



Central Coast Council

Ordinary Council Meeting

Held in the Council Chamber
2 Hely Street, Wyong

22 November 2022

MINUTES

Present

Rik Hart

In Attendance

David Farmer	Chief Executive Officer
Boris Bolgoff	Director Infrastructure Services
Marissa Racomelara	Director Corporate Services
Dr Alice Howe	Director Environment and Planning
Jamie Loader	Director Water and Sewer
Melanie Smith	Director Community and Recreation Services

Notes

The Administrator, Rik Hart, declared the meeting open at 6:31pm and advised in accordance with the Code of Meeting Practice that the meeting was being recorded.

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

The Administrator updated the meeting on recent activities of Council.

1.1 Disclosure of Interest

Time commenced: 6.38pm

Moved: Rik Hart

189/22 Resolved

That Council notes the report on Disclosures of Interest and the fact that no disclosures were made.

1.2 Confirmation of Minutes of Previous Meeting

Time commenced: 6.38pm

Moved: Rik Hart

190/22 Resolved

That Council confirm the minutes of the Ordinary Meeting of Council held on 11 October 2022 and the Extraordinary Meeting of Council held on 31 October 2022.

1.3 Notice of Intention to Deal with Matters in Confidential Session

Time commenced: 6.39pm

Moved: Rik Hart

191/22 Resolved

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

Procedural Motion

Time commenced: 6.39pm

Moved: Rik Hart

192/22 Resolved

1 That Council consider the agenda in the following order:

2.1, 2.2, 2.4, 2.5, 2.6, 2.3, 2.7, 2.9, 2.10, 2.11, 2.12, 2.14, 2.15, 2.16, 2.13, 2.8, 2.17, 2.18, 2.19, 2.20, 2.21

2 For the sake of clarity, the items will be recorded in the minutes in their published agenda sequence.

2.1 Monthly Finance Report October 2022

Time commenced: 6.40pm

Moved: Rik Hart

193/22 Resolved

1 That Council receive the report Monthly Financial Reports – October 2022

2.2 Investment Report for October 2022

Time commenced: 6.45pm

Moved: Rik Hart

194/22 Resolved

1 That Council note the Investment Report for October 2022.

2 That Council note that internally restricted funds are unrestricted funds that have been internally allocated to a certain purpose.

3 That Council allocate the required unrestricted funds available in the General Fund to meet its October 2022 unrestricted funds deficit of \$37.69M in Drainage Fund as set out in this report.

4 That Council note the October Restrictions are draft only, subject to 30 June 2022 Financial Statements audit review.

2.3 Annual Report 2021-22

Time commenced: 6.53pm

Moved: Rik Hart

195/22 Resolved

That Council adopt the Annual Report 2021-22 (Attachment 1).

2.4 Key Enabling Projects Prospectus 2022

Time commenced: 6.46pm

Moved: Rik Hart

196/22 Resolved

That Council resolve to endorse the Key Enabling Projects Prospectus 2022 (Attachment 1).

2.5 2022-2023 Quarter 1 Review

Time commenced: 6.48pm

Moved: Rik Hart

197/22 Resolved

That Council adopt Central Coast Council's Quarter 1 Review for 2022-2023 (Attachment 1) including the proposed budget amendments.

2.6 Establishment of new Internal Restrictions and Update of Restricted Funds Policy

Time commenced: 6.50pm

Moved: Rik Hart

198/22 Resolved

- 1 That Council adopt the establishment of an Internal Restriction named Emergency Loan Repayment and approve \$50M to be allocated to it from General Fund Unrestricted funds.**
- 2 That Council adopt the establishment of an Internal Restriction named Future Projects Reserve and approve \$5M to be allocated to it from General Fund Unrestricted funds.**
- 3 That Council adopt an updated Restricted Funds Policy to include the new Internal Restrictions as per Attachment 1.**

2.7 Council Response to 2022 Flood Inquiry

Time commenced: 6.58pm

Moved: Rik Hart

199/22 Resolved

That Council:

- 1 Note the findings of the NSW Flood Inquiry and the NSW Government's response to the Inquiry.**
- 2 Provide feedback to the NSW Government on the implications of the Flood Inquiry for Central Coast Council (Attachment 1) by writing to the following Ministers:**
 - The Hon Dominic Perrottet MP (Premier)**
 - The Hon Steph Cooke MP (Minister for Emergency Services and Resilience, Minister for Flood Recovery)**
 - The Hon Rob Stokes MP (Minister for Infrastructure, Minister for Cities, Minister for Active Transport)**
 - The Hon Anthony Roberts MP (Minister for Planning, Minister for Homes)**
 - The Hon David Elliot MP (Minister for Transport)**
 - The Hon Kevin Anderson MP (Minister for Lands and Water)**
 - The Hon Sam Faraway MLC (Minister for Regional Transport and Roads)**
 - The Hon. James Griffin MP (Minister for Environment and Heritage)**

- ***The Hon. Wendy Tuckerman (Minister for Local Government).***

3 ***Provide a copy of the submission to the Central Coast's local Members of the NSW Parliament.***

2.8 Affordable Housing Update

Time commenced: 7.18pm

Moved: Rik Hart

200/22 Resolved

- 1** ***That Council receive the report on the progress of the Council Affordable Housing Land Proposal (CAHL) Report and Council resolutions of 27 April 2021.***
- 2** ***That Council authorise the Chief Executive Officer to enter into an Agreement with Pacific Link Housing Limited for the development of 23-25 Ashton Avenue, The Entrance, that aligns to the Central Coast Affordable and Alternative Housing Strategy.***
- 3** ***That Council resolve, pursuant to s.11(3) of the Local Government Act 1993 that Attachment 1 to this report remain confidential under Section 10A(2)d as it contains commercial information of a confidential nature that would if disclosed (i) prejudice the commercial position of a person who supplied it (ii) confer a commercial advantage of a competitor of the council, (iii) reveal a trade secret.***

2.9 Draft Greater Warnervale Structure Plan

Time commenced: 7.00pm

Moved: Rik Hart

201/22 Resolved

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

2.10 Outcome of exhibition of Planning Proposal related to 285-325 Pacific Highway Lake Munmorah

Time commenced: 7.03pm

Moved: Rik Hart

202/22 Resolved

- 1 That Council amend the Planning Proposal (RZ/2/2019) as exhibited for 6W Kemira Road and 285-325 Pacific Highway, Lake Munmorah, as follows:**
 - a. Amend the Zone Map to extend the length of the SP2 Infrastructure Zone to ensure that it is connected to Kemira Road.**

- 2 That Council amend the Site Specific Development Control Plan - Urban Release Area -6W Kemira Road and 285-325 Pacific Highway Lake Munmorah (as exhibited) in response to issues raised in the submissions as follows:**
 - a. Modifications to the Structure Plan to provide additional details on the provision of landscape buffers and pedestrian pathways.**

- 3 That Council request the Chief Executive Officer to exercise delegation issued by the Department of Planning and Environment for RZ/2/2019 or if required request the Minister for Planning to proceed with steps for drafting and making of the amendment to Central Coast Local Environmental Plan 2022.**

- 4 That Council authorise the Chief Executive Officer (or delegate) to execute the Planning Agreement endorsed by the proponent and landowner, prior to finalisation of the rezoning.**

- 5 That Council adopt the Site Specific Development Control Plan - Urban Release Area 6W Kemira Road and 285-325 Pacific Highway Lake Munmorah (as amended in Attachment 3) within the Central Coast Development Control Plan 2022, which shall come into effect upon notification of the Local Environmental Plan.**

- 6 That Council publish a public notice of its decision regarding the adoption of the Development Control Plan within 28 days.**

- 7 That Council provide the Planning Secretary with a copy of the Development Control Plan within 28 days.**

- 8 That all those who made submissions during public exhibition be notified of Council's decision.**

2.11 Planning Agreement - 188 - 222 Hakone Road, Woongarra

Time commenced: 7.06pm

Moved: Rik Hart

203/22 Resolved

The Council request the Chief Executive Officer to undertake all necessary actions to finalise the Planning Agreement for 188-222 Hakone Road, Woongarra, included at Attachment 1.

2.12 Request to prepare a Planning Proposal for 682a Coleridge Road Bateau Bay

Time commenced: 7.08pm

Moved: Rik Hart

204/22 Resolved

That Council:

- 1 Prepare a Planning Proposal in relation to Lot 3 DP 716082, 682a Coleridge Road, Bateau Bay, to amend the Central Coast Local Environmental Plan (LEP) 2022 to:
 - (a) rezone the site to R1 General Residential;**
 - (b) Apply a minimum lot size of 450m²;**
 - (c) Apply a floor space ratio of 0:6:1;**
 - (d) Apply a building height of 9.5m; and**
 - (e) Enable additional permitted use of 'transport depot'.****
- 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 Prepare a site-specific Development Control Plan to support the Planning Proposal to ensure appropriate built form guidelines are applied in the development design for the site.**
- 5 Authorise staff to negotiate and prepare a Planning Agreement with respect to any aspect of the proposal to support the re-development of the subject land (if required).**

6 Undertake community and public authority consultation in accordance with the Gateway Determination requirements.

2.13 Acquisition of part of Lot 23 DP 731090 227 Little Jilliby Road, for Little Jilliby Bridge Replacement

Time commenced: 7.16pm

Moved: Rik Hart

205/22 Resolved

- 1 That Council resolve to acquire the following land for the purpose of road widening due to the upgrade of Little Jilliby Bridge.
That part of Lot 23 DP731090 being 227 Little Jilliby Rd, Little Jilliby as highlighted in bright yellow in the plan in Attachment 1 ('Land').**
- 2 That Council authorise the Chief Executive Officer to execute all necessary documentation relevant to the acquisition of the land.**
- 3 That Council resolve to acquire the land by compulsory process for the purposes of a road widening, pursuant to Section 177 of the Roads Act 1993 and in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991, in the event that negotiations for the acquisition of the Land with the relevant property owner or owners cannot be satisfactorily resolved.**
- 4 That Council resolve to make an application to the Minister for Local Government and the Governor for approval to acquire the Land by compulsory process pursuant to the Land Acquisition (Just Terms Compensation) Act 1991, in the event that negotiations for the acquisition of the land with the relevant property owner or owners cannot be satisfactorily resolved.**
- 5 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 2 remains confidential in accordance with section 10A(2)(d)(iii) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it and because consideration of the attachments in open Council would on balance be contrary to the public interest as it would affect Council's ability to obtain value for money for the Central Coast community.**

2.14 Variations to Development Standards - July to September 2022

Time commenced: 7.10pm

Moved: Rik Hart

206/22 Resolved

That Council notes the report on Variations to Development Standards – July to September 2022.

2.15 Biodiversity Stewardship Agreements in Blue Haven and Tumbi Umbi

Time commenced: 7.10pm

Moved: Rik Hart

207/22 Resolved

- 1 That Council authorise the Chief Executive Officer to enter into proposed Biodiversity Stewardship Agreements with the NSW Biodiversity Conservation Trust over the lots detailed in Appendix 1 that make up the Blue Haven Wetland Reserve and the Tumbi Umbi Wetland.**
- 2 That Council authorise the Chief Executive Officer to negotiate and proceed with the sale of biodiversity credits that are generated by the two Biodiversity Stewardship Agreements.**
- 3 That Council note that the sale of biodiversity credits will fund the ongoing management of the land that they apply to for conservation purposes, and that this land will remain in Council ownership.**
- 4 That a report be prepared for Council following the sale of any biodiversity credits associated with either of these Biodiversity Stewardship Agreements.**

2.16 Davistown Wetlands Acquisition Fund

Time commenced: 7.15pm

Moved: Rik Hart

208/22 Resolved

- 1 That Council note the resolution of 13 April 2021 that Council discontinue any negotiations to purchase by agreement the land known as the Davistown Wetlands.**
- 2 The Council note the balance of the internally restricted funds held in the Davistown Wetlands Acquisition Fund was \$1,436,039 as of 21 October 2022.**
- 3 That Council instruct staff to develop a draft policy, in consultation with the Davistown Progress Association, Coastal Open Space System Committee and the Catchment to Coast Committee, for a Central Coast Conservation Fund in accordance with Action 2.2.1 of the Central Coast Council Biodiversity Strategy adopted by Council on 28 September 2020 and that the draft policy be placed on public exhibition for not less than 28 days.**
- 4 That following the exhibition period a report be brought back to Council on the outcomes of the community consultation, which is to include recommendations in relation to the draft Central Coast Council Conservation Fund Policy and the formal adoption of the Central Coast Conservation Fund.**
- 5 That subject to the adoption of the Central Coast Conservation Fund, given that Council no longer seeks to acquire Davistown Wetlands, consideration be given by Council to derestricting the Davistown Wetlands Acquisition Fund and reallocating the balance of that fund along with other appropriate environmentally related funds, such as those generated from Council's participation in the NSW Government's Biodiversity Offsets Scheme, to the Central Coast Conservation Fund.**
- 6 That expenditure of Davistown Wetlands Acquisition Fund on environmental management activities within Davistown be considered in the design of the Central Coast Conservation Fund Policy.**

2.17 Support for Koori Knockout 2023

Time commenced: 7.20pm

Moved: Rik Hart

209/22 Resolved

- 1 That Council agree to provide in-kind and third-party financial support to the Newcastle All Blacks, to the value of \$172,000 to host the 2023 51st NSW Aboriginal Rugby League Knockout (Koori Knockout) at the Central Coast Regional Sporting and Recreation Complex in Tuggerah as indicted below.**
 - a. In-kind support of \$86,891 which comprises of:**
 - i. Council's Hiring Fees and Charges for the venue.**
 - ii. Council Services and Resources.**
 - b. Third party payments of \$85,109 which comprises of':**
 - i. Equipment and Infrastructure Hire.**
 - ii. Marketing: Print and Media Placement.**

- 2 That Council note the budget for this support will be identified as part of the 2023/24 budget process and note the financial support is required to offset Council's Hiring Fees and Charges for the venue, provision of Council Services and Resources (including Management Plans, Cleaning, Waste and Litter Management) and the procurement of external services to provide temporary infrastructure, media placement and electricity supply and services.**

2.18 Community Support Grants Program - September 2022

Time commenced: 7.21pm

Moved: Rik Hart

210/22 Resolved

- 1 That Council allocate \$21,336.48 (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. Ourimbah United Football Club - \$5,000.00**
 - b. Pearl Beach Progress Association Incorporated - \$2,776.72**
 - c. Ngaimpe Aboriginal Corporation - \$4,422.00**
 - d. Koolewong and Point Clare Tascott Progress Association Incorporated - \$3,045.00**
 - e. UCA- Gosford Uniting Church- \$4,950.00**
 - f. The Bays Community Group Incorporated - \$1,142.76**

- 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. The Cancer Council NSW - application is ineligible**
 - b. Rotary Club of Erina Incorporated - application is ineligible**

2.19 Chain Valley Colliery Delta Coal Community Funding Grant Program - 2022-2023

Time commenced: 7.22pm

Moved: Rik Hart

211/22 Resolved

- 1 That Council endorse the decision of the assessment panel to reallocate funds of \$28,314.00 within the 2017 program for 'Chain Valley Bay boat ramp landing deck' to the 'Upgrade of the playground at the rear of Chain Valley Bay Progress Hall' due to ongoing delays with asset owner permission.**

- 2 That Council allocate \$29,570.25 (inclusive of GST where applicable) from the 2022 Chain Valley Colliery Community Funding Program as outlined below and in Attachment 1.**
 - a. Manno Men's Shed \$3,088.00**
 - b. Mannering Park Tidy Towns Group Incorporated \$1,745.10**

- c. Mannering Park Parents and Citizens Association \$729.15*
- d. Road Safety Education Limited \$2,128.00*
- e. Mannering Park Tidy Towns Group Incorporated \$12,500.00*
- f. Lions Club of Gwandalan Lioness Incorporated \$9,380.00*

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

- a. The Lift Studio Ltd - broader community benefit is not demonstrated.*
- b. Mannering Park Amateur Sailing Club - broader community benefit is not demonstrated.*
- c. Gwandalan & Districts Arts & Crafts Group Incorporated - broader community benefit is not demonstrated.*
- d. Wyong District Pistol Club Incorporated - broader community benefit is not demonstrated.*
- e. Community Fire Education - broader community benefit is not demonstrated.*

4 That Council endorse an Expression of Interest (EOI) process to commence in early 2023 to recruit new Chain Valley Colliery Community Funding Program Advisory Panel Members.

2.20 CPA/2998 St Hubert Island Fencing Tender

Time commenced: 7.23pm

Moved: Rik Hart

212/22 Resolved

- 1 That Council notes that no tenders were received for Contract CPA/2998 - Upgrade Railing Security Fencing - St Huberts Island Bridge in accordance with Section 178 of the Local Government (General) Regulation 2021.**
- 2 That Council declines to invite fresh tenders or applications as referred to in Section 178 subclause (3)(b)-(d) of the Local Government Regulation 2021.**
- 3 That Council, in accordance with section 178(3)(e) of the Local Government (General) Regulation 2021, enters negotiations with suitable suppliers, with a view to entering a contract for CPA/2998 Upgrade Railing Security Fencing - St Huberts Island Bridge.**
- 4 That Council, in accordance with Section 178(4)(a) of the Local Government (General) Regulation 2021, notes that the reasons for**

declining to invite fresh tenders or applications are:

- a Given the tender was in the open market for 5 weeks, the tenderers, and other parties who did not lodge a tender but did actively participate in the tender process could be said to represent the total interest from the relevant industries in this contract*
 - b Inviting fresh tenders at this stage for the same scope of works is not expected to result in any significant benefits considering time delays and additional costs associated with a new tender process*
- 5 That Council, in accordance with Section 178(4)(b) of the Local Government (General) Regulation 2021, notes that the reasons for entering negotiations with the person or persons listed in Point 3 of this Recommendation are:**
- a If negotiations are entered into with some or all of these interested parties, they all have sufficient experience and standing within the marketplace to achieve both the Contract's technical requirements and provide a value for money outcome for Council.*

2.21 Proposed Council Meeting Dates 2023

Time commenced: 7.24pm

Moved: Rik Hart

213/22 Resolved

That Council adopt the proposed Ordinary Council Meeting dates for 2023.

The Meeting closed at 7.24 pm.