

Central Coast Council

Ordinary Council Meeting

Held in the Council Chamber 2 Hely Street, Wyong

31 October 2023

MINUTES

Present

Rik Hart

In Attendance

David Farmer Chief Executive Officer

Boris Bolgoff Director Infrastructure Services
Dr Alice Howe Director Environment and Planning
Danielle Hargreaves Director Water and Sewer (Acting)

Marissa Racomelara Director Corporate Services

Brett Sherar Director Community and Recreation Services (Acting)

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 we live, work and play, paying respects to Elders, past, present and emerging and recognising their continued connection to these lands and waterways, acknowledging our shared responsibility to care for and protect our place and people.

The Administrator updated the meeting on recent activities of Council.

Minutes of the Ordinary Council Meeting of Council 31 October 2023 contd

PROCEDURAL ITEMS

1.1 Disclosures of Interest

Time Commenced: 6:37pm

Moved: Rik Hart

170/23 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: 6:37pm

Moved: Rik Hart

171/23 Resolved

That Council confirms the minutes of the Ordinary Meeting of Council held on 26 September 2023.

1.3 Notice of Intention to Deal with Matters in Confidential Session

Time Commenced: 6:37pm

Moved: Rik Hart

172/23 Resolved

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

REPORTS

2.1 Monthly Finance Report September 2023

Time Commenced: 6:38pm

Moved: Rik Hart

173/23 Resolved

That Council:

- 1 Receives the report Monthly Financial Reports September 2023.
- 2 Approves the movement of funds into the Emergency Loan Repayment Restriction over the period until the loan is due to be refinanced in December 2023 at a rate that will enable the extinguishment of the loan.

2.2 Investment Report for September 2023

Time Commenced: 6:38pm

Moved: Rik Hart

174/23 Resolved

- 1 Notes the Investment Report for September 2023.
- 2 Notes that internally restricted funds are unrestricted funds that have been internally allocated to a certain purpose.
- 3 Allocates the required unrestricted funds available in the General Fund to meet its September 2023 unrestricted funds deficit of \$35.85M in the Drainage Fund and \$2.14 in the Water Fund as set out in this report.

2.3 Presentation of 2022-2023 Financial Reports and related Auditor's Reports for Central Coast Council and Central Coast Council Water Supply Authority

Time Commenced: 6:43pm

Moved: Rik Hart

175/23 Resolved

That Council:

- Notes that the 2022-2023 Central Coast Council audited financial reports including the auditor's reports are presented to Council, in accordance with s. 419(1) of the Local Government Act 1993 ("LG Act").
- 2 Adopts the audited 2022-2023 financial reports for Central Coast Council as presented in accordance with ss. 413(2)(c) and 377(1)(k) of the LG Act, and cl. 215(1)(a) of the Local Government (General) Regulation 2021.
- Adopts the audited 2022-2023 financial reports for Central Coast Council Water Supply Authority as presented in accordance with s.45 of the Water Management Act, Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board.

2.4 Hardship and Debt Recovery Policy

Time Commenced: 7:01pm

Moved: Rik Hart

176/23 Resolved

- 1 Places the draft Hardship and Debt Recovery Policy on public exhibition for a period of twenty-eight (28) days.
- 2 Considers a further report on the outcome of the public exhibition and for adoption of the draft Hardship and Debt Recovery Policy at the completion of the public exhibition period.

2.5 Central Coast Conservation Fund Policy

Time Commenced: 7:03pm

Moved: Rik Hart

177/23 Resolved

That Council:

- 1 Notes that public exhibition has occurred for the draft Central Coast Conservation Fund Policy.
- 2 Adopts the Central Coast Conservation Fund Policy (Attachment 1) and establish the Central Coast Conservation Fund.
- 3 Advises those who made a submission of Council's decision.

2.6 Acquisition of Land for a Public Purpose - 235 Scenic Drive, Colongra

Time Commenced: 7:05pm

Moved: Rik Hart

178/23 Resolved

- 1 Authorises the acquisition of all or part of 235 Scenic Drive Colongra 2259 (being Lot 500 and Lot 501 in DP 755266) for public recreation purposes, including the provision of community sporting fields and other recreation improvements.
- 2 Authorises the Chief Executive Officer to commence the process for compulsory acquisition of all or part of 235 Scenic Drive Colongra 2259 (being Lot 500 and Lot 501 in DP 755266) for a public purpose in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, noting that a period of statutory negotiation is required prior to commencement of compulsory acquisition.
- Authorises the Chief Executive Officer to negotiate, finalise and execute a contract for the purchase of all or part of 235 Scenic Drive Colongra 2259 (being Lot 500 and Lot 501 in DP 755266) in accordance with the considerations set out in the body of this report and taking account of the further guidance on commercial matters relating to acquisition in Attachment 1.

- 4 Resolves, in accordance with provisions of Section 11(3)) of the Local Government Act 1993, that Attachment 1 remain confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993 as it contains commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it or confer a commercial advantage on a competitor of Council.
- 5 Upon acquisition, classifies the land at 235 Scenic Drive Colongra 2259 (being Lot 500 and Lot 501 in DP 755266) as Operational Land in accordance with Section 31 of the Local Government Act 1993.

2.7 Acquisition of Land at 71 and 93 Brieses Road, Peats Ridge

Time Commenced: 7:08pm

Moved: Rik Hart

179/23 Resolved

- Resolves to acquire the following land for the purpose of road reserve to accommodate the existing formed road. Part of Lot 3, DP703490 at 71 Brieses Road, Peats Ridge that will form lot 1 of proposed DP 1294433 as shown on the diagram in the plan in Attachment 1.
- 2 Resolves to acquire the following land for the purpose of road reserve to accommodate the existing formed road. Part of Lot 2 DP574179 at 93 Brieses Road, Peats Ridge shown that will form lot 2 of proposed DP 1294433 as on the diagram in the plan in Attachment 1.
- 3 Negotiates the purchase price after taking into account the current market value as determined by an independent registered valuer.
- 4 Authorises the Chief Executive Officer to execute all necessary documentation relevant to the acquisition of the land.
- That in the event that negotiations for the acquisition of all or some of the portions comprising the Land with the relevant property owner or owners cannot be satisfactorily resolved within 9 months, Council resolve to make an application to the Minister for Local Government and the Governor for approval to acquire all or some of the portions comprising the Land by way of compulsory process for the purpose of road, pursuant to the Land Acquisition (Just Terms Compensation) Act

1991, and Section 177 of the Roads Act 1993

Resolves, pursuant to section 11(3) of the Local Government Act 1993, that Attachments 2 and 3 remain 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.

2.8 Partial Road Closure to Facilitate Realignment of Road Reserve – Little Jilliby Road, Little Jilliby

Time Commenced: 7:08pm

Moved: Rik Hart

180/23 Resolved

- In accordance with the provisions of Part 4 of Division 3 of the Roads Act 1993, authorises the commencement of the process to close part of the road reserve in the vicinity of 227 Little Jilliby Road, Little Jilliby to enable the adjustment of the road reserve boundaries. The intention of the partial road closure is to ensure the existing road formation can be fully contained within the realigned road reserve.
- 2 Gives notice of the road closure proposal as set out in Section 32B of the Roads Act 1993 and Clause 81 of the Roads Regulation 2018.
- 3 Commences a public notification period of not less than 28 days.
- 4 Receives a further report to consider submissions received during the period of the public notification.
- 5 Resolves that, if the partial road closure is confirmed at a future meeting of Council,
 - a) the closed road reserve shall be classified as operational land, and
 - b) the closed road reserve shall be offered to the adjoining owner at 227 Little Jilliby Road, Little Jilliby in lieu of payment for the acquisition of part of that property as previously determined.

2.9 Council Services - Union Picnic Day 1 December 2023 and Christmas 2023 - New Year 2024 Closure

Time Commenced: 7:09pm

Moved: Rik Hart

181/23 Resolved

That Council notes the report on essential services in operation on Union Picnic Day 1 December 2023, and the Christmas 2023 – New Year 2024 closure period.

2.10 Proposed Council Meeting Dates 2024

Time Commenced: 7:10 pm

Moved: Rik Hart

182/23 Resolved

That Council adopts the proposed Ordinary Council Meeting dates for 2024.

2.11 Recommendation from the 21 September 2023 Protection of the Environment Trust Committee (POET)

Time Commenced: 7:11pm

Moved: Rik Hart

183/23 Resolved

That Council accepts the recommendation of the Protection of the Environment Trust Management Committee to release funds totalling \$12,000.00 from the Protection of Environment Trust Fund to MacMasters Bushcare to undertake bush regeneration activities on the Council Bushcare Site and in accordance with Council's Bushcare Site Strategy.

2.12 Recommendations from the Coastal Open Space System Committee regarding Council's revised draft Dogs in Open Space Action Plan

Time Commenced: 7:12pm

Moved: Rik Hart

184/23 Resolved

That Council:

- Notes the following recommendations of the COSS Advisory Committee regarding proposals in the revised Dogs in Open Space Action Plan to provide off leash exercise areas for dogs in Illoura Reserve, Pippi Point, Davistown:
 - a. That the COSS Advisory Committee recommends the decommissioning of the Illoura Reserve Pippi Point, Davistown site as a dog off leash area.
 - b. That the COSS Advisory Committee notes that the area has been identified as a threatened species habitat for the Eastern Curlew, Bush Stone Curlew, Pied Oystercatcher, Bar Tailed Godwit and Grey Headed Flying Fox.
 - c. That the COSS Advisory Committee notes that the decommissioning is recommended because dog behaviour within the off-leash dog exercise area will impact on foraging time or foraging efficiency of shorebirds including these threatened species whilst also potentially impacting breeding cycles.
 - 2 That as Council's designated Advisory Committee on all matters relating to strategic biodiversity conservation land management for the Central Coast, the recommendations of the COSS Advisory Committee be considered as one of the submissions of the recent exhibition of the draft Dogs in Open Space Action Plan prior to final recommendations being made to Council.

2.13 Community Development Grants Program - 2023-2024

Time Commenced: 7:14pm

Moved: Rik Hart

185/23 Resolved

That Council:

Allocates \$299,666.76 (inclusive of GST where applicable) from the 2023-24 grants budget to the Community Development Grant Program as outlined below and in Attachment 1.

- a Peninsula Environment Group Woy Woy Peninsula Community Garden \$3.168.00
- b Police Citizens Youth Clubs NSW Limited The Inclusive Abilities Program \$6,000.00
- c Trustee of Roman Catholic Church for the Diocese of Broken Bay Healthy Young Men Education Program \$18,000.00
- d Young Men's Christian Association of Sydney The Peer2Peer Project \$17,615.00
- e Diamond Women Limited Coast Life Perinatal and Antenatal Program \$15,540.00
- f The Fathers Table Incorporated Outreach \$15,000.00
- g Youth off the Streets Limited The Lakes College (TLC) Wellbeing Sessions \$11,617.84
- h Zonta Club Central Coast Incorporated Start-up linen sets for Women in Central Coast Refuges - \$10,000.00
- i Lifeline Direct Limited Suicide Safer Central Coast \$17,500.00
- Gosford Regional Community Services Incorporated Threads of Community\$20,000.00
- k Central Coast Conservatorium of Music Incorporated Instrument Festival (Coast Instrufest) \$20,000.00
- Central Coast Family Support Services Incorporated GRAND Matters -\$9,044.00
- m Camp Breakaway Incorporated Adults and Children living with a disability \$16,000.00
- n Central Coast Domestic Violence Committee The Walk Against Domestic and Family Violence \$15,300.00
- o Central Coast ARAFMI The Shed- Mending Minds \$10,200.00
- p The Entrance Food Hub Incorporated Community Fun Hub \$14,680.00
- q Surf Life Saving Central Coast Incorporated Remote Location Rescue Tubes \$20,000.00
- r Road Safety Education Limited-RYDA Road Safety Education \$15,000.00
- s Community Environment Network Central Coast Platypus Watch \$9,901.92
- t The Trustee of The Salvation Army (NSW) Property Trust BRAVE \$17,000.00
- u Erina Archery Club Incorporated Erina Archery Club Relocation \$8,100.00
- Mission Australia Igniting Well-being in Social Housing Project -\$10,000.00
- 2 Declines 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 Tarragal Outrigger Canoe Club Incorporated application is ineligible.
 - b Coast Opera Australia Central Coast Limited application is ineligible.
 - c The Entrance Mens Shed Incorporated recommended applicant re-apply in the Community Support Grant Program.
 - d Doyalson Wyee Soccer Club Incorporated application is ineligible.
 - e Bundaleer Landcare Group broader community benefit is not

- demonstrated.
- f We Care Connect Limited application is ineligible.
- g Coastwide Child and Family Services Incorporated limited funding available within the Community Development budget.
- h Older Worker Empowerment Incorporated broader community benefit is not demonstrated.
- i Central Coast Outrigger Canoe Club Incorporated broader community benefit is not demonstrated.
- j Hammond Care application is ineligible.
- k Learning Links- application is ineligible.
- l Sugandha Singh application is ineligible.
- m Royal Institute of Deaf and Blind Children insufficient information provided to make an accurate assessment.
- n Oz Harvest Limited application is ineligible.
- o Gosford and District Tennis Association Incorporated application is ineligible.
- p Community Defib Project applicant to be directed to a more appropriate funding stream.
- q Musicians Making a Difference limited funding available within the Community Development budget.
- r The Shepherd Centre- for Deaf Children broader community benefit is not demonstrated.
- s Naughty Noodle Fun Haus Incorporated more suitable funding stream has been identified.
- t Berkeley Vale Pre-School Kindergarten Incorporated application is ineligible.
- u Working Paws Dog Rescue Incorporated application is ineligible.
- v Curtain Bounce Incorporated broader community benefit is not demonstrated.
- w The Rotary Club of Gosford North Incorporated project received funding through the Central Coast LGA Club Grants program.
- x Brisbane Water Historical Society Incorporated application is ineligible.
- y Avoca Beach Surf Life Saving Club Incorporated broader community benefit is not demonstrated.
- z Central Coast Mariners Foundation Limited more suitable funding stream has been identified.
- aa Avoca Beach Community Association broader community benefit is not demonstrated.
- bb Autism Spectrum Australia (ASPECT) application is ineligible.
- cc Central Coast Heart Incorporated limited funding available within the Community Development budget.
- dd EDSACC Croquet Club Incorporated more suitable funding stream has been identified.
- ee Films4Change Incorporated insufficient information provided to make an accurate assessment.
- ff Slippery Sirkus Incorporated limited funding available within the Community Development budget.
- gg Gosford City Brass Band Incorporated broader community benefit is not demonstrated.

- hh Claws n Paws Rescue Group Incorporated broader community benefit is not demonstrated.
- ii Killarney Vale Australia Football Club Incorporated application is ineligible.
- jj One Culture Limited application is ineligible.
- kk Terrigal Surf Life Saving Club Incorporated application is ineligible.
- ll SparkCC Incorporated broader community benefit is not demonstrated.
- mm Epilepsy Action Australia application is ineligible.
- nn Regional Academies of Sport Limited application is ineligible.

2.14 Community Support Grant Program - August 2023

Time Commenced: 7:14pm

Moved: Rik Hart

186/23 Resolved

- Allocates \$29,808.00 (inclusive of GST where applicable) from the 2023/24 grants budget to the Community Support Grant program, as outlined below and in Attachment 1.
 - a NSW Wildlife Information Rescue and Education Service Incorporated.
 WIRES Central Coast Branch Brushtail and Ringtail Possum Aviary
 \$2,185.00
 - b Tuggerah Lakes Christian Education Board Incorporated F.U.S.E. Camp \$1,325.00
 - c Tempo Terrific Inc Support for Rental of Rehearsal Space \$2,950.00
 - d Volunteer Marine Rescue NSW Tuggerah Lakes Fuel Caddys \$5000 00
 - e North Entrance Surf Life Saving Club cool room efficiency improvements \$5000
 - f Central Coast Domestic Violence Committee DV bus wraps CCDVC launch of the 16 days of Activism \$5000.00
 - g Peninsula Chamber of Commerce Brisbane Water Oyster Festival Street Banners - \$4.548.00
 - h The New South Wales Netball Association Limited 2023 Netball NSW Social Masters \$3,800.00
- 2 Declines 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 Umina Beach Men's Shed Inc Safer parking application is ineligible

2.15 Community Events and Place Activation Grant Program -2023-2024

Time Commenced: 7:14pm

Moved: Rik Hart

187/23 Resolved

- Allocates \$297,375.09 (inclusive of GST where applicable) from the 2023-24 grants budget to the Community Events and Place Activation Grant Program as outlined below and in Attachment 1.
 - a Peninsula Chamber of Commerce Inc Brisbane Water Oyster Festival \$15,900
 - b Girrakool Blues Foundation Ltd Girrakool Blues Festival 2024 \$20,000.00
 - c Peninsula Environment Group (PEG) Woytopia Sustainable Living Festival \$13,325.00
 - d Words on the Waves Writers Festival for 2024 \$19,944.99
 - e Naughty Noodle Fun Haus Incorporated Coastal Twist LGBTIQ Arts & Culture Festival 2024 \$20,000.00
 - f Cranhill Pty Ltd East Coast Beverages Day on the Farm 2024 \$15,030.00
 - g Davistown Putt Regatta and Wooden Boat Festival Inc- 2024 Festival \$19,001.00
 - h Joanne Giles BROWSE Events 2024 Central Coast Chili Festival \$16,770.00
 - i Toowoon Bay Surf Lifesaving Club 70th anniversary celebrations -\$19,000.00
 - j Central Coast ARAFMI- Connecting Community Mental Health Matters-\$9.240.00
 - k Terrigal Trotters Club- 2024 Bay to Bay Running Festival \$11,843.00
 - l Max Adventure Pty Ltd- Bouddi Coastal Run Trail Running Event \$2,500.00
 - m C.L Perrin & T.A Spencer Stars Festival \$11,645.53
 - n Vegan NSW Inc Alive Fest \$19,400.00
 - o The Rotary Club of Brisbane Water- Park After Dark \$16,356.00
 - p 5 Lands Walk Incorporated- 5 Lands Walk Winter Festival 2024 \$20,000.00
 - g Sport Central Coast 2023 Sports Awards \$6,969.57
 - r Surfing NSW Inc Central Coast Pro \$10,000.00
 - s Long Jetty Festival Pty Ltd- 2024 Festival \$20,000.00
 - t Central Coast Kids Day Out Incorporated- The Earlier the better \$7,000.00
 - u Elizabeth Nancy Hart Bark Park \$ 3,450.00
- 2 Declines 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 Tarragal Outrigger Canoe Club broader community benefit is not demonstrated.
- b Youth In Performing Arts YIPA Central Coast Incorporated –limited funding available within the Community Events and Place Activation budget (ticketed event)
- c Central Coast Lapidary Club Incorporated broader community benefit is not demonstrated.
- d Killcare Surf Life Saving Club Inc. broader community benefit is not demonstrated.
- e Saratoga Sailing Club Inc. application is ineligible.
- f House to Grow Ltd limited funding available within the Community Events and Place Activation budget
- g Fixx Pty Ltd- application is ineligible
- h Heritage Ventures Pty Ltd limited funding available within the Community Events and Place Activation budget (ticketed event)
- World Water Ski Racing Association Inc- more suitable funding source has been identified.
- j Kristy Patricia Austin application is ineligible
- k J.P Fyfe & D Williams limited funding available within the Community Events and Place Activation budget
- l Rotary Club of Kincumber Incorporated application is ineligible
- m Kingdom Sounds Pty Ltd application is ineligible.
- n Joanne Giles BROWSE events application is ineligible.
- o Northlakes United Rugby Union Club Inc broader community benefit is not demonstrated.
- p Lead By Story Pty Ltd broader community benefit is not demonstrated.
- q Maria Eugenia Uran Insufficient information provided to make an accurate assessment.
- r Gosford Race Club Limited more suitable funding source has been identified.
- s Central Coast Conservatorium of Music Inc application is ineligible.
- t Central Coast Soaring Incorporated broader community benefit is not demonstrated.
- u Terrigal Collective Incorporated Insufficient information provided to make an accurate assessment.
- v Australian Football Skool Pty Ltd more suitable funding source has been identified
- w Central Coast Malayalee Association Inc broader community benefit is not demonstrated.
- x Australian Football Skool Pty Ltd more suitable funding source has been identified
- y Mackillop Catholic College limited funding available within the Community Events and Place Activation budget
- z NSW Business Chamber Limited limited funding available within the Community Events and Place Activation budget (ticketed event)
- aa AJ Events Pty. Ltd. limited funding available within the Community Events and Place Activation budget (ticketed event)

2.16 Variations to Development Standards - July to September 2023

Time Commenced: 7:24pm

Moved: Rik Hart

188/23 Resolved

That Council notes the report on Variations to Development Standards – July to September 2023.

2.17 Submission to Inquiry into the Performance of the Regional Investment Activation Fund and Regional Job Creation Fund

Time Commenced: 7:25pm

Moved: Rik Hart

189/23 Resolved

That Council authorises the CEO to make a formal Council Submission (Attachment 1) to the Inquiry into the Performance of the Regional Investment Activation Fund and Regional Job Creation Fund.

2.18 Submission to Inquiry into the Impacts of Climate Change on the Environment and Communities

Time Commenced: 7:26pm

Moved: Rik Hart

190/23 Resolved

- 1. Authorises the CEO to make a submission (Attachment 1) to the Inquiry into the Planning System and the Impacts of Climate Change on the Environment and Communities.
- 2. Includes in the submission at Attachment 1 the following:

Central Coast Council's action to address climate change impacts.

Council has an adopted Climate Change Policy 2018 and Sustainability and Climate Change Action Plan 2022-2025 to support the Central Coast to address climate change. These documents identify Council's commitments and priority mitigation and adaptation actions.

Council is also currently reviewing Development Control Plan provisions relating to flooding and coastal hazards, and its Local Strategic Planning Statement, which provides a 20-year land use planning strategy. Improved management of climate risks is central to these reviews; however, to deliver effective land use planning outcomes for the Central Coast, a holistic approach is needed. This requires coordination across Australia's three tiers of government, as it is clear that many of the levers to reduce the impact of climate change are beyond the remit of local government.

2.19 Disclosure of Interests Returns for the Period 1 July 2022 to 30 June 2023

Time Commenced: 7:29 pm

Moved: Rik Hart

191/23 Resolved

That Council notes the tabling of the Disclosures by Designated Persons Returns for the period 1 July 2022 to 30 June 2023 and the Disclosures of Pecuniary Interests and Other Matters lodged by members of the Central Coast Local Planning Panel.

The Meeting closed at 7:29pm.