### Department assessment

A proposal to classify or reclassify public land through an LEP must have planning merit. The Department will undertake an assessment to determine whether the proposal demonstrates strategic and site specific merit.

### Community consultation

Planning proposals to reclassify public land are to be publicly exhibited for at least 28 days.

A copy of this practice note is to be included in the public exhibition materials.

<sup>1</sup> Note: Council is required to give public notice of the proposed resolution and provide a period of at least 28 days during which submissions may be made (LG Act s.34).

## Public hearings

Councils must hold a public hearing when reclassifying public land from community to operational (EP&A Act s.57 & LG Act s.29). This gives the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum.

After the exhibition period has ended, at least 21 days public notice is to be given before the hearing. This allows the person chairing the hearing sufficient time to consider written submissions and all issues raised.

There are specific requirements for the independence of the person chairing the hearing, their preparation of a public hearing report and council making the report publicly available (LG Act s.47G).

## Governor's approval

The Governor's approval is required when a reclassification proposal seeks to remove any public reserve status and/or discharge any interests affecting public land (s.30).

When a council reports back to the Department on the community consultation undertaken and requests the Department make the LEP, the Department will arrange legal drafting of the LEP, including recommending the Governor approve the provisions before the LEP can be legally made.

Where the Governor's approval is required, the council's report accompanying the final planning proposal must address:

- council's interests in the land;
- whether the land is a 'public reserve';
- the effect of the reclassification, including loss of open space, any discharge of interests, and/or removal of public reserve status;
- the strategic and site specific merits of the reclassification and evidence to support this;
- any current use of the land, and whether uses are authorised or unauthorised;
- how funds obtained from any future sale of the land will be used;
- the dates the planning proposal was publicly exhibited and when the public hearing was held;
- issues raised in any relevant submissions made by public authorities and the community;
- an explanation of how written and verbal submissions were addressed or resolved; and
- the public hearing report and council resolution.

## Authorisation of delegation

Local plan making functions are now largely delegated to councils.

A Written Authorisation to Exercise Delegation is issued to a council as part of the Gateway determination. However, where an LEP requires the Governor's approval, this council delegation cannot be issued. In this instance, the council must request the Department make the LEP.

A decision to classify or reclassify public land cannot be sub-delegated by council to the general manager or any other person or body (LG Act s.377(1)(l)).

## Background

On July 1, 1993 when the LG Act commenced, the following land under council ownership or control, was automatically classified as *community* land:

- land comprising a public reserve,
- land subject to a trust for a public purpose,
- land dedicated as a condition of consent under s.94 of the EP&A Act,
- land reserved, zoned or otherwise designated for use under an environmental planning instrument as open space,
- land controlled by council and vested in Corporation Sole - Minister administering the EP&A Act.

Councils must keep a register of land under their ownership or control (LG Act s.53) and anybody can apply to a council to obtain a certificate of classification (LG Act s.54).

## Further information

A copy of this practice note, *A guide to preparing planning proposals* and *A guide to preparing local environmental plans* is available at:

<http://www.planning.nsw.gov.au>

For further information, please contact the Department of Planning and Environment's Information Centre by one of the following:

Post: GPO Box 39, Sydney NSW 2001.

Tel: 1300 305 695

Email: [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au)

**Authorised by:**  
**Carolyn McNally**  
**Secretary**

**Important note:** This practice note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this practice note.

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## ATTACHMENT 1 – INFORMATION CHECKLIST FOR PROPOSALS TO CLASSIFY OR RECLASSIFY PUBLIC LAND THROUGH AN LEP

The process for plan-making under the EP&A Act is detailed in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*.

Importantly, *A guide to preparing local environmental plans* contains the Secretary's requirements for matters that must be addressed in the justification of all planning proposals to reclassify public land. Councils must ensure the Secretary's requirements are addressed.

Councils must also comply with any obligations under the LG Act when classifying or reclassifying public land. More information on this can be found in *Practice Note No. 1 - Public Land Management* (Department of Local Government, 2000).

All planning proposals classifying or reclassifying public land must address the following matters for Gateway consideration. These are in addition to the requirements for all planning proposals under section 55(a) – (e) of the EP&A Act (and further explained in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*).

- ☐ the current and proposed classification of the land;
- ☐ whether the land is a 'public reserve' (defined in the LG Act);
- ☐ the strategic and site specific merits of the reclassification and evidence to support this;
- ☐ whether the planning proposal is the result of a strategic study or report;
- ☐ whether the planning proposal is consistent with council's community plan or other local strategic plan;
- ☐ a summary of council's interests in the land, including:
  - how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)
  - if council does not own the land, the land owner's consent;
  - the nature of any trusts, dedications etc;
- ☐ whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;
- ☐ the effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);
- ☐ evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);
- ☐ current use(s) of the land, and whether uses are authorised or unauthorised;
- ☐ current or proposed lease or agreements applying to the land, together with their duration, terms and controls;
- ☐ current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);
- ☐ any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);
- ☐ how council may or will benefit financially, and how these funds will be used;
- ☐ how council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;
- ☐ a Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and
- ☐ preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.



# Planning Proposal Assessment

## Proposal Summary

<b>Applicant</b>	Matthew Wales & Associates		
<b>Owner</b>	Industrial Discounts Pty Ltd		
<b>Application Number</b>	PP/113/2020		
<b>Description of Land subject of planning proposal</b>	<i>Property Description:</i> 39 Dell Road, West Gosford. <i>Legal Description:</i> Lot 6 DP 3944		
<b>Site Area</b>	9.7 Ha		
<b>Existing Use</b>	Part vacant industrial land and part Deferred Matter, under Interim Development Order 122.		
<b>Proposed Amendments – Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan</b>			
<b><i>Provisions</i></b>	<b><i>Existing Provision</i></b>	<b><i>Proposed Amendment</i></b>	<b><i>Outcome (Supported/Not Supported)</i></b>
<b><i>Zoning</i></b>	Lot 6 DP 3944 - Part Lot 7(a) Conservation under IDO 122 Part Lot IN1 - General Industrial	Split zoned part - Lot 6 DP 3944 - E2 & IN1	Supported
<b><i>Minimum Lot Size</i></b>	7(a) - 40Ha IN1 – No Minimum.	E2 - 40Ha IN1 - N/A	Supported
<b><i>Height of Building</i></b>	7(a) - 8m IN1 – No Minimum.	E2 - 8.5m IN1 – N/A	Supported
<b><i>Floor Space Ratio</i></b>	NA	IN1 – N/A E2 – N/A	Supported

# Proposal Report

## Executive Summary

This Request to Amend a Local Environmental Plan (LEP) or Planning Proposal seeks to rezone a regular shaped 9.7hectare (ha) parcel of land, at 39 Dell Road, West Gosford, from 7(a) Conservation and Scenic Protection (Conservation) under Interim Development Order No 122 (IDO 122) to E2 Environmental Conservation, IN1 General Industrial.

This Planning Proposal is essentially identical to what was originally considered by the former Gosford City Council (fGCC) in 2015 (PP 77/2015), before being withdrawn by the applicant in December 2020.

This withdrawal was in response to a direction from the Department of Planning, Industry and Environment (DPIE) requiring all Planning Proposals over four years old to be determined by 31 December 2020. As Council could not determine the proposal by this date, the applicant withdrew PP 77/2015 and submitted this current proposal PP 113/2020.

The current proposal is considered to have strategic merit and is recommended to be forwarded to the Minister for Planning and Public Spaces requesting a Gateway Determination.

## The Site

The subject site (Figure 1) is located to the west of Nells Road, West Gosford. It is generally regular shape with an area of 9.7 ha.

The site comprises a single parcel (Lot 6 DP 3944) and is currently vacant.

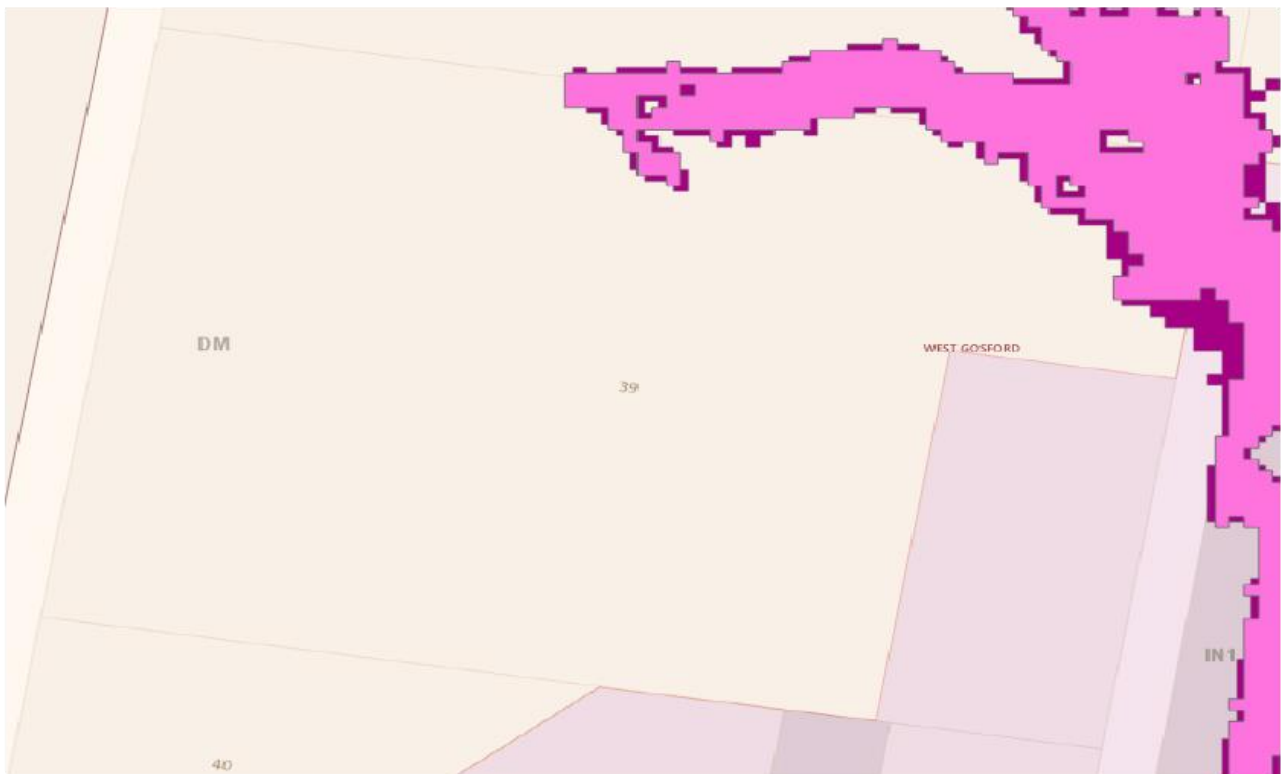
The site is located at the western extremity of the West Gosford Industrial Area.

The most western portion of the land is part of the north – south escarpment, located to the west of Gosford City Centre. The escarpment is visually and environmentally significant, with large tracks of the area incorporated into the Coastal Open Space Systems (COSS). The developable portion of the site is located close to the eastern boundary of the parcel, which is gently sloping and has street frontage to Nells Road.



**Figure 1 - Aerial Photograph of site**

The site comprises a split zoning of IN1 General Industrial, under the Gosford Local Environmental Plan 2014 (GLEP 2014) and 7(a) Conservation, under the Interim Development Order 122 (IDO 122). (figure 2).



**Figure 2:** Existing zoning of site, Deferred Matter or 7(a) Under IDO 122 and pink highlight identifies flood risk area as shown in Central Coast Flood Studies

The north-eastern portion of the site is identified as flood affected; however, the area is small and outside of any developable area (figure 2).

### Background

The genesis of the planning proposal is directly linked to the gazettal of the Gosford LEP 2014, on the 11 February 2014. Council had resolved to defer the rezoning of the conservation lands (including the subject lands), which left the zoning unchanged.

Council further resolved on 21 January 2014 to undertake various miscellaneous mapping amendments that in part would include zoning of approximately one hectare of the land to IN1-General Industrial to allow industrial subdivision and development of the land (as per that zoned IN1 in figure 1). The support for the changes as per the miscellaneous mapping amendments were supported by Council at its meeting of 24 November 2015.

The applicant requested a larger area of land be rezoned for industrial purposes than what Council proposed through the miscellaneous mapping amendments. To facilitate this, a stand-alone LEP Amendment (Planning Proposal) was required.

An LEP Amendment Request for the same purpose as the current request was originally considered by the former Gosford City Council (fGCC) in 2015 (PP 77/2015), before being withdrawn by the applicant in December 2020.

This withdrawal was in response to a direction from the Department of Planning, Industry and Environment (DPIE) requiring all Planning Proposals over four years old to be determined by 31 December 2020. As Council could not determine the proposal by this date, the applicant withdrew PP 77/2015.

The site is subject to a number of significant physical constraints, including:

- the land forming part of an escarpment,
- flood prone land associated with a local creek line, and
- vegetation comprising rainforest along riparian areas.

The physical constraints of the site are limiting factors in the amount of land that can be considered for industrial zoning. However, through the course of assessing the 2015 LEP Amendment Request, considerable effort (through the preparation of studies and reports) defined an appropriate extent for proposed extent of land to be rezoned to IN1 General Industrial.

Through such investigations and negotiations with Council, it was also agreed that the remainder of the land, exclusive of the proposed IN1 General Industrial, be rezoned to E2 Environmental Conservation and transferred to Council for integration into the COSS network through a Planning Agreement (PA).

Whilst the arrangements for the PA were being undertaken, the proposal was withdrawn for the reasons identified previously.

The finer details of the PA remain outstanding, which in addition to the land transfer, include the construction of a fire and maintenance trail, a Bushland Management Plan and payment of monies for the funding of ongoing weed eradication and regeneration to be undertaken by Council.

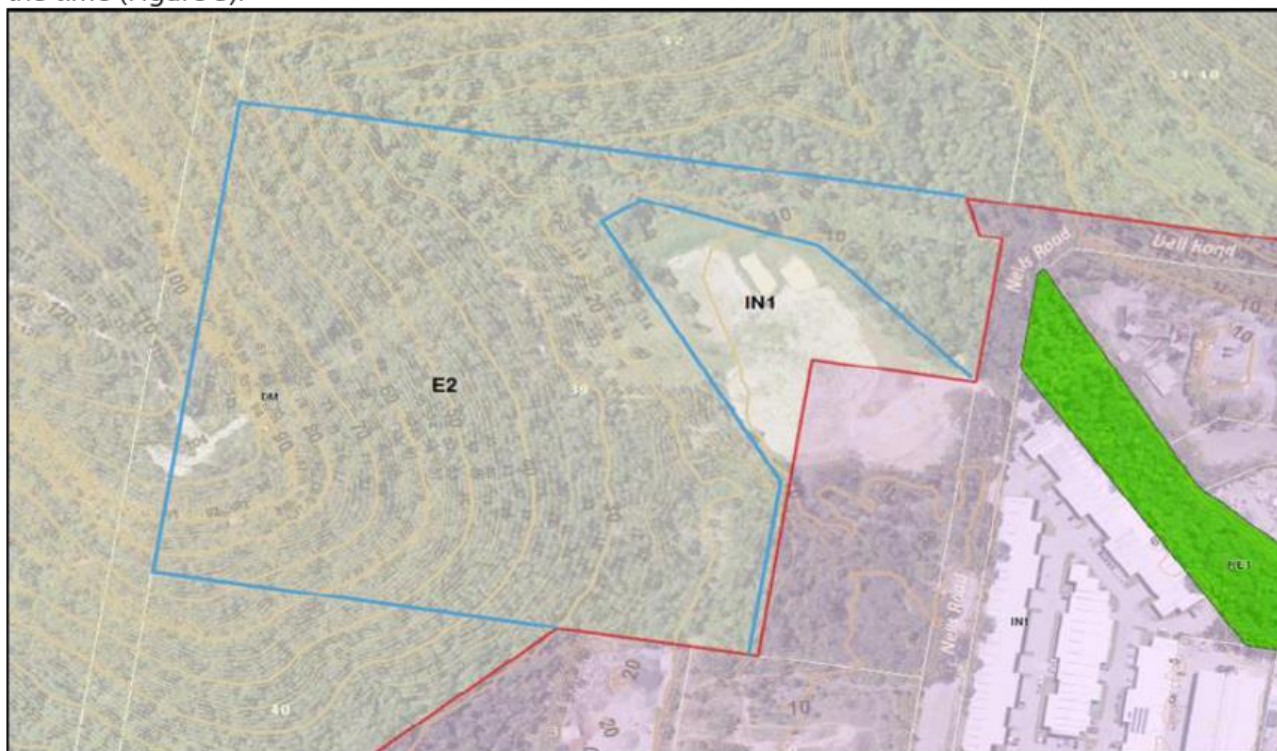


There is currently no provision for sewer services to the land, however the applicant has undertaken water/sewer capacity analysis, which determined the servicing requirements to connect to existing infrastructure. Additional constraints extended to the identified flooding problems to properties downstream of the Proposal. To ensure no impact to downstream properties the proponent has assessed the potential flooding impacts and provided suitable solutions to mitigate against any potential impacts.

All studies and reports were commissioned by the applicant and assessed by relevant Council staff and external specialists as required by the Gateway determination assessment, as part of the previous planning proposal. The assessment of studies and reports have deemed the site suitable for limited development and acceptable for the balance of the site to be absorbed into COSS lands, via a Planning Agreement (PA).

### The Proposal

The proposal seeks to rezone the subject land from 7(a) Conservation under IDO 122 to IN1 General Industrial and E2 Environmental Conservation under Gosford Local Environmental Plan 2014 (GLEP 2014) or the Central Coast Local Environmental Plan (CCLEP) whichever is in effect at the time (Figure 3).



**Figure 3** - Proposed Zoning of the land with access to Nells Road

Specifically, the proposal includes:

- 1 The rezoning of Lot 6 DP 3944 (39 Dell Road), West Gosford to IN1 General Industrial and E2 Environmental Conservation;
- 2 Application of a Minimum Lot Size of 40 hectares to land proposed to be zoned E2 Environmental Conservation (no minimum lot size for Industrial zoned land); and

3 Entering into a PA including:

- The dedication of land zoned E2 Environmental Conservation to Council for inclusion into the COSS (at no cost to Council)
- The rehabilitation and maintenance of site prior to Council taking control of the land.
- The construction of an access road for maintenance and firefighting purposes roadworks and intersection works as required.
- The construction of a gate at and entry to firetail to restrict access to approved persons.

### Assessment

The rezoning of the subject land to part IN1 General Industrial and E2 Environmental Conservation has strategic merit on the basis that:

- There is an existing portion of the site already zone IN1, with the proposed extension adding a practical and useful parcel for future industrial activities. Furthermore, to the east of Nell Road comprises the existing West Gosford industrial precincts, with the proposed site making use of existing infrastructure and services to extend industrial precinct in an orderly manner.
- The rezoning of the north-western part of the site from 7(a) Conservation and Scenic Protection (Conservation) to E2 Environmental Conservation is considered to reflect the constraints of the land, with the escarpment, vegetation and steep topography making development impractical and unsafe. The transfer of the E2 lands to Council, via a PA, better serves the long-term environmental philosophy that underpins the COSS framework.
- The PA will ensure the Planning Proposal will result in a benefit for the public via the dedication of land to Council for inclusion into COSS and will also ensure the cost of managing the additional lands and firetail access are met by the proponent.

### Current Status

The proposal is essentially the same as that supported by the fGCC in 2015. The only difference is the updating of studies and reports to reflect change in legislation and reporting guidelines, which may have changed since its initial submission. However, as the legislation and proposal remain largely unchanged the proposal is suitable for exhibition, with addendums more procedural than being an obstacle to the finalisation of the rezoning request.

### Internal Consultation

Internal consultation has been undertaken as part of the former PP (77/2015) as summarised below.

#### *Environmental Strategies*

In respect to ecological matters the proposal will result in the expansion of COSS lands, with no additional costs to Council. The accompanying PA would ensure the land zoned E2 Environmental Conservation will be protected, the fire trail and access gate constructed at no cost to Council.

#### *Water and Sewer*

Water and sewer are available to the land, made clear by the water and sewer upgrade assessment undertaken by the applicant. The report makes clear that any upgrading to the system, to bring services to the site, will be undertaken and paid for by the proponent.

#### *Flooding and Drainage*

A Flood Study has been submitted and reviewed.

#### *Traffic*

The potential traffic generation resulting from the Planning Proposal will not impact the traffic efficiency of the Central Coast Highway adjacent to the subject site.

The existing road infrastructure have been deemed capable of servicing the proposed Industrial site.

The proposed Industrial lands make good use of existing roads infrastructure, which currently service the west Gosford Industrial estate in accordance with Council traffic engineers and Transport for NSW (TfNSW) criteria.

The Planning Proposal and supporting studies will again be referred to TfNSW for formal comment when the Planning Proposal is referred to relevant public Agencies.

### **External Consultation**

Government agency and public consultation requirements will be detailed in the Gateway Determination and conducted accordingly. It is anticipated that as the application is fundamentally unchanged, as previously submitted, the Gateway requirement for referral to government agencies will be the following:

- New South Wales Rural Fire Service, regarding bushfire matters;
- Transport for NSW, regarding transportation and road networking matters;
- NSW Biodiversity Conservation Division (BCD) on vegetation and biodiversity matters;
- Darkinjung Local Aboriginal Land Council and Guringai Tribal Link (also known as Wannangini), regarding Aboriginal heritage values.

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

The proposal has been assessed having regard for all State Environmental Planning Policies (SEPPs), Section 9.1 Ministerial Directions and relevant guidelines set out within the Central Coast Regional Plan 2036 as detailed in the attachment to the Council report.

The proposal is consistent with these considerations, therefore is suitable for forwarding to the Minister of Planning and Public Spaces requesting a Gateway Determination.

*Social Impacts*

The proposal will expand the available Industrial land, within West Gosford, increasing opportunities for economic development and employment in place for local population. The additional industrial lands make efficient use of existing road networks and utilises infrastructure.

*Environmental Considerations*

The protection of vegetation will be achieved by zoning the land to E2 Environmental Conservation. To protect Council from any financial burden a Bushland Management Plan will form part of the Planning Agreement, by outlining measures for rehabilitation of the land, prior to its dedication to Council for inclusion into COSS.





## Central Coast Council

### Strategic Planning Framework Assessment

Lot 6 DP 3944  
39 Dell Road, West Gosford

## Central Coast Regional Plan Assessment

The Central Coast Regional Plan (CCRP) 2036 is applicable to the subject land and the proposed rezoning. The Planning Proposal would assist Council in meeting the targets set by the State Government for the provision of housing whilst protecting the environment.

The CCRP provides the basis of planning by the Council and sets out a number of actions. The table below demonstrates that the Planning Proposal is consistent with the relevant actions identified in the CCRP:

Table 1: Central Coast Regional Plan Assessment

Direction	Assessment/Comment
1. Grow Gosford City Centre as the region's capital	Not Applicable The site is not located within the region's capital.
2. Focus economic development in the Southern and Northern Growth Corridors	<b>Applicable</b> Integrate land uses within west Gosford industrial precinct.
3. Support priority economic sectors	<b>Applicable</b> Council and industry to prepare industry-specific planning strategies for priority economic sectors.
4. Strengthen inter-regional and intra-regional connections for business	<b>Not Applicable.</b> The proposal will not affect these connections.
5. Support new and expanded industrial activity	<b>Applicable</b> Support will be provided to economic sectors with existing or potential strengths to increase local employment. This will be done by: <ul style="list-style-type: none"> <li>ensuring an adequate supply of well-located and serviced land for commercial and industrial development; and</li> <li>establishing a business-friendly regulatory environment with timely and efficient business approvals, to enable existing businesses to adapt to changing consumer needs.</li> <li>Focusing commercial and retail development in centres, growth corridors and identified clusters, and supporting it with public domain improvements, will encourage local employment growth.</li> </ul>
6. Strengthen the economic self-determination of Aboriginal communities	<b>Not Applicable</b> The proposal is not on land owned by a Local Aboriginal Land Council.
7. Increase job containment in the region	<b>Applicable</b> The rezoning will assist in providing employment lands within the Central Coast, assisting in job containment, with an additional 1.3Ha of industrial Zoned land that was previously unavailable for development. Moreover, the site is located to the west of the established West Gosford industrial estate, enhancing opportunities for synergies

Direction	Assessment/Comment
	for established businesses or for new enterprises to establish on the central coast.
8. Recognise the cultural landscape of the Central Coast	<b>Applicable and consistent.</b> The applicant's search of the Aboriginal Heritage Information Management System (AHIMS) did not reveal any Aboriginal sites or places that have been declared/recorded on or near the subject land. The subject proposal will not detract from the cultural landscape of the Central Coast.
9. Protect and enhance productive agricultural land	<b>Not Applicable.</b> The subject site is not in an agricultural area.
10. Secure the productivity and capacity of resource lands	<b>Not Applicable.</b> The subject site is not in a resource area.
11. Sustain and balance productive landscapes west of the M1	<b>Not Applicable.</b> The site is not located west of the M1.
12. Protect and manage environmental values	<b>Applicable and consistent.</b> The proposal supports the protection and enhancement of environmental values, with the inclusion of 11 hectares of the site to be dedicated to council for absorption into the Coastal Open Space System (COSS).  This undevelopable portion of the site will provide opportunity for the retention of significant remnant native indigenous bushland. The subject lands to be absorbed into the broader COSS network, which provide ecological habitat and essential wildlife corridors for diverse fauna and flora on the Central Coast.
13. Sustain water quality and security	<b>Applicable and consistent.</b> Council's LEP and DCP provisions will apply at the development stage.
14. Protect the coast and manage natural hazards and climate change	<b>Applicable and consistent.</b> Coastal hazards - The proposal is not affected by coastal hazards. Flooding hazards – The northern and north eastern boundary of the site are identified as subject to low level flood risk. Council requested a flood study be undertaken to assess the potential impacts for development across the site. Council staff have reviewed the proposal and the material provided in the supporting flood and drainage study "Flood Impact Assessment 17 February 2017" Golder Associates. supporting the planning proposal. The report indicates that the developable area of the site lies outside of the 1:100 AEP, as detailed in the Narara Creek Flood Study (2012). 70% of the site is classified as RFS Category 1 flame zone, with the balance of the developable portion of the site RFS Buffer

Direction	Assessment/Comment
	<p>zone.</p> <p>Future development of the site will be required to include relevant measures to ensure the security of land improvements, such as an Asset Protection Zones (APZs).</p> <p>The applicant's submitted Bushfire Assessment Report illustrates how compliance with the Australian standards and Planning for Bushfire Protection could be achieved.</p> <p>Greater assessment will occur at the Development Application stage.</p>
15. Create a well-planned, compact settlement pattern	<p><b>Not Applicable.</b></p> <p>The subject site is not for residential development.</p>
16. Grow investment opportunities in the region's centres	<p><b>Applicable and consistent.</b></p> <p>Expansion to the existing (IN1) zoned lands, within the West Gosford industrial precinct. will provide opportunities for investment in West Gosford.</p>
17. Align land use and infrastructure planning	<p><b>Applicable and consistent.</b></p> <p>The site is strategically located to make best use of existing infrastructure.</p>
18. Create places that are inclusive, well-designed and offer attractive lifestyles	<p><b>Not Applicable.</b></p> <p>The subject site is not proposed for residential development.</p>
19. Accelerate housing supply and improve housing choice	<p><b>Not Applicable.</b></p> <p>The subject site is not proposed for residential development.</p>
20. Grow housing choice in and around local centres	<p><b>Not Applicable.</b></p> <p>The subject site is not proposed for residential development.</p>
21. Provide housing choice to meet community needs	<p><b>Not Applicable.</b></p> <p>The subject site is not proposed for residential development.</p>
22. Deliver housing in new release areas that are best suited to building new communities	<p><b>Not Applicable.</b></p> <p>The subject site is not proposed for residential development.</p>
23. Manage rural lifestyles	<p><b>Not Applicable.</b></p> <p>The subject site is not proposed for residential development.</p>

## Community Strategic Plan Assessment

The Central Coast Community Strategic Plan outlines a set of guiding principles, aspirations and values for the community. These reflect on social, economic, environmental and governance aspects for now and the future. The following strategies outlined in the Community Strategic Plan are applicable to this Planning Proposal:

Table 2: Community Strategic Plan Assessment

Theme - Belonging	
Focus Area – Our Community Spirit is our Strength	
Strategies	Assessment
A1 - Work within our communities to connect people, build capacity and create local solutions and initiatives	<b>Applicable and Consistent.</b> Expansion of employment lands within established industrial precincts, enhancing opportunities locally based employment.
B1 - Support reconciliation through the celebration of Aboriginal and Torres Strait Islander cultures	<b>Applicable and Consistent.</b> The Aboriginal Heritage Information Management System (AHIMS) GIS mapping indicates no Aboriginal sites or places on the subject land.
Theme – Smart	
Focus Area – A Growing and Competitive Region	
Strategies	Assessment
C1 - Target economic development in growth areas and major centres and provide incentives to attract businesses to the Central Coast	<b>Applicable and Consistent.</b> The rezoning will assist in containment of employment lands within the Central Coast, assisting in job containment, with an additional 4.6Ha of industrial zoned land that was previously unavailable for development.
C3 - Facilitate economic development to increase local employment opportunities and provide a range of jobs for all residents	<b>Applicable and Consistent.</b> The additional Industrial zoned land will increase the capacity for economic development and increase local employment opportunities for residents of the Central Coast.
Theme – Green	
Focus Area – Cherished and Natural Beauty	
Strategies	Assessment
F2 - Promote greening and ensure the wellbeing of communities through the protection of local bushland, urban trees, tree canopies and expansion of the Coastal Open Space System (COSS)	<b>Applicable and Consistent.</b> A 4.6ha portion of the site is to be dedicated to Council for inclusion into the Coastal open Space Systems (COSS).
Theme – Responsible	
Focus Area – Balance and Sustainable Development	
Strategies	Assessment
I3 - Ensure land use planning and development is sustainable and environmentally sound and	The proposal links to existing industrial estate of West Gosford, increasing the availability of



considers the importance of local habitat, green corridors, energy efficiency and stormwater management	industrial land in the area. The expansion will make sustainable use of existing infrastructure of the West Gosford industrial estate. Future development will conform to Councils requirements for sustainable stormwater design and furthermore, a sizable portion of the site will be dedicated to Council for inclusion into the (COSS) securing local habitat in perpetuity.
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### Local Strategic Planning Statement

The interim Central Coast Local Strategic Planning Statement (LSPS) sets a clear vision for the future and a proactive framework for delivering a growing and sustainable Region with a strong network of Centres and thriving and connected communities. The following strategies and priorities of the LSPS are applicable to this Planning Proposal

Table 3a: Local Strategic Planning Statement Assessment - Strategies

Strategies	Assessment/Comment
1 Revitalise our centres	<p><b>Not Applicable</b></p> <p>The site is part zoned (IN1) General Industrial and 7(a) Conservation and Scenic Protection (Conservation) under Interim Development Order No 122 (IDO 122). The proposal seeks to extend the existing IN1 zoned parcel by approximately 3 hectares to create a parcel of 4.6 Hectares.</p> <p>The parcel once created will adjoin the existing West Gosford Industrial estate, with the balance of the site dedicated to council for inclusion in the Coastal Open Space System (COSS).</p> <p>The site is fully serviced and has direct access to existing roads infrastructure. Furthermore, economic analysis suggests that there is a shortage of industrial in close proximity to existing infrastructure and urban area to promote localised employment.</p>
2 Renew urban form	<p><b>Not Applicable</b></p> <p>The proposal seeks to expand the existing (IN1) General Industrial area of West Gosford by approximately 1.3 hectares.</p>
3 Define the urban edge	<p><b>Not Applicable</b></p> <p>This is an infill vacant site within an established industrial area.</p>
4 Create a sustainable region	<p><b>Applicable and Consistent.</b></p> <p>This is an infill vacant site within an established industrial area, with links to existing infrastructure and economic centre of Gosford.</p>

Table 3b: Local Strategic Planning Statement Assessment – Planning Priorities

Planning Priority & Action	Assessment/Comment
<p>Planning Priority 1 - Align development to our infrastructure capacity structure capacity</p> <p>Action:</p> <p>Develop a Central Coast Regional Infrastructure Plan that considers our infrastructure capacity, appropriate trigger points for infrastructure provision and prioritises opportunities for integrated infrastructure delivery across the Central Coast.</p>	<p><b>Applicable and Consistent.</b></p> <p>The proposed rezoning will build capacity in the area by further expanding the existing industrial precinct of West Gosford. Creating employment in the locality within requiring the development of additional infrastructure to support it.</p>
<p>Planning Priority 3 -Grow the Regional Economic Corridors, to support a strong local economy</p> <p>Actions:</p> <p>Adopt the Somersby to Erina Growth Corridor Strategy and the Tuggerah to Wyong Growth Corridor Strategy as key locations for economic growth, investment and sustainable transport. (CCRP Direction 2, 3, 7, 15)</p>	<p><b>Applicable and Consistent.</b></p> <p>The proposal has the capacity to strengthen the economic viability of the West Gosford industrial estate.</p> <p>Furthermore the, proposal supports the key objective of the Somersby to Erina Growth Corridor Strategy, by encouraging greater utilization of existing infrastructure and economic corridors.</p>
<p>Planning Priority 14 - Facilitate economic development to increase local employment opportunities for the community</p> <p>Actions:</p> <p>Deliver a Consolidated Local Environmental Plan and Development Control Plan to provide a single guiding document for land use and development for the Central Coast region.</p> <p>Smart Strategic Planning with DPIE Medium (3-5)</p> <p>All Prepare a suite of strategies to support new land use planning controls as part of the Comprehensive Local Environmental Plan and Development Control Plan.</p>	<p><b>Applicable and Consistent.</b></p> <p>Whilst the Action relates to the future implementation of a consolidated Local Environmental Plan and Development Control Plan, it is likely that the proposed rezoning, to increase West Gosford industrial land will be developed in accordance with the future legislative, LEP and DCP requirements.</p>
<p>Planning Priority 24</p> <p>Actions</p> <p>Map, protect, and cherish natural areas and ecosystems</p> <p>Prepare and implement the Central Coast Biodiversity Strategy, including land use planning principles to protect and manage natural areas and ecosystems of high biodiversity value.</p> <p>Develop and implement a zoning framework to inform the application of environmental land use</p>	<p><b>Applicable and Consistent.</b></p> <p>A significant portion of the site is currently zoned Deferred Matters and contains land of steep topography unsuitable for any form of development. However, these lands contain significant remnant native vegetation. It is proposed that lease land will be dedicated to Council for inclusion into the Coastal Open Space Systems.</p> <p>These lands will be ultimately be considered within any bio diversity strategy. Additionally,</p>

Planning Priority & Action	Assessment/Comment
zones for all environmental land (Environmental Lands Review).	the lands as part of the rezoning proposal will be more appropriately zoned E2 Environmental Conservation.
<p>Planning Priority 25 - Manage floodplains, coastal areas and bushland to improve community resilience to natural hazards</p> <p>Actions Prepare / review the Coastal Management Programs, Flood Studies, Flood Risk Management Plans and Bushfire Prone Lands Mapping for the Central Coast.</p>	<p><b>Applicable and Consistent.</b> There is minimal risk of flooding across the site and is address by the applicant to ensure any issues relating to flooding will sufficiently be addressed at development assessment.</p> <p>Likely wise bushfire hazard which affects part of the land can be adequately addressed at development stage.</p>
<p>Planning Priority 35 - Integrate land use and infrastructure</p> <p>Action Review Servicing and Infrastructure Capacity to identify potential infrastructure gaps within the planned growth areas of the Central Coast and ensure that we have the required infrastructure to meet current and future demand</p>	<p><b>Applicable and Consistent.</b> Whilst this Action is not relevant to the proposal, the proposal will deliver infill industrial development, within a developed industrial precinct, where all required services are available.</p>



## State Environmental Planning Policies

The proposal has been considered against the relevant State Environmental Planning Policies (SEPPs) as detailed below.

Table 4: State Environmental Planning Policy Assessment

State/Sydney Region Environmental Planning Policy	Comment
<b>SEPP No. 55 – Remediation of Land</b>	
<p>Aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and</p> <p>(c) development applications for consent to carry out a remediation work in particular, and by requiring that a remediation work meet certain standards and notification requirements.</p>	<p><b>Applicable and Consistent.</b></p> <p>Part of the subject site has previously been used for industrial purposes.</p> <p>These uses have not always occurred with proper planning approvals or adherence to responsible environmental practices.</p> <p>However, in accordance with responsible environmental practice, a preliminary site investigation has been completed, which identified the land as suitable for future industrial development.</p>
<b>SEPP No 19 – Bushland in Urban Areas</b>	
<p>Aims to protect and preserve bushland within urban areas because of:</p> <p>(a) Its value to the community as part of the natural heritage,</p> <p>(b) Its aesthetic value, and</p> <p>(c) Its value as a recreational, educational and scientific resource</p>	<p><b>Applicable and Consistent.</b></p> <p>An area of approximately 7.4ha will be dedicated to Council for inclusion into the Coast Open Space System, in support of natural heritage, aesthetic value, recreational, educational and scientific resource for future generations.</p>
<b>SEPP (Vegetation in Non-Rural Areas) 2017</b>	
<p>The aims of this policy are:</p> <p>(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</p> <p>(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</p>	<p><b>Applicable and Consistent.</b></p> <p>An area of approximately 7.4ha, of the site will be dedicated, to Council for inclusion into the Coast open Space System, in support of natural heritage, aesthetic value, recreational, educational and scientific resource for future generations.</p>

State/Sydney Region Environmental Planning Policy	Comment
<b>SEPP (Coastal Management) 2018</b>	
<p>The aim of this Policy is promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016 by:</p> <p>(a) managing development in the coastal zone and protecting the environmental assets of the coast, and</p> <p>(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and</p> <p>(c) mapping the 4 coastal management areas which comprise the NSW coastal zone, in accordance with the definitions in the Coastal Management Act 2016.</p>	<p><b>Not Applicable</b></p> <p>The proposal seeks to expand the existing (IN1) General Industrial area of West Gosford, by approximately 1.3 hectares.</p>
<b>SEPP (Koala Habitat Protection) 2020</b>	
<p>Aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</p>	<p><b>Applicable and Consistent.</b></p> <p>An area of approximately 7.4 ha will be dedicated to Council for inclusion into the Coast Open Space System, in support of natural heritage, aesthetic value, recreational, educational and conservation.</p>

**Ministerial Section 9.1 Directions**

The proposal has been considered against the Ministerial Directions 9.1 as detailed below, with the proposal on balance is consistent with all relevant directions.

Direction	Comment
<b>Employment &amp; Resources</b>	
<b>1.1 Business &amp; Industrial Zones</b>	
<p>Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic centres.</p> <p>Applies when a planning proposal affects land within an existing or proposed business or industrial zone.</p>	<p><b>Applicable and Consistent.</b></p> <p>The proposal supports the Ministerial direction by increasing Industrial land in close proximity to existing Industrial and Commercial zoned Lands. Supporting economic growth in the local area.</p>
<b>1.2 Rural Zones</b>	
<p>Aims to protect the agricultural production value of rural land.</p> <p>Applies when a planning proposal affects land within an existing or proposed rural zone.</p>	<b>Not Applicable</b>
<b>1.3 Mining, Petroleum Production and Extractive Industries</b>	
<p>Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p>Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p>	<b>Not Applicable</b>
<b>1.4 Oyster Aquaculture</b>	
<p>Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers.</p>	<b>Not Applicable</b>

Direction	Comment
Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.	
<b>1.5 Rural Lands</b>	
<p>Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes.</p> <p>Applies to to all local government areas in the State except for:</p> <ul style="list-style-type: none"> <li>(a) Lake Macquarie,</li> <li>(b) Newcastle,</li> <li>(c) Wollongong, and</li> <li>(d) local government areas in the Greater Sydney Region (as defined in the Greater Sydney Commission Act 2015) other than Wollondilly and Hawkesbury when a relevant planning authority prepares a planning proposal that:</li> </ul> <ul style="list-style-type: none"> <li>(a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</li> <li>(b) changes the existing minimum lot size on land within a rural or environment protection zone.</li> </ul> <p>Note: Reference to a rural .</p>	<p><b>Applicable and Consistent.</b></p> <p>The proposal will successfully balance conservation and rural protection, with the opening of land for economic expansion.</p> <p>The site comprises approximately 9.7 hectares of land. The proposal will see a total of 2.3ha zoned to (IN1) General Industrial and 7.4ha zoned (E2) Environmental Protection. The E2 zoned land is to be dedicated to Council for inclusion into the Coastal Open Space System.</p> <p>The proposal increasing available industrial lands and conserving environmentally significant lands.</p>
<b>2.6 Remediation of Contaminated Lands</b>	
Aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.	<p><b>Applicable and Consistent.</b></p> <p>A Contamination study has been undertaken by the applicant to ensure the site is free of any known or unknown hazardous materials that would render the site unsuitable for the proposed development.</p>
<b>Housing, Infrastructure and Urban Development</b>	
<b>3.1 Residential Zones</b>	
Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new	<p><b>Not Applicable</b></p> <p>The proposed rezoning relates to industrial zoned lands and not residential expansion.</p>

Direction	Comment
<p>housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands.</p> <p>Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.</p>	
<b>3.2 Caravan Parks and Manufactured Home Estates</b>	
<p>Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p><b>Applicable and Consistent.</b></p> <p>Although, the direction is technically applicable to the proposal, the practicalities of establishing a caravan park or manufactured housing estate at any location on the site is impossible due to topography and is also not appropriately zoned to support such a use.</p>
<b>3.3 Home Occupations</b>	
<p>Aims to encourage the carrying out of low impact small business in dwelling houses.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p><b>Applicable and Consistent.</b></p> <p>No housing is envisaged for the sight, given the industrial zoning of the land and the fact that the E2 portion of the sight will be dedicated to Council for the purposes of environmental conservation.</p>
<b>3.4 Integrating Land Use &amp; Transport</b>	
<p>Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.</p> <p>Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p><b>Applicable and Consistent.</b></p> <p>The lands will integrate with the surrounding and existing industrial precinct of West Gosford, by making use of the existing transport linkages and water and electrical infrastructure of the area.</p>



Direction	Comment
<b>3.5 Development Near Licensed Aerodromes</b>	
<p>Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 &amp; 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.</p>	<p><b>Not Applicable</b></p> <p>The proposal is not in a flight path or near a designated or licenced aerodrome.</p>
<b>3.6 Shooting Ranges</b>	
<p>Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p> <p>Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>	<p><b>Not Applicable</b></p> <p>Subject site is not near a shooting range.</p>
<b>3.7 Reduction in non- hosted short-term rental accommodation period</b>	
<p>Applies when a Council prepares a planning proposal to identify or reduce the number of days that non- hosted short-term rental accommodation may be carried out in parts of its local government area.</p> <p>Applies to Byron Bay Shire Council</p>	<p><b>Not Applicable</b></p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>Hazard &amp; Risk</b>	
<b>4.1 Acid Sulfate Soils</b>	
<p>Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p>	<p><b>Not Applicable</b></p> <p>Site not located in a high-risk acid sulphate area.</p>

Direction	Comment
Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.	
<b>4.2 Mine Subsidence &amp; Unstable Land</b>	
<p>Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence.</p> <p>Applies when a planning proposal permits development on land which is within a mine subsidence district or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.</p>	<p><b>Applicable and Consistent.</b></p> <p>Site is located within an area identified as subject to land slip. To ensure the suitability of the site for future development a geotechnical study was undertaken by Douglas Partners, identifying the site as low risk land slip and suitable for development.</p>
<b>4.3 Flood Prone Land</b>	
<p>Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.</p> <p>Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.</p>	<p><b>Applicable and Consistent.</b></p> <p>A small, small non developable, portion of the site is identified as flood prone. A flood study was undertaken to ensure the developable portion on the site was unencumbered by any potential flood risk, with the study revealing all lands for industrial developed are above the possible maximum flood level (PMF).</p>
<b>4.4 Planning for Bushfire Protection</b>	
<p>Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.</p> <p>Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.</p>	<p><b>Applicable and Consistent.</b></p> <p>Bush fire report undertaken with all appropriate measures to be undertaken to ensure bushfire risk reduction.</p>
<b>Regional Planning</b>	
<b>5.2 Sydney Drinking Water Catchments</b>	
<p>Aims to protect water quality in the hydrological catchment.</p> <p>Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.</p>	<p><b>Not Applicable</b></p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

Direction	Comment
<b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b>	
<p>Aims to: ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas.</p> <p>Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.</p>	<p><b>Not Applicable</b></p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>	
<p>Aims to manage commercial and retail development along the Pacific Highway, North Coast.</p> <p>Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.</p>	<p><b>Not Applicable</b></p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>5.8 Second Sydney Airport: Badgerys Creek</b>	
<p>Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</p> <p>Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.</p>	<p><b>Not Applicable</b></p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>5.9 North West Rail Link Corridor Strategy</b>	
<p>Aims to promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL) and ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.</p> <p>Applies to the This Direction applies to Hornsby Shire Council, The Hills Shire Council and Blacktown City Council.</p>	<p><b>Not Applicable</b></p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>5.10 Implementation of Regional Plans</b>	



Direction	Comment
<p>Aims to give legal effect to the vision, land use strategy, goals, directions and actions contained within Regional Plans.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p><b>Applicable and Consistent.</b></p> <p>The proposal is in support to the long-term vision and strategic plan of Central Coast Council.</p>
<b>5.11 Development of Aboriginal Land Council Land</b>	
<p>Aims to provide for the consideration of development delivery plans prepared under the State Environmental Planning Policy (Aboriginal Land) 2019.</p> <p>Applies when the relevant planning authority prepares a planning proposal for land shown on the Land Application Map of the SEPP (Aboriginal Lands) 2019.</p>	<b>Not Applicable</b>
<b>Local Plan Making</b>	
<b>6.1 Approval and Referral Requirements</b>	
<p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p><b>Applicable and Consistent.</b></p> <p>Due diligence and attention to the future land use has occurred to ensure the proposed zoning of the land is consistent surrounding land uses.</p>
<b>6.2 Reserving Land for Public Purposes</b>	
<p>Aims to facilitate the provision of public services and facilities by reserving land for public purposes and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p><b>Applicable and Consistent.</b></p> <p>An area of approximately 7.4 ha will be dedicated to Council for inclusion into the Coast Open Space System, in support of natural heritage, aesthetic value, recreational, educational and conservation.</p>
<b>6.3 Site Specific Provisions</b>	
<p>Aims to discourage unnecessarily restrictive site-specific planning controls.</p> <p>Applies when the relevant planning authority prepares a planning proposal to allow development to be carried out.</p>	<p>Applicable</p> <p>the site is intended to be rezoned Industrial, with no more that the Local Environmental Plan &amp; Development Control Plan to be applied during the development phase of the site.</p>
<b>Metropolitan Planning</b>	
<b>7.1 Implementation of A Plan for Growing Sydney</b>	
<p>Aims to give legal effect to the planning principles, directions and priorities for sub</p>	Not Applicable

Direction	Comment
regions, strategic centres and transport gateways contained in A Plan for Growing Sydney	This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
<b>7.2 Implementation of Greater Macarthur Land Release Investigations</b>	
Aims to ensure development within the Greater Macarthur Land Release Investigation Area is consistent with the Greater Macarthur Land Release Preliminary Strategy and Action Plan.	Not Applicable  This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
<b>7.3 Parramatta Road Corridor Urban Transformation Strategy</b>	
Aims to facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November 2016) and the Parramatta Road Corridor Implementation Tool Kit.	Not Applicable  This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
<b>7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b>	
Aims to facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November 2016) and the Parramatta Road Corridor Implementation Tool Kit.	Not Applicable  This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
<b>7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	
The objective of this direction is to ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan dated July 2017 (the interim Plan).	Not Applicable  This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
<b>7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	
The objective of this direction is to ensure development within the Wilton Priority Growth Area is consistent with the Wilton Interim Land Use and Infrastructure Implementation Plan and Background Analysis.	Not Applicable  This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).

Direction	Comment
<b>7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b>	
The objective of this direction is to ensure development within the precincts between Glenfield and Macarthur is consistent with the plans for these precincts.	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan</b>	
<p>The objective of this direction is to ensure development within the Western Sydney Aerotropolis is consistent with the Stage 1 Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan dated August 2018 (the Stage 1 Land Use and Implementation Plan).</p> <p>This direction applies to Liverpool, Penrith Blue Mountains, Blacktown Campbelltown City Council and Fairfield City Councils, Camden Council and Wollondilly Shire Council.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>7.9 Implementation of Bayside West Precincts 2036 Plan</b>	
<p>The aim is to ensure development within the Bayside West Precincts (Arncliffe, Banksia and Cooks Cove) is consistent with the Bayside West Precincts 2036 Plan (the Plan).</p> <p>This direction applies to land within the Bayside local government area.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>7.10 Implementation of Planning Principles for the Cooks Cove Precinct</b>	
<p>The objective of this direction is to ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles.</p> <p>This direction applies to land within the Cooks Cove Precinct in the Bayside local government area, as shown on Map Sheet LAP_001 Cooks Cove Precinct Section 9.1 Direction</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>7.11 Implementation of St Leonards and Crows Nest Plan 2036</b>	
<p>The objective of this direction is to ensure development within the St Leonards and Crows Nest Precinct is consistent with the St Leonards and Crows Nest 2036 Plan</p> <p>This direction applies to land within the St Leonards and Crows Nest Precinct in the North Sydney, Lane Cove, and Willoughby local government areas as shown on Map LAP_001 St</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

Direction	Comment
Leonards and Crows Nest 2036 Plan Ministerial Direction	
<b>7.12 Implementation of Greater Macarthur 2040</b>	
<p>The objective of this direction is to ensure that development within the Greater Macarthur Growth Area is consistent with the Greater Macarthur 2040 dated November 2018.</p> <p>This direction applies when a planning proposal authority prepares a planning proposal for land identified within the Greater Macarthur 2040</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>7.13 Implementation of Pyrmont Peninsula Place Strategy</b>	
<p>The objectives of this direction are to facilitate development within the Pyrmont Peninsula that is consistent with the Pyrmont Peninsula Place Strategy (Place Strategy) and the Economic Development Strategy</p> <p>This direction applies to land subject to the Pyrmont Peninsula Place Strategy in the City of Sydney local government area as shown on Map LAP_001 Pyrmont Peninsula Place Strategy Ministerial Direction.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

# Local Planning Panel

## Record of Briefing



Briefing date	22 April 2021	
Location	39 Dell Road, West Gosford	
Agenda item	4.3 - Request to Prepare a Planning Proposal for land at 39 Dell Road, West Gosford	
Chair and panel members	Chairperson	Donna Rygate
	Panel Experts	Grant Christmas
		Linda McClure
	Community Representative	Stephen Glen
Apologies	Nil	
Declarations of interest	Nil	
Other attendees	Dean Fisher	Senior Strategic Planner
	Jenny Mewing	Principal Strategic Planner
	Rachel Callachor	Administration Officer Business Support
	Belinda Jennett	Administration Officer Business Support
	Kathryn Williams	Administration Officer Business Support

### Proposed Development: Planning Proposal for land at 39 Dell Road, West Gosford

#### Panel Advice

The Panel considered the report on the matter. The Panel supports the rationale of the proposal, the conclusion of the Officer's Report, and the recommendation.

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.



## Governance Report Card - Central Coast Council



This quarterly report is based upon the Governance Lighthouse. (NSW Audit Office). It covers eight principles and 17 key governance components.

Report date: Quarter 3 - 2020/2021

**General Comments:**

**Quarter ending 31 March 2021**

During Q3, Council appointed a new Chief Executive Officer. This was conducted in accordance with the Office of Local Government Guidelines and was resolved by Council on 23 February 2021.

During the quarter, Council reviewed the Policy for Investment Management and considered the revocation of policies no longer required. Council adopted a new Gifts and Benefits Policy and a Lobbying Policy on 9 March 2021.

At its meeting of 9 March 2021, Council considered the outcomes of the Forensic Audit conducted into Council's financial position.

Council adopted a Lobbying Policy and Gifts and Benefits Policy at its meeting on 9 March 2021. Council also adopted a draft amended Code of Meeting Practice for the purpose of public exhibition. At its meeting on 23 March, Council adopted a Debt Recovery and Hardship Policy after the public exhibition period, a Councillor and Staff Interaction Policy and changes to the Advisory Group structure.

Disclosure of Interest declarations were submitted to Council for the Administrator, Interim CEO and senior staff during the quarter in accordance with the requirements of the Code of Conduct.

## Governance Report Card - Central Coast Council

**Light house principle:****Stakeholder rights**

Measure:

Number of Code of Conduct complaints

Reporting cycle:

Quarterly

Current as at:

31-Mar-21

Data provided by:

Office of the Internal Ombudsman

	17/18	18/19	19/20	Q1 20/21	Q2 20/21	Q3 20/21	Trend
# complaints (total)	8	23	25	5	9	4	↓
% Upheld	37%	43%	32%	40%	0%	0%	-
# complaints (Cllrs + CEO)	3	8	13	2	4	0	
% Upheld	67%	63%	15%	50%	0%	N/A	

Commentary:

In 2017/18 one complaint regarding Councillors or the CEO was resolved at the outset by alternative means.

In 2018/19 one complaint regarding Councillors or the CEO remained unresolved and two were resolved at the outset by alternative means.

Some Q2 complaints for 2020/21 are still being investigated and therefore the percentage of upheld matters may not be entirely accurate as no outcome has been determined yet. The suspension of Councillors has resulted in fewer complaints in Q3.

## Governance Report Card - Central Coast Council

Measure: % of Tier 1 customer complaints resolved at first point of contact  
 Reporting cycle: Quarterly  
 Current as at: 31-Mar-21 Data provided by: Customer Experience Coordinator

	17/18*	18/19	19/20	Q1 20/21	Q2 20/21	Q3 20/21	Trend
Number of complaints	285	1049	596	97	97	99	↑
% resolved at fpoc	NA	NA	NA	100%	100%	100%	-

Commentary: \*CX (Council's Customer Relationship Management tool) started end of 2017 so the data for 2017/18 is not for a full 12 months.

Complaints for 2018/19 are significantly higher as general feedback service requests were included in the complaints data. Due to a change in resourcing, complaints were forwarded to departments, not reviewed or triaged, therefore reporting is not reflective of the true number of community complaints and included generic customer comments.

Prior to 2020/21 the percentage of complaints resolved at first point of contact have not been tracked.

The previous Q1 figure provided of 119 was based on raw data which has since been reviewed. Since then it has been determined that some were not complaints. In Q2 there were again 97 complaints. One of these was referred to the Internal Ombudsman's Office for review. In Q3 there were 99 complaints.



## Governance Report Card - Central Coast Council

<b>Light house principle:</b>	<b>Risk management</b>								
Measure:	Number of GIPA applications and % of reviews								
Reporting cycle:	Quarterly								
Current as at:	31-Mar-21	Data provided by:		Section Manager, Governance Services					
	2018/19	2019/20	Q2 19/20	Q3 19/20	Q4 19/20	Q1 20/21	Q2 20/21	Q3 20/21	Trend
GIPA applications	116	112	35	30	22	31	28	28	-
Number of reviews	NA	8	3	2	0	2	2	6	↑
% of reviews	NA	7%	9%	7%	0%	6%	7%	21%	↑
Informal information requests	1,286	1,380	337	295	361	450	247	305	↑
Average days to complete	35	25	20	20	25	40	45	50	↑

## Commentary:

A GIPA application is a formal application under the Government Information (Public Access) Act. A review under that Act is a formal request by an applicant or third party to review the decision made. The review can be conducted by another staff member or the Office of the Information and Privacy Commissioner.

An Informal information request is a request for information held by Council. There is no statutory timeframe for completing these requests. Council has a self-determined target that 90% of informal requests are completed within 45 days.

Reviews determined in the quarter can be internal review, NCAT reviews or a review by the IPC. In Q3 of 20/21 there were three internal reviews in which the decision resulted in a small variation to the Formal Decision, two IPC reviews recommending Interview Reviews be conducted and one NCAT matter which was dismissed. Generally, despite the increase in reviews, the decisions of Council have stood.

In Q3 of 2020/21 60% of information requests were completed within 45 days. The reduction in turnaround time is due to reduced resource levels. The focus remains on formal applications due to the statutory timeframes and requirements.

## Governance Report Card - Central Coast Council

Measure: Risk profile against Council's Enterprise Risk Management Framework  
 Reporting cycle: Quarterly  
 Current as at: 31/03/2021 Data provided by: Enterprise Risk Manager

Total number of operational risks	<b>273</b>
Total number of Extreme risks	1
Total number of High risks	35
Total number of Medium risks	114
Total number of Low risks	123

<b>Risk by Type</b>	
Asset	30
Business	51
Fraud and Corruption	27
Governance	28
HR	12
IM	23
Legal	16
Operational	78
Resources	5

Commentary: The Enterprise Risk Management Framework has been operating since April 2019. There have been four reviews of risks during the last 24 months focussed on developing an understanding of identifying risks and effectively managing them. The adopted restructure provides an opportunity to consolidate risks and focus more strongly on working through the organisation's objectives as they cascade to Units and Sections. Each Unit's risks are formally reviewed every six months.

Of the 20 highest risks current identified: three are asset related, four are business related, two are governance related, four are human resources related, and seven relate to operations.

These risks and associated controls are currently under review as the organisation works towards reducing them to an acceptable level. The controlled risk heat map is below.

## Governance Report Card - Central Coast Council

Central Coast Council Risk Management Heat Map						
CONSEQUENCE						
LIKELIHOOD		Catastrophic	Major	Moderate	Minor	Insignificant
	Almost Certain	0	0	2	2	1
	Likely	1	7	8	9	2
	Possible	3	11	22	35	9
	Unlikely	4	11	25	68	10
	Rare	5	4	14	8	12

## Governance Report Card - Central Coast Council

**Light house principle:****Remuneration**

Measure: Council determines Councillor remuneration annually by 30 June

Reporting cycle: Annual

Current as at: 13-Jul-20

Data provided by: Unit Manager, Governance and Business Services

	17/18	18/19	19/20	20/21
Date resolved	23/10/2017	26/6/18	10/06/2019	13/07/2020
In time	No*	Yes	Yes	No**

## Commentary:

Council is required to determine the Remuneration for Councillors each year prior to 30 June 2020. This is based upon the annual determination made by the Local Government Remuneration Tribunal.

\*In 2017 the annual determination was made after 30 June 2020 due to the conduct of the Local Government Election in September 2017.

\*\*In 2020 the annual determination was made after 30 June 2020 due to the Remuneration Tribunal decision being delayed as a result of COVID-19.

## Governance Report Card - Central Coast Council

**Light house principle:****Disclosure**

Measure:

% of annual disclosures completed within statutory timeframes

Reporting cycle:

Annual

Current as at:

31/12/2020

Data provided by:

Section Manager, Governance Services

	17/18	18/19	19/20
% completed by 30 Sep (staff)	97%	96%	100%
% completed by 30 Sep (Cllrs)	100%	100%	100%
% completed by 30 Sep (ARIC)	NA	NA	100%

Commentary:

The Councillor returns upon election were tabled on 12 February 2018.

Returns for the period of 2017/18 were tabled on 29 October 2018. Nine returns for staff were not tabled due to those staff being on extended leave. These returns were subsequently completed.

Returns for the period of 2018/19 were tabled on 28 October 2019. Seven returns for staff were not tabled due to those staff being on extended leave. These returns were subsequently completed.

Prior to the tabling of returns for 2019/20, the list of designated persons was reviewed in accordance with the relevant Office of Local Government circular. This resulted in a reduced number of staff being identified as designated persons. Returns for the period of 2019/20 were tabled on 24 October 2020. In addition, with changes to designated persons and senior staff additional returns were completed and published. A further report was provided to Council to formally table these returns in early 2021.

## Governance Report Card - Central Coast Council

**Light house principle:****Corporate reporting**

Measure:

Financial statements completed within timeframes

Reporting cycle:

Annual

Current as at:

31/03/2021

Data provided by:

Unit Manager, Finance

	16/17	17/18	18/19	19/20
Date resolved	26/03/2018	10/12/18	9/03/2020	27/04/2021

Commentary:

The legislated deadline for the finalisation of the Financial Statements is 30 November each year. However, the Office of Local Government grants extensions where there are valid reasons why that timeframe cannot be met.

The lodgement of the Financial Statements for the years ended 30 June 2017, 30 June 2018 and 30 June 2019 were approved by the OLG. Copies of these approvals are held on file.

Financial year ended 30 June 2020

- Ongoing issues with current financial position, forensic audit and the complexities associated with the appointment of the Interim Administrator in light of these issues.
- Extension sought and approved by Office of Local Government for lodgement by 30 April 2021

## Governance Report Card - Central Coast Council

Measure: Management Actions identified as part of audits completed by risk rating  
 Reporting cycle: Quarterly  
 Current as at: 31/03/2021 Data provided by: Chief Internal Auditor

	Extreme	High	Medium	Low	Total	Date	
<b>2020/2021</b>	<b>0</b>	<b>66</b>	<b>49</b>	<b>9</b>			
IT General Controls	0	7	14	7	28	Mar-21	NSW Audit Office
Water Quality and Supply Mgmt	0	8	9	3	20	Dec-20	Internal Audit
Purchase cards	0	13	7	2	22	Nov-20	Internal Audit
Payroll	0	2	4	0	6	Nov-20	Internal Audit
Contractors, Temps, Labour Hire	0	13	3	0	16	Oct-20	Internal Audit
Contract Management	0	6	6	0	12	Jun-20	Internal Audit
Leadership Allowance and Expense	0	11	6	1	18	Sep-20	Internal Audit
Complaints Management	0	11	5	1	17	Pending	Internal Audit
IT Governance	0	2	9	2	13	Sep-20	Internal Audit
<b>2019/2020</b>	<b>0</b>	<b>42</b>	<b>54</b>	<b>15</b>			
Procurement of IT Goods	0	11	1	0	12	Jul-19	Internal Audit
NHV Accreditation (2017/18)	0	3	4	1	8	Jul-19	Internal Audit
Cash Management (Waste Services)	0	11	3	0	14	Jul-19	Internal Audit
Seniors Centres	0	11	6	0	17	Sep-19	Internal Audit
Cash Management (Library Service)	0	2	4	0	6	Oct-19	Internal Audit
Interim Audit 30/6/19	0	0	16	7	23	Jan-20	NSW Audit Office
Final Audit 30/6/19	0	2	9	3	14	Mar-20	NSW Audit Office
Infrastructure contributions	NA	NA	NA	NA	*13	Mar-20	NSW Audit Office
Councillor Expenses and Facilities	0	2	11	4	17	Apr-20	Internal Audit
<b>2018/19</b>	<b>0</b>	<b>20</b>	<b>10</b>	<b>0</b>			

Commentary: NSW Audit Office Actions were not captured in reporting until 2020/21 this is because the NSW Audit Office became Council's external auditor from 2018/19 year.

Details of the Management actions are reported to the Audit, Risk and Improvement Committee every meeting.

\*In March 2020, the NSW Audit Office finalised a performance audit of *Governance and internal controls over local infrastructure contributions*. The Audit made 13 recommendations for Central Coast Council. These recommendations were not identified by risk level.

## Governance Report Card - Central Coast Council

**Light house principle:****Ethics**

Measure:

No instances of failure to meet legislative deadlines

Reporting cycle:

Quarterly

Current as at:

31/03/2021

Data provided by:

Section Manager, Governance Services

	Q1 20/21	Q2 20/21	Q3 20/21	Trend
# of missed deadlines	2	3	0	↓

Commentary:

On 2 July 2020 a Legislative Compliance Policy (Operational) was adopted.

From 1 July 2020 a Legislative Compliance Register was established and implemented.

There was a total of seven items due in Q3 20/21 and all items were reported as completed on time. As a result, there were no failures to meet legislative reporting timeframes in Q3 20/21. Work has also been completed in updating the Legislative Compliance Register to reflect Council's new corporate structure, as well as capturing regular feedback from the relevant areas of Council as to their ongoing statutory compliance and requirements.



## Governance Report Card - Central Coast Council

**Light house principle:****Structure**

Measure:

# of Council actions completed

Reporting cycle:

Quarterly

Current as at:

31/03/2021

Data provided by:

Section Manager, Councillor Support

	Q1 19/20	Q2 19/20	Q3 19/20	Q4 19/20	Q1 20/21	Q2 20/21	Q3 20/21	
Number of open actions	101	93	71	76	86	71	64	(at the end of the quarter)
Number closed actions	13	131	78	77	62	104	57	(at the end of the quarter)
Open and overdue	NA	NA	9	6	14	14	5	(at the end of the quarter)

Commentary:

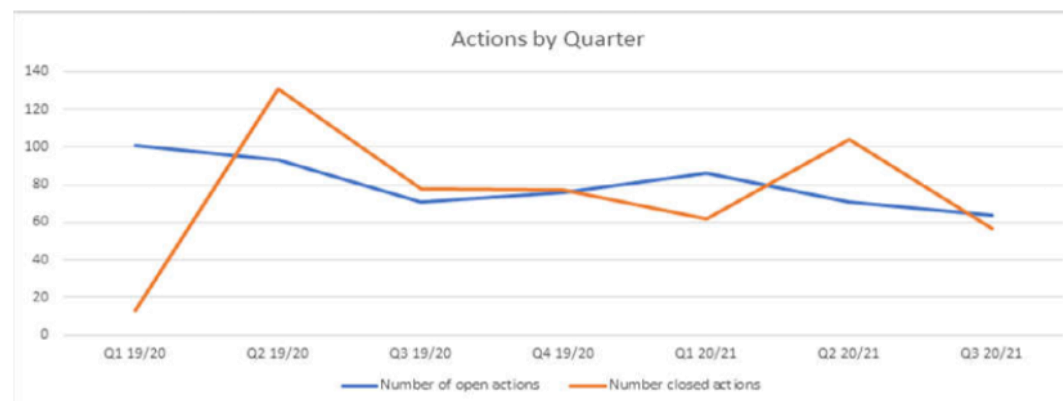
Open, closed and overdue actions are as at the end of each quarter.

During the period from October to December 2019, a review was undertaken of open Council Actions. As a result of this review a significant number were closed as the action had been taken but had not been updated in the system. For transparency, a report of all resolutions of Council since the conduct of the 2017 Local Government election was provided to all Councillors on 24 April 2020 with a status comment.

Reports of overdue actions at the end of each quarter were not created until January 2020. Updated actions report are provided following each Ordinary Meeting.

Reports relating to Actions were provided in the Councillor Support Updates on 24 April 2020, 22 May 2020, 13 November 2020 and 22 January 2021 .

## Governance Report Card - Central Coast Council



## Governance Report Card - Central Coast Council

Measure: % of items considered in Confidential Session of Council  
 Reporting cycle: Quarterly  
 Current as at: 31/12/2020 Data provided by: Section Manager, Councillor Support

	Q1 19/20	Q2 19/20	Q3 19/20	Q4 19/20	Q1 20/21	Q2 20/21	Trend
Total number of items	122	170	106	108	90	150	↑
% in closed session	3%	1%	7%	5%	2%	10%	↑

Commentary: In 2019/20 there were a total of 17 items resolved by Council to be confidential.

In Q1 and Q2 there has been a focus on providing as much as practicable in open Council by using Confidential attachments.

The increase in the number of items considered in Confidential Session of Council in Q2 is reflective of the current financial situation.

## Governance Report Card - Central Coast Council

**Light house principle:****Management oversight**

Measure:

% of actions delivered against Community Strategic Plan

Reporting cycle:

Annual

Current as at:

30/06/2020

Data provided by:

Section Manager, Corporate Planning and Reporting

	18/19	19/20
Actions due to be completed	157	147
Number of actions completed	121	109

Commentary:

The Community Strategic Plan was adopted by Council in May 2018 and was implemented from 1 July 2018.

Q1 2020/21 information will be available 19 October and reported to Council in November. The 2019-20 figures are draft as they form part of the Annual report which will be provided to Council on 14 December 2020.