



Central Coast Council
Business Paper
Ordinary Council Meeting
13 December 2022





COMMUNITY STRATEGIC PLAN 2018-2028

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

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

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

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

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

RESPONSIBLE

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

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

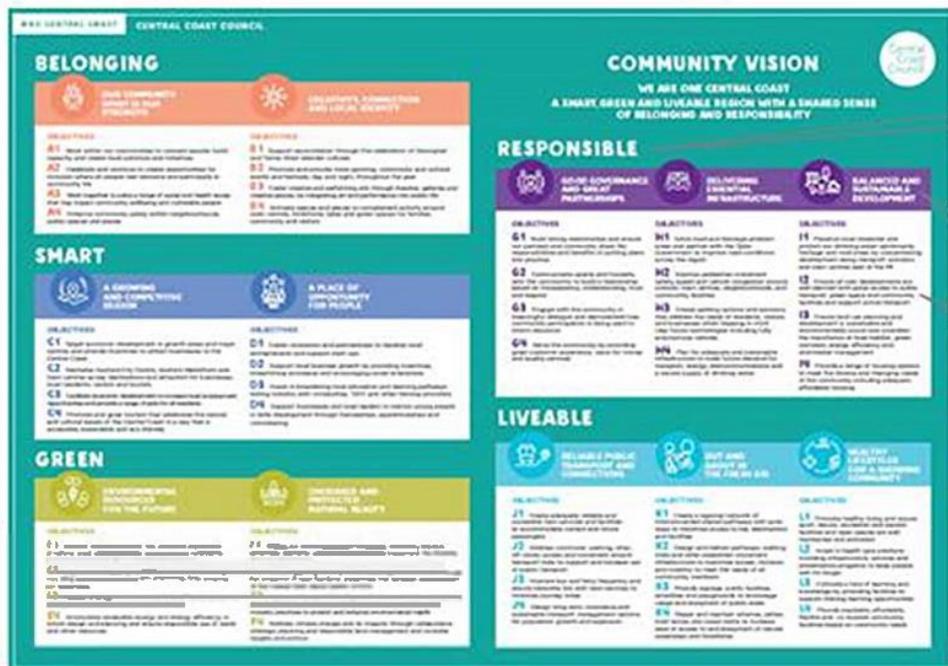
 **Good governance and great partnerships**

G2 Engage and communicate openly and honestly with the community to build a relationship based on trust, transparency, respect and use community participation and feedback to inform decision making

There are 5 themes, 12 focus areas and 48 objectives

COMMUNITY STRATEGIC PLAN 2018-2028 FRAMEWORK

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



Meeting Notice

**The Ordinary Council Meeting
of Central Coast Council
will be held ,
2 Hely Street, Wyong
on Tuesday 13 December 2022 at 6.30pm,
for the transaction of the business listed below:**

**The Public Forum will commence at 5.45pm, subject to any
registered speaker/s to items listed on this agenda.**

Further information and details on registration process:

www.centralcoast.nsw.gov.au/council/meetings-and-minutes/council-meetings

1 Procedural Items

1.1	Notice of Intention to Deal with Matters in Confidential Session	4
1.2	Confirmation of Minutes of Previous Meeting	6
1.3	Disclosure of Interest	7

2 Reports

2.1	Consideration of Submissions and Adoption of the Draft Central Coast First Nations Accord.....	9
2.2	Exhibition of Draft Plan of Management for Community Land	26
2.3	Sale of Certain Gosford Holdings to Minister for Skills and Training.....	34
2.4	Request to Prepare a Planning Proposal for 33 Gugandi Road, Narara to Amend Central Coast Local Environmental Plan 2022	40
2.5	Agritourism Reforms: Option to Nominate Additional LEP Clauses	54
2.6	Dogs in Open Spaces Action Plan – Update	62
2.7	Gosford Waterfront Concept Plan - Preliminary Consultation Report	67
2.8	Amendment to the Code of Conduct and Procedures for the Administration of the Code of Conduct	75
2.9	Amendments to Council's Planning Agreement Policy and Repeal of Policies	79
2.10	Community Support Grants Program - 1 October 2022 -13 November 2022.....	87
2.11	Social Media Policy.....	92
2.12	Application for Memorial Seat - Mr Steven Hollis	96
2.1	Investment Report for November 2022	100
2.14	Administrator Expenses and Facilities Report to 31 October 2022.....	101

David Farmer
Chief Executive Officer



Item No: 1.1
Title: Notice of Intention to Deal with Matters in Confidential Session
Department: Corporate Services

13 December 2022 Ordinary Council Meeting

Trim Reference: F2022/00021 - D15362197

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,*

1.1 Notice of Intention to Deal with Matters in Confidential Session (contd)

- 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: 1.2
Title: Confirmation of Minutes of Previous Meeting
Department: Corporate Services

13 December 2022 Ordinary Council Meeting

Reference: F2022/00021 - D15362194

Recommendation

That Council confirm the minutes of the Ordinary Meeting of Council held on 22 November 2022.

Summary

Confirmation of minutes of the Ordinary Meeting of Council held on 22 November 2022.

Attachments

1	MINUTES - Council Meeting - 22 November 2022	Provided Under Separate Cover	D15437342
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Item No: 1.3
Title: Disclosure of Interest
Department: Corporate Services

13 December 2022 Ordinary Council Meeting

Reference: F2022/00021 - D15362175



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: 2.1
Title: Consideration of Submissions and Adoption of the Draft Central Coast First Nations Accord
Department: Community and Recreation Services

13 December 2022 Ordinary Council Meeting

Reference: F2022/00788 - D15144871
Author: Belinda McRobie, Section Manager Community Development
Manager: Glenn Cannard, Unit Manager, Community and Culture
Executive: Melanie Smith, Director Community and Recreation Services

Recommendation

- 1** *That Council note that the Draft Central Coast First Nations Accord and Draft Acknowledgement of Country was publicly exhibited from 2 May 2022 to 3 June 2022.*
- 2** *That Council consider the submissions received during the exhibition period.*
- 3** *That Council note and endorse the amendments recommended by Council staff in this report.*
- 4** *That Council adopt the Central Coast First Nations Accord (Attachment 1) and make it available on Council's website.*
- 5** *That Council endorse the following wording to be used as an official Acknowledgement of Country in all appropriate circumstances –*

“We acknowledge the Traditional Custodians of the land on which we live, work and play. We pay our respects to Elders, past, present and emerging and recognise their continued connection to these lands and waterways. We acknowledge our shared responsibility to care for and protect our place and people.”
- 6** *That Council authorise the Chief Executive Officer to revise the existing Memorandum of Understanding (MOU) with Darkinjung Local Aboriginal Land Council.*
- 7** *That Council authorise the Chief Executive Officer to finalise the Terms of Reference (Attachment 2) and establish an Aboriginal Advisory Committee and report back on membership no later than the May 2023 Council meeting.*

2.1 Consideration of Submissions and Adoption of the Draft Central Coast First Nations Accord (contd)

Report purpose

To enable Council to consider submissions related to the draft Central Coast First Nations Accord (Accord) and draft Acknowledgement of Country and, to consider the formal adoption of both, and authorise the Chief Executive Officer to immediately commence two of the key actions of the Accord being:

- To revise the existing MOU with Darkinjung Local Aboriginal Land Council and;
- Establish the Aboriginal Advisory Committee, including development of Terms of Reference.

Executive Summary

The Accord is an agreement between First Nations Leaders and Central Coast Council. It aims to set an agenda that will guide how best to work together and further reconciliation.

The Accord was exhibited from 2 May 2022 to 3 June 2022 and during this period received 288 submissions through the Your Voice Our Coast platform, Ask and via direct correspondence.

Background - General

The Central Coast Local Government Area (LGA) is one of the largest and fastest growing Aboriginal communities in Australia with many moving here for the environment, opportunity, and connection to family.

This population grew by 38 per cent between the 2011 and 2016 Census reporting periods, with significant growth expected to continue into the future. This population continues to experience higher levels of disadvantage than that of non-Indigenous people, often requiring targeted and more intensive services.

The draft Accord is a commitment to the First Nations People that we will not only continue to support the principles of cooperation, but also listen to history and support Aboriginal people to realise their future. The draft Accord will become our shared vision for the future of our whole community.

The draft Accord works in alignment with Government frameworks such as Local Decision Making and delivers against the Priority Reform areas within the National Agreement on Closing the Gap. The key themes that comprise the draft Accord are:

- Strengthening Engagement and Working in Genuine Partnership
- Working with and Strengthening the Aboriginal Community Controlled Sector

2.1 Consideration of Submissions and Adoption of the Draft Central Coast First Nations Accord (contd)

- Strengthening Culture and the way that the Central Coast Council Does Business with First Nations Peoples
- Shared Understanding of the Needs of the Community

The draft Accord also aligns with and supports the Uluru Statement from the Heart which builds on the strong history of Indigenous advocacy for a better future based on justice and self-determination, through the Statement's principles of 'Voice.Treaty.Truth'

The draft Accord acknowledges the significance of the existing MOU with Darkinjung Local Aboriginal Land Council (LALC) and commits to revising the current version (with a review every two years) to strengthen this important relationship to ensure both parties are able to maximise outcomes for the community.

The draft Accord also identifies the establishment of a broad based Aboriginal Advisory Committee as an important action to help guide the implementation of our commitments in a truly collaborative manner, ensuring the views and aspirations of our local First Nations community can be adequately considered.

The Committee will comprise a blend providing a mix of representatives of groups aligned to traditional ownership interests, community services focused on improving the quality of life of the local First Nations community, and community members identifying as of Aboriginal ancestry. The Committee shall comprise 8 community representatives (as outlined above), with no more than one representative per organisation, and they shall be appointed by resolution of Council following advertisement for nominations.

The Advisory Group will be responsible for providing advice and feedback to Council and staff on:

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

Background – Aboriginal Land Rights and Native Title

Formal direction for matters related to Land Rights and Native Title are outlined below.

Aboriginal Land Rights

In 1983, the NSW State Government passed the Aboriginal Land Rights Act (ALRA) to enable and empower Aboriginal People to lead and govern their own communities. This authority was in the form of Local Aboriginal Land Councils (LALC), who are responsible for the health and wellbeing of their people.

2.1 Consideration of Submissions and Adoption of the Draft Central Coast First Nations Accord (contd)

The LALC's which operate within the Central Coast Council LGA boundaries are the Darkinjung LALC and Metropolitan LALC, however, the area within the former's boundary occupies the majority of the Central Coast LGA.

Darkinjung LALC has a number of functions including land acquisition and management, cultural and heritage protection and promotion, the provision of approved community benefits and financial stewardship.

Native Title

In 1993, the Australian Parliament passed the Native Title Act (NTA), a law that recognises the rights and interests of Aboriginal and Torres Strait Islander people in land and waters according to their traditional laws and customs.

Native title is a distinct legal concept which recognises rights and interests of First Nations people which are derived from traditional laws and customs. These rights and interests are recognised through the processes outlined in the legislation.

Under the NTA, when a determination recognising native title is made by the Federal Court, traditional owners are required to establish a corporation to represent them and their interests. These organisations are known as Registered Native Title Bodies Corporate (RNTBC), and they have prescribed functions under the NTA to:

- hold, protect and manage determined native title in accordance with the objectives of the native title holding group,
- ensure certainty for governments and other parties interested in accessing or regulating native title land and waters by providing a legal entity to manage and conduct the affairs of the native title holders.

In order for native title to be recognised, a party must first apply to the Federal Court of Australia (FCA) for a determination or decision about native title in a particular area. Should an initial registration test be successful, the specific claim will then be registered on the Register of Native Title Claims, the FCA or High Court of Australia then determines the validity of the claim for native title. An acceptance of registration has no significance (legal or otherwise) other than the claimant has met certain documentary requirements to have their claim formally assessed.

With no registered or determined Native Title claims locally, the Accord acknowledges and respects the role and function of Darkinjung Local Aboriginal Land Council, the locally established statutory body with the mandated responsibility to represent and care for the local Aboriginal community and manage local Aboriginal lands, Culture and Heritage.

Current Status

2.1 Consideration of Submissions and Adoption of the Draft Central Coast First Nations Accord (contd)

The Draft Central Coast First Nations Accord was exhibited for a period of 33 days from 2 May 2022 to 3 June 2022.

A total of 288 submissions were received via:

- Your Voice Our Coast
- Ask@centralcoast
- Email submissions

Your Voice Our Coast (YVOC) – Structured question responses

Submissions lodged through YVOC platform asked respondents to rate their satisfaction on the commitments in the draft Accord aligned to the Priority Reform areas within the National Agreement on Closing the Gap.

This resulted in a total of 738 individual responses to the 4 areas. Of those, 459 were very dissatisfied or dissatisfied and 279 were very satisfied, somewhat satisfied or neutral.

Submissions lodged through YVOC platform also asked respondents to rate their satisfaction on the draft Acknowledgement of Country. This resulted in a total of 174 responses. Of those, 123 were very dissatisfied or dissatisfied and 51 were very satisfied, somewhat satisfied or neutral.

Your Voice Our Coast, Ask, Email submissions – further comments received.

These submissions were coded both quantitatively and qualitatively. The analysis identified themes contained within each submission.

Consultation

Through the development of the draft Central Coast First Nations Accord and Draft Acknowledgement of Country, Council officers engaged with Darkinjung LALC and local First Nations Leaders.

The purpose of the public exhibition period was to consult with the broader community and seek their opinions on the commitments proposed. 288 submissions were received.

Additionally, and subsequently to the public exhibition period, Council Officers have met with representatives from the Indigenous community including:

- Central Coast Local Health District
- University of Newcastle (Ourimbah)
- Guringai Awabakal Pty Ltd

2.1 Consideration of Submissions and Adoption of the Draft Central Coast First Nations Accord (contd)

Information provided from these meetings has been considered in the development of this report.

Further consultation was also undertaken with all relevant Council Business Units to ensure the proposed commitments were achievable.

Submission Analysis

The table below represents the themes, number of occurrences, theme definition and proposed response with relevant commentary.

Table 1: Summary of themes and responses

Theme	Occurrence	Theme Definition	Response to theme
Traditional Custodianship	140	<p>These submissions strongly objected to any reference to/ of Darkinjung throughout the Draft Accord, and Draft Acknowledgement of Country They referred to Darkinjung as the Local Aboriginal Land Council - a corporate body and not as a Traditional Custodian.</p> <p>Most submissions recommended that Darkinjung be removed from the document and replaced with Guringai and Darkinoong.</p>	<p>Staff recommendation is for no change to the Draft Accord.</p> <p>Staff Recommendation is for reference to Darkinjung Country be removed from the Draft Acknowledgement of Country. Future reference to any specific group will be decided by the Aboriginal Advisory Committee.</p> <p>Whilst Council concedes that there are conflicting views within the local Aboriginal community regarding recognition of Traditional Ownership of local lands, Council does not play a role in determining any such claims and accept that there are established</p>

2.1

Consideration of Submissions and Adoption of the Draft Central Coast First Nations Accord (contd)

Theme	Occurrence	Theme Definition	Response to theme
			<p>mechanisms at a State and Federal level to resolve any such issues.</p> <p>With no registered or determined Native Title claims locally, the draft Accord acknowledges and respects the role and function of Darkinjung Local</p> <p>Aboriginal Land Council, the locally established statutory body with the mandated responsibility to represent and care for the local Aboriginal community and manage local Aboriginal lands, Culture and Heritage.</p>
Support draft Accord as it promotes positive relationships with Aboriginal Community and Council	138	These submissions were supportive of the development of the draft Accord.	Staff recommendation is for no change to the draft Accord.
Support acknowledgment of Darkinjung in draft Acknowledgement of Country	124	These submissions specifically noted that Darkinjung are the recognised Authority on the Central Coast, and no other groups should be considered.	Staff Recommendation is for reference to Darkinjung Country be removed from the Draft Acknowledgement of Country. Future reference to any specific group will be decided by the

2.1

Consideration of Submissions and Adoption of the Draft Central Coast First Nations Accord (contd)

Theme	Occurrence	Theme Definition	Response to theme
			<p>Aboriginal Advisory Committee.</p>
<p>Expressed concern regarding lack of consultation broader than Darkinjung Local Aboriginal Land Council</p>	<p>69</p>	<p>These submissions were concerned that there was a lack of engagement with other Aboriginal groups/ organisations other than Darkinjung Local Aboriginal Land Council.</p>	<p>Staff recommendation is for no change to the draft Accord.</p> <p>Through the development of the draft Central Coast First Nations Accord and Draft Acknowledgement of Country, Council officers engaged with Darkinjung LALC and local First Nations Leaders. Additionally, the consultation was open to the broader Aboriginal and non-Aboriginal community.</p> <p>The purpose of the public exhibition period was to consult with the broader community and seek their opinions on the commitments proposed. 288 submissions were received.</p> <p>Council Officers have also met recently with representatives from the</p>

2.1

Consideration of Submissions and Adoption of the Draft Central Coast First Nations Accord (contd)

Theme	Occurrence	Theme Definition	Response to theme
			<p>Aboriginal community including:</p> <ul style="list-style-type: none"> • Central Coast Local Health District • University of Newcastle • Representatives from other community-based groups such as Guringai <p>A key action of the draft Accord is to establish an Aboriginal Advisory Committee to guide the implementation of the commitments of the draft Accord. Council will seek broad-based representation through an Expression of Interest process open to all members of the local Aboriginal and Torres Strait Islander communities.</p>
Disagree that Darkinjung Local Aboriginal Land Council is the Authority for Aboriginal people on the Central Coast and should	65	This theme indicated strong opposition to Darkinjung Local Aboriginal Land Council as the authority for Aboriginal people on the Central Coast and in the draft Acknowledgement	<p>Staff recommendation is for no change to the draft Accord.</p> <p>Staff Recommendation is for reference to Darkinjung Country be removed from the Draft</p>

2.1

Consideration of Submissions and Adoption of the Draft Central Coast First Nations Accord (contd)

Theme	Occurrence	Theme Definition	Response to theme
not be acknowledged in Acknowledgement of Country		of Country and again requested the removal of all references to DLALC and the inclusion of other groups such as Guringai and Darkinoong.	<p>Acknowledgement of Country. Future reference to any specific group will be decided by the Aboriginal Advisory Committee.</p> <p>In 1983, the NSW State Government passed the Aboriginal Land Rights Act (ALRA) to enable and empower Aboriginal People to lead and govern their own communities.</p> <p>This authority was in the form of Local Aboriginal Land Councils (LALC), who are responsible for the health and wellbeing of their people. On the Central Coast, Darkinjung LALC has this remit.</p>
Supports the development of The Accord - with concerns around identified Traditional Custodians and broader community consultation	17	These submissions were positive about the development of an Accord but noted concerns regarding acknowledgement of Darkinjung and not other groups and a lack of broader consultation with the Aboriginal community.	Staff recommendation is for no change to the Accord.

2.1

Consideration of Submissions and Adoption of the Draft Central Coast First Nations Accord (contd)

Theme	Occurrence	Theme Definition	Response to theme
Specific Feedback	16	<p>Specific feedback received relating to language consistency, spelling, typing errors, document convention, and artwork</p> <p>See detail in following table</p>	<p>Staff recommendation is for relevant changes to be made to the draft Accord,</p> <p>This is to address language inconsistency, spelling mistakes, document convention (numbering chapters and commitments) and objection to use of the current Artwork.</p>
Racist submissions – considers the existence of the accord to be divisive & racist	12	<p>These submissions were racist in nature and object to Council developing a First Nations Accord at all. Submissions noted that Australia should be considered as 'One' and no group should be singled out or given 'special' treatment.</p>	<p>Staff recommendation is for no change to the draft Accord.</p> <p>Unfortunately, Aboriginal people still experience higher levels of disadvantage than that of non-Indigenous people, and the focus of the Draft Accord is to define how we can listen to and work with Aboriginal people to realise their future and improve their quality of life.</p>
General Feedback	9	<p>This feedback included general positive comments (7) such as 'Well-done Council' and general negative</p>	<p>Staff recommendation is for no change to the draft Accord based on these submissions</p>

2.1 Consideration of Submissions and Adoption of the Draft Central Coast First Nations Accord (contd)

Theme	Occurrence	Theme Definition	Response to theme
		comments such as 'Appalling' (2).	

Note: These numbers do not represent individual submissions as many submissions were multi subject and coded with a range of different themes.

As a result of submissions received during the public exhibition period there are some minor proposed changes to the Draft Accord. These changes include language consistency, spelling, typing errors, document convention and artwork.

A high-level assessment of these changes and their rationale is presented below in Table 2.

Table 2 – High Level assessment and rationale for change

Amendment/ update/ suggestion type	Action Taken	Rationale for Change
Appropriateness/ representation of Artwork	Noted. Artwork will be replaced	An open and transparent process will be implemented to procure artwork for the Accord and a range of Council purposes.
Language consistency	Noted. Document updated.	Consistency of language and naming conventions throughout document.
Spelling mistakes	Noted. Document updated.	Incorrect spelling throughout document.
Numbering of chapters and commitments	Noted. Document updated.	Clarification and ease of reference in document.
Include employment and purchasing quotas	Noted. Document can be updated with advice from Aboriginal Advisory Committee	Employment quotas will be determined through advice by the Aboriginal Advisory Committee.
Acknowledgement of Country - removal of reference to Darkinjung Country	Noted. Acknowledgement of Country updated to remove reference to Darkinjung Country.	Future reference to any specific group will be decided through a recommendation by the Aboriginal Advisory Committee.

Detailed response to submissions regarding Traditional ownership/custodianship

Traditional Owner/Custodian

2.1 Consideration of Submissions and Adoption of the Draft Central Coast First Nations Accord (contd)

The term Traditional Owner has different meanings in different contexts. In most circumstances it can be viewed as a colloquialism without any legal significance. In this sense, the term is used to recognise that a First Nations person or group has ties to country that existed prior to non-Indigenous arrival to the continent.

The term is sometimes used in a non-technical sense to refer to native title claimants or determined native title holders. However, the term is not defined in the NTA, and the registration of a native title claim or having registration of a determination of native title does not make a person a Traditional Owner legally speaking.

In an everyday sense the colloquial use of the term is relatively common and can vary from a person who has some formal traditional or customary rights through to someone who identifies as an Aboriginal or Torres Strait Islander person and is a member of the local Aboriginal community.

The term is also regularly used interchangeably with Traditional Custodian. Some First Nations Peoples argue that Traditional Custodian is a more appropriate term as many First Nations groups do not believe land can be owned as in the British common law sense as a grant from the Crown. Rather the land "owns" them and even when given ownership, in the common law sense, there are still limitations on what can be done with land based off their traditional beliefs. Traditional Custodian does have a definition within the Native Title Act, albeit in a very limited sense. This definition relates to the holding of documents, records or other things of significance to First Nations people, and not land.

Maps and Historical Research

Within the submissions received by Council through the public exhibition period there were various references to the use of maps to somehow support the definition of Aboriginal group boundaries. Maps identifying different cultural groups and nations can be useful as a general reference point, but they can often be contradictory and include boundaries that lack specificity.

Some publicly available maps identify language groups, others relate to areas where there are other forms of cultural ties, and some relate specifically to native title and native title applications. In relation to the mapping of native title applications, claims and determinations, the National Native Title Tribunal has mapping tools that identify the extent of the claim or determination boundaries. This is because all applicants under the Native Title Act are required to identify the boundaries of their claim area.

As an example of the lack of specificity and generalised nature of maps, much has been claimed locally of a map available on the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATIS) website. However, the website has the following qualification under this map – *"This map attempts to represent the language, social or nation groups of Aboriginal Australia. It shows only the general locations of larger groupings of people which may include*

2.1 Consideration of Submissions and Adoption of the Draft Central Coast First Nations Accord (contd)

clans, dialects or individual languages in a group. It used published resources from the eighteenth century-1994 and is not intended to be exact, nor the boundaries fixed. It is not suitable for native title or other land claims."

The other point to note in relation to mapping is that anthropological and historical understanding of First Nations groups is continually developing. Over time traditional languages have also become extinct and others survive. The AIATSIS map (as an example) is from 1994.

Council has been provided other historical maps through the public exhibition period that are contradictory and accept that maps not related to determined Native Title claims have no legal significance in supporting claims of Traditional Ownership.

Council has also received and reviewed numerous historical reports on claims of traditional occupation locally, and again note there are differing opinions on the matter. Discussions with the University of Newcastle (UoN) reveal the report prepared for AIATSIS in 2000 "Darkinjung Lands, Water and Peoples" underpins their approach to local historical recognition.

Summary

Whilst Council concedes that there are some conflicting views within the local Aboriginal community regarding recognition of Traditional Ownership of local lands, Council does not play a role in determining any such claims and accept that there are established mechanisms at a State and Federal level to resolve any such issues.

Where no formal determination of Native Title exists, it is generally accepted that acknowledging anyone as the Traditional Owner is through broad based agreement and general acceptance within the local Aboriginal community that it is appropriate for this to occur.

With no registered or determined Native Title claims locally, Darkinjung (having statutory remit over this area in general) are currently generally accepted to meet this criteria.

This decision is based on a number of factors:

- Darkinjung LALC have an established statutory role to assist and represent all Aboriginal people within their boundary;
- There are no registered native title claims or determinations within the Central Coast LGA;
- The largest group of Indigenous people within the Central Coast LGA are those who identify as being part of Darkinjung;
- Darkinjung have the overwhelming support of community-controlled organisations, and the broader Indigenous community. (This was evidenced through the public exhibition phase of the First Nations Accord) where most

2.1

Consideration of Submissions and Adoption of the Draft Central Coast First Nations Accord (contd)

general Indigenous community-controlled organisations supported Darkinjung being formally acknowledged.

- Research shared with Council, and independent legal advice sought indicated Darkinjung had a valid claim to be formally acknowledged through the Accord.
- Overwhelmingly, the majority of Federal, State and Local organisations formally recognise Darkinjung in some way. Many of which have undertaken their own research to reach this conclusion. Examples include but are not limited to:
 - Central Coast Local Health District – both Gosford and Wyong Hospitals have written acknowledgments at the building entry and Darkinjung language to name all new buildings;
 - University of Newcastle;
 - Nunyara Aboriginal health service;
 - Bara Barang;
 - Gudjagang Ngara Li-dhi Aboriginal Corporation;
 - NAISDA dance college;
 - Barang Regional Alliance;
 - Mingaletta Aboriginal Corporation;
 - Yerin Elanor Duncan Aboriginal Health Services;
 - Central Coast Community Legal Centre;
 - Regional Development Australia;
 - NSW Department of Education;
 - Transport for NSW;
 - Central Coast Community College;
 - NSW Department of Communities and Justice – Frank Baxter;
 - NSW Department of Education – Aboriginal Education Consultative Group;
 - The Wollotuka Institute;
 - The Art House.

In addition to the examples listed above Darkinjung are acknowledged by various local elected representatives and commonly referenced and acknowledged by the NSW state government; again as an example the recent inquiry into homelessness amongst older people aged over 55 in New South Wales conducted by the NSW Parliamentary Standing Committee on Social Issues publicly acknowledged Darkinjung.

Research shared with Council, and independent legal advice sought by Council recently indicated Darkinjung has a valid claim to be formally acknowledged.

Notwithstanding the above analysis, in response to the feedback received from the community through the public exhibition phase, Council believes it appropriate at this point in time to refrain from acknowledging anyone by name through a formal Acknowledgement of Country, and instead deferring discussion and any possible recommendation on what is appropriate to the Aboriginal Advisory Committee.

2.1 Consideration of Submissions and Adoption of the Draft Central Coast First Nations Accord (contd)

Financial Considerations

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

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

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

No additional budget is required nor sought through this report. All actions within have been/ will be funded through existing and approved operational plan budgets.

Link to Community Strategic Plan

Theme 1: Belonging

Goal B: Creativity, connection and local identity

B-B1: Support reconciliation through the celebration of Aboriginal and Torres Strait Islander cultures.

Risk Management

There are no risks to Council in adopting the documents associated with this report, nor providing information on Council's website.

Council has sought and received expert legal advice regarding the information contained in the draft Accord and this Report to Council to ensure information is correct and valid.

Sufficient time has been allocated to consider community consultation and submissions received in the public exhibition period. The proposed amendments are considered to be a reasonable reflection of constructive submissions and do not substantially amend the draft Accord or draft Acknowledgement of Country.

Options

- 1 Adoption of the Central Coast First Nations Accord and the official Acknowledgement of Country. **This is the recommended option**

2.1 Consideration of Submissions and Adoption of the Draft Central Coast First Nations Accord (contd)

- 2 To not adopt the Central Coast First Nations Accord and Acknowledgement of Country. This option is not recommended.

Attachments

1	Draft Central Coast First Nations Accord	Provided Under Separate Cover	D15462462
			
2	Terms of Reference - Aboriginal Advisory Committee	Provided Under Separate Cover	D15462458
			



Item No: 2.2
Title: Exhibition of Draft Plan of Management for Community Land
Department: Environment and Planning

13 December 2022 Ordinary Council Meeting

Reference: F2018/01711 - D15421846
Author: Chris Barrett, Commercial Property Manager, Commercial Property
Manager: Jamie Barclay, Unit Manager Economic Development and Property
Executive: Alice Howe, Director Environment and Planning

Recommendation

That Council:

- 1 Give notice that a draft area-wide plan of management for Council community land has been prepared in accordance with the provisions of Chapter 6 Part 2 of the Local Government Act.***
- 2 Resolve to place the draft community land plan of management on public exhibition in accordance with the provisions of Chapter 6 Part 2 of the Local Government Act 1993 from 20 December 2022 to 17 February 2023.***
- 3 Authorise the Chief Executive Officer to make minor amendments to the draft community land POM and to add in or amend the description and categorisation of land included in the draft community land POM schedule so as to correct errors or omissions or oversights.***
- 4 Hold public hearings presided over by an independent person in accordance with the provisions of Chapter 6 Parts 2 and 3 of the Local Government Act 1993.***
- 5 Following the public exhibition period, consider a further report on submissions received in respect of the draft community land plan of management, a report from the independent person presiding at each public hearing and amendments to the draft community land plan of management in response to that feedback.***

Report purpose

To authorise the public exhibition, public hearings and receipt of submissions that are required before a new plan of management for Council community land can be adopted.

Executive Summary

A new draft plan of management for Council community land (draft POM) has been prepared in accordance with the provisions of Chapter 6 Part 2 (Public land) of the *Local Government Act 1993*.

The intention of the draft POM is to provide a single source of reference for the management of Council community land in a format that is suitable to replace a large number of existing POMs that apply to different parcels of land and to different categories of community land in each of the former Gosford and Wyong local government areas.

The proposed POM, once adopted, will allow Council to better meet its obligations as a major landholder in the Central Coast area and to better manage the utilisation of various facilities and premises that are situated on Council community land across the local government area.

Background

Under the *Local Government Act 1993* Council is required to classify all land that it owns as either operational land or community land.

Operational land can be bought and sold (subject to the provisions of any public trusts on the land) and can be leased out or otherwise occupied as if the land were private land, subject to the provisions of land-use legislation such as the *Environmental Planning and Assessment Act. 1979*.

Community land is generally acquired and managed on the expectation that Council is the long-term owner of the land (that is, the land will not be sold) and is subject to specific provisions in the *Local Government Act 1993* that restrict the length of time for which it can be leased or otherwise dealt with. Moreover, community land must be categorised on the basis of the core objectives that will apply to the management of the land in the future. The applicable categories are natural area, sportsground, park, area of cultural significance and general community use.

For all community land, a POM must be prepared that sets out:

- the category of the land,
- the objectives and performance targets of the plan with respect to the land,

2.2 Exhibition of Draft Plan of Management for Community Land (contd)

- the means by which the council proposes to achieve the plan's objectives and performance targets, and
- the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets.

A POM may include provisions that the prior approval of the council is required to the carrying out of a specified activity on the land.

Depending on the circumstances, a POM may be prepared that applies to a particular piece of land or it may be prepared for a number of pieces of land (typically, for a category of community land such as parks or sports fields or natural area-bushland).

Critical features of a plan of management include an itemisation of the uses (or the kinds of uses) that are permitted on the land and whether or not the land or any premises on the land can be licensed or leased out and if so any applicable conditions.

There are over 2000 parcels (lots) of Council community land in the Central Coast local government area. Since the introduction of the requirement to prepare POMs for community land in 1993, an extensive number of documents have been prepared on a category-by-category basis in each of the former Wyong and Gosford local government areas. As well, a number of POMs have been prepared for specific locations such as Kincumba Mountain regional reserve (this plan includes 50 lots of Council community land and also a number of lots of Crown reserve land) and for Central Coast Stadium.

The preparation of an area-wide community land POM is driven by a number of factors:

- 1 Some existing POMs date back more than 20 years.
- 2 In some cases, POMs are still in preparation or have not been formally adopted, meaning it is uncertain if the affected community land is covered by a POM or not.
- 3 Other parcels of land have been created or acquired since the existing POMs were put in place and have not yet been categorised or include in an existing POM.
- 4 There is a growing need to improve the consistency of provisions between different POMs that apply to similar lots of land.

Accordingly, Council has put in place a POM review process. The aim of this is to rationalise the provisions that apply to land that has already been categorized and to extend coverage to community land that is not yet categorized or not already included in an operative POM. A small number of parcels will continue to be covered by two existing location-specific POMs that cover the Kincumba Mountain Regional Reserve and the Central Coast Stadium precinct.

The POM review process was initiated in the 2018-19 reporting year. Due to the challenges presented by COVID-19 and due to the financial emergency of 2020, progression of the POM review process was temporarily suspended. It has now resumed as a key land and property management priority for the Central Coast.

Current Status

The existing categorisation of more than 1800 parcels (lots) of land has been reviewed by a team of internal subject matter experts and about 400 additional lots have been categorised for the first time.

The largest number of lots have been confirmed or newly categorised as natural area (more than 1000 lots) or as parks (about 500 lots). There are also a significant number of parcels of land categorised or re-categorised as sports fields and as general community use (between 150 and 250 lots of each category).

Some lots are identified as being suitable to include in more than one category of community land because they show a complex pattern of usage. For example, a largely undisturbed areas of bushland coexisting with intensive facilities like childcare or community halls or major sporting facilities.

A schedule of all Community land that is proposed to be included in the area-wide community land POM is set out as a schedule to the draft document. For ease of reference and in order to meet statutory requirements, all land is listed by suburb and street address and also by lot and deposited plan.

To better inform community members and subject to the availability of resources, it is proposed that a listing of named multi-lot reserves will be published for information purposes (but not statutory purposes) during the public exhibition period. The location (and where practicable) the categorisation of community land will be depicted on a series of maps that will be published for information purposes during the public exhibition period.

General information about the rules and regulations that dictate the contents of any plan of management are set out in introductory chapters of the draft POM document, followed by the actual provisions that apply to parcels of land on a category-by-category basis in subsequent chapters.

The structure and content of the POM document follows the recommended format set out in guidelines issued by the Office of Local Government and by the Crown Lands Office.

The draft POM text and the proposed schedule of land covered by the draft POM has now been prepared and a copy of the draft POM and of the schedule of the land to which the draft POM applies will be laid on the table at the meeting of Council.

Consultation

Before the community land POM can be adopted, it must be subject to a process of community consultation that is set out in Chapter 6 Parts 2 and 3 of the *Local Government Act 1993*. This stipulates:

- The draft plan of management must go on public exhibition for at least 28 days

- Members of the public may make submissions in response for at least 42 days
- A report must be prepared that deals with each submission that is made in relation to the draft plan of management
- For any land that is subject to categorisation for the first time, a public hearing must be held
- For any land that is proposed for recategorization, a public hearing must be held
- It is typical practice for the categorisation of multiple lots of land to be covered at a single public hearing
- Each public hearing must be presided over by a person that is independent of council (by definition, a person who is not a current councillor or employee and has not been so in the past five years)
- The person who presides over the public hearing must provide a summary report for Council to consider
- Council must make the report available for inspection by the public.

In view of the impending festive season, it is proposed to hold an extended period of public exhibition and for the receipt of submissions. The proposed date on which the public exhibition will open is Tuesday 20 December 2022 and the proposed date on which the public exhibition will close is Friday 17 February 2023. Submissions will also close on Tuesday 21 February 2023.

It is proposed to hold four public hearings and to do so during the period of public exhibition, in order to ensure that any community comments on the categorisation or recategorization of land can be captured in submissions. Recognising the importance of providing the greatest possible opportunity for community members to be able to attend public hearings, the proposed hearing dates are scheduled for after the start of the 2023 school term. For logistical purposes, this means between 1 and 9 February 2023.

In terms of location and coverage, it is proposed that one public hearing be held in a major population centre in the north-east, north, south-east and south of the Central Coast area. The specific locations nominated are Wyong, The Entrance, Erina and Woy Woy.

The coverage of land parcels to be categorised or re-categorised will be split up in approximately equal numbers at each hearing and take into account the locations where public hearings are held.

The dates and times of public hearings will be publicly advertised and also be notified on the Council website.

In addition, it is proposed to hold an online information session (webinar) in the week prior to start of the public hearings, to better inform the community about the purpose, structure and content of the draft POM and to reinforce the message that the purpose of the public hearings is only to consider any proposed (re) categorisation of land. That is, they will not address matters such as the level of maintenance of individual parcels of community land.

2.2 Exhibition of Draft Plan of Management for Community Land (contd)

As well as meeting the statutory requirements to publish the draft POM and the included schedule of land on the Council website, summary material will be prepared in a web-friendly format to explain the purpose and content of the POM and as well to answer a number of anticipated frequently asked questions.

Subject to resourcing constraints, it is also proposed to place additional information materials on the Council website during January.

This includes a listing of named multi-lot reserves with addresses and categorisation details, and a graphical depiction of the location and (where practicable) the categorisation of community land via a series of maps.

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.

A budget allocation of \$300,000 was made in the 2023 financial year to meet the costs of engaging external consultancy expertise to finalise the preparation of the area-wide community land POM, inclusive of the cost of placing draft documents on public exhibition and conducting public hearings.

Link to Community Strategic Plan

Theme 1: Belonging

Goal A: Our community spirit is our strength

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

Risk Management

The purpose of this project is to ensure that Council meets its legal obligations to have an up-to-date area-wide POM that ensures community land is managed efficiently and effectively and delivers on community expectations.

Endorsing a new POM will minimise any risk that community land is not being used to its full potential consistent with applicable land use controls while ensuring the preservation of environmental values on community land which is identified as natural area.

Options

There are a number of alternative options that could be considered for the future management of community land.

Rather than seeking endorsement for a single area-wide draft community land POM, Council could choose not to proceed to public exhibition.

Instead, Council could present the documentation in the proposed area-wide POM as a series of different POMs.

These could set up (as is currently the case) on a category-by-category basis. That is, a POM for parks, a POM for sports fields etc.

Alternatively, POMs could be prepared for separate areas of interest e.g. coastal areas, lakeside areas, inland areas).

To some extent, that is already the case based on the former Wyong and Gosford local government areas.

Alternatively, a site-specific POM could be prepared for each significant site, be it a natural area or a cultural significance area or a regional sporting complex.

Each of these alternative options would require extra time to prepare and consult on. Also, there is the risk that individual lots could be overlooked.

Given that the current set of POMs is increasingly dated, and that more and more lots are not covered, this is not the recommended option.

The benefits of proceeding to the next stage of the single area-wide POM process include:

- it brings all relevant provisions together in a single document in a timely fashion
- it ensures (as far as practicable) all community land is categorised in one place
- it ensures the way in which land can be used is consistent within each category (for example, for all parks)
- it provides consistent rules for occupancy of land (by way of lease or licence or other dealing) for each category of community land.

This is the recommended option before Council

Critical Dates or Timeframes

The proposed choice of dates for public exhibition and for public hearings are set out through this report.

They have been chosen with three main considerations in mind:

2.2 **Exhibition of Draft Plan of Management for Community Land (contd)**

- Ensuring that the public exhibition period starts before the Festive Season and before the summer holiday break
- Providing sufficient time for the making of submissions by community members
- Ensuring public hearings are held at a time when interested community members can be fully engaged
- Allowing time for collation of submissions and preparation of responses as well as for consideration of public hearing reports so that a further report can be presented on a timely basis
- Ensuring an updated plan of management that has consistent provisions and applies to Council community land across the Central Coast area is in place prior to 31 May 2023.

Attachments

- | | | |
|--------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|-------------------------------|
| 1  | Draft area-wide plan of management for Council community land | Provided Under Separate Cover |
| 2  | Schedule of Council community land included in the draft area-wide plan of management for Council community land | Provided Under Separate Cover |



Item No: 2.3
Title: Sale of Certain Gosford Holdings to Minister for Skills and Training
Department: Environment and Planning

13 December 2022 Ordinary Council Meeting

Reference: F2020/03179 - D15419681
Author: Chris Barrett, Commercial Property Manager, Commercial Property
Tiffany Spee, Property Officer
Manager: Jamie Barclay, Unit Manager Economic Development and Property
Executive: Alice Howe, Director Environment and Planning

Recommendation

- 1 That Council reaffirm its intent to sell the following properties located in Gosford central business district:**
 - a 126 Georgiana Terrace Gosford (Lot 454 DP 77721)**
 - b 49 to 51 Mann Street Gosford (Lot 1 DP 251476 and Lot 1 DP 564021)**
 - c 53 Mann Street Gosford (Lot 3 DP 129268)**
 - d 55 to 57 Mann Street Gosford (Lot 2 DP 129268)**
 - e 59 to 71 Mann Street Gosford (Lot 1 DP 129268)**
 - f 73 Mann Street Gosford (Lot B DP 321076) (subject to reclassification)**
 - g 75 Mann Street Gosford (Lot 2 DP 543135) (subject to reclassification)**
- 2 That Council reaffirm its preference to sell these landholdings to the Minister administering the Technical and Further Education Commission Act 1990, the Minister for Skills and Training, for the prime purpose of developing a new TAFE NSW campus.**
- 3 That Council delegate to the Chief Executive Officer authority to execute a contract of sale for these landholdings with the Minister for Skills and Training on terms that the Chief Executive Officer considers will achieve educational and economic benefits for the Central Coast community.**
- 4 That the contract sale price is not less than the market price determined by a suitably qualified independent valuer.**
- 5 That, if a sale contract is not executed with the Minister for Skills and Training by 31 March 2023, Council authorise the Chief Executive Officer to invite open market offers for these landholdings (via expression of interest or via tender) in accord with Council's Land Transactions Policy.**
- 6 That Attachment 1 to this report remain confidential in accordance with section 10A(2)(c) of the Local Government Act as it contains information of a**

2.3 Sale of Certain Gosford Holdings to Minister for Skills and Training (contd)

confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Report purpose

To reaffirm Council's intention to sell the following parcels of land:

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

collectively known as the Gosford central business district (CBD) Landholdings, with a preference to enter into a sale to the Minister for Skills and Training so that a new TAFE campus can be developed on the site that contributes to the revitalisation and activation of the Gosford CBD.

Executive Summary

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

The MOU is due to expire this month (December 2022). It is recommended that Council authorise the Chief Executive Officer to finalise negotiations over the sale terms and sale price and enter into a contract of sale for the CBD Landholdings with the Minister for Skills and Training.

Background

At its meeting of 14 December 2021, Council resolved to enter into a MOU with the Minister for Skills and Training and Landcom to bring about a direct sale of the CBD Landholdings to the NSW Government with the intent of developing a new TAFE NSW campus on the site.

The MOU has an initial term of 12 months and is due to expire in December 2022.

The development of a major new TAFE campus on the site of the Gosford CBD Landholdings will contribute significantly to the revitalisation of the Gosford CBD and to the activation of the Gosford waterfront. The recently announced waterfront masterplan has drawn public praise from a range of state and federal government representatives and is expected to

2.3 Sale of Certain Gosford Holdings to Minister for Skills and Training (contd)

stimulate over millions of dollars of new investment in and around the Gosford CBD Landholdings.

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

The specific parcels are as follows:

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

The sale of sites at 73 Mann Street Gosford (Lot B DP 321076) and 75 Mann Street Gosford (Lot 2 DP 543135) is dependent on them being reclassified via a planning proposal under the *Environmental Planning and Assessment Act 1979*, which process was commenced in the first half of 2022 and is due for completion before the end of 2023.

Current Status

In the 11 months since Council and its NSW government counterparts (the Minister for Skills and Training and Landcom) entered into the MOU, a series of specialist investigations have been conducted and an in-depth independent expert valuation has been obtained. The valuation provides a benchmark for the sale price and is commercially sensitive at this stage.

Council and its MOU counterparts have also conducted a series of discussions over the form and content of the proposed contract of sale. The overall contract terms will be on normal commercial terms but the completion of the sale will be subject to two main conditions.

In the case of Council, it will be necessary to complete the reclassification of two parcels of land at 73 and 75 Mann Street from community land to operational land. This process is subject to final approval by the Minister for Planning. The reclassification process is well advanced, however, the deadline for final approval is not until December 2023.

In the case of the Minister for Skills and Training, the sale is subject to completion of a final business case for the new TAFE campus. The preparation of a final business case has now commenced but may not be completed for another 9 to 12 months. Essentially, the business case will need to take into account assessments of the costs of development and of the educational outcomes to be achieved at the new campus.

Subject to any fine tuning that is necessary to ensure that outcomes are optimised for both Council and for the Minister for Skills and Training it is expected that a contract will be

2.3 Sale of Certain Gosford Holdings to Minister for Skills and Training (contd)

entered in to before the end of January 2023. However, in the interest of ensuring the highest probability of agreement on both price and terms of sale, and also allowing for some delays in final negotiations over the Festive Season, it is considered prudent to allow up to 3 months (that is, up to 31 March 2023) to finalise and execute the sale contract.

Consultation

Consultation has taken place between Council and its NSW Government counterparts through a series of regularly fortnightly meetings that have run from January 2022 to November 2022 and also through numerous ad hoc meetings on key items that relate to the sale. In particular, these meetings have related to consideration of heritage factors (notably, the retention of the Administration Centre façade), review of draft valuation advice and negotiation of draft sale contract terms.

TAFE and Landcom officers and their expert advisers have had extensive access to the actual land and the existing properties on the land and also to a series of technical evaluations of site conditions including such matters as hazardous waste, service locations, heritage considerations, fire safety compliance and building condition reports (in the case of the former Administration Centre).

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 sale of the Gosford CBD Landholdings will deliver substantial direct financial benefits to Council.

It will bring to an end Council's ongoing costs of insuring, maintaining and securing the Gosford CBD Landholdings and the buildings that are currently located on the land. It will also produce a large cash injection that will allow Council to substantially reduce the level of its borrowings.

The sale price is considered commercially sensitive at this time and is not disclosed as it is information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The confidential attachment to this report provides pricing information provided via the independent valuation process.

2.3 Sale of Certain Gosford Holdings to Minister for Skills and Training (contd)

Link to Community Strategic Plan

Theme 1: Belonging

Choose Focus Area

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

Risk Management

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

The sale price risk is mitigated by ensuring that the price is benchmarked against an independent valuation that has been obtained by Council on an agreed basis in consultation with its NSW Government counterparts.

Options

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

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

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

Critical Dates or Timeframes

The critical date identified in this report are as follows:

- Within 3 months:
Enter into a contract of sale with the Minister for Skills and Training for the Gosford CBD Landholdings
- Within 12 months:
Complete the sale process for the Gosford CBD Landholdings

**2.3 Sale of Certain Gosford Holdings to Minister for Skills and Training
(contd)**

Attachments

- 1** Confidential - Pricing Information - Provided Under Separate Cover D15463937



Item No: 2.4
Title: Request to Prepare a Planning Proposal for 33
Gugandi Road, Narara to Amend Central Coast
Local Environmental Plan 2022
Department: Environment and Planning

13 December 2022 Ordinary Council Meeting

Reference: RZ/115/2021 - D15322159
Author: Charlotte Ryan, Strategic Planner
Scott Duncan, Section Manager Local Planning and Policy
Manager: David Milliken, Unit Manager Strategic Planning
Executive: Alice Howe, Director Environment and Planning

Recommendation

That Council:

- 1 Prepare a Planning Proposal in relation to Lot 1-50 in DP270882, SP103399; and Lot 38 DP270882 (33 Gugandi Road, Narara) to amend the Central Coast Local Environmental Plan 2022 as follows:**
 - (a) Reduce the minimum lot size map applying to the R2 - Low Density Residential land from 550m² to 450m²;**
 - (b) Rezone the RE1 Public Recreation zoned land to C3 Environmental Management; and**
 - (c) Amend Schedule 1 to permit the following additional permitted uses on land zoned R2 Low Density Residential:**
 - Multi-dwelling housing – up to a maximum of 15 additional multi dwelling houses; and**
 - Commercial premises (comprising a maximum Gross Floor Area of 1,500m² including 200m² of food and drink premises).**
- 2 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 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 Amend the existing site-specific Development Control Plan to support the Planning Proposal to ensure appropriate guidelines are applied in the development design for the site.**

2.4 Request to Prepare a Planning Proposal for 33 Gugandi Road, Narara to Amend Central Coast Local Environmental Plan 2022 (contd)

- 5 ***Undertake community and public authority consultation in accordance with the Gateway Determination requirements, including the concurrent exhibition of the draft Development Control Plan.***
- 6 ***Authorise the Chief Executive Officer (or delegate) to amend the existing Voluntary Planning Agreement, publicly exhibit the Deed of Amendment for community and public authority feedback, and negotiate and execute all documentation in relation to the finalisation of the Deed of Amendment (if required).***

Report purpose

To consider a request to prepare a Planning Proposal for 33 Gugandi Road, Narara and request a Gateway Determination from the Department of Planning and Environment (DPE).

Executive Summary

The Planning Proposal seeks to amend the zoning and minimum lot size provisions applying to 33 Gugandi Road, Narara (the site), commonly known as Narara Eco Village (NEV). The proposal also seeks to enable *commercial premises* (comprising a maximum Gross Floor Area (GFA) of 1,500m² including 200m² food and drink premises) and *multi dwelling housing* (maximum of 15 additional multi-dwelling houses) as additional permitted uses on the site. The caps on GFA and number of multi-dwellings will be stipulated in Schedule 1 – Additional Permitted Uses of *Central Coast Local Environmental Plan 2022* (CCLEP 2022). The Planning Proposal was considered by the Local Planning Panel on 8 December 2022 (Attachment 3)

When the site was rezoned to residential in 2007, Council and NEV entered into a Voluntary Planning Agreement (VPA). Amendments have been made to the original VPA and a Deed of Amendment has been prepared. Whilst the Deed of Amendment is entirely independent to the Planning Proposal, it is proposed to be exhibited concurrently with the Planning Proposal.

This report recommends that Council prepare a Planning Proposal and request a Gateway Determination from DPE. It also recommends that Council amend and publicly exhibit the VPA between Council and NEV.

Background

An overview of the Planning Proposal and VPA (independent to the Planning Proposal) is provided below.

2.4 Request to Prepare a Planning Proposal for 33 Gugandi Road, Narara to Amend Central Coast Local Environmental Plan 2022 (contd)

Planning Proposal

The Narara Eco Village site comprises approximately 62.97 hectares of land formerly occupied and operated as the Gosford Horticulture Research and Advisory Station (under the control of the NSW Department of Primary Industry) (see Figure 1). The land was acquired in September 2012 by a co-operative for the purposes of establishing an eco-village and related community ventures.



Figure 1 – Aerial view of site

Various development consents have been approved since the site's acquisition in 2012 including a Stage 1 development consent (DA/44899/2013) for 48 residential lots (including a cluster housing development comprising 18 dwellings) and a Stage 2 development consent for 43 residential lots. Construction of the road network and associated services and infrastructure to support the future development is complete. A number of detached dwellings and 'cluster houses' have also been approved and constructed.

At the time of lodgement of DA/44899/2013, the site was zoned *2(a) Residential* under the former *Gosford Planning Scheme Ordinance (GPSO)* and the development was classified as 'cluster housing' which was permissible with consent in the *2(a) Residential* zone. 'Cluster

2.4 Request to Prepare a Planning Proposal for 33 Gugandi Road, Narara to Amend Central Coast Local Environmental Plan 2022 (contd)

housing' was defined as three or more dwellings on a single allotment of land. The site is now zoned R2 Low Density Residential under CCLEP 2022. Cluster housing is no longer a specifically defined use, and the development is now defined as *Multi dwelling housing*, which is prohibited in the R2 zone. *Multi dwelling housing* means three or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

The previously approved cluster housing development has the benefit of 'existing use rights' as defined in Section 4.65 of the *Environmental Planning & Assessment Act 1979*. This Planning Proposal seeks to permit a maximum of 15 additional *multi-dwellings* (previously defined as cluster housing), consistent with the currently approved development on the site.

The site also contains a number of buildings associated with the former use as Gosford Horticultural Institute. These buildings include an administration block, visitor centre and grafting shed. This Planning Proposal seeks to utilise the existing GFA within these buildings for the purposes of *commercial premises*.

Voluntary Planning Agreement

In 2007 the site was rezoned and then disposed of as it was surplus to the needs of the NSW Department of Primary Industries (former owner of the site). The original planning proposal sought to rezone the site from *Special Uses 5(a) Research Station* to part residential, scenic protection, conservation and open space purposes. Council resolved on 13 November 2007 that part of the land to be zoned RE1 Open Space be dedicated to Council at no cost. The land was acquired in September 2012 by the NEV Co-Operative for the purposes of establishing an eco-village.

The VPA requiring the dedication of the open space land to Council has not yet been executed. A Deed of Amendment has since been prepared to amend the VPA. The amendment seeks to dedicate approximately 10ha of C2 Environmental Conservation zoned land to Council as part of the Coastal Open Space System (COSS). In return, the RE1 Open Space zoned land will be transferred back to NEV (see Figure 2).

The VPA is independent to this Planning Proposal, however it will be exhibited concurrently with the Planning Proposal which seeks to rezone the RE1 zoned land (to be returned to NEV) to C3 Environmental Management.



Figure 2 – Land subject to Deed of Amendment

Current Status

Figure 3 shows the current status of the Planning Proposal in the Local Environmental Plan amendment process.

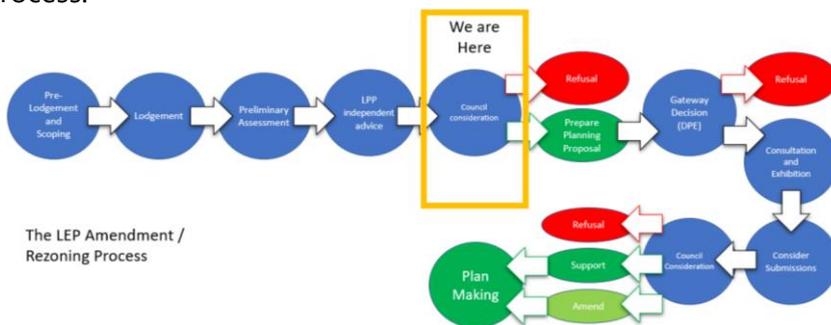
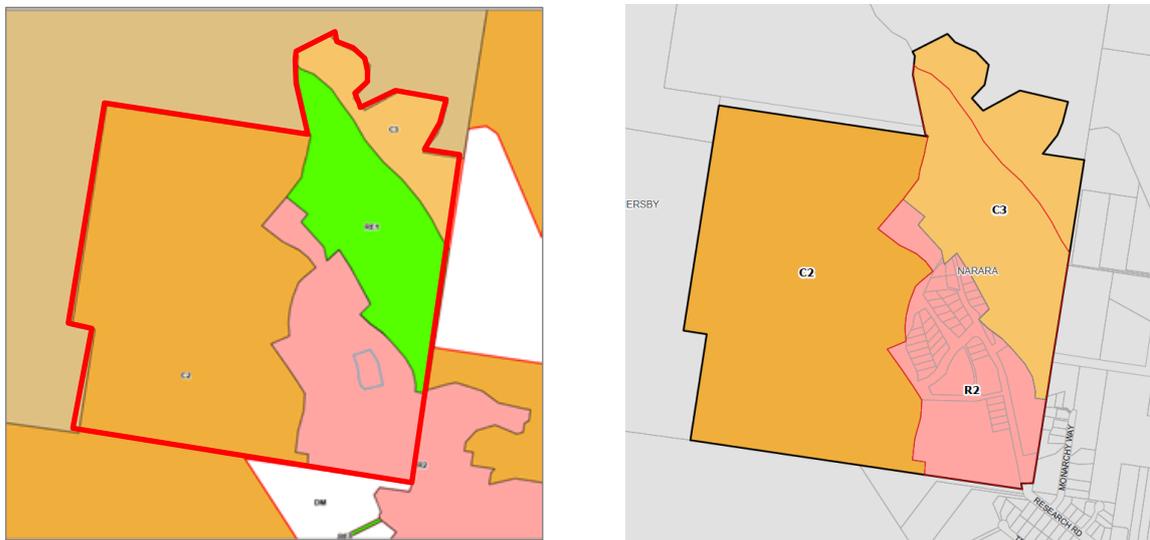


Figure 3 – Rezoning Process

Report

The Proposal

The Planning Proposal seeks to retain the extent of the R2 Low Density Residential zoning, expand the range of permissible land uses, and reduce the minimum lot size provisions applying to the site. The proposed amendments seek to facilitate the redevelopment of the site for the purposes of *multi-dwelling housing* (consistent with the previous 2a zone) and some small-scale commercial activities to provide for local employment opportunities at the site. A maximum of 15 additional multi-dwellings will be permitted on site. The commercial activities will be limited to a maximum GFA of 1,500m² and contained within the existing buildings on site (see Figure 4).



a) Existing zoning map

b) Proposed zoning map

Figure 4 – Existing and proposed zoning

Whilst it is proposed to reduce the lot size from 550m² to 450m² across the entire R2 zoned area, the following needs to be considered:

- **Slope** - A lot size of 450m² may not be attainable on every lot due to the slope provisions contained within Section 2.4.3.2 of CCDCP 2022. On sites where the slope exceeds 10%, a minimum lot size of 600-1,200m² is required. Hypothetically, 20 residential lots in the Stage 2 area have slope profiles less than 10%. 30 lots could be reconfigured to have a 450m² lot size. However, only six additional lots are actually possible due to the majority of the lots having already been pre-sold to NEV Cooperative members.
- **Ownership** - All residential lots and multi dwelling units in the Stage 1 area have been sold to Cooperative members. Of these lots, 28 have houses constructed on

2.4 Request to Prepare a Planning Proposal for 33 Gugandi Road, Narara to Amend Central Coast Local Environmental Plan 2022 (contd)

them and a further seven lots have housing under construction. Seven residential lots are undeveloped with house construction yet to commence. Given the current ownership structure there are limited opportunities to subdivide into 450m² lots in the Stage 1 area.

The concept plan supporting this Planning Proposal identifies seven R2 zoned lots of sufficient size to be further subdivided into 450m², resulting in seven additional residential lots (see Figure 5). The concept plan also nominates four large lots capable of accommodating up to 15 multi-dwellings (see Figure 6). Future Cooperative members of the eco-village will have the option of:

- Subdividing some or all of the seven lots into 450m² single dwelling lots;
- Retaining the 4 x large lots and developing 15 multi-dwelling houses; or
- A combination of the above.

The reduction in lot size is supported on the basis that the former 2a residential zone of GSPO permitted up to 10% of the proposed lots to have a minimum lot area of 450m². The 450m² lot size is also consistent with the lot size mapping approach in CCLEP 2022 for R2 zoned land under the former *Wyong Local Environmental Plan 2013*.

In summary, the following amendments to CCLEP 2022 are proposed:

- Reduce the minimum lot size map applying to the R2 - Low Density Residential land from 550m² to 450m²;
- Rezone the RE1 Public Recreation zoned land to C3 Environmental Management;
- Amend Schedule 1 to permit the following additional permitted uses on land zoned R2 Low Density Residential:
 - *Multi-dwelling housing* – up to a maximum of 15 additional multi dwelling houses
 - *Commercial premises* (comprising a maximum GFA of 1,500m² including 200m² of food and drink premises) (Figure 7).

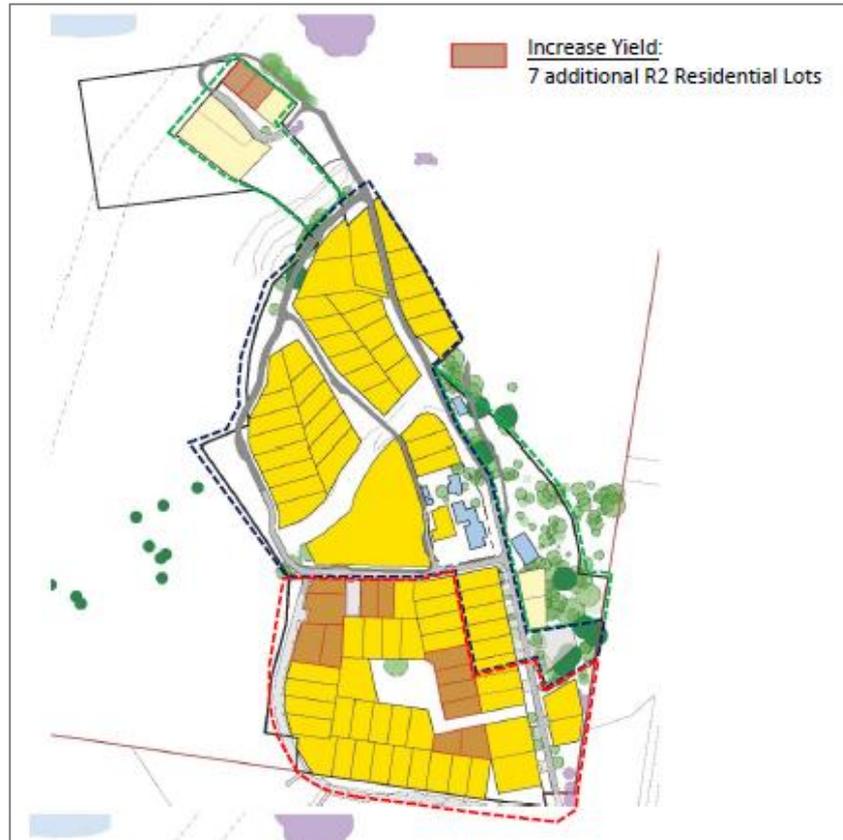


Figure 5 – Concept plan identifying lots proposed to be subdivided into 450m²

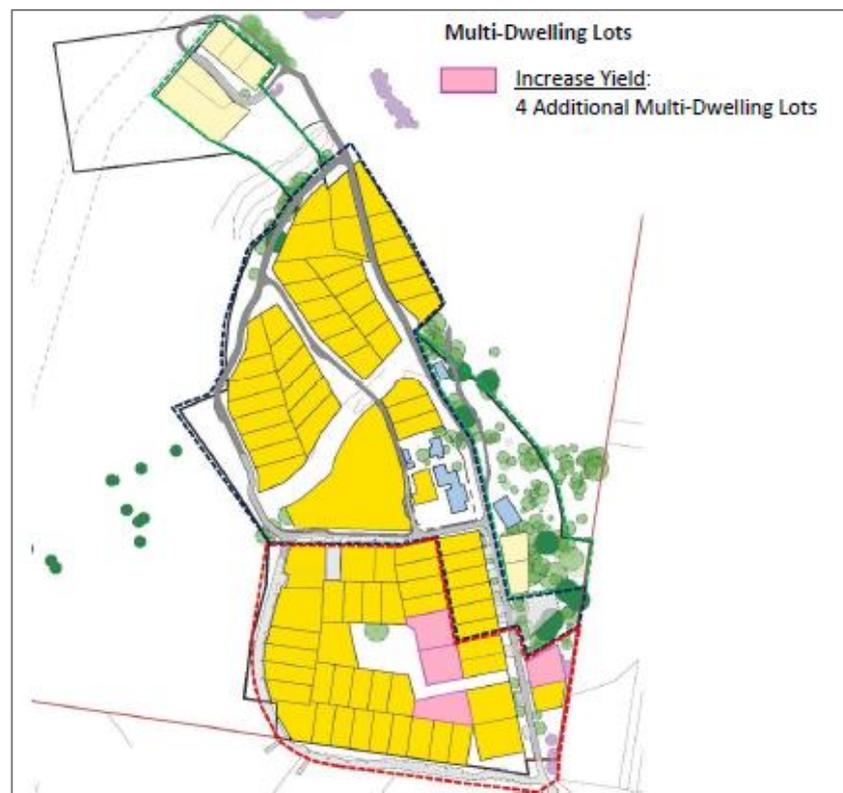


Figure 6 – Concept plan identifying multi-dwelling housing lots

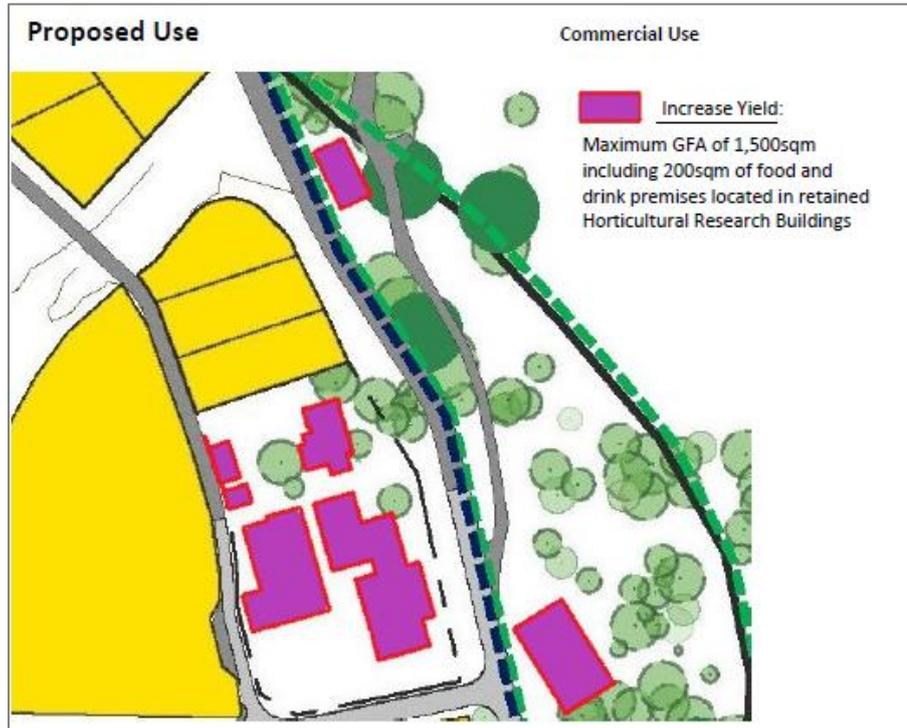


Figure 7 – Concept plan identifying existing buildings to be repurposed for commercial premises

Amendments are also proposed to the existing VPA as a result of ongoing negotiations between NEV and Central Coast Council. The RE1 zoned portion of the site is flood prone and was previously proposed to be dedicated to Council; however, Council has no interest in taking ownership of the land. It has been determined the south-western portion of the site zoned C2 Environmental Conservation is more suited for Council acquisition (see Figure 3).

NEV will retain the RE1 zoned land and rezone it to C3 Environmental Management as part of this Planning Proposal. In lieu of the dedication of the floodplain (RE1 zoned land), NEV will dedicate approximately 10ha of land zoned C2 Environmental Conservation identified for inclusion into Council's COSS land. Whilst this Planning Proposal seeks to rezone the existing RE1 zoned land to C3, the VPA which requires the dedication of approximately 10ha of C2 land, at no cost to Council, is independent to this Planning Proposal.

As outlined in the Deed of Amendment, NEV agrees to pay an Endowment Fund to Council to meet the costs of bushland management of the C2 zoned land as required under the approved bushfire management plan for the first three years following the dedication of the land. Council will be responsible for implementing weed management and bush regeneration works using the funds provided by NEV.

Chapter 5.8 of *Central Coast Development Control Plan 2022 (CCDCP)* applies to the site. This site-specific DCP will be updated to guide future development and ensure it is properly integrated with the existing eco-village and surrounding residential area.

The Planning Proposal is considered to have strategic planning merit for the following reasons:

- The Planning Proposal is consistent with the *Central Coast Regional Plan (CCRP) 2041*, which seeks to increase job containment in the region, protect and manage environmental values, accelerate housing supply and improve housing choice. The proposal achieves these objectives by:
 - Permitting small scale business, commercial and retail activities which will provide employment opportunities on site.
 - Maintaining and enhancing the environmental values of the site by retaining the existing C2 Environmental Conservation and C3 Environmental Management zoned land and rezoning the RE1 Public Recreation land to C3 land.
 - Increasing housing supply and improving housing choice by permitting a diverse range of housing typologies on site that cater for different residential needs.
 - Creating an inclusive, well-designed, and attractive lifestyle for residents by permitting a range of dwelling types in proximity to community facilities, social infrastructure, health care, and public transport.
- The site is located in the 'Narara District' whereby a key priority is to identify appropriate urban expansion opportunities, ensure a sufficient supply of safe, diverse and affordable housing and enhance the enjoyment of conservation areas for passive recreation activities.
 - The site is suitable for urban expansion as it is zoned R2 – Low Density Residential, has development consent for a community title residential subdivision, is serviced by water, sewer, transport and telecommunication infrastructure and is within a 15-minute walk or cycle of shops, amenities and services in Narara.
 - The site is connected to natural bushland and Strickland State Forest, enhancing public access to the natural environment and providing opportunities for passive recreation activities. The proposed Deed of Amendment to the existing VPA provides the opportunity to expand the network of environmental reserves forming part of the COSS.
- The 450m² minimum lot size is of sufficient size to locate a modern house and this land size provides for sufficient private open space for the residents. The 450m² minimum lot size will assist in providing additional infill housing to support the population targets of the *Central Coast Regional Plan 2041* for the Narara District.
- This Planning Proposal supports these strategic objectives by:
 - Delivering a range of housing types at various price points to meet demand.

2.4 Request to Prepare a Planning Proposal for 33 Gugandi Road, Narara to Amend Central Coast Local Environmental Plan 2022 (contd)

- Responding to the site's heritage and environmental qualities and ensuring future land uses do not result in adverse environmental impacts.
 - Generating social and economic benefits including increased local employment opportunities.
 - Improving the quantity and diversity of housing types located proximate to existing services, shops and public transport.
- The proposal will have a positive social outcome as it will support the delivery of a range of housing options within Narara, in an area supported by existing infrastructure and services.

To inform this recommendation, a strategic and site-specific merit assessment has been undertaken (see Attachment 2).

Consultation

Internal Consultation

Internal consultation has been undertaken with the following Council staff:

- Heritage – A Heritage Impact Assessment prepared by Betteridge Heritage was submitted with the proposal and referred to Council's heritage officer. The site contains a number of existing heritage items including a Grafting Shed which is proposed to be repurposed for *commercial* i.e. a cafe. The proposed subdivision layout has been designed to allow for the retention of all existing heritage items. Council's heritage officer has undertaken a site inspection and supports the Planning Proposal.
- Flooding – Based on the preliminary assessment of the proposal, Water Planning and Development raise no objection to the proposal proceeding.
- Traffic – A Traffic Impact Assessment prepared by Transport & Urban Planning was submitted with the proposal. Council's traffic engineer has assessed the proposal and confirmed the likely additional traffic impacts from the amended proposal are minimal.
- Contamination – Council's Environmental Health Officer has reviewed the previous contamination assessments prepared for the site. Based on the previous investigations undertaken on the areas already approved for residential development (Stage 1 and Stage 2), it is recommended that a Phase 2 Contamination Assessment be carried out during the demolition or CC stage of the proposed Stage 3 development. Any remediation or management of contaminated areas, if identified during the Phase 2 assessment, can be conditioned to be complied with.
- Development Assessment – Council's development assessment team have reviewed the Planning Proposal and considered it in context of the previously approved Staged DA's. No comments have been provided.

2.4 Request to Prepare a Planning Proposal for 33 Gugandi Road, Narara to Amend Central Coast Local Environmental Plan 2022 (contd)

- Ecology – Council’s ecologist supports the proposal. No removal of native vegetation is required to facilitate the proposed development.
- Natural asset management and biodiversity – Natural assets supports the rezoning of the RE1 Public Recreation land to C3 Environmental Management and dedication of 10ha of C3 zoned land to Council. The natural assets team will continue to work with the proponent on the Bushland Management Plan, which will be exhibited with the VPA.

No objections have been raised to the proposal.

External Consultation

The Planning Proposal was referred to the Local Planning Panel for advice on 8 December 2022.

A Pre-gateway Determination review was provided by DPE, which confirmed that the proposal demonstrated strategic merit and identified specific government agencies, Ministerial directions, State policies and other matters need to be addressed to demonstrate site-specific merit. These additional matters will be addressed in the Planning Proposal report, which will support Council’s request for a Gateway Determination.

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 bottom-line implications for Council’s budget. The direct cost to Council is the preparation of the Planning Proposal and the associated DCP. These costs will be charged as per Council’s fees and charges on a cost recovery basis.

Council is surrendering the existing floodplain (RE1 zoned land) and gaining ownership of C2 zoned land, which will form part of the COSS. This transfer of land has been negotiated by Council’s Natural Asset team and supported.

As outlined in the Deed of Amendment, the Proponent agrees to pay the Endowment Fund to Council to meet the costs of bushland management as required under the approved bushland management plan for the first three years following the dedication of the land to

2.4 Request to Prepare a Planning Proposal for 33 Gugandi Road, Narara to Amend Central Coast Local Environmental Plan 2022 (contd)

Council. Once the land is transferred to Council it will be managed by Council (with the funds provided by NEV).

The *Regional Section 7.12 Development Contributions Plan 2019* applies to all land within the Central Coast local government area, except for Gosford City Centre. Development contributions will be levied on future development applications and applications for complying development certificates. This will assist Council to provide appropriate public facilities required to maintain and enhance amenity and service delivery within the area.

Link to Community Strategic Plan

Theme 2: Smart

Goal C: A growing and competitive region

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

Theme 3: Green

Goal F: Cherished and protected natural beauty

G-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 5: Liveable

Goal I: Balanced and sustainable development

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-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 CCLEP 2022.

2.4 Request to Prepare a Planning Proposal for 33 Gugandi Road, Narara to Amend Central Coast Local Environmental Plan 2022 (contd)

Options

- 1 Support the recommendation to forward the Planning Proposal to the Minister for Planning for a Gateway Determination. **This is the recommended option.**
- 2 Refuse to support the Request for a Planning Proposal (not recommended). Should the Planning Proposal not be supported, an opportunity will be missed to facilitate greater housing choice and diversity on a site that is close to public transport, shops and services.

Critical Dates or Timeframes

DPE is implementing strict timeframes for Planning Proposal exhibition and finalisation, which will be outlined in the Gateway Determination.

Attachments

1	Planning Proposal Summary Assessment	Provided Under	D15323667
		Separate Cover	
2	Planning Proposal Strategic Assessment	Provided Under	D15368793
		Separate Cover	
3 	Local Planning Panel Advice to be tabled after LPP meeting of 8 December 2022	Provided Under	
		Separate Cover	



Item No: 2.5
Title: Agritourism Reforms: Option to Nominate Additional LEP Clauses
Department: Environment and Planning

13 December 2022 Ordinary Council Meeting

Reference: F2006/01588 - D15442111
Author: Rianan Rush, Senior Strategic Planner
Manager: Scott Duncan, Section Manager Local Planning and Policy
Executive: Alice Howe, Director Environment and Planning

Recommendation

1 ***That Council:***

- a Nominate to include optional clause 5.24 Farm stay accommodation in the Central Coast Local Environmental Plan 2022;***
- b Nominate to exclude optional clause 5.25 Farm gate premises in the Central Coast Local Environmental Plan 2022; and***
- c Not nominate any additional zones to permit agritourism beyond the RU1 Primary Production Zone and RU2 Rural Landscape Zone.***

2 ***That Council advise the Department of Planning and Environment of its decision as indicated in the Planning Amendments for Agritourism nomination form (Attachment 1).***

Report purpose

To seek Council's endorsement to advise the Department of Planning and Environment (DPE) that it seeks to 'opt in' to one of the optional Local Environmental Plan (LEP) clauses and opt out of another of the optional LEP clauses in the draft *Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2022*. The response endorsed by Council will be forwarded to DPE and the optional clause will be incorporated into the Central Coast Local Environmental Plan 2022 (CCLEP 2022) by February 2023.

Executive Summary

The NSW Government has introduced proposed amendments to agritourism through the *Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2022* (Agritourism Order). Proposed changes include:

- Introducing exempt and complying approval pathways for agritourism activities.

2.5 **Agritourism Reforms: Option to Nominate Additional LEP Clauses (contd)**

- New land use terms for 'agritourism', 'farm gate premises' and 'farm experience premises', and amending the definition of 'farm stay accommodation'.
- Introducing optional clauses for councils to insert into Local Environmental Plans (LEPs) for 'farm stay accommodation' and 'farm gate premises' that introduce certain assessment criteria and introduce minimum lot size controls for farm stay accommodation.
- Requesting that councils nominate additional zones for agritourism where appropriate.
- Transferring 'cellar door premises' from a subset of 'retail premises' to a subset of 'farm gate premises'
- Updating other development standards related to reconstruction, setbacks and other provisions related to small-scale processing plants, poultry and pig farms, farm dams, stock containment lots, and recreational beekeeping.

The new definitions for agritourism, farm gate premises, farm experience premises and farm stay accommodation will mean that these land uses will now be permissible wherever agriculture is permissible, provided an existing commercial farm operates on the site. Agriculture is currently permissible in the RU1 Primary Production and RU2 Rural Landscape zones under CCLEP 2022. These are the primary locations where agricultural production is located on the Central Coast.

DPE has requested that all councils to advise whether they would like to adopt the optional clauses for 'farm stay accommodation' and 'farm gate premises' for inclusion into their LEPs.

Background

In March 2021 DPE proposed changes to the NSW planning system with the aim to make it easier for farmers to use their land in new and innovative ways to complement their existing businesses. This includes agritourism activities such as farm experiences, cellar doors and farm stay accommodation. It is expected that these additional income opportunities will help make farms more resilient to the economic impacts of natural disasters and other unexpected events.

Council provided in principal support to the objectives of the agritourism reforms, however, concerns were raised in relation to the proposed reforms including limitations on the number of visitors permitted on site (i.e., visitor caps). DPE subsequently amended the agritourism reforms to exclude farm tours, horse riding tours, and school groups from the visitor caps.

2.5 Agritourism Reforms: Option to Nominate Additional LEP Clauses (contd)

As part of the reforms, optional clauses are available to Council for farm stay accommodation and farm gate premises. DPE has also requested that Council nominate additional zones for agritourism uses. Council staff now seek a Council resolution to endorse the recommendations provided in this report and provide a response to DPE by 23 December 2022.

Current Status

The draft reforms are proposed to be implemented in February 2023. DPE is currently seeking a response from councils across NSW to confirm their intention to opt-in to the optional clauses provided in the reforms, and whether councils would like to nominate additional zones where agriculture is permitted.

Report

The following land uses will be inserted into the land use table at Direction 5 of the Standard Instrument (which specifies the types of development that may be included in the Land Use Table):

- Agritourism;
- Farm experience premises;
- Farm gate premises; and
- Primitive camping grounds.

Agriculture and farm-stay accommodation are already nominated land uses in CCLEP 2022 and the remaining land uses above are new land use terms that will become permissible when the changes come into effect.

Farm experience, farm gate premises, and farm-stay accommodation will qualify as exempt development if these uses are being carried out on landholdings that are either within zone RU1 or RU2, or in zones where the following uses are permitted:

- Agritourism;
- Extensive Agriculture;
- Intensive Livestock Agriculture; and
- Intensive Plant Agriculture.

Currently, the RU1 Primary Production, RU2 Rural Landscape, RU6 Transition and C3 Environmental Management zones permit extensive agriculture. Some sites on the Additional Permitted Uses map also allow extensive agriculture. Intensive livestock agriculture, and intensive plant agriculture are only permitted in the RU1 Primary Production zone.

Farm-stay accommodation is currently permissible in the RU1, RU2 and C3 Environmental Management zone under CCLEP 2022. Should Council resolve to adopt the recommendation

2.5 **Agritourism Reforms: Option to Nominate Additional LEP Clauses (contd)**

to opt-in to clause 5.24, Farm-stay accommodation must be associated with an existing lawful dwelling house or must not be less than the minimum lot size where the use is not associated with an existing lawful dwelling house.

The opt-in clauses proposed as part of the reform package are outlined as follows:

5.24 Farm stay accommodation [optional]

(1) The objectives of this clause are as follows—

(a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for primary production,

(b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure, and adjoining land uses.

Direction— Additional objectives may be included.

(2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied all buildings or manufactured homes used to accommodate guests on the landholding will be—

(a) on the same lot as an existing lawful dwelling house, or

(b) on a lot of a size not less than the minimum lot size for a dwelling house to be permitted on the lot under an environmental planning instrument applying to the land.

(3) Subclause (2) does not apply if the development is a change of use of an existing dwelling to farm stay accommodation.

(4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—

(a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—

(i) residential accommodation,

(ii) primary production operations,

(iii) other land uses, and

(b) whether the development will have a significant adverse impact on the following on or near the land—

(i) the visual amenity or heritage or scenic values,

(ii) native or significant flora or fauna,

(iii) water quality,

(iv) traffic,

(v) the safety of persons, and

2.5 Agritourism Reforms: Option to Nominate Additional LEP Clauses (contd)

- (c) whether the development is on bush fire prone land or flood prone land, and*
- (d) the suitability of the land for the development, and*
- (e) the compatibility of the development with nearby land uses.*

Direction— Additional development standards for farm stay accommodation may be included.

It is recommended that optional clause 5.24 be included in Council's LEP to ensure consideration of impacts associated with 'farm stay accommodation' are included in the determination of any development application for such a use. Adopting clause 5.24 will prevent further fragmentation of rural land by prohibiting tourist accommodation where the use is not associated with an existing lawful dwelling.

5.25 Farm gate premises [optional]

(1) The objectives of this clause are as follows—

- (a) to allow for tourism and related commercial uses on land used principally for primary production at a scale that does not adversely affect the principal use of the land for primary production,*
- (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure, and adjoining land uses.*

Direction— Additional objectives may be included.

(2) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—

(a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—

- (i) residential accommodation,*
- (ii) primary production operations,*
- (iii) other land uses, and*

(b) whether the development will have a significant adverse impact on the following on or near the land—

- (i) the visual amenity or heritage or scenic values,*
- (ii) native or significant flora or fauna,*
- (iii) water quality,*
- (iv) traffic,*
- (v) the safety of persons, and*

(c) whether the development is on bush fire prone land or flood prone land, and

(d) the suitability of the land for the proposed development, and

2.5 **Agritourism Reforms: Option to Nominate Additional LEP Clauses (contd)**

(e) the compatibility of the development with nearby land uses.

Direction— Additional development standards for farm gate premises may be included.

It is recommended that Council does not opt-in to optional clause 5.24 farm gate premises, as this would impose unnecessary additional development standards on farm gate activities. In many cases these activities supplement existing farm operations to remain economically viable.

Nomination of additional zones

It is recommended that Council not seek to nominate additional zones to enable agritourism uses to be permissible. Nomination of additional zones should be comprehensively considered through a rural land use strategy. It is considered that the RU1 and RU2 zones are the most appropriate zones for agritourism to be permitted with consent, given that the principal use of these zones is for primary production and the aim of the reforms is to make commercial farms more resilient to the economic impacts of natural disasters and other unexpected events. Additionally, there is only a negligible amount of agriculture conducted in the C3 Environmental Management Zone and RU6 – Transition Zone. It is not proposed to apply these changes to these zones as there are few agricultural land uses present and could lead to future land use conflicts.

Farm-stay accommodation will remain permissible or prohibited in zones where this use is already permissible or prohibited; farm-stay accommodation will remain permissible with consent in the C3 Environmental Management zone. The development of a rural land use strategy is included in Council's Delivery Program.

Consultation

Consultation for the proposed reforms has been undertaken by DPE and the proposed amendments are to be notified by February 2023. Internal consultation has occurred with Council's Strategic Planning and Development Assessment units. Council has liaised informally with specific landowners who had concerns regarding the proposed reforms in order to seek feedback on the optional clauses. There was general support for opting into clause 5.24 to control land use conflicts and support for opting out of clause 5.25 due to the number of onerous requirements under this clause.

Financial Considerations

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

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

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

2.5 Agritourism Reforms: Option to Nominate Additional LEP Clauses (contd)

There is no material financial impact associated with the recommendations. Preparation of the submission to DPE on this matter is included in Council's adopted 2022-2023 budget.

Link to Community Strategic Plan

Theme 2: Smart

Goal C: A growing and competitive region

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

Risk Management

Should Council not opt-in to clause 5.24, there would be no requirement for farm-stay accommodation to be associated with an existing dwelling, or to meet the minimum lot size requirements. Without these requirements, farms run the risk of further land fragmentation, and an increase in land use conflicts, which would impact the commercial operations of farms, and rural residential amenity.

Should Council opt-in to clause 5.25, more onerous requirements would be required for farm gate premises. It is considered the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and any required development application approval pathways will adequately address impacts associated with farm gate premises, without the need for a clause in CCLEP 2022.

Options

- 1 Council supports the recommendation and advises DPE that Council would like to 'opt in' to optional clause 5.24 Farm stay accommodation and 'opt out' of optional clause 5.25 Farm gate premises. **This is the recommended option.**
- 2 Council advises DPE that Council will 'opt out' of the optional clauses and consider whether such provisions might be appropriate following the completion of a future Central Coast Rural Land Study and Strategy. This is not recommended.

Critical Dates or Timeframes

The critical date is February 2023. This is the date that the proposed reforms will be notified and introduced into the Exempt and Complying SEPP and CCLEP 2022.

2.5 **Agritourism Reforms: Option to Nominate Additional LEP Clauses (contd)**

Attachments

1	Final Agritourism nomination form - October 2022	Provided Under	D15449010
		Separate Cover	
2	Standard Instrument Local Environmental Plans	Provided Under	D15442131
	Amendment Agritourism Order 2022	Separate Cover	
3	State Environmental Planning Policy Exempt and	Provided Under	D15442138
	Complying Development Codes Amendment	Separate Cover	
	Agritourism 2022		



Item No: 2.6
Title: Dogs in Open Spaces Action Plan – Update
Department: Environment and Planning

13 December 2022 Ordinary Council Meeting

Reference: F2021/01691 - D15432859
Author: Matthew Corradin, Unit Manager, Environmental Compliance Services
Manager: Alice Howe, Director Environment and Planning
Executive: Alice Howe, Director Environment and Planning

Recommendation

That Council:

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

Report purpose

To present the draft *Dogs in Open Spaces Action Plan Engagement Summary* to Council for discussion and presentation.

To seek Council's endorsement to develop and exhibit a revised and simplified draft *Dogs in Open Spaces Action Plan* following the feedback received to date.

To clarify that there is no change to the management of open spaces while an updated position is under development.

Executive Summary

Between 1 July and 26 August 2022, Council exhibited its draft *Dogs in Open Spaces Action Plan* (the draft Plan).

The draft Plan was developed in recognition of increasing population growth within the Central Coast Local Government Area (LGA) and the corresponding high rates of dog ownership. The aim of the draft Plan was to improve the opportunities for, and management of, Council's off-leash areas (OLA), amongst other actions. The draft Plan also

sought to provide Council with a 10-year planning framework to allow for the considered implementation of identified actions.

The exhibition of the draft Plan resulted in a high volume of submissions, and a diversity of views on Council's proposed actions. Council also identified a significant volume of misinformation published predominately on social media about the actions that Council was proposing, particularly in relation to the provision of OLAs and the rationale for proposing changes to existing OLAs. This may be a result of the complexity of the draft Plan or lack of clarity provided by Council.

It is proposed that the draft Plan be revised and simplified, taking into consideration the feedback received to date, to ensure it is 1) fit for purpose for the community and 2) that the actions proposed, and the rationale of them, are clearly communicated and understood.

Background

The draft Plan was prepared following the adoption of the *Responsible Dog Ownership Policy* (the Policy) by Council in 2021, which itself was developed to provide guidance to members of the Central Coast community on the responsibilities of dog ownership.

The draft Plan was endorsed by Council for public exhibition on 28 June 2022. It was also resolved that (Minute 109/22):

3. Council request the Chief Executive Officer provide a further report back to Council on the outcomes of the public exhibition, with a view to finalisation and adoption of the Dogs In open Space Action Plan.

A summary of feedback has been prepared (Attachment 1) which provides a high-level overview of the quantitative feedback received during the public exhibition of the draft Plan. The Engagement Summary shows that there is a need to refine the draft Plan to provide clarity around the key drivers that led Council to develop the draft Plan, as well as to provide clarity around the actions proposed, while considering the feedback gathered to date.

Current Status

Council staff are currently undertaking a detailed review of the submissions received during the public exhibition period. A detailed Consultation Report, which includes Council's response to specific concerns from the recent community consultation, will be provided with the revised draft Plan. This revised draft Plan will provide clarification on the key drivers and actions proposed. The revised draft Plan will also address the feedback revised to date including, but not limited to:

- 1 Undertaking a detailed risk assessment in relation to the current Terrigal OLA,

2.6 Dogs in Open Spaces Action Plan – Update (contd)

- 2 Engaging an independent expert to provide Council with advice in relation to the environmental sensitivities (or otherwise) in relation to the current Davistown OLA and the Bush Stone Curlew, and
- 3 Consider the appropriateness of timed and/or seasonal beach access.

Report

Council recognises the significant health and wellbeing benefits of dog ownership while needing to balance compliance and animal management in accordance with the *Companion Animal Act 1998*, as well as mitigating other impacts such as risk to the public, threatened species or wildlife habitat.

Consultation

The draft Plan was placed on public exhibition from 1 July 2022 to 26 August 2022. The exhibition period was advertised via various platforms and outreach methods to ensure extended reach due to the subject matter and potential interest. Council received over 3,200 submissions during the public exhibition period in addition to other submissions made to local MPs. A summary of that feedback is provided in Attachment 1.

The key areas of concern related to the following actions:

- 1 Terrigal OLA – the draft Plan proposed to close this OLA due to safety concerns and convert it to a leashed area. A new OLA was proposed at Duffy’s Road Reserve, Terrigal.
- 2 Davistown OLA – the draft Plan proposed to close this OLA due to environmental concerns and convert it to a leashed area. A new OLA was proposed at Pine Ave Reserve, Davistown.
- 3 The proposal to consider timed and/or seasonal access to undetermined popular beaches that fall within designated ‘OLAs.

Further consultation action is outlined below.

- 1 A detailed consultation report will be developed in regard to the draft Plan.
- 2 Key interest consultation groups will be considered to inform the revised draft Plan, if endorsed.
- 3 The revised draft Plan and detailed Consultation Report, if endorsed, will be exhibited.

Financial Considerations

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

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

2.6 Dogs in Open Spaces Action Plan – Update (contd)

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

There are no direct financial implications arising from the recommendation to refine and re-exhibit a revised draft Plan. The revision will be managed in house with any expert input funded through Council's adopted 2022-2023 budget.

Actions identified in the revised draft Plan may have cost implications in relation to their delivery, and funding for delivery of all actions has not yet been identified. If any Plan is adopted, actions would be implemented based on priority, pending availability of funding in future annual budgets or as a result of successful grant applications.

Although the actions are not fully funded at the time of this report, it is important that they are identified in the draft Plan in order to appropriately plan and best manage dogs in open space. Outlining required actions in the draft Plan will also provide considered support for any grant applications that may arise.

Link to Community Strategic Plan

Theme 5: Liveable

Goal L: Healthy lifestyle for a growing community

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

Risk Management

Ineffective management of dogs in open space areas can negatively impact the community and pose a safety risk to the community (both dog owners and non-dog owners), the environment and alternative open space facilities. The draft Plan aims to reduce these risks and impacts with appropriate use and definition of off leash, on leash and dog exclusion areas.

The draft Plan generated significant community interest during the public exhibition period. Council is in the process of reviewing all submissions and commit to reviewing actions outlined in the draft Plan to ensure the way forward is most appropriate.

This will be realised via the review and simplification of a revised draft Plan and the additional consultation actions identified in this report.

Options

- 1 Continue as is – not recommended. The draft Plan generated considerable community interest and opposition in addition to the publication of misinformation associated with the proposed actions. To continue as proposed in

2.6 Dogs in Open Spaces Action Plan – Update (contd)

the original draft Plan is not recommended as Council should address the feedback provided to date to ensure the final Plan is fit for purpose both for Council and our community.

- 2 Endorse the review and simplification of a second draft Plan to address relevant matters and re-exhibit the second draft Plan coupled with the detailed stakeholder consultation report. **This is the recommended action.**

Attachments

- | | | | |
|-----------------------------------------------------------------------------------|-----------------------------------------|-------------------------|-----------|
| 1 | Engagement Summary - Dogs in Open Space | Provided Under Separate | D15447009 |
|  | Action Plan | Cover | |



Item No: 2.7
Title: Gosford Waterfront Concept Plan - Preliminary Consultation Report
Department: Environment and Planning

13 December 2022 Ordinary Council Meeting

Reference: F2022/02376 - D15435663
Author: Jamie Barclay, Unit Manager Economic Development and Property
Sue Ledingham, Unit Manager Communications Marketing and Customer Engagement
Executive: Alice Howe, Director Environment and Planning
Melanie Smith, Director Community and Recreation Services

Recommendation

That Council:

- 1 *Note the positive feedback in support for the Gosford Waterfront Concept Plan received during the consultation period.***
- 2 *Continue to work with NSW Government to progress the Gosford waterfront renewal project to Gateway 2, as outlined in the adopted Gosford Waterfront Renewal Framework, to support a NSW Government investment decision.***

Report purpose

To provide an update on the outcomes of the Gosford Waterfront Concept Plan community consultation and to continue to work with the NSW Government to progress the project to the next stage.

Executive Summary

Since resolution 103/21 was adopted by Council on 27 September 2022, Council has undertaken extensive community consultation via methods detailed in this report.

Along with the internal community engagement process, which is found in the Engagement Summary (Attachment 1), a statistically valid Market Research Survey (Attachment 2) of the community was undertaken to obtain unbiased feedback related to the Gosford waterfront concept plans.

This Council report summarises the findings of both reports and makes recommendations based on the community's positive feedback to work with the NSW Government to progress the project to Gateway 2.

2.7 Gosford Waterfront Concept Plan - Preliminary Consultation Report (contd)

A further detailed Consultation Report is proposed in the first quarter of 2023, along with recommended amendments to the concept plan arising from community and key stakeholder feedback.

Background

At its meeting of 27 September 2022, Council resolved the following:

Minute 103/21:

That Council:

- 1 *Adopt Option 1 (Attachment 1) as the preferred Gosford Waterfront and Stadium Concept Plan on which to develop a draft Waterfront Masterplan.*
- 2 *Adopt the revised Gosford Waterfront Renewal Framework (Attachment 2) to progress feasibility analysis of the waterfront revitalisation proposal.*
- 3 *Seek community feedback to inform development of a draft Waterfront Masterplan, based on the adopted Gosford Waterfront and Stadium Concept Plan.*
- 4 *Seek funding from the NSW Government to progress a business case for the adopted Gosford Waterfront and Stadium Concept Plan to inform a potential NSW Government investment decision.*

As per Council Resolution 2 above, Council has adopted the Gosford Waterfront Renewal Framework (Attachment 3), which outlines a gateway process to develop the Gosford waterfront. Based on the positive community feedback, Council officers are seeking a Council resolution to continue to progress the project to Gateway 2, which will enable further due diligence and development of a detailed business case in collaboration with NSW Government agencies.

Current Status

Council staff have concluded the Gosford Waterfront Concept Plan: Engagement Summary (Attachment 1). A final Consultation Report is proposed to be issued to Council in the first quarter of 2023.

This concludes all the deliverables under Gateway 1 of Council's adopted Gosford Waterfront Renewal Framework (Attachment 3).

Report

The purpose of the community consultation process was to:

- engage with the broader community on the concept plan that will inform the proposed masterplan for the project;
- identify support for Gosford Waterfront Project Gateway 1 requirements under the Gosford Renewal Framework; and
- engage with the community on what was important to them to ensure the next stage of design detail reflects the values of our community.

The concept plan is simply the starting point for the community's input. It outlines a framework to re-imagine Gosford waterfront as a vibrant urban foreshore and a place for people, with entertainment, shopping and dining, maritime services, tourism, residential living, and enhanced public spaces.

The concept plan area extends from the Brian McGowan Bridge (in front of the Central Coast Stadium) along the waterfront foreshore to Florence Avenue, Point Frederick (near the Gosford Sailing Club).

Council has used the feedback provided during the consultation activities undertaken over the last 20 years to inform the current concept designs. Noting that quite some time has passed since the bulk of feedback was received in 2009, it was important to reconfirm with the community that what they value is included as part of the 2022 concept plan.

Consultation

Council invited the community to find out more and have their say on the Gosford waterfront revitalisation concept plan via information sessions, interactive concept plans, feedback forms business leaders' and operators' forums and key government stakeholder meetings. There were a variety of approaches also undertaken to raise awareness of the project through Council's newsletters, distribution of flyers and posters, digital signage through Council facilities and through the media.

The consultation program included:

- Your Voice Our Coast page
 - Direct comments and discussion on ideas and suggestions for each component of the plan through the interactive plan
 - Feedback form
- Virtual drop-in information session (community and business sessions)
- Drop-in information sessions hosted at:
 - Erina Library on 28 October between 11am and 1pm
 - Woy Woy Library on 2 November between 12pm and 2pm
 - Tuggerah Library on 3 November between 3pm and 5pm
- Pop up activation at the Matildas V Thailand match at Central Coast Stadium

2.7 Gosford Waterfront Concept Plan - Preliminary Consultation Report (contd)

- Poster displays at 300 local businesses across the Central Coast
- Post cards (1,000) available at local business and Council customer service touch points
- Direct emails sent to key stakeholders and information in Council newsletters
- Digital screen displays on the Central Coast Highway at Central Coast Stadium
- Digital screen display at Mariners soccer matches hosted at Central Coast Stadium
- Customer service screen displays across all Central Coast Libraries, Customer Service Centres and Recreation Centres
- Independent market research survey (sample size of 600).

Consultation statistics over the period from 18 October to 1 December 2022:

- 7,517 visits to the YVOC project page
- 1,591 downloads of the concept plan document
- 380 feedback forms received
- 6,425 visits to the interactive concept plans
- 676 comments placed on the interactive concept plans
- 2,084 reactions placed on the interactive concept plans (1797 thumbs up, 287 thumbs down)
- 52 attended virtual drop-in information session
- 19 people attended drop-in information sessions - 10 people attended the Erina Fair, 8 people attended Woy Woy Library and 1 person attended the Tuggerah Library drop-in information sessions
- 36 business leaders and operators registered to attend the forum hosted at Central Coast Stadium on 24 November, 18 attended
- 180 attendees at the Gosford – Erina Business Chamber meeting on 9 November
- 20 meetings held with 59 key stakeholders who will be part of the long-term planning and delivery of the project, key neighbouring developments, and key stakeholders who currently lease property or facilities within the precinct.

Social media sentiment

Commentary across social media for the Gosford waterfront revitalisation has been largely positive with many businesses offering support for the project.

- **Campaign targets and KPIs**
 - 3,000 visits to the interactive concept plan
 - 2,000 engagements on the interactive concept plan
 - 5,000 visits to the Your Voice Our Coast project page
- **Campaign results**

The social media campaign exceeded all of the KPIs set for the project:

2.7 Gosford Waterfront Concept Plan - Preliminary Consultation Report (contd)

- 209% reached on visits to the interactive concept plan
- 139% reached on the engagements on the interactive concept plan
- 151% reached on visits to the Your Voice Our Coast project page

Councils' organic social media reach achieved an average reach rate of 6,931 (through seven posts) across all channels. The paid social media campaign had a total reach of 376,037 made up of a demographically representative group (see tables below).

Age	Reach
18-24	65,606
25-34	75,271
35-44	79,304
45-54	61,318
55-64	53,637
65+	40,900

Gender	Reach
Male	199,124
Female	171,857
Uncategorised	5,056

Market Research

Results from the independent market research survey showed strong support for the project with:

- When provided with a high-level overview of the project, 77% of participants were supportive (rated seven to ten) of the project, 16% of participants were neutral (rated four to six);
- When participants were asked what they thought the key benefits of the plan were, the top three themes identified were tourism/attracting more people to the region 31%, activating / modernising / bettering Gosford 27% and economic gains / more jobs / more businesses 25%;
- When participants were asked what concerns they held for the plan, the top three themes identified were environmental impact / waterways and pollution 25%, congestion / more tourists / more people 20% and budget blowouts / impacts on Council rates 16%; and
- Once participants were provided further detail and objectives for the project, they were once again asked how supportive of the plan they were – 80% (rated seven to ten) of participants were supportive.

Themes

Themes identified across all of the feedback provided during the consultation activities included:

- Suggestions for additional **parking** and the availability of parking within Gosford.
- Comments about **public land** being used for residential development.
- Support for **increased recreational opportunities** along the Gosford waterfront.
- Options for **traffic management**, particularly the **Central Coast Highway** should be explored.
- The **connectivity** the revitalisation of the Gosford waterfront will offer is a significant advantage of the plan.
- The waterfront will be the catalyst in creating and supporting an **activated Gosford City**.
- There is support for the Gosford waterfront revitalisation concept plan and a **desire to get it happening** as soon as possible.

Community Sentiment

The feedback received through Council's channels indicates overall support for the revitalisation of the Gosford waterfront, with 59.4% of participants supportive of the concept plan, 22.1% were neutral and 18.5% were not supportive. This opt-in consultation confirms the positive sentiment around the project, with both supportive and neutral achieving a combined 81.5% favourable rating.

The independent market research survey, undertaken to obtain a statistically valid sample size, indicates overall support for the revitalisation of the Gosford waterfront, with 77% of participants supportive of the concept plan, 16% were neutral and 7% were not supportive. The independent market research confirms the positive sentiment around the project with both supportive and neutral achieving a combined 93% favourable rating.

Feedback studied across social media channels also indicates a large amount of support for the revitalisation of the Gosford waterfront.

Overall, these results demonstrate strong support for the Gosford Waterfront concept plan and for the project to proceed to Gateway 2.

Next steps

Council is currently undertaking a detailed analysis of the feedback reviewed. Council will use the feedback received to further refine and enhance the concept plan.

The results are proposed to be made available in a detailed Consultation Report to Council in the first quarter of 2023.

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.

Costs to progress the project to Gateway 1, including community consultation, were included in Council's current and previous adopted budgets. Progression through Gateway 2 will be dependent on funds received from external funding sources. It is proposed that Council continue to work with the NSW Government to identify appropriate funding sources to progress the project.

Link to Community Strategic Plan

Theme 2: Smart

Choose Focus Area

S-C2: Revitalise Gosford City Centre, Gosford Waterfront and town centres as key destinations and attractors for business, local residents, visitors and tourists.

Risk Management

This resolution will allow further discussions with the relevant NSW Government funding bodies with a view to securing funds to progress the next stage of the project (Gateway 2 – see Attachment 3).

Options

- 1 Note the positive feedback received from the community to date and continue to progress the project to Gateway 2 of the Gosford Waterfront Renewal Framework, with appropriate changes to the project that reflect community sentiment.
This is the recommended option.
- 2 Council discontinues advocating for the project (not recommended).

Attachments

1	Engagement Summary	Provided Under Separate Cover	D15464354
			
2	Gosford Waterfront Concept Plan Market Research Survey Report	Provided Under Separate Cover	D15463893
			
3	Adopted Gosford Waterfront Development Renewal Framework	Provided Under Separate Cover	D15303311
			



Item No: 2.8
Title: Amendment to the Code of Conduct and Procedures for the Administration of the Code of Conduct
Department: Chief Executive Officer's Unit

13 December 2022 Ordinary Council Meeting

Reference: F2020/01696 - D15403684
Author: Jade Maskiewicz, Assistant Internal Ombudsman
Manager: Lilly Mojsin, Senior Internal Ombudsman
Executive: David Farmer, Chief Executive Officer

Recommendation

- 1** *That Council note the amendments and adopt the Code of Conduct that is attachment 1 to this report in accordance with s. 440(3) of the Local Government Act 1993.*
- 2** *That Council note the amendments adopt the Procedures for the Administration of the Code of Conduct that is attachment 2 to this report in accordance with s. 440AA of the Local Government Act 1993.*

Report purpose

To adopt the amended Code of Conduct and Procedures for the Administration of the Code of Conduct (the Procedures).

Executive Summary

Council's Code of Conduct and Procedures for the Administration of the Code of Conduct have been amended to align with statutory obligations, specifically the NSW Reportable Conduct Scheme governed by the *Children's Guardian Act 2019*.

Background

Council has recently developed a Child Safe Policy and adopted a Child Safe commitment statement in accordance with the Office of the Children's Guardian Child Safe Scheme and in response to the 10 Child Safe Standards recommended following the Royal Commission into Institutional Responses to Child Sexual Abuse.

2.8 Amendment to the Code of Conduct and Procedures for the Administration of the Code of Conduct (contd)

Current Status

Council, at its meeting held 27 September 2022 resolved;

161/2022 That Council note the Child Safe Policy and Child Safe commitment statement.

To align Council's Code of Conduct and the Procedures with the Child Safe Policy, the proposed amendments are detailed below and highlighted yellow in attachment 1 and 2 respectfully.

Code of Conduct

1.8 The Code of Conduct should be read in conjunction with all other Council policies.

2.1 In this code the following terms have the following meanings:

.....

child any person under 18 years of age.

.....

Reportable conduct

The Children's Guardian Act 2019 defines reportable conduct as:

- A sexual offence committed against, with, or in the presence of a child
- Sexual misconduct with, towards, or in the presence of a child
- Ill-treatment of a child
- Neglect of a child
- An assault against a child
- Behaviour that causes significant emotional or psychological harm to a child
- An offence under section 43B or 316A of the Crimes Act 1900.

3.12a You must not conduct yourself in a manner which is deemed reportable conduct in accordance with The Office of the Children's Guardian's Reportable Conduct Scheme. Such conduct includes:

- A sexual offence committed against, with, or in the presence of a child.
- Sexual misconduct with, towards, or in the presence of a child.
- Ill-treatment of a child.

2.8 **Amendment to the Code of Conduct and Procedures for the Administration of the Code of Conduct (contd)**

- Neglect of a child.
- An assault against a child.
- Behaviour that causes significant emotional or psychological harm to a child.
- An offence under section 43B or 316A of the Crimes Act 1900.

The Procedures for the Administration of the Code of Conduct

4.6a. All complaints about child safety are to be made to the Internal Ombudsman in accordance with the Procedures for the Office of the Children's Guardian Reportable Conduct Scheme.

Consultation

These amendments are prescribed in legislation so no public exhibition is required nor recommended.

Financial Considerations

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

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

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

The proposed changes should not have a financial impact on existing budgets.

Link to Community Strategic Plan

Choose Themes

Goal G: Good governance and great partnerships

R-G2: Engage and communicate openly and honestly with the community to build a relationship based on trust, transparency, respect and use community participation and feedback to inform decision making.

Critical Dates or Timeframes

The amended Code of Conduct and Procedures take effect immediately.

2.8 Amendment to the Code of Conduct and Procedures for the Administration of the Code of Conduct (contd)

Attachments

- | | | | |
|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------|-----------|
| 1 | Draft amended Code of Conduct November 2022 | Provided Under Separate Cover | D15403824 |
|  | | | |
| 2 | Draft amended Procedure for the Administration of the Code of Conduct November 2022 | Provided Under Separate Cover | D15403826 |
|  | | | |



Item No: 2.9
Title: Amendments to Council's Planning Agreement Policy and Repeal of Policies
Department: Environment and Planning

13 December 2022 Ordinary Council Meeting

Reference: F2004/00550 - D15383430
Author: Charlotte Ryan, Strategic Planner
Manager: Scott Duncan, Section Manager Local Planning and Policy
Executive: Alice Howe, Director Environment and Planning

Recommendation

That Council:

- 1 *Endorse the draft Central Coast Planning Agreements Policy (Attachment 1) for public exhibition for a period of not less than 28 days.***
- 2 *Consider a further report on the results of community consultation of the draft Central Coast Planning Agreements Policy.***
- 3 *Note that the former Wyong Shire Planning Agreement Policy, Deed of Agreement and Bank Guarantee Policy and Deferred Payment of Section 94 Contributions Policy will be repealed should a Central Coast Planning Agreements Policy be adopted.***
- 4 *Repeal the Voluntary Planning Agreement Policy for Gosford City Centre.***

Report purpose

The purpose of this report is to present the draft *Central Coast Planning Agreements Policy* (draft Planning Agreements Policy) to Council for the purposes of community consultation. The adoption of a new Planning Agreement Policy will allow the repeal of the former Gosford and Wyong policies.

Should the new Planning Agreement Policy be adopted, it is proposed to repeal the former *Wyong Shire Planning Agreement Policy, Deed of Agreement and Bank Guarantee* and *Deferred Payment of Section 94 Contributions Policy*. The draft Planning Agreements Policy includes policies and procedures regarding bank guarantees and deferred or periodic payments of contributions. These policies will therefore no longer be required.

It is also proposed to repeal the *Voluntary Planning Agreement Policy for Gosford City Centre*. This policy can be repealed immediately.

2.9 Amendments to Council's Planning Agreement Policy and Repeal of Policies (contd)

Executive Summary

Planning Agreements are widely used by councils in NSW as a tool for delivering infrastructure and public benefit outcomes in association with Planning Proposals (i.e. changes to environmental planning instruments) and development applications. They can be negotiated at both the local and NSW government level.

Central Coast Council enters into a number of Planning Agreements each year (as published in the Annual Report), usually negotiated when a developer submits a development application or a Planning Proposal. It is important councils have policies and procedures in place to guide the negotiation, administration and making of Planning Agreements. This ensures transparency, fairness and flexibility of planning decisions.

A Planning Agreement Policy currently exists for the former Wyong Shire; however, there is no policy applying to the entire Central Coast Local Government Area (LGA). A draft Planning Agreements Policy (Attachment 1) has been prepared to reflect updated references to the *Environmental Planning and Assessment Regulation 2021* and *Planning Agreements Practice Note* (February 2021) (Department of Planning and Environment). Should the new Policy be adopted, the following policies will be repealed:

- Former Wyong Shire *Planning Agreement Policy*;
- *Deed of Agreement and Bank Guarantee Policy*;
- *Deferred Payment of Section 94 Contributions Policy*

It is also proposed to repeal *Policy for Voluntary Planning Agreements for Gosford City Centre*. This policy is no longer required and can be repealed immediately.

Background

A Planning Agreement is a legal agreement entered into by a planning authority such as Council or the Department of Planning and Environment (DPE), and a developer. Under an agreement, a developer may agree to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of the above, to be used towards a public purpose. Council can use Planning Agreements in addition to, or in lieu of monetary contributions collected under Section 7.11 of the *Environmental Planning & Assessment Act 1979* (EP&A Act 1979).

Planning Agreements must be governed by a set of policy principles that ensure nexus, transparency, fairness, and flexibility of planning decisions. The Department of Planning and Environment (DPE) strongly encourage councils to have a Planning Agreement Policy that outlines Council's principles underpinning negotiations between Council and a developer. Best practice principles, policies and procedures should be implemented as safeguards to protect the public interest and the integrity of the planning process. Policies and procedures

2.9 Amendments to Council's Planning Agreement Policy and Repeal of Policies (contd)

should be prepared in accordance with the DPE *Practice Note on Planning Agreements* (February 2021).

The following section provides an overview of the policies to be updated or repealed.

Planning Agreement Policy

At its meeting of 14 October 2009, the former Wyong Shire Council adopted the *Planning Agreements Policy*, which became effective on 13 January 2010. The Policy sets out the principles and procedures relating to the use of Planning Agreements applying to land and development within the former Wyong Shire.

Since that time, a number of legislative changes and new guidelines relating to Planning Agreements have been introduced. Furthermore, Gosford City Council and Wyong Shire Council have since amalgamated and a Planning Agreement Policy that applies to the entire Central Coast LGA is required.

Deed of Agreement and Bank Guarantee Policy

Council currently has a *Deed of Agreement and Bank Guarantee Policy* in place that outlines the process when Council enters into a Deed of Agreement requiring the carrying out of any works, or the provision of any service or facility, or the transfer of any land, to the Council for public purposes.

This Policy is no longer required as the requirement for Deeds of Agreement have been superseded by legislative changes to require Planning Agreements, rather than continue the historic practice of using Deeds of Agreement. A Planning Agreement is a prescribed form of a Deed of Agreement. Both are binding documents that establish the rights and obligations between various parties.

A Bank Guarantee Policy is not considered necessary as there are procedures and protocols in place to ensure that funds or facilities required as a consequence of giving approval to a proposed development are provided at the most appropriate time. Provisions have also been incorporated into the draft Planning Agreement Policy.

Gosford City Centre Voluntary Planning Agreements Policy

At its meeting on 26 July 2017, the former Gosford City Council resolved to adopt the *Voluntary Planning Agreements Policy for Gosford City Centre* (Gosford City Centre VPA Policy). The Policy sets out Council's policy, principles and procedures relating to VPAs under the EP&A Act 1979 and the *Environmental Planning and Assessment Regulation 2000* (now *Environmental Planning and Assessment Regulation 2021*), as they relate to Gosford City Centre.

2.9 Amendments to Council's Planning Agreement Policy and Repeal of Policies (contd)

Council can no longer levy contributions in accordance with this Plan as it refers to out-dated bonus incentive clauses contained within the former Gosford LEP 2014 (now repealed). For applications determined by both Council and DPE, contributions are levied under the State Contributions (*Gosford City Centre Special Infrastructure Contribution*) or the Central Coast Council's *Section 7.12 Contributions Plan for Gosford City Centre* (known as the Civic Improvement Plan).

Deferred Payment of Section 94 Contributions Policy

In 2012, Council adopted a policy that allows the payment of Section 94 contributions (now known as Section 7.11 contributions) to be deferred. It is proposed to repeal this Policy and include a new Clause in the draft Planning Agreement Policy regarding deferred / periodic payments.

Current Status

Council currently has a Planning Agreement Policy in place however it applies to the former Wyong Shire Council only. No Planning Agreement Policy applies to development and land within the consolidated Central Coast LGA.

The *Gosford City Centre Voluntary Planning Agreements Policy* only applies to Gosford City Centre. Council cannot levy contributions in accordance with this Plan anymore as it refers to out-dated bonus incentive clauses contained within the former Gosford LEP 2014 (now repealed).

The *Deed of Agreement and Bank Guarantee Policy* and *Deferred Payment of Section 94 Contributions Policy* are still in place however no longer required for the reasons outlined in this report. These policies will be repealed should the new Central Coast Planning Agreements Policy be adopted.

Report

Central Coast Planning Agreement Policy

The draft *Central Coast Council Planning Agreement Policy* outlines Council's requirements for the negotiation, preparation, and procedures relating to the use of Planning Agreements. An updated Planning Agreement Policy is required to reflect:

- Updated references to the *Environmental Planning and Assessment Regulation 2021*;
- Planning Agreements Practice Note (February 2021) (Department of Planning & Environment); and
- Planning Circular PS21-002 Reporting and accounting requirements for infrastructure contributions.

2.9 Amendments to Council's Planning Agreement Policy and Repeal of Policies (contd)

The Policy will apply to Planning Agreements that Council may enter into with a developer who requests changes to the *Central Coast Local Environmental Plan 2022 (CCLEP 2022)* through a Planning Proposal, or who has made, or proposes to make, a development application or application for a complying development certificate for land within the Central Coast LGA.

The Policy provides a framework that will allow Council and developers to negotiate flexible outcomes in respect of development contributions and negotiate public benefit outcomes for the community over and above that contained in Council's current suite of contributions plans.

The proposed Policy will apply to the entire Central Coast LGA and will replace the following policies:

- *Planning Agreements Policy* (former Wyong Shire Council)
- *Gosford City Centre VPA Policy* (former Gosford City Council)

The purpose of the Policy is to:

- a) establish a framework governing the use of Planning Agreements by Council;
- b) ensure that the framework is efficient, fair, transparent and accountable;
- c) enhance planning flexibility through the use of Planning Agreements;
- d) enhance the range and extent of development contributions made by development towards public facilities in Council's area;
- e) set out Council's specific policies on the use of Planning Agreements; and
- f) set out procedures relating to the use of Planning Agreements within Council's area.

The key changes from the current Wyong Policy are detailed below:

- Terminology – updated list of definitions.
- Principles – additional principles consistent with the Planning Agreements Practice Note.
- Legislative changes – updated references to the *Environmental Planning and Assessment Regulation 2021* and *Planning Agreements Practice Note*.
- Procedures – new section outlining the indicative steps for Planning Agreements.
- Acceptability test – additional principles for the assessment of acceptability of a Planning Agreement.

The draft Policy includes the following Appendices:

- Appendix 1 - Steps for entering into a Planning Agreement.
- Appendix 2 – Planning Agreement Template.

2.9 Amendments to Council's Planning Agreement Policy and Repeal of Policies (contd)

The Policy supports and reinforces DPE's *Practice Note on Planning Agreements*, which identifies and provides fundamental principles and policy considerations, sets out strategic considerations for when and how planning agreements can be used and provides guidance on the procedures and decision-making for application, negotiation and administration of planning agreements.

The Policy will be reviewed every four years, following the election of a new Council, or as required by legislative change.

An additional Clause has been added to the draft Planning Agreement Policy provided at Attachment A that outlines circumstances in which deferred or periodic payments may be made and a bank guarantee is required. Should the draft *Central Coast Planning Agreement Policy* be adopted, the following policies will be repealed:

- Former Wyong Shire *Planning Agreement Policy*
- *Deed of Agreement and Bank Guarantee Policy*
- *Deferred Payment of Section 94 Contributions Policy*

It is proposed to repeal the *Gosford City Centre Voluntary Planning Agreements Policy* immediately as Council cannot levy contributions in accordance with this Plan anymore as it refers to out-dated bonus incentive clauses contained within the former Gosford LEP 2014 (now repealed).

Consultation

It is proposed to publicly exhibit the draft Planning Agreement Policy for a period of not less than 28 days. At the end of the exhibition period, submissions will be reviewed and responded to. Consultation will also be undertaken with relevant staff where appropriate. Amendments may be made to the final Policy for Council's consideration.

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 recommendations in this report will not entail additional costs to Council. The Policy is aimed at implementing a fast, predictable, transparent and accountable negotiation system for Planning Agreements that will improve efficiency with limited resources following Council's recent restructure.

2.9 Amendments to Council's Planning Agreement Policy and Repeal of Policies (contd)

Resources to develop the draft Policy are included in Council's adopted budget for 2022-2023.

Link to Community Strategic Plan

Theme 2: Smart

Goal G: Good governance and great partnerships

R-G1: Build strong relationships and ensure our partners and community share the responsibilities and benefits of putting plans into practice.

Risk Management

It is important Council has a Planning Agreement Policy in place to guide the organisation's decision-making process regarding the use of this agreements and create positive outcomes for the local community.

The Planning Agreement Policy is a safeguard to protect against the misuse of planning discretions and processes, which may undermine good planning outcomes and public confidence in the planning system. A Planning Agreement Policy will ensure that planning decisions are made openly, honestly and freely in any given case and fairly and consistently across the board.

Options

- 1 Endorse the draft *Central Coast Planning Agreement Policy* and publicly exhibit for a period of not less than 28 days. Repeal the *Voluntary Planning Agreement Policy for Gosford City Centre*. Note the intention to repeal the former *Wyong Shire Planning Agreement Policy, Deed of Agreement and Bank Guarantee Policy* and *Deferred Payment of Section 94 Contributions Policy* should the *Central Coast Planning Agreement Policy* be adopted. **This is the recommended option.**
- 2 Resolve not to endorse the Policy. The abovementioned policies are out of date and currently apply to development in the former Wyong and Gosford LGAs.

Critical Dates or Timeframes

If Council resolves the recommendations in this Report, the Policy will be publicly exhibited for a period of not less than 28 days.

Post-exhibition, a report on the outcomes of public exhibition will be prepared and reported to Council. Where appropriate, amendments will be made to the Policy in response to submissions.

2.9 Amendments to Council's Planning Agreement Policy and Repeal of Policies (contd)

Attachments

1	Draft Central Coast Planning Agreement Policy	Provided Under Separate Cover	D15432233
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Item No: 2.10
Title: Community Support Grants Program - 1 October 2022 -13 November 2022
Department: Community and Recreation Services

13 December 2022 Ordinary Council Meeting

Reference: F2017/02117 - D15144736
Author: Belinda McRobie, Section Manager Community Development
Manager: Glenn Cannard, Unit Manager. Community and Culture
Executive: Melanie Smith, Director Community and Recreation Services

Recommendation

1 That Council allocate \$26,600.00 (inclusive of GST where applicable) from the 2022/23 grants budget to the Community Support Grant program, as outlined below and in Attachment 1.

- a. Central Coast Junior Rugby Union Incorporated - \$5,000.00**
- b. The University of Newcastle - \$5,000.00**
- c. Educar Foundation Limited - \$5,000.00**
- d. Rotary Club of Gosford City - \$700.00**
- e. Tempo Terrific Incorporated - \$1,100.00**
- f. Kariong Progress Association - \$4,500.00**
- g. Chain Valley Bay Progress Association Incorporated - \$3,400.00**
- h. Gosford Regional Community Services - \$1,900.00**

2 That Council decline applications as outlined below, for the reasons indicated in Attachment 1, and the applicants be advised and where relevant, directed to alternate funding sources.

- a. Peninsula Evangelical Church Incorporated - application is ineligible**
- b. Southern Spirit Cricket Club - application is ineligible**

Report purpose

To seek endorsement of the recommendations for the Community Support Grant Program.

Executive Summary

This report considers the applications and recommendations for the Community Support Grant Program.

2.10 Community Support Grants Program - 1 October 2022 -13 November 2022 (contd)

The Community Support Grant Program remains open throughout the year to provide assistance for community activities that require in-kind support through the provision of subsidised access to Council services and financial assistance for community activities that require a smaller amount of support.

This program enables applicants to apply for funding support in a quicker response time.

Background

Council's grant programs are provided to support the community to deliver quality programs, projects or events that build connections, celebrate our local community, that align with the One-Central Coast Community Strategic Plan and build capacity across the entire Central Coast community.

The Community Support Grant Program remains open throughout the year to provide assistance for community activities that require:

- 1 In-kind support through the provision of subsidised access to Council services.
- 2 Financial assistance for community activities that require a smaller amount of support. The Community Support Grant Program provides a combined original budget of \$300,000 annually as detailed in table one below.

Table 1: Community Support Grant Program

Program	Original Budget	Opening Period	2022/2023 allocation to date (inclusive of GST where applicable)	Recommendation allocation within this report (inclusive of GST where applicable)	Allocation to date + Recommendation within report (inclusive of GST where applicable)
Community Support Grant Program	\$300,000	Ongoing	\$118,032.46	\$26,600.00	\$144,632.46
TOTAL			\$118,032.46	\$26,600.00	\$144,632.46

Current Status

2.10 Community Support Grants Program - 1 October 2022 -13 November 2022 (contd)

The Community Support Grant Program remains open for applications throughout the year and the closing date for each assessment period is the last day of each month.

Applications submitted from 1 October up to 13 November 2022 are considered in this report. This is to enable consideration of as many applications as possible prior to the end of the calendar year.

The Community Support Grant Program provides up to \$5,000 per project per financial year in combined funding and in-kind Council services to applicants who are a legally constituted not-for profit organisations, or auspiced by one.

Assessment

Ten applications were received and assessed by 14 November 2022, with eight applications recommended for funding in this Council report.

The two applications not recommended for funding were assessed as ineligible. Applicants are advised to discuss their proposals further with Council's Grants Officers prior to resubmission in a future round.

The Community Support Grant applications were assessed by Council's Unit Manager Community and Culture and the Community Grants Team, against the Community Support Grant Program guidelines.

Consultation

Information on Council's Community Grants program is provided on Council's website and promoted through Council's social media platforms.

Regular emails with relevant information were provided to the community grants database.

Council staff conducted two grant writing workshops with 33 attendees and four grant information sessions with 76 attendees.

Additionally, Council staff also undertook three drop -in support sessions with 8 attendees to assist applicants with their submissions where required.

Financial Considerations

2.10 Community Support Grants Program - 1 October 2022 -13 November 2022 (contd)

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

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

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

Council's 2022/2023 Council Operational Expenditure original budget allocates \$300,000 to the Community Support Grant Program.

Expenditure is approved until the end of the 2022-2023 financial year. Unspent funds will lapse on 30 June 2023.

No additional budget is required nor sought through this report. All actions within have been funded through existing and approved operational plan budgets.

Link to Community Strategic Plan

Theme 1: Belonging

Goal A: Our community spirit is our strength

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

Risk Management

All successful applications will receive a letter of offer outlining Council's requirements of funding, service delivery and accountability for both Council and the funded organisation.

Applications recommended for funding are conditional on all relevant event/activity approvals (including COVID-19 related) being provided prior to the release of funds, and successful applicants are required to return any unspent funds for projects not able to be delivered as planned through COVID-19 related impacts.

All successful applicants are required to submit a final project acquittal report no later than twelve weeks after the agreed completion date of the activity/project with

2.10 Community Support Grants Program - 1 October 2022 -13 November 2022 (contd)

copies of any photos, promotional materials and evidence of payment/purchase for each funded item.

Options

- 1 Approval of all recommended applications as submitted will provide a community benefit to residents of the Central Coast Local Government Area.
This is the recommended option
- 2 Non approval of some or all applications, as recommended, may result in projects not being undertaken if the respective proponents are unable to secure alternate funding. Not recommended.

Critical Dates or Timeframes

Many of these grant applications are dependent upon support via Council's grant program. Should decisions be delayed or not supported projects may not be undertaken.

Attachments

- | | | | |
|----------|-------------------------------------------------------------------------------------------------------|-------------------------------|-----------|
| 1 | Community Support Grants Program – Recommended and Not Recommended - 1 October 2022 -13 November 2022 | Provided Under Separate Cover | D15441875 |
|----------|-------------------------------------------------------------------------------------------------------|-------------------------------|-----------|



Item No: 2.11
Title: Social Media Policy
Department: Community and Recreation Services

13 December 2022 Ordinary Council Meeting

Reference: F2004/00064 - D15413617
Author: Teresa Walters, Section Manager, Communication and Engagement
Manager: Sue Ledingham, Unit Manager Communications Marketing and Customer Engagement
Executive: Melanie Smith, Director Community and Recreation Services

Recommendation

- 1 That Council revoke the former Gosford City Council Social Media Policy (Attachment 1) and the former Wyong Shire Council Social Media Acceptable Use Policy (Attachment 2).***
- 2 That Council endorse the Draft Social Media Policy and make available on Councils Website (Attachment 3).***
- 3 That Council authorise the Chief Executive Officer to make the necessary amendments to other relevant policies to give effect to these resolutions of Council.***

Report purpose

To propose a new Policy for adoption that sets out Council's approach to the management of Council's social media platforms.

Executive Summary

The proposed Social Media Policy has been developed by the New South Wales Office of Local Government in consultation with NSW councils. It sets out an exemplar approach by incorporating examples of best practice from the social media policies of a diverse range of NSW councils, as well as from Commonwealth and State Government agencies.

Background

Central Coast Council aims to build and maintain a positive reputation and has adopted a proactive approach to communicating with the public. Professionally managing all information that is published by Council to the public via social media platforms is important to protect Council's reputation and manage risks that may arise due to social media use.

As in the federal and state jurisdictions, social media has become an important tool in government and political discourse at the local level. Considering the constantly changing social media landscape, and as a way to improve internal business processes and community

2.11 Social Media Policy (contd)

relations, a review was undertaken of Council's social media procedures and it has been proposed to introduce the Social Media Policy.

It is important that the Council has the right policy settings in place so that it can realise the full benefits of social media whilst mitigating risk.

Council is committed to conducting itself with openness and transparency and will communicate using social media to:

- help the public understand Council's programs, services and initiatives
- enable the effective operation of services to residents
- fulfil a legislative requirement
- inform in times of emergency or crisis
- promote initiatives of the Council and its partners

Proposed Policy

The proposed Social Media Policy sets out how the following is to be managed:

- administration of social media platforms including appointment of, and keeping a register of authorised users of social media on behalf of Council
- standards of conduct on social media
- moderation of social media platforms, including publishing of House Rules for engaging on the platform and how decisions will be acted on under the House Rules such as comment removal, blocking or banning an individual user and the process for review of decisions
- use of social media during emergencies
- records management and privacy requirements
- private use of social media
- complaints management procedure about Council's administration of social media

The Policy covers any personnel employed by Council; and any person or organisation contracted to or acting on behalf of Council as an authorised user of social media. The Policy will operate to supplement the provisions of Councils' adopted Code of Conduct.

The Policy outlines the responsibilities regarding the roles of the administrator of social media platforms and authorised users.

Consultation

The proposed Social Media Policy has been developed by the New South Wales Office of Local Government in consultation with all NSW councils and informed by advice provided by key NSW Government Agencies including the Independent Commission Against Corruption, the Information and Privacy Commission of NSW, the NSW Ombudsman, Resilience NSW, and the State Archives and Records Authority of NSW.

2.11 Social Media Policy (contd)

The proposed Policy has been consulted internally across all Directorates and the Office of the Administrator and is supported by the Central Coast Council Executive Leadership Team.

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 adoption of this Policy will have no financial implications.

Link to Community Strategic Plan

Theme 4: Responsible

Choose Focus Area

R-G2: Engage and communicate openly and honestly with the community to build a relationship based on trust, transparency, respect and use community participation and feedback to inform decision making.

Risk Management

The Social Media Policy is an important document that helps to protect Council's reputation by ensuring consistency and accuracy in the information Council places in the public realm.

Internal stakeholders are supported with clear direction on how Council manages the administration of social media platforms and who in Council is responsible for its interactions on social media platforms.

Options

- 1 Adopt the Social Media Policy – **This is the recommended option.**
There is no requirement for Council to have this Policy in place. It is considered better practice to have an adopted approach to social media management to ensure consistency in governance, risk mitigation and clarity of roles and responsibilities.

2.11 Social Media Policy (contd)

- 2 Do not adopt the Social Media Policy - Not recommended.
This policy is required to support clear direction to ensure effective publishing of information on social media platforms and reputation risk management.

Attachments

1	Social Media Policy (former Gosford City Council)	Provided Under	D13670146
	– OPERATIONAL	Separate Cover	
2	Social Media Acceptable Use Policy (former	Provided Under	D12338270
	WYong Shire Council) – OPERATIONAL	Separate Cover	
3	Draft Social Media Policy	Provided Under	D15424607
		Separate Cover	



Item No: 2.12
Title: Application for Memorial Seat - Mr Steven Hollis
Department: Community and Recreation Services

13 December 2022 Ordinary Council Meeting

Reference: F2017/01262 - D15400926
Author: Brett Sherar, Unit Manager Open Space and Recreation
Executive: Melanie Smith, Director Community and Recreation Services

Recommendation

That Council approve the application for a memorial seat to acknowledge the contribution of Mr Hollis to the community of the Central Coast.

Report purpose

To seek approval to install a memorial seat on the grassed area adjoining Heazlett Park, Avoca Beach, in memory of Mr Steven Hollis.

Executive Summary

An application has been received by Mrs Yvonne Hollis to install a memorial seat on the grassed area, adjacent to Heazlett Park Avoca Beach, in memory of her late husband for his extensive contribution and voluntary service to the Central Coast Community.

Background

Mrs Hollis has submitted an application in accordance with The Policy for Memorials, Naming of Council Facilities and Donations of Park Furniture and Trees (The Policy) (Attachment 1) for the installation of a memorial seat to be placed adjacent to the oval at Haezlett Park, Avoca Beach. The location of the proposed seat is identified in the map contained within Attachment 2.

A review of the application and attachments provided by Mrs Hollis has determined that all requirements of the Policy have been met including her confirmation that she will be responsible for the cost of purchase, installation, and ongoing maintenance of the seat.

Assessment Against Relevant Policy

The application (Attachment 3) from Mrs Hollis has been assessed and complies with the requirements of The Policy.

Criteria Assessment

An assessment of the application has been undertaken and is considered to meet all requirements. The assessment is as follows:

Table 1: Assessment of Application

Policy Requirement	Assessed Criteria
<p>Clause 8: A request for a commemorative memorial will be considered only if the person who is nominated (the nominee) has been deceased for at least six months, was of good repute and not likely to be the subject of controversy</p>	<p>Mr Hollis passed in August 2021 and therefore, he is eligible. The proposed seat is in memory of Mr Steven Hollis for his volunteer work with Lakeside Terraces and his work in the development of renewable energy projects, focusing on bringing low-cost renewable energy and storage options to rural and remote areas of Australia and other less developed countries.</p>
<p>Clause 16: Applications must include a supporting statement for the nominee detailing how the nominee meets the conditions as stated in the Policy.</p>	<p>A supporting statement was prepared by an adjoining owner of Lakeside Terraces detailing how the late Mr Hollis has met the conditions as stated in the Policy.</p>
<p>Clause 17: All applications should include a site plan indicating the proposed location of the memorial seat.</p>	<p>A plan has been provided by Mrs Hollis showing the proposed site for the memorial seat (Attachment 2)</p>
<p>Clause 19: The documentation must be validated by Statutory Declaration.</p>	<p>The documentation attached to the application has been validated by a Statutory Declaration.</p>
<p>Clause 21: For park furniture, plaque size will be limited to 150mm by 100mm and will be installed in the concrete base around the park furniture. Wording should follow a simple and standard format and avoid terminology used in the cemeteries. The wording will recognise the nominee and their qualities/attributes, or an appropriate phrase outlined in the application.</p>	<p>Mrs Hollis has provided a commitment contained within the application to the cost of purchasing, installing and ongoing maintenance of the seat (Attachment 3)</p>

Consultation

In accordance with the Policy, Council staff in the Open Space and Recreation Unit have been consulted in relation to the placement site of the seat and no concerns have been identified with the proposal.

Financial Considerations

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

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

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

There is no cost to Council to adopt this recommendation.

Link to Community Strategic Plan

Theme 1: Belonging

Goal A: Our community spirit is our strength

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

Risk Management

There are no identified risks regarding the installation of the memorial seat.

Options

- 1 To approve the application for the installation of the memorial seat to acknowledge the contribution of Mr Hollis to the community of the Central Coast. **This is the recommended option.**
- 2 Council could decide not to approve the application for the installation of the memorial seat. This is not recommended, as the Applicant has met all requirements of the Policy.

Attachments

1	Memorials Naming of Council Facilities and Donation of Park Furniture and Trees Policy - OPERATIONAL	Provided Under Separate Cover	D13669994
2	Site Plan - Memorial Bench - Mrs Y Hollis	Provided Under Separate Cover	D15400919
3	Application for memorial seat - Mrs Yvonne Hollis - Redacted	Provided Under Separate Cover	D15400912



Item No: 2.1
Title: Investment Report for November 2022
Department: Corporate Services

13 December 2022 Ordinary Council Meeting

Reference: F2004/06604 - D15455988
Author: Devini Susindran, Team Leader
Manager: Peter Correy, Group Financial Controller, Finance
Executive: David Farmer, Chief Executive Officer

Due notice is given of this matter in accordance with Council's Code of Meeting Practice. The report and any relevant attachments will be provided prior to the Ordinary Meeting of 13 December 2022.



Item No: 2.14
Title: Administrator Expenses and Facilities Report to 31 October 2022
Department: Corporate Services

13 December 2022 Ordinary Council Meeting

Reference: F2021/00035 - D15211771
Author: Rachel Gibson, Team Leader, Civic Support
Manager: Edward Hock, Unit Manager, Governance Risk and Legall
Executive: Marissa Racomelara, Director Corporate Services

Recommendation

That Council note the report Administrator Expenses and Facilities Report to 31 October 2022.

Report purpose

The purpose of this information report is to table the provision of expenses and facilities to the Administrator for the period 1 May 2022 to 31 October 2022 as required under clause 122 of the *Councillor Expenses and Facilities Policy*.

Executive Summary

This information report provides a summary of Administrator Expenses and Facilities for the period 1 May 2022 to 31 October 2022. It is recommended that it be noted.

Background

At its Ordinary Meeting 10 August 2020 Council resolved as follows:

754/20 That Council note that the Councillor Expenses and Facilities Policy requires at Clause 122 detailed reports on the provision of expenses and facilities to Councillors to be publicly tabled at a Council meeting every six months and published in full on Council's website.

755/20 That Council resolve that as part of that six monthly report there be the following information:

- Statistics regarding Councillor requests including the number of requests submitted by Councillor*
- Details of Councillor attendance at Council Meetings*
- Details of Councillor attendance at Briefings or Workshops*
- Details of Councillor attendance at weekly CEO Updates*

2.14 Administrator Expenses and Facilities Report to 31 October 2022 (contd)

- *Details of Councillor attendance at Advisory Group meetings of which they are members*
- *Details of Councillor access to the HUB and review of relevant documents*

Current Status

Councillors were suspended on 30 October 2020. On 17 March 2022, Minister for Local Government, the Hon Wendy Tuckerman MP, tabled the report into the Public Inquiry of Central Coast Council. Commissioner Roslyn McCulloch made eight recommendations, including that all civic offices at Central Coast Council be declared vacant, effective immediately and an Administrator be appointed to serve until the Central Coast Council election. Mr Rik Hart remains in the role of Administrator.

The appointment of the Administrator by the Minister for Local Government provides that expenses for the Administrator are determined in accordance with Council's policy under section 252 of the *Local Government Act 1993*.

Central Coast Council adopted a *Councillors Expenses and Facilities Policy (the Policy)* on 23 November 2020 to enable the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors, to help them undertake their civic duties.

The Policy was drafted in accordance with the *Local Government Act 1993* and *Local Government (General) Regulation 2005* and complies with the Office of Local Government's *Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW*.

Expenses and Facilities

To ensure accountability and transparency, and to align the costs incurred with community expectations, the Policy provides at clause 120:

120 *Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.*

Table 1 is provided to Council to satisfy the requirements of clause 120 of the Policy for the six-month period from 1 May 2022 to 31 October 2022.

Table 1 Administrator Expenses

1 May 2022 to 31 October 2022						
General Travel Expenses	Interstate, Overseas and Long-Distance Travel Expenses	Accommodation and Meals	Professional Development	ICT Expenses and Services	Carer Expenses	Home Office Expenses
\$5,840	\$0	\$27,496	\$1,225	\$228	\$0	\$83

In accordance with the Policy, the Administrator has been provided the following facilities to effectively discharge his civic duties:

- A motor vehicle with a fuel card
- A parking space at Council's offices
- A furnished office with computer, telephone and meeting space at Council's offices
- A small number of staff providing support

Councillor Attendance and Requests

Due to the declaration of vacancy of civic offices, this report on the period 1 May 2022 to 31 October 2022 does not provide detail on Councillor Attendance and Requests as per the resolution of 10 August 2020.

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.

Table 1 provides information on expenses already incurred and does not propose any future expenditure. This expenditure is within the budgeted parameters and in accordance with the adopted Policy.

The suspension of Councillors has continued the result of net savings to Council.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G2: Engage and communicate openly and honestly with the community to build a relationship based on trust, transparency, respect and use community participation and feedback to inform decision making.

Timeframes

Reports to Council will be provided every six months. The last report was provided to the Council Meeting of 28 June 2022 for a six-month period to 30 April 2022.

Attachments

Nil