



Central Coast Council
Business Paper
Ordinary Council Meeting
14 September 2021





COMMUNITY STRATEGIC PLAN 2018-2028

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

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

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

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

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

RESPONSIBLE

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

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



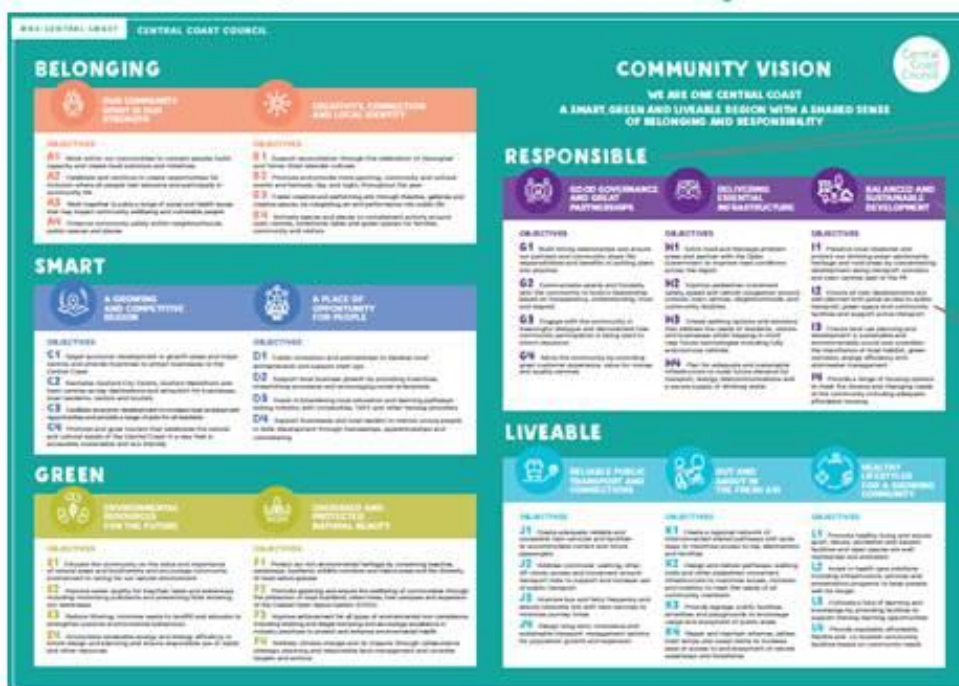
Good governance and great partnerships

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

There are 5 themes, 12 focus areas and 48 objectives

COMMUNITY STRATEGIC PLAN 2018-2028 FRAMEWORK

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



Theme

Focus Area

Objective

Meeting Notice

**The Ordinary Council Meeting
of Central Coast Council
will be held Remotely - Online,
on Tuesday 14 September 2021 at 6.30pm,
for the transaction of the business listed below:**

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David Farmer
Chief Executive Officer

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

14 September 2021 Ordinary Council Meeting

Reference: F2021/00035 - D14794276



Recommendation

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

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

Section 451 of the LG Act states:

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

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

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



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

14 September 2021 Ordinary Council Meeting

Reference: F2021/00034 - D14827680

Recommendation

That Council confirm the minutes of the Ordinary Meeting of Council held on 24 August 2021 and the Extraordinary Meeting of Council held on 7 September 2021.

Summary

Confirmation of minutes of the Ordinary Meeting of Council held on 24 August 2021 and the Extraordinary Meeting of Council held on 7 September 2021.

Attachments

- | | | | |
|----------|--|---|-----------|
| 1 | MINUTES - Ordinary Council Meeting - 24 August 2021 | Provided Under Separate Cover | D14801461 |
| 2 | MINUTES - Extraordinary Council Meeting - 7 September 2021 | Provided Under Separate Cover | D14830754 |

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



14 September 2021 Ordinary Council Meeting

Trim Reference: F2021/00035 - D14794283

Recommendation

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

Summary

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

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

Context

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

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

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

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

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

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

Attachments

Nil

Item No: 2.1
Title: Waterfront Addressing
Department: Corporate Affairs



14 September 2021 Ordinary Council Meeting

Reference: F2004/00500-004 - D14808783
Author: Roslyn Young, Section Manager Information Services
Manager: Jamie Beal, Unit Manager Information and Technology
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

Recommendation

- 1 That Council resolve to adopt waterfront addressing for properties along the Hawkesbury River and its tributaries in accordance with Australian/New Zealand Standard 4819:2011 - Rural and Urban Addressing; NSW Address Policy and NSW Retrospective Address Policy;**
- 2 That Council notify all affected residents and government departments of updated addresses.**

Report purpose

To provide a further report, as required by Council resolution, detailing submissions received through public consultation for the proposed waterfront addressing of water access only properties located on the Hawkesbury River and associated tributaries. Further, to seek resolution to adopt the waterfront addressing.

Executive Summary

At its Ordinary meeting on 23 March 2021, Council endorsed the adoption of waterfront addressing to water access only properties located on the Hawkesbury River and associated tributaries for the purposes of public exhibition.

Approximately 550 properties are proposed to be re-addressed, with recommendations in accordance with the Australian/New Zealand Standard 4819:2011 - Rural and Urban Addressing; NSW Address Policy (Section 6.6 Principles for Water-Based Numbering); and NSW Retrospective Address Policy.

Based on the 28-day public consultation with affected property owners and Government Departments, Council received a total of 23 submissions. Of these, 7 submissions supported the proposed waterfront addressing and 16 submissions raised objections or concerns.

Council officers have reviewed the submissions, including consideration of alternate methodologies and resulting impacts. Whilst some ambiguity can be resolved through minor changes to the proposed numbering, other objections were non-compliant with the

above Australian and NSW addressing frameworks or not a viable solution for the subject area collectively.

Based on the necessity for clear, consistent and compliant numbering, Council seeks to finalise the waterfront addressing utilising the proposed distance based methodology, inclusive of minor changes only.

Background

At its Ordinary meeting on 23 March 2021, Council resolved:

81/21 *Resolved*

- 1 *That Council resolve to adopt waterfront addressing for properties along the Hawkesbury River and its tributaries in accordance with Australian/New Zealand Standard 4819:2011 - Rural and Urban Addressing; NSW Address Policy and NSW Retrospective Address Policy for the purpose of public exhibition.*
- 2 *That Council commence 28-day consultation period and seek comment from all affected property owners and other government departments.*
- 3 *That following the consultation period, a further report be provided to Council for the purpose of considering submissions received.*

The methodology which was used to determine the format of the proposed waterfront addressing was outlined in the original Council report dated 23 March 2021

Refer Attachment 1 – Waterfront Addressing Council Report 23 March 2021

Refer Attachment 2 – Waterfront Addressing Overview Map

Consultation

Discussions have been held with the NSW Department of Customer Service, Spatial Services section to determine priority and methodology which is consistent with the NSW addressing direction and advice.

Public consultation commenced on 10 May 2021 and closed 7 June 2021 as per the following:

- [Your Voice Our Coast](#) website for provision of information and access to an interactive map to view individual and collective proposed house numbering;
- Distribution of letters to all affected property owners, advising of the proposed numbering system and seeking feedback;

2.1 Waterfront Addressing (contd)

- Government Departments were notified and invited to comment: Australia Post, the Australian Electoral Commission, NSW Department of Customer Services, Valuer Generals, Telstra, Ausgrid, Jemena, Maritime Service, National Park and Wildlife Services as well as local emergency services.

A total of 23 submissions were received during the 28 day consultation period; 7 submissions supported the proposed waterfront addressing, whilst 16 submissions raised objections or concerns.

The Your Voice Our Coast Waterfront Addressing page was visited by 260 users during this time.

Submission Analysis

The objections and concerns have been summarised below:

- 1 An established address already exists; change seems unnecessary; dislike of the proposed numbering system;
- 2 Preference to retain and use existing lot numbers instead of distances;
- 3 Preference for location (suburb) based house numbering instead of distance-based numbering;
- 4 Bar Point – requesting Kalinda Road properties be addressed to Hawkesbury River;
- 5 Re-classification of Cogra Bay to the Hawkesbury River instead of the proposed Mooney Mooney Creek;
- 6 Marlow property owners wish to use the postcode of 2083 which stands for Riverboat Postman deliveries instead of 2775;
- 7 Ensure notification is provided to service providers, insurance companies, banks, Google Maps etc, inclusive of acceptance of adoption of Creek as a road type;
- 8 Ensure all properties are allocated a unique and sequential number;

Submission Response

Council is the designated local addressing authority and has allocated the waterfront addressing in accordance with the Australian/New Zealand Standard 4819:2011 - Rural and Urban Addressing; NSW Address Policy; and NSW Retrospective Address Policy.

The distance-based methodology has been applied in alignment with the NSW Address Policy Section 6.6 Principles for Water-Based Numbering, Section 6.6.1 Water Access, Section 6.6.2 Use of Water Name, Section 6.6.3 Sequence and Section 6.6.4 Datum Point for Waterways.

This methodology provides a systematic, consistent and collective approach to the allocation of addresses to all affected properties located on the Hawkesbury River and its tributaries.

This will ensure a system suitable for timely identification of properties and emergency response.

Based on the above, response to the summarised objections and concerns is provided as follows:

An established address already exists; change seems unnecessary; dislike of the proposed numbering system;

The current addressing is inconsistent amongst the Hawkesbury River communities, in many cases problematic for service providers and emergency services and does not adequately meet the requirements for a complete address, which is now a pre-requisite for many business transactions.

The proposed addressing will ensure; compatibility with other governmental and organisational databases; a known and consistent method for property location; geo-referenced addressing which can be included in Australia's authoritative Geocoded National Address File (G-NAF).

Preference to retain and use existing lot numbers instead of distances;

The current practice of using the registered lot number is problematic due to duplication. Within the Hawkesbury River subject area and within each suburb, there are many instances of duplicated lot numbers. For example, within the Hawkesbury River subject area there are 22 properties with an address of Lot 1 Hawkesbury River.

Additionally, the use of lot numbers is not a future proof approach, as current land management practices in NSW recognise allocation of unique lot numbers relative only to the instrument in which they are registered. For example, it is not uncommon for the lot numbering sequence in each future subdivision, consolidation and redefinition plan to commence with Lot 1.

Preference for location (suburb) based house numbering instead of distance-based numbering;

Allocation of house numbers per suburb or location, would result in multiple properties within the Hawkesbury River subject area having similar addresses. For example, 1 Hawkesbury River would be allocated several times in the study area, with the suburb as the only variant. This will not provide a unique address, is contrary to the governing frameworks and could lead to potential confusion.

Bar Point – requesting Kalinda Road properties be addressed to Hawkesbury River;

Feedback provided highlighted that Kalinda Road, Bar Point is a track, not a road. Whilst Council recognises this, Kalinda Road has been gazetted as a road and any change of road type would be a separate submission to the NSW Geographical Names Board.

2.1 Waterfront Addressing (contd)

Prior to the commencement of the public consultation, the Bar Point Progress Association provided feedback to Council for consideration. It was noted Bar point property owners have already established the use of the lot number and Kalinda Road as their address and expressly highlighted their existing addresses remain. Council proposed to maintain the existing numbering of the 114 properties without the Lot number prefix i.e. Lot 2 Kalinda Road will now be known as 2 Kalinda Road, Bar Point. The numbering is sequential and without duplication.

Re-classification of Cogra Bay to the Hawkesbury River instead of the proposed Mooney Mooney Creek;

Feedback provided highlighted that problems arise with Cogra Bay when requesting emergency services, due to confusion with the suburb of Kogarah Bay in the Sydney Metropolitan area.

As the Cogra Bay properties are located at the mouth of Mooney Mooney Creek, but appear to front the Hawkesbury River, Council proposes to re-address the Cogra Bay properties to the Hawkesbury River. Reference to the Hawkesbury River will assist to avoid ambiguity and confusion with location.

Marlow property owners wish to use the postcode of 2083 which stands for Riverboat Postman deliveries instead of 2775;

Postcodes falls under the jurisdiction of Australia Post. This would be a separate submission to Australian Post to consider changing the postcode of Marlow to 2083.

Ensure notification is provided to service providers, insurance companies, banks, Google Maps etc, inclusive of acceptance of adoption of Creek as a road type;

Council is the designated local addressing authority and procedure for any change of address includes notification to Government Departments including Australia Post; the Australian Electoral Commission; NSW Department of Customer Services; Valuer Generals; Telstra; Ausgrid; Jemena as well as local emergency services. Government organisations such as Services NSW, Centrelink and private companies such as financial institutions require the change of address to be advised directly by the property owner.

To note, some government and private bodies update their database through third party data provision, received at varying intervals. Some delays may occur with these departments updating their records. Additionally, Google is a private company of which Council has no jurisdiction. Council will advise the mediator for Google Maps of the updated addresses, but there is no certainty when the updates will occur.

Ensure all properties are allocated a unique and sequential number;

The methodology applied to allocate the waterfront addresses has been based on distance calculations along the river/creek centrelines (as opposed to the shoreline). Chainage points

at 500m intervals were calculated along each of the centrelines from the respective zero datum points. Properties have been allocated house numbers based on their proximity to their respective centreline. To ensure the numbering is unique no two properties will have the same house number, properties are also numbered in a sequential order.

Financial Considerations

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

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

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

The recommendation does not impact on Council's financial position.

Link to Community Strategic Plan

Theme 1: Belonging

Goal G: Good governance and great partnerships

B-A1: Work within our communities to connect people, build capacity and create local solutions and initiatives.

Options



Option 1

Adopt waterfront addressing for properties along the Hawkesbury River and its tributaries in accordance with Australian/New Zealand Standard 4819:2011 - Rural and Urban Addressing; NSW Address Policy and NSW Retrospective Address Policy.

Option 2

Do nothing. Addressing anomalies and difficulties will remain.

Attachments

1	Waterfront Addressing Council Report 23	Provided Under Separate	D14484474
	March 2021	Cover	
2	Waterfront Addressing Overview Map	Provided Under Separate	D14515603
		Cover	

Item No: 2.2
Title: Request to prepare a Planning Proposal for 437 Wards Hill Road, Empire Bay
Department: Environment and Planning



14 September 2021 Ordinary Council Meeting

Reference: F2020/00039 - D14809412
Author: Bruce Ronan, Strategic Planner
Jenny Mewing, Principal Strategic Planner
Manager: David Milliken, Unit Manager Strategic Planning
Executive: Scott Cox, Director Environment and Planning

Recommendation

- 1 That Council prepare a Planning Proposal in relation to Lot 1 DP 610629, 437 Wards Hill Road, Empire Bay, to amend the Central Coast Local Environmental Plan, when it comes into effect, to:**
 - (a) zone the subject land to E3 Environmental Management;**
 - (b) apply the minimum lot size of 20 Ha;**
 - (c) apply the Additional Permitted Use of "caravan park" to the land.**
- 2 That Council submit the Planning Proposal to the Minister for Planning and Public Spaces in accordance with Section 3.35(2) of the Environmental Planning and Assessment Act 1979, requesting a Gateway Determination, pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.**
- 3 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 undertake community and public authority consultation in accordance with the Gateway Determination requirements, including the concurrent exhibition of the draft Development Control Plan.**

Report purpose

To consider a request to prepare a Planning Proposal to zone Lot 1 DP 610629, 437 Wards Hill Road, Empire Bay from 7(c2) Conservation and Scenic Protection (Rural Small Holdings) under Interim Development Order No. 122 – Gosford (IDO 122) to E3 Environmental Management under the Central Coast Local Environmental Plan and include an Additional Permitted Use for the purposes of a Caravan Park on the same land.

Executive Summary

This Planning Proposal seeks to enable the regularisation of the long-term caravan park use on the site. This will avoid the need for the displacement and relocation of existing long-term residents.

The Land and Environment Court has determined that the existing caravan park development on Lot 1 DP 610629 has existing use rights for short-term accommodation only. The Court of Appeal confirmed this decision. Consequently, long-term or permanent accommodation is currently prohibited on the site. However, the site has development consent for this use, but the validity of which is now in question.

The site is an existing Deferred Matter (DM) site and will not be rezoned when the Central Coast Local Environmental Plan (CCLEP) comes into effect.

To deliver the intended outcome, it is recommended to zone the land to E3 Environmental Management, and include an Additional Permitted Use (APU) for a "caravan park", where it can be demonstrated that land proposed for long term accommodation is located outside the areas identified as high hazard flood level.

The Planning Proposal was considered by the Local Planning Panel on 19 August 2021 and was supported in principle.

Background

The caravan park has existed on the subject land since 1980 when development consent was issued for 26 caravan sites which were not to be used for permanent accommodation. In 1983 another development consent was issued for an additional 33 caravan sites to be used on a short-term basis. When these consents were issued, caravan parks were a permitted use in the zone at the time.

In 1983, Sydney Regional Environmental Plan No 6 – Gosford Coastal Areas zoned the land so that "caravan parks" became a prohibited use. The use of the site approved under the consents of 1980 and 1983 accordingly became an "existing use" under the Environmental Planning and Assessment Act 1979 (EPA Act).

In 2006 Council issued Development Consent to change the use of all existing sites from short-term to long-term accommodation.

In 2017 Council refused a development application for a further 48 long term sites on the basis that: "The site for the purpose of additional caravan sites for long-term accommodation is not consistent with the existing use rights applicable to the land, which exist only for short-term caravan park accommodation."

2.2 Request to prepare a Planning Proposal for 437 Wards Hill Road, Empire Bay (contd)

The owner took the matter to the Land and Environment Court where the Court found that the site does not benefit from existing use rights for long-term accommodation. However, the decision and consequential appeal to the Court of Appeal did not expressly offer an opinion as to the validity of the 2006 consent.

Current Status

The site comprises 68 long-term accommodation sites which may not have valid consent, and which are located on land subject to flooding. The request to prepare a Planning Proposal seeks to address these matters by zoning the land from 7(c2) Conservation and Scenic Protection (Rural Small Holdings) under IDO 122 to E3 Environmental Management under the CCLEP, applying "caravan park" as an APU on the subject lot and specifying that existing and future dwellings are not to be located within High Hazard flood levels.

Report

The request seeks to zone the land to E3 Environmental Management within the Central Coast Local Environmental Plan and include an additional permitted use of "caravan park".

Most of the existing dwellings on the site are affected by flooding. Under the exhibited draft Central Coast Development Control Plan (CCDCP) Chapter relating to Floodplain Management it is proposed that caravan parks could be considered where supported by appropriate studies and other required information on flood liable land where the Hazard Levels in the Probable Maximum Flood (PMF) are considered low hazard (i.e. H1, H2, H3). It should be noted that this is a draft document only and now that the accompanying mapping has been completed is expected to be placed on exhibition later this year.

Therefore, it is proposed that the APU will seek to relocate those existing dwellings out of high hazard areas (i.e. H4, H5, H6) and not permit new dwellings or structures within these high hazard areas.

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

- The proposed zone of E3 Environmental Management is considered suitable for this site due to it being affected by the physical constraint of flooding. The minimum lot size applicable to the E3 zone is 20 Ha which will not permit further subdivision of the land.
- The APU within the Planning Proposal will not seek to regularise existing development which is located in high hazard flood levels but will enable the relocation of these buildings, and any new development, to areas outside the high hazard flood levels.
- The Planning Proposal will permit long-term affordable accommodation on the land, thus assisting with meeting the needs of the local community in this locality.

2.2 Request to prepare a Planning Proposal for 437 Wards Hill Road, Empire Bay (contd)

- Even though the land is currently affected by flooding, the Planning Proposal and accompanying DCP, will ensure no new dwellings would be adversely affected by floodwaters.

An assessment of the proposal has been undertaken to inform this recommendation, as detailed in Attachments 1 and 2. As the Proposal has strategic merit it is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

Consultation

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

Financial Considerations

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

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

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

Adoption of the staff recommendation has no budget implications for Council. The direct cost to Council is the preparation of the planning proposal which will be charged as per Council's fees and charges on a cost recovery basis.

Link to Community Strategic Plan

Theme 3: Green

Goal F: Cherished and protected natural beauty

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

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

Theme 4: Responsible

Goal I: Balanced and sustainable development

2.2 Request to prepare a Planning Proposal for 437 Wards Hill Road, Empire Bay (contd)

R-I2: Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport.

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

R-I4: Provide a range of housing options to meet the diverse and changing needs of the community and there is adequate affordable housing.

Risk Management

There have been no risks identified to the natural and built environment associated with the proposed amendment to the CCLEP, about seeking a Gateway Determination.




Options

- 1 Support the Recommendation as the Planning Proposal has strategic merit. **This is the Recommended Option.** The basis for this recommendation is:
 - The Planning Proposal zones the land to an appropriate zone under the CCLEP;
 - the Planning Proposal permits long-term accommodation on the site outside those areas identified as high hazard flood level;
 - The Planning Proposal will enable future additional affordable housing to be located on the site to satisfy the accommodation needs of the community;
 - the vegetation on the land will be protected.
- 2 Refuse to support the Request for a Planning Proposal (Not Recommended). Should the Planning Proposal not be supported, the current long-term residents on the site may have to be relocated and an opportunity will have been missed for the provision of additional affordable housing in the southern area of the LGA.

Critical Dates or Timeframes

The Department of Planning, Industry and Environment (DPIE) are implementing strict Gateway Determination timeframes, requiring the exhibition of a Planning Proposal within 12 months, and finalisation within 24 months of the date of issue of a Gateway Determination.

Attachments

- | | | | |
|---|--|---|-----------|
| 1 | Planning Proposal Assessment Report | Provided Under Separate Cover | D14737860 |
|  | | | |
| 2 | Planning Proposal Strategic Assessment | Provided Under Separate Cover | D14737868 |
|  | | | |
| 3 | Local Planning Panel Advice | Provided Under Separate Cover | D14811012 |
|  | | | |



Item No: 2.3
Title: Policy for Development Application Functions
Department: Environment and Planning

14 September 2021 Ordinary Council Meeting

Reference: F2016/01556 - D14783934
Author: Andrew Roach, Unit Manager, Development Assessment
Executive: Scott Cox, Director Environment and Planning

Recommendation

That Council adopt the draft Policy on Assessment of Development Applications (Attachment 2), amended as follows:

- ***Amendments to formatting of report, particularly to provide clarity on pre-lodgement and lodgement processes;***
- ***Amended to provide clarity on what constitutes a 'short timeframe' for correspondence***
- ***Clearer references to relevant sections of the Environmental Planning & Assessment Regulations 2000 as they relate to application lodgement requirements; and***
- ***References to Council obligations to comply with mandated timeframes for assessment, Ministerial Directions and the like.***

Report purpose

To present the '*Policy on the Assessment of Development Applications*', to Council for consideration and adoption.

Executive Summary

Council has previously noted the importance of timely and efficient Development Assessment functions. To ensure development application assessment is undertaken in a consistent, efficient and timely manner, the Draft *Policy on Assessment of Development Applications* was considered at the Ordinary Meeting of the Council of 3 February 2021 where it was resolved to place the Draft Policy on exhibition.

The objective of the Policy is to assist in the delivery of a consistent and efficient development assessment service, which relies heavily on having lodged applications 'ready for assessment' with all required information. The exhibition period for the draft Policy has now concluded and three submissions were received. The Policy, with minor amendments as a result of matters raised in submissions, is presented for consideration and adoption (the final version of the Policy is included as *Attachment 2*).

Background

When compared to other local government authorities, Central Coast Council deals with amongst the highest number of development applications in NSW. Last financial year more than 3,175 applications were lodged with Council, having an estimated construction value of more than \$1 billion.

In recognition of the key role of development and construction sectors to the local economy, at the Ordinary Meeting of the Council on 26 October 2020, the following resolution was made:

1105/20 That Council via the Chief Executive Officer now investigate and report back to Council, measures to assist in the fast tracking of DA assessments, including allocating additional resources to the planning department, in order to reduce DA assessment turnaround times.

Partially in response to that resolution, at the Ordinary Meeting of Council on 3 February 2021 a draft *Policy on the Assessment of Development Applications* was presented, with aims of assisting in a reduction development assessment turnaround times and to provide certainty to the community on Councils' approach to development assessment functions. At that meeting, the following resolution was made:

19/21 That Council endorse the draft Policy on Assessment of Development Applications (Attachment 1) for the purposes of a 28 day consultation period.

That consultation period has now concluded and the final *Policy on Assessment of Development Applications* is presented (Attachment 2) for consideration and adoption.

Context

The NSW Government's '*Development Assessment Best Practice Guide*' (2017) promotes best practice principles that assist in the timely determination of development applications. It recognises that that lodgement of 'assessment ready' applications provides for more efficient use of resources in development assessment functions of local government.

In early 2020, as part of its response to economic impacts of Covid19, the NSW Department of Planning Industry & Environment released the '*Planning System Acceleration Program*'. Part of the program aims to support Councils and planning panels in fast-tracking assessment for Development Applications. Other measures have been instigated by the NSW Government throughout 2020 and 2021, including establishment of *Planning Delivery Unit* within the Department of Planning Industry & Environment, revised Ministerial Directions for the operation of Local and Regional Planning Panels and newly established targets for Regionally Significant Development Application assessment – all of which underscore the direction of hastening the pace of development assessment functions within local government.

The adoption of the *Policy on the Assessment of Development Applications* aims to assist in the delivery of a consistent, equitable and efficient development assessment service, which is only possible when applications are submitted with the required information so an informed, proper and timely assessment can be made on the application, without delay.

The development assessment process is not just a required regulatory function of Council, it is key to the economic success of the region. Construction and housebuilding is the third largest employment sector on the Central Coast (after health and retail). Almost one-quarter of registered businesses in the region are directly employed in the construction sector. It is also noted that, through the recent restructure process the organisation lost 10 development and building assessment officers (accounting for more than 20% of the assessment capacity). The organisation currently has 30 fewer development and building assessment staff than at the time of amalgamation. As such, the adoption of more efficient development assessment process with a well-defined and consistent practices for the assessment of applications has never been more important

Consultation Outcomes

The Draft Policy was placed on exhibition for a period of 28 days, concluding on 7 April 2021.

Three written submissions were received. Key matters raised in submissions include:

- Request for clarity on reasons why an application may be rejected (ie not accepted for lodgement) including making specific reference to the requirements of the *Environmental Planning & Assessment Regulations 2000*;
- Comments about the NSW ePlanning Portal and lodgement process;
- Comments in relation to resourcing of Councils Pre-lodgement and duty planning services, and recommendations that more resources be provided, that the service provides more timely advice, and that more significant weight be given to that advice;
- Requests that applicants should be allowed to place applications 'on hold' to prepare additional information and/or revised plans;
- Request for greater involvement of external (state agency) referral bodies in the pre-lodgement process; and
- Recommendations that the report provides prescriptive timeframes for Council in assessment function, and not just for applicants.

Attachment 1 contains a summary of the matters raised during the consultation period, with the final *Draft Policy on Assessment of Development Applications* included as Attachment 2 for consideration and adoption.

Financial Impact

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

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

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

The adoption of the policy will have no direct financial implications. The Policy is aimed at assisting in more streamlined and responsive development assessment functions which will improve efficiency with limited resources following Council's recent restructure.

Link to Community Strategic Plan

Livable

Goal I: Balanced and sustainable development

I2: Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport.

Options

The broad options available are:

- Not to endorse the Policy – this option is not recommended. The aim of the Policy is to assist in providing a consistent and efficient development assessment process. Not proceeding with the Policy adoption may hinder that approach.
- Endorse the draft Policy – **This is the recommended option.** This is the recommended option, in order to provide clarity to applicants for development.

Attachments

1	Matters Raised During Consultation - Policy for Development Application Functions	Provided Under Separate Cover	D14783960
2	Policy on Assessment of Development Applications Aug 2021 - Policy for Development Application Functions	Provided Under Separate Cover	D14783961



Item No: 2.4
Title: Central Coast Airport - Budget
Department: Corporate Affairs

14 September 2021 Ordinary Council Meeting

Reference: F2004/06700-002 - D14798827
Author: Ben Brown, Property Development Manager
Manager: Jamie Barclay, Unit Manager Development and Property
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

Recommendation

That Council transfer \$300,000 from account 130200 - Internal Restrictions (Land Development) to 52211.Airport for the development of the initial stages associated with the Airport Masterplan.

Report purpose

To obtain approval to utilise and transfer funds from account 130200 - Internal Restrictions (Land Development) to 52211.Airport for the development of the initial stages associated with the Airport Masterplan.

Executive Summary

As noted in the Council Report entitled 'Warnervale Airport' dated 13 April 2021, Council is in the process of developing the Warnervale Airport Masterplan. This report identifies the funding source for the initial stages associated with the Airport Masterplan and the amount required.

Background

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

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

Subsequently, Council's report dated 13 April 2021, entitled 'Warnervale Airport' noted within its Financial Considerations '*Council has five million dollars in restricted development funds which it will utilise for the development of the initial stages of the Airport Masterplan.*'

Council has identified account 130200 - Internal Restrictions (Land Development) as the appropriate account to fund these works.

Council has subsequently undertaken a review of the funds required in FY21/22. Based on initial due diligence and investigations, Council is requesting \$300,000 (OPEX) which will enable Council to complete the initial stages within the Airport's Project Lifecycle.

Current Status

Currently, until the budget is transferred, consultants are not able to be appointed which is inhibiting the development of the Airport Masterplan.

Financial Considerations

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

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

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

Council proposes to transfer \$300,000 from account 130200 - Internal Restrictions (Land Development) to 52211.Airport for the development of the initial stages associated with development of the Airport Masterplan. The Unit Budget will be adjusted with \$250,000 moving from Materials expenditure; project number 10.52200.820001.000.555 as well as an additional \$50,000 moving from Advertising; project number 10.52221.870001.000.23971. This will not increase Council's adopted operational budget.

Link to Community Strategic Plan

Theme 2: Smart

Goal C: A growing and competitive region

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

Critical Dates or Timeframes

Approval of the budget transfer is required to continue with the Airport's Masterplan development.

Attachments

Nil.



Item No: 2.5
Title: Meeting Record of the Social Inclusion Advisory Committee meeting held 28 July 2021
Department: Community and Recreation Services

14 September 2021 Ordinary Council Meeting

Reference: F2019/00090 - D14781534
Manager: Glenn Cannard, Unit Manager, Community and Culture
Executive: Julie Vaughan, Director Community and Recreation Services

Recommendation

- 1 That Council note the Meeting Record of the Social Inclusion Advisory Committee meeting held 28 July 2021**
- 2 That Council appoint Mellita Bate and Cathie Buckley as voting community representatives of the Social Inclusion Advisory Committee, and adopt the updated Terms of Reference at Attachment 1.**

Report purpose

To note the Meeting Record of the Social Inclusion Advisory Committee meeting held 28 July 2021 and consider the recommendations made by the Advisory Group and staff comments on these recommendations.

Executive Summary

The [Social Inclusion Advisory Committee met on 28 July 2021](#). The Meeting Record from this meeting is published on Council's website and has been hyperlinked above for the information of Council.

At the meeting the group noted two voting community representatives had resigned, Colette Baron and Joshua Maxwell, and considered two replacement members for recommendation to Council in accordance with their [Terms of Reference](#).

Report

The Social Inclusion Advisory Committee held a meeting on 28 July 2021. The Meeting Record of that meeting was approved by the Coordinator and Chair and placed on Council's website as hyperlinked above.

At the meeting the group noted that two former members, Colette Baron and Joshua Maxwell, resigned as voting community representatives. In accordance with the adopted [Terms of Reference](#), the original Expressions of Interest were reviewed to identify two appropriate replacement members to fill the casual vacancies. Two previous applicants, Cathie Buckley and Mellita Bate, were contacted by staff to confirm if they were still

2.5 Meeting Record of the Social Inclusion Advisory Committee meeting held 28 July 2021 (contd)

interested in joining the Social Inclusion Advisory Committee and were invited to attend the 28 July 2021 meeting as guests to meet the existing members.

Noting that membership is a matter for Council to resolve, the group made the following recommendation to Council:

That Council appoint Mellita Bate and Cathie Buckley as voting community representatives of the Social Inclusion Advisory Committee in light of resignations received from Colette Baron and Joshua Maxwell, and that the Terms of Reference be updated to reflect the change in membership.

Staff support the recommendation made by members of the Social Inclusion Advisory Committee.

Given the proposed changes in membership, it is recommended that the Terms of Reference be updated as shown in bold and italics at Attachment 1. The changes in Attachment 1 also include updated staff position titles and a revised version history for the document.

Councillor member names have been maintained in the Terms of Reference for Advisory Group and Committees due to the continuation of their suspension from civic office. It is noted that during suspension Councillors are not entitled to exercise any of the function of civic office.

Financial Considerations

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

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

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

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

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Attachments

1	Social Inclusion Advisory Committee Terms of Reference - Updated August 2021	Provided Under Separate Cover	D14781828
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Item No: 2.6
Title: Meeting Record of the Protection of the Environment Trust Management Committee meeting held 1 July 2021
Department: Corporate Affairs

14 September 2021 Ordinary Council Meeting

Reference: F2018/00732 - D14737341
Manager: Edward Hock, Unit Manager.Governance and Legal Counsel
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

Recommendation

- 1 That Council as Trustee approve release of \$41,730 from funds held in the Trust for Umina Coastal Sandplain Woodland to Central Coast Council, for the endorsed works in the 2021- 22 financial year.***
- 2 That Council as Trustee approve release of \$9,000 from funds held in the Trust for Scenic Road Bushland Reserve Offset Area to Central Coast Council, for the endorsed works in the 2021-22 financial year.***
- 3 That Council as Trustee approve release of up to \$200 from funds held in the Trust to Central Coast Council, for purchase of geo-targeting ads on Facebook to promote the Trust with regard to local projects funded.***
- 4 That Council as Trustee approve release of funds for the amount of \$15,640 held in the Trust to the Community Environment Network for their Friends of COSS Workshop Series (grant application number POET004202021).***

Report purpose

To note the Meeting Record of the Protection of the Environment Trust Management Committee held on 1 July 2021 and consider the recommendation to Council from the Committee.

Executive Summary

The Protection of the Environment Trust Management Committee held a meeting on 1 July 2021. The Meeting Record was approved by the Coordinator and Chairperson, then circulated to members via email. A copy of the [Meeting Record is available on Council's website](#).

It is recommended that Council approve the release of funds held in the Trust as detailed below, given they align with the stated purpose of the Trust.

2.6 Meeting Record of the Protection of the Environment Trust Management Committee meeting held 1 July 2021 (contd)

- 1 \$41,730 to Central Coast Council to complete works at the Umina Coastal Sandplain Woodland in the 2021-22 financial year.
- 2 \$9,000 to Central Coast Council to complete works at the Scenic Road Bushland Reserve Offset Area in the 2021-22 financial year.
- 3 \$200 to Central Coast Council to purchase geo-targeting ads on Facebook for promotion of the Trust.
- 4 \$15,640 to Community Environment Network to complete Friends of COSS Workshop Series in accordance with grant application POET004202021.

Background

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

The [Protection of the Environment Trust Management Committee held a meeting on 1 July 2021](#). At that meeting, the Committee considered the agenda items and have made the below recommendations to Council:

That Council as Trustee approve release of \$41,730 from funds held in the Trust for Umina Coastal Sandplain Woodland to Central Coast Council, for the endorsed works in the 2021- 22 financial year.

Staff support this recommendation as it releases funds for the delivery of priority actions of the NSW Government's Restoration and Rehabilitation Management Plan for the Umina Coastal Sandplain Woodland Endangered Ecological Community.

That Council as Trustee approve release of \$9,000 from funds held in the Trust for Scenic Road Bushland Reserve Offset Area to Central Coast Council, for the endorsed works in the 2021-22 financial year.

Staff support this recommendation as it releases funds for the delivery of priority actions to address management issues of the Perpetuity Management Plan for The Scenic Road Bushland Reserve at Kincumber.

That Council as Trustee approve release of up to \$200 from funds held in the Trust to Central Coast Council, for purchase of geo-targeting ads on Facebook to promote the Trust with regard to local projects funded.

Staff support this recommendation as this will help promote awareness of the Trust and local projects that have been funded.

2.6 Meeting Record of the Protection of the Environment Trust Management Committee meeting held 1 July 2021 (contd)

That Council as Trustee approve release of funds for the amount of \$15,640 held in the Trust to the Community Environment Network for their Friends of COSS Workshop Series (grant application number POET004202021).

Staff support this recommendation as project number POET004202021 supports the purposes of the Protection of the Environment Trust.

Financial Considerations

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

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

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

There are no financial implications associated with the recommendations in this report as the funds associated with undertaking the audit are available in the Trust Fund and will be at no expense to Council. The funds being allocated to the Umina Coastal Sandplain Woodland and the Scenic Road projects are part of the funds held by the Trust for those projects. The funds allocated to grant application number POET004202021 are held by the Trust to support the grant program.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Attachments

Nil.