



Central Coast Council
Ordinary Council Meeting

Held in the Council Chamber
2 Hely Street, Wyong

23 July 2024

MINUTES

Present

Rik Hart

In Attendance

David Farmer	Chief Executive Officer
Shannon Turkington	Director Environment and Planning (Acting)
Luke Welfare	Director Water and Sewer (Acting)
Marissa Racomelara	Director Corporate Services
Beth Burgess	Director Community and Recreation Services (Acting)

Apology

Boris Bolgoff	Director Infrastructure Services
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Notes

The Administrator, Rik Hart, declared the meeting open at 6:30pm and advised in accordance with the Code of Meeting Practice that the meeting was being recorded.

The Administrator shared the Acknowledgement of Country.

The Administrator updated the meeting on recent activities of Council.

PROCEDURAL ITEMS

1.1 Disclosures of Interest

6:38pm

RESOLVED on the motion of RIK HART:

228/24 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

6.38pm

RESOLVED on the motion of RIK HART:

229/24 That Council confirms the minutes of the Ordinary Meeting of Council held on 25 June 2024.

1.3 Notice of Intention to Deal with Matters in Confidential Session

6:38pm

RESOLVED on the motion of RIK HART:

230/24 That Council notes that no matters have been tabled to deal with in a closed session.

REPORTS

2.1 Monthly Finance Report June 2024

6:39pm

RESOLVED on the motion of RIK HART:

231/24 That Council receives the report Monthly Financial Reports – June 2024 (Preliminary).

2.2 Monthly Investment Report June 2024

6:39pm

RESOLVED on the motion of RIK HART:

That Council:

232/24 Notes the Investment Report for June 2024.

233/24 Allocates the required unrestricted funds available in the General Fund as at 30 June 2024 to offset unrestricted funds deficit in the Drainage Fund, as part of year end processes for June 2024.

234/24 Notes the June 2024 Restrictions have not been finalised and will be completed as part of June 2024 year end processes and audit.

2.3 Open Space Strategy - For Public Exhibition

6:43pm

RESOLVED on the motion of RIK HART:

That Council:

235/24 Endorses the draft Central Coast Council Open Space Strategy 2024-31 for public exhibition for a period of 28 days.

236/24 Receives a subsequent report noting submissions received during the period of public exhibition.

2.4 Greater Warnervale Structure Plan - Outcomes of Public Exhibition and Adoption

6:45pm

RESOLVED on the motion of RIK HART:

That Council:

237/24 Considers the submissions and matters during the exhibition period, as outlined in Attachments 1, 2 and 3.

238/24 Endorses the amendments, as outlined in Attachment 4.

239/24 Adopts the Greater Warnervale Structure Plan (Attachment 5) and

Background Report (Attachment 6).

- 240/24** *Submits the final Structure Plan to the Department of Planning, Housing, and Infrastructure (DPHI) for endorsement.*
- 241/24** *Authorises the Chief Executive Officer (CEO) to make any minor changes required to achieve DPHI approval.*
- 242/24** *Notifies those persons who made submissions of Council's decision.*

2.5 Dogs in Open Space Action Plan - Progress Update following Public Exhibition

6:49pm

RESOLVED on the motion of RIK HART:

That Council:

- 243/24** *Notes the extensive community input received in response to the first version of the draft Dogs In Open Space Action Plan (the first Draft Plan) and the revised version of the Dogs In Open Space Action Plan (the revised Draft Plan).*
- 244/24** *Endorses the removal of Memorial Oval Davistown from the list of sites for further investigation as an alternative option for Davistown.*
- 245/24** *Endorses preparation of Review of Environmental Factors (REFs) for new sites and sites that:*
- have a change to the current use*
 - propose change to the location of the current use*
 - propose inclusion of additional infrastructure to support the intended use*
 - have known environmental sensitivities.*
- 246/24** *Notes that for any site that does not meet the criteria in point 3, there are no proposed changes to the current use (this applies to 47 sites including Illoura Reserve, Davistown (Pippi Point) and Narara FOLA.*
- 247/24** *Endorses preparation of detailed concept plans and Review of Environmental Factors (REF) for the proposed Fenced Off Leash Area at The Haven, Terrigal, due to the highlighted safety concerns. The outcome of the REF and concept design to be reported back to Council to allow for consideration of options and further community consultation.*
- 248/24** *Notes that recent court precedent identified during the exhibition of the revised Draft Plan (Palm Beach Protection Group Incorporated v Northern Beaches Council [2020] NSWLEC 156) has resulted in a detailed exploration of the implications of this case and the approvals that may be required for*

Off Leash Areas (OLA) or Fenced Off Leash Areas (FOLA). This has resulted in delays in this Report being brought back to Council and has influenced the final recommendations.

2.6 Progress of Sale of Gosford CBD Sites to Minister administering the TAFE Commission Act

7:01pm

RESOLVED on the motion of RIK HART:

- 249/24 That Council reaffirms its intention to complete the sale of Council-owned land in Gosford CBD ("the Gosford CBD sites") to the Minister administering the TAFE Commission Act 1990 with the intent of developing a new TAFE campus which will have a positive and transformative effect on growth of Gosford CBD and deliver educational and economic benefits for Central Coast residents and businesses.**
- 250/24 That the land included in the sale ("the Gosford CBD sites") to the Minister administering the TAFE Commission Act 1990 be reconfirmed as:**
- a) 126 Georgiana Terrace Gosford (Lot 454 DP 77721)**
 - b) 49 to 51 Mann Street Gosford (Lot 1 DP 251476 & 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)**
 - g) 75 Mann Street Gosford (Lot 2 DP 543135)**
- 251/24 That the sale of Lot 1 in DP 251476 be noted as being subject to completion of its expected imminent reclassification from community to operational.**
- 252/24 That Council authorises the Chief Executive Officer to negotiate and finalise any contract variations necessary to the contract of sale, provided any such variations are of financial or strategic benefit to Council.**
- 253/24 That, if the contract of sale with the Minister administering the TAFE Commission Act 1990 is for any reason rescinded by either party before 31 July 2025, the Chief Executive Officer be authorised to invite open market offers for any or all of the Gosford CBD sites (via expression of interest or via tender) in accord with Council's Land Transactions Policy.**

2.7 Woy Woy Commuter Carpark - Transfer to Transport for NSW

7:05pm

RESOLVED on the motion of RIK HART:

That Council:

- 254/24** *Endorses the Chief Executive Officer to negotiate, finalise and execute an agreement to transfer the commuter car park at 93 Blackwall Road, Woy Woy (being lot 9951 in DP 1169224) to Transport for NSW, or to a related entity such as the Transport Asset Holding Entity (TAHE) in accordance with authorisations already provided by Council at its meeting of 26 April 2023.*
- 255/24** *Authorises the Chief Executive Officer to finalise and effect the grant of a stratum easement in favour of Transport for NSW (or related entity) over the pedestrian overpass above Railway Street between Woy Woy Railway Station and the property at 26 Railway Street Woy Woy.*
- 256/24** *Authorises the Chief Executive Officer to finalise and effect the grant of a stratum easement in favour of Transport for NSW (or related entity) over the above-ground pedestrian walkway on Lot 9952 DP 1169224 between Woy Woy commuter car park and the property at 26 Railway Street Woy Woy.*
- 257/24** *Authorises the Chief Executive Officer to finalise and execute an assignment of Council's rights and obligations under the agreement dated 29 November 2001 between the former Gosford City Council and the Owners Corporation of the strata plan comprising the property at 26 Railway Street, Woy Woy, to Transport for NSW (or related entity).*
- 258/24** *Notes that the commuter car park land already benefits from rights of footway for pedestrians to pass via the property at 26 Railway Street Woy Woy to transit between Woy Woy Railway Station and the Woy Woy commuter car park.*
- 259/24** *Resolves that Attachment 1 be kept confidential in accordance with Section 10A(2)(c) of the Local Government Act 1993 on the basis that it includes information that would, if disclosed, prejudice the commercial position of the person who supplied it and may confer a commercial advantage on a person with whom the council is conducting business.*

2.8 Site of New Rural Fire Service Facility in Mooney - Land Transfer to Council

7:08pm

RESOLVED on the motion of RIK HART:

That Council:

- 260/24** *Resolves to acquire land from State Government at nominal cost as the location for a new Rural Fire Service facility at Mooney.*
- 261/24** *Notes the land to be acquired be approximately 2000 square metres in area, be subdivided out of Lot 12 in DP 1158746 and be located adjacent to Peats Ferry Road.*

262/24 *Notes the land when acquired be classified as operational land in order to ensure that the site can be managed in the most appropriate manner on a day-to-day basis as an operational facility.*

263/24 *Nominates the Chief Executive Officer be authorised to negotiate, finalise and execute the land transfer agreement.*

2.9 **126 Somersby Falls Road, Somersby - Planning Proposal for Endorsement**

7:10pm

RESOLVED on the motion of RIK HART:

That Council:

264/24 *Endorses the Planning Proposal provided in Attachment 1 in relation to Lot 1 DP 712505, 126 Somersby Falls Road, Somersby which seeks to amend the Central Coast Local Environmental Plan 2022 to:*
a) *Rezone land from RU1 Primary Production to E4 General Industrial.*
b) *Apply a minimum lot size of 4,000m² to the subject lot.*

265/24 *Forwards the Planning Proposal to the Minister for Planning and Public Spaces in accordance with Section 3.35(2) of the Environmental Planning and Assessment Act 1979, requesting a Gateway Determination, pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.*

266/24 *Requests 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.*

267/24 *Undertakes community and public authority consultation in accordance with the Gateway Determination requirements.*

2.10 **Draft Investments Management and Borrowings Policy - For Adoption**

7:12pm

RESOLVED on the motion of RIK HART:

That Council:

268/24 *Adopts the Draft "Investments Management and Borrowings Policy", as attached to this report.*

269/24 *Revokes the "Policy for Investment Management" and the "Debt Management Policy", and for these to be replaced by the "Investments Management and Borrowings Policy".*

2.11 Draft Restricted Funds Policy - For Adoption

7:14pm

RESOLVED on the motion of RIK HART:

270/24 That Council adopts the Draft Restricted Funds Policy attached as Attachment 1 to this report.

2.12 Complaints Feedback Management Policy - For Adoption, and Unreasonable Complainant Conduct Policy - For Public Exhibition

7:18pm

RESOLVED on the motion of RIK HART:

That Council:

271/24 Adopts the minor changes to the Complaints and Feedback Management Policy as per the Attachment 1.

272/24 Notes the changes to the Unreasonable Complainant Conduct Policy as per the Attachment 2.

273/24 Places the draft Unreasonable Complainant Conduct Policy on public exhibition for a minimum period of 28 days.

274/24 Considers a further report on the outcome of the public exhibition.

2.13 Suite of Councillor Policies - For Adoption

7:19pm

RESOLVED on the motion of RIK HART:

That Council:

275/24 Adopts the following draft policy documents:

- a) Code of Conduct (Attachment 1)**
- b) Procedures for the Administration of the Code of Conduct (Attachment 2)**
- c) Code of Meeting Practice (Attachment 3)**
- d) Councillor Briefings and Workshops Policy (Attachment 4)**
- e) Councillor and Staff Interaction Policy (Attachment 5)**
- f) Councillor Induction and Professional Development Policy (Attachment 6)**

2.14 Central Coast Section 7.12 Local Infrastructure Contributions Plan 2024 - Outcome of Public Exhibition

7:26pm

RESOLVED on the motion of RIK HART:

That Council:

276/24 Adopts the Central Coast Section 7.12 Local Infrastructure Contribution Plan 2024 (Attachment 1) following public exhibition.

277/24 Notifies those persons who lodged submissions of Council's decision.

2.15 Community Strategic Plan - Engagement Report 2024

7:28pm

RESOLVED on the motion of RIK HART:

278/24 That Council receives the Community Strategic Plan Engagement Report 2024 presented in Attachment 1.

2.16 Code of Conduct Review Panel - Appointment of Members

7:29pm

RESOLVED on the motion of RIK HART:

279/24 That Council appoint the following five applicants, endorsed by the Chief Executive Officer, to Council's Code of Conduct Review Panel:

- a) Mr Andrew Patterson;**
- b) Centium Pty Ltd;**
- c) Mr David Gillett, Lodestone Investigations;**
- d) Ms Kath Roach, SINC Solutions; and**
- e) Riskwise Consulting.**

2.17 Audit, Risk and Improvement Committee - Appointment of Independent Member

7:31pm

RESOLVED on the motion of RIK HART:

That Council:

- 280/24** *Appoints Michelle Lawson as an Independent External Member of the Central Coast Council Audit, Risk and Improvement Committee for an initial period of three years.*
- 281/24** *Writes to each of the unsuccessful applicants to the Audit, Risk and Improvement Committee Independent External Member role and advise them of the outcome, thanking them for their interest in the role.*
- 282/24** *Resolves, pursuant to section 11(3) of the Local Government Act 1993, that the Attachments to this report remain confidential in accordance with section 10A(2)(a) of the Local Government Act as they contain personnel matters concerning particular individuals (other than Councillors).*

2.18 **Central Coast Local Planning Panel - Appointment of New Panel Members**

7:32pm

RESOLVED on the motion of RIK HART:

That Council:

- 283/24** *Notes the background information in relation to Local Planning Panels generally, and the correspondence from the Minister of Planning & Public Spaces (Attachment 2) in relation to the nomination of Chair and alternate Chairs for the Central Coast Local Planning Panel.*
- 284/24** *Resolves, in accordance with Section 2.18(1) of the Environmental Planning and Assessment Act 1979 the appointment of Chair, Deputy Chairs, Professional Panel Members and Community Panel Members to the Central Coast Local Planning Panel, as set out in Attachment 1 to this report, and that, in accordance with Schedule 2, Clause 11(1) of the Environmental Planning & Assessment Regulation 2021, that such appointments be for a period expiring on 30 June 2027.*

2.19 **Community Support Grant Program - May 2024**

7:35pm

RESOLVED on the motion of RIK HART:

That Council:

- 285/24** *Allocates \$21,161.70 (inclusive of GST where applicable) from the 2024/25 grants budget to the Community Support Grant program for the month of May as outlined below and in Attachment 1.*

- a) **Sparkd CC Incorporated- Makerspace Rent Subsidy - \$5,000.00.**
- b) **Wallarah Point Physical Culture Club - Interclub Sporting Event - \$4,650.00**
- c) **Halekulani Community Library Incorporated - Rental Subsidy - \$690.00**
- d) **Toukley Neighbourhood Centre Incorporated – Community 'Yadhu' Garden \$2,039.08**
- e) **North Avoca Surf Life Saving Club Incorporated - Plumbing compliance & maintenance to NASLSC - \$2,745.60**
- f) **Lions Club of Toukley Incorporated - Purchase Gazebo - \$1,554.00**
- g) **Tuggerah Lakes Art Society Incorporated - Our Natural World the Sea Expo - \$2,853.95**
- h) **The Scout Association of Australia New South Wales (1st Tumbi Scout Group) - Campsite First Aid Enhancement - \$314.07**
- i) **Killcare Surf Life Saving Incorporated - Enhancing Community Connection through upgraded noticeboards - \$1,315.00**

286/24 Declines the following applications, for the reasons indicated in Attachment 1:

- a) **Mingaletta Aboriginal Torres Strait Islander Corporation - Walking Together – insufficient information to make an accurate assessment.**
- b) **Wyong District Cricket Club Incorporated - Kick Start Blasters – application is ineligible.**

287/24 Advises the unsuccessful applicants in point 2 (above) and direct them to alternate funding sources if relevant.

2.20 Request to Change the October 2024 Council Meeting date

7:36pm

RESOLVED on the motion of RIK HART:

288/24 That Council adopts the proposed revised October 2024 Ordinary Council meeting date from 22 October 2024 to 29 October 2024.

2.21 Status Update on Active Council Resolutions

7:38pm

RESOLVED on the motion of RIK HART:

289/24 That Council receives and notes the Status Update on Active Council Resolutions report in Attachment 1.

3.1 Central Coast Roads Package Compulsory Land Acquisition for Ocean Beach Road and Rawson Road Intersection Upgrade, Woy Woy

7:38pm

RESOLVED on the motion of RIK HART:

That Council:

290/24 Resolves to approve the purchase of the following land, pursuant to Section 186 of the Local Government Act 1993:

Partially as public road, and consolidate the residual land for re-sale:

Lot 2 DP 1040919 48 Ocean Beach Rd, WOY WOY

Lot A DP 372116 46 Ocean Beach Rd, WOY WOY

Lot C DP 372116 76 Rawson Rd, WOY WOY

Lot D DP 372116 76 Rawson Rd, WOY WOY

291/24 Authorises the Chief Executive Officer to negotiate, finalise and execute all necessary documentation relevant to the acquisition of the land.

292/24 In the event that all or any of the land is held out for public sale, seeks to acquire such land by agreement on such terms as the Chief Executive Officer may consider commercially appropriate in the circumstances.

293/24 In the event that all or any of the land is not held out for public sale, seeks to acquire the land by compulsory process in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.

294/24 If negotiations for the acquisition of the land cannot be satisfactorily resolved within the statutory negotiation period, authorises the Chief Executive Officer to seek the approval of the Minister for Local Government and the consent of the Governor in order to proceed with the compulsory acquisition pursuant to the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

295/24 Allocates \$3.5M to the Ocean Beach and Rawson Road intersection upgrade project, with the required funds being reallocated from road renewal works that can be funded through additional Roads to Recovery grant funding.

The Meeting closed at 7:40pm.