



Central Coast Council

Ordinary Council Meeting

Held Remotely - Online

13 December 2022

MINUTES

Present

Rik Hart

In Attendance

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

Notes

The Administrator, Rik Hart, declared the meeting open at 6:32pm 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.

1.1 Notice of Intention to Deal with Matters in Confidential Session

Time commenced: 6:35pm

Moved: Rik Hart

251/22 Resolved

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

1.2 Confirmation of Minutes of Previous Meeting

Time commenced: 6:35pm

Moved: Rik Hart

252/22 Resolved

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

1.3 Disclosure of Interest

Time commenced: 6:36pm

Moved: Rik Hart

253/22 Resolved

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

ADMINISTRATOR MINUTE

S.1 Administrator's Minute - Land available for affordable and emergency housing

Time commenced: 6:36pm

Moved: Rik Hart

254/22 I formally move:

- 1 That Council staff prepare a report which provides a list of suitable land available for use by affordable and emergency housing providers on the Central Coast.**
- 2 That Council staff provide this report back to Council no later than the June 2023 Council meeting.**

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

Time commenced: 6:39pm

Moved: Rik Hart

255/22 Resolved

- 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 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.**

- 8** *That Council note the discrepancy between the review period for the MOU with Darkinjung Local Aboriginal Land Council contained within the Council report and the First Nations Accord. The review period is three years*
- 9** *That Council acknowledges and supports the Uluru Statement From The Heart.*

2.2 Exhibition of Draft Plan of Management for Community Land

Time commenced: 6:47pm

Moved: Rik Hart

256/22 Resolved

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.*

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

Time commenced: 6:51pm

Moved: Rik Hart

257/22 Resolved

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

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

Time commenced: 6:54pm

Moved: Rik Hart

258/22 Resolved

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 Submit the Local Planning Panel's advice and Council's response to it (Attachment 3) to the Minister for Planning, along with the Planning Proposal.**
- 4 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.**
- 5 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.**
- 6 Undertake community and public authority consultation in accordance with the Gateway Determination requirements, including the concurrent exhibition of the draft Development Control Plan.**
- 7 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).**

2.5 Agritourism Reforms: Option to Nominate Additional LEP Clauses

Time commenced: 6:59pm

Moved: Rik Hart

259/22 Resolved

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).

2.6 Dogs in Open Spaces Action Plan – Update

Time commenced: 7:01pm

Moved: Rik Hart

260/22 Resolved

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.**

2.7 Gosford Waterfront Concept Plan - Preliminary Consultation Report

Time commenced: 7:04pm

Moved: Rik Hart

261/22 Resolved

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.***

2.8 Amendment to the Code of Conduct and Procedures for the Administration of the Code of Conduct

Time commenced: 7:07pm

Moved: Rik Hart

262/22 Resolved

- 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.***

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

Time commenced: 7:08pm

Moved: Rik Hart

263/22 Resolved

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.***

2.10 Community Support Grants Program - 1 October 2022 -13 November 2022

Time commenced: 7:10pm

Moved: Rik Hart

264/22 *Resolved*

- 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***

2.11 Social Media Policy

Time commenced: 7:11pm

Moved: Rik Hart

265/22 Resolved

- 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.**

2.12 Application for Memorial Seat - Mr Steven Hollis

Time commenced: 7:12pm

Moved: Rik Hart

266/22 Resolved

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

2.13 Investment Report for November 2022

Time commenced: 7:13pm

Moved: Rik Hart

267/22 Resolved

- 1 That Council note the Investment Report for November 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 November 2022 unrestricted funds deficit in Drainage Fund as set**

out in this report.

- 4 *That Council note the Monthly Finance Report for November is currently being finalised resulting in draft restriction calculations for November being presented in this report.*

2.14 Administrator Expenses and Facilities Report to 31 October 2022

Time commenced: 7:15pm

Moved: Rik Hart

268/22 Resolved

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

The Meeting closed at 7:18pm.