



Central Coast Council

Ordinary Council Meeting

Held
2 Hely Street, Wyong
28 February 2023

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 detailed Work Health and Safety measures that applied to the meeting, including for the mitigation of risk of psychological injury to Council staff.

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 Disclosures of Interest

Time Commenced: 6:37pm

Moved: Rik Hart

18/23 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

19/23 Resolved

That Council confirm the minutes of the Ordinary Meeting of Council held on 24 January 2023.

1.3 Notice of Intention to Deal with Matters in Confidential Session

Time Commenced: 6:37pm

Moved: Rik Hart

20/23 Resolved

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

Procedural Motion

Time Commenced: 6:38pm

At the 13 December 2022 meeting, the resolutions for item **2.4 Request to Prepare a Planning Proposal for 33 Gugandi Road, Narara to Amend Central Coast Local Environmental Plan 2022** were adopted, however the minutes of the meeting did not include resolution 7

Moved: Rik Hart

21/23 Resolved

That Council amend the Minutes of 13 December 2022 meeting, item 2.4 Request to Prepare a Planning Proposal for 33 Gugandi Road, Narara to Amend Central Coast Local Environmental Plan 2022 to record an additional resolution as detailed below.

- 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).***

2.1 Monthly Finance Report December 2022

Time Commenced: 6:38pm

Moved: Rik Hart

22/23 Resolved

That Council receive the report Monthly Financial Reports – December 2022

2.2 Monthly Finance Report January 2023

Time Commenced: 6:38pm

Moved: Rik Hart

23/23 Resolved

That Council receive the report Monthly Financial Reports – January 2023

2.3 Investment Report for January 2023

Time Commenced: 6:38pm

Moved: Rik Hart

24/23 Resolved

1 *That Council note the Investment Report for January 2023.*

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 January 2023 unrestricted funds deficit of \$38.8M in Drainage Fund as set out in this report.***
- 4 *That Council note the January Restrictions are draft only, subject to 30 June 2022 Financial Statements audit review. The Restrictions are not expected to change at the review.***

Procedural Motion

Time Commenced: 6:42pm

Caroline Karakatsanis from the NSW Audit Office was in attendance to present Council's audited financial statements.

Moved: Rik Hart

25/23 *Resolved*

That Council suspend standing orders to allow Ms Karakatsanis to address the meeting.

2.4 Presentation of 2021-2022 Financial Reports and related Auditor's Reports for Central Coast Council and Central Coast Council Water Supply Authority

Time Commenced: 6:54pm

Moved: Rik Hart

26/23 *Resolved*

- 1 *That Council note that the 2021-2022 Central Coast Council audited financial reports including the auditor's reports have been presented to this meeting of the Council, in accordance with s. 419(1) of the Local Government Act 1993 ("LG Act").***
- 2 *That Council adopt the audited 2021-2022 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 2005.***
- 3 *That Council include the audited 2021-2022 Central Coast Council Consolidated Financial Reports in Council's 2021-2022 Annual Report in accordance with s.428(4)(a) of the LG Act.***

- 4 *That Council publish on Council's website the 2021-2022 Central Coast Council Consolidated Financial Reports as an addendum to the 2021-2022 Annual Report and a copy be provided to the Minister of Local Government in accordance with s. 428 (5) of the LG Act.***
- 5 *That Council adopt the audited 2021-2022 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.***

2.5 Council Decision on the Administration of the 2024 Ordinary Election

Time Commenced: 7:02pm

Moved: Rik Hart

27/23 Resolved

That Central Coast Council ("the Council") resolves:

- 1 *pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.***
- 2 *pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a Council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.***
- 3 *pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.***
- 4 *pursuant to ss. 296(2) and (4) of the Act, as applied and modified by s.18, that:*
 - I. a constitutional referendum arrangement be entered into for the Electoral Commissioner to administer in regard to a reduction of Councillors (15 to 9); and***
 - II. such constitutional referendum arrangement be entered into by contract between the Electoral Commissioner and the Council.*****
- 5 *pursuant to section 11(3) of the Act, that Attachments to this report remain confidential in accordance with section 10A(2)(d) as they contain commercial information of a confidential manner.***

2.6 2022-2023 Quarter 2 Review

Time Commenced: 7:06pm

Moved: Rik Hart

28/23 Resolved

That Council adopt Central Coast Council's Quarter 2 Review for 2022-2023 (Attachment 1) including the proposed budget amendments, and changes to the Long-Term Financial Plan as detailed in this report.

2.7 Food Organics and Garden Organics (FOGO) Planning and investigations update

Time Commenced: 7:17pm

Moved: Rik Hart

29/23 Resolved

- 1 That Council notes the Central Coast Council Development of Food and Garden Organics (FOGO) Processing Solution Directions Paper, dated December 15, 2022.***
- 2 That Council endorse progressing to the detailed feasibility and business case for the development of a FOGO solution for Central Coast households as identified in the Directions Paper.***
- 3 That Council requires that all alternative approaches and considerations associated with delivering FOGO collections identified within the Directions Paper are assessed and duly considered as part of the future phases of the development and delivery of a Central Coast Council FOGO solution.***
- 4 A further detailed report on the feasibility and business case findings will be provided for Council consideration prior to the future tender process being undertaken.***

2.8 Submission on Draft Central Coast Regional Transport Plan 2041

Time Commenced: 7:24pm

Moved: Rik Hart

30/23 Resolved

That Council make a formal submission (Attachment 1) to Transport for NSW on the draft Central Coast Regional Transport Plan 2041.

2.9 Critical road related grants and funding and associated delivery methodology

Time Commenced: 7:25pm

Moved: Rik Hart

31/23 Resolved

- 1 Council note grant funding applicable to the local and regional road network, including funding associated with weather events, and actions associated with the expenditure of funding and delivery of works.***
- 2 That Council thanks all staff for their efforts in repairing and renewing the road network associated with the severe weather conditions as well as planning for significant additional works associated with the road pavement and slip sites in the Local Government area.***
- 3 That Council write to the local Federal and State Members; the Minister for Regional Transport and Roads, the Hon Sam Farraway MLC; and Minister for Infrastructure, Transport, Regional Development and Local Government, the Hon Catherine King MP, to seek \$12M over 4 years to improve the road network which would see the infrastructure backlog reach a level of under 2% within 4 years which is consistent with benchmarks set by the Office of Local Government.***

2.10 Exhibition of the Draft Central Coast Local Housing Strategy

Time Commenced: 7:37pm

Moved: Rik Hart

32/23 Resolved

That Council:

- 1 Publicly exhibit the draft Central Coast Local Housing Strategy (Attachment 1) for a period of not less than 60 days.***
- 2 Consider a further report following conclusion of the public exhibition period.***

2.11 Outcomes of Affordable Housing Agreement with Pacific Link Housing Limited

Time Commenced: 7:40pm

Moved: Rik Hart

33/23 Resolved

- 1 That Council authorise the transfer of land owned at 23-25 Ashton Avenue, The Entrance to Pacific Link Housing Limited for one dollar (\$1.00)**
- 2 That the transfer of the land be conditional on timely performance by Pacific Link Housing Limited of its obligations under the agreement, with provision for the land to revert to Council ownership at a price of one dollar (\$1.00) in the event that substantial completion of project works has not occurred within 3 years.**
- 3 That the Chief Executive Officer be authorised to execute all documents pertaining to the transfer of the Land to Pacific Link Housing Limited.**

2.12 Outcome of exhibition of Planning Proposal related to 43-46 The Esplanade Ettalong Beach

Time Commenced: 7:43pm

Moved: Rik Hart

34/23 Resolved

- 1 That Council amend the Site Specific Development Control Plan – The Esplanade (as exhibited) in response to issues raised in the submissions as follows:**
 - 1.4 Relationship to other Plans - remove Ch 2.5 Commercial Development as this does not apply to centres that have a special chapter for that area**
 - 2.0 Lot Consolidation – insert a requirement to ensure that lot consolidation is achieved as part of the development application**
 - 3.1 Building Height and Density – insert an objective to minimise overshadowing of the beach and public open space**
 - 5.1 Size and Depth of Tenancies – insert an objective to allow for commercial development of sufficient size to support a wide range of uses**
 - 6.0 Public Domain and Landscape - insert an objective for the laneway outlining the vision**
 - 7.0 Services - insert heading for REQUIREMENTS underneath the Objectives.**
- 2 That Council amend the Planning Agreement (as exhibited) in response to issues raised in the submissions as follows:**

- **3.3, 6.1, 6.2, 6.3 Add the words 'indexed' in relation to the monetary contribution**
 - **6.3 Delete the words 'to the Proponents satisfaction'**
 - **6.4 Add the clause regarding the calculation of indexation**
 - **4.0 Add the definitions for Consumer Price Index and Monetary Contributions.**
- 3 That Council authorise the Chief Executive Officer to make other minor alterations to the Development Control Plan – The Esplanade or Planning Agreement, as deemed necessary.**
- 4 That Council request the Chief Executive Officer to exercise delegation issued by the Department of Planning and Environment for RZ/106/2019 or if required request the Minister for Planning to proceed with the steps for drafting and making of the amendment to Central Coast Local Environmental Plan 2022.**
- 5 That Council adopt the Site Specific Development Control Plan – The Esplanade (as amended in Attachment 2) within the Central Coast Development Control Plan 2022, which shall come into effect upon notification of the Local Environmental Plan.**
- 6 That Council authorise the Chief Executive Officer (or delegate) to execute the Planning Agreement (as amended in Attachment 3) endorsed by the proponent and landowner, prior to finalisation of the rezoning.**
- 7 That Council publish a public notice of its decision regarding the adoption of the Development Control Plan within 28 days.**
- 8 That Council provide the Planning Secretary with a copy of the Development Control Plan within 28 days.**
- 9 That all those who made submissions during public exhibition be notified of Council's decision.**

2.13 Gosford Waterfront- Utilisation of Internal Restrictions (Land Development)

Time Commenced: 7:48pm

Moved: Rik Hart

35/23 Resolved

That Council:

- 1 Endorse the draft Gosford Waterfront Revitalisation (Concept Plan) Consultation**

Report (Attachment 1).

- 2 Based on the favourable feedback received through the consultation period, continue to progress the waterfront revitalisation project, as amended by consultation feedback, to support a NSW Government investment decision.***
- 3 Allocate \$2,218,000 to the waterfront project, funded from Council's Land Development Reserve.***
- 4 Continue to advocate to the NSW Government for funding to progress the waterfront revitalisation project.***

2.14 Street Design Manual & Technical Specifications

Time Commenced: 7:52pm

Moved: Rik Hart

36/23 Resolved

That Council:

- 1 Publicly exhibit the draft Central Coast Street Manual and draft Landscape Works Specification for not less than 28 days.***
- 2 Consider a further report following conclusion of the public exhibition period.***

2.15 Rationalisation of Long Term Ownership and Management - Car Parking Woy Woy CBD

Time Commenced: 7:54pm

Moved: Rik Hart

37/23 Resolved

- 1 That Council note that Transport for NSW has a long term lease, to 2065, over the 700 space commuter car park at 93 Blackwall Road, Woy Woy, and that any transfer of ownership of this car park would retain commuter access.***
- 2 That Council note that its Option to acquire 220 car parking spaces in the shopper car park at Deepwater Plaza Shopping Centre, 52 Railway Road, Woy Woy is surplus to Council's requirements.***
- 3 That Council authorise the CEO to negotiate and execute an agreement on a***

commercially satisfactory basis with the current or future owner of Deepwater Plaza shopping centre to extinguish Council's Option Deed to acquire car park spaces in the shopper car park at 52 Railway Road, Woy Woy.

- 4** *That extinguishment of the Option Deed be conditional on the owner of Deepwater Plaza shopping centre entering into a simultaneous agreement to purchase the adjacent Commuter Car Park at 93 Blackwall Road, if required to do so by Council, within 12 months of the date of extinguishment.*
- 5** *That Council authorise the CEO to negotiate and execute an agreement on a commercially satisfactory basis with the current or future owner of Deepwater Plaza shopping centre for the sale of the commuter car park at 93 Blackwall Road, Woy Woy for not less than its net value to Council.*
- 6** *That factors to establish the net value to Council of the commuter car park be noted as:*
 - the land value of 93 Blackwall Road determined by the Valuer General*
 - the book value of improvements at 93 Blackwall Road*
 - future depreciation and maintenance charges at 93 Blackwall Road*
 - nominal income from the Transport for NSW lease at \$1 a year to 2065.*
- 7** *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, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

2.16 Management of Natural Disaster site at Wisemans Ferry with Hawkesbury City Council

Time Commenced: 8.01pm

Moved: Rik Hart

38/23 Resolved

- 1** *That subject to Hawkesbury City Council concurrence, that Central Coast Council enters into a Memorandum of Understanding with Hawkesbury City Council, enabling Hawkesbury City Council to manage a portion of Natural Disaster remediation works on Settlers Road, Wisemans Ferry on behalf of Central Coast Council.*
- 2** *That Council note that this Memorandum of Understanding will only apply to the section of road spanning between the Wisemans Ferry ramp and the Historic Thomas James Bridge.*
- 3** *That Council note by having Hawkesbury City Council manage these remediations works on behalf of Central Coast Council will add a value option and safety to the*

reconstruction by having only one Council controlling group in the restricted area whilst they carry out repairs to the nearby bridge with a full road closure in place.

- 4** *Pursuant to section 11(3) of the Local Government Act 1993, that Attachments to this report remain confidential in accordance with section 10A(2)(d) as they contain commercial information of a confidential manner.*

2.17 Administrator Expenses and Facilities Report - Rik Hart Administrator Appointment

Time Commenced: 8:02pm

Moved: Rik Hart

39/23 Resolved

- 1** *That Council note the Administrator Expenses and Facilities Report for current Administrator appointment.*
- 2** *That Council authorise the CEO to make minor changes to the adopted 21/22 Annual Report, to reflect the additional information presented in this report.*

2.18 Community Support Grants Program – 14 November 2022 to 31 December 2022

Time Commenced: 8:06pm

Moved: Rik Hart

40/23 Resolved

- 1** *That Council allocate \$37,933.48 (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 SWAMP Central Coast -\$4,350.00*
 - b Central Coast Bonsai Club -\$2,850.00*
 - c Central Coast Triathlon Club Incorporated - \$5,000.00*
 - d Community Environment Network - \$1961.00*
 - e Manno Mens Shed Incorporated - \$2,200.00*
 - f Rotary Club of Erina Incorporated - \$4,895.00*
 - g Deepwater Dragon Boat Club - \$4,250.00*
 - h WIRES Central Coast Branch - \$4,999.98*
 - i Wamberal Surf Life Saving Club - \$4,891.80*
 - j Rotary Club of Erina Incorporated - \$1,010.00*

k Terrigal Surf Life Saving Club - \$1,525.70

- 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 Maree Azzopardi - application is ineligible***
- b Naughty Noodle Fun Haus Incorporated - broader community benefit is not demonstrated***
- c Volunteering Central Coast Incorporated – application is ineligible***
- d Copacabana Community Association Incorporated – application is ineligible***
- e Northern NSW Helicopter Rescue Service Limited - insufficient information to make an accurate assessment***
- f Central Coast Hockey Incorporated - broader community benefit is not demonstrated.***

2.19 Façade Improvement Support Program 2022-2023

Time Commenced: 8:07pm

Moved: Rik Hart

41/23 Resolved

- 1 That Council allocate \$99,590.18 (inclusive of GST where applicable) from the 2022/23 Façade Improvement Support Program, as outlined below and in Attachment 1.**

- i. 119 The Entrance Road, The Entrance - \$4,150.00***
- ii. 40-44 Pacific Highway, Wyong - \$5,000.00***
- iii. 246A Main Road, Toukley - \$2,002.50***
- iv. 10-12 Alison Road, Wyong - \$5,000.00***
- v. 23 Rankens Court, Wyong - \$2,242.50***
- vi. 231C Main Road, Toukley - \$400.00***
- vii. 3/266 Main Road, Toukley - \$1,111.50***
- viii. 6/243 Main Road, Toukley - \$2,694.00***
- ix. 110-123 The Entrance Road, The Entrance - \$600.00***
- x. 172 Mann Street, Gosford - \$4,545.00***
- xi. 256 Main Road, Toukley - \$5,000.00***
- xii. 15/23 Hely Street, Wyong - \$5,000.00***
- xiii. 253 Main Road, Toukley - \$1,913.64***
- xiv. 96 Mann Street, Gosford - \$1,743.00***
- xv. 45 Canton Beach Road, Toukley - \$5,000.00***
- xvi. 231 Main Road, Toukley - \$2,163.41***
- xvii. 193 Main Road, Toukley - \$2,447.50***
- xviii. 229C Main Road, Toukley - \$2,580.00***
- xix. 296-300 Main Road, Toukley - \$5,000.00***

- xx. 243-245 Main Rd, Toukley - \$5,000.00**
- xxi. 18/34 Alison Road, Wyong - \$5,000.00**
- xxii. 1-3 Church Street, Wyong - \$4,988.24**
- xxiii. 2/42 Victoria Avenue, Toukley - \$1,982.25**
- xxiv. 1/169 Main Road, Toukley - \$1,659.09**
- xxv. 229C Main Road, Toukley - \$5,000.00**
- xxvi. 6/227 Main Road, Toukley - \$265.68**
- xxvii. 32 William Street, Gosford – \$4,251.87**
- xxviii. 145 The Entrance Road, The Entrance - \$4,990.00**
- xxix. 178 Mann Street, Gosford - \$5,000.00**
- xxx. Shop 7/107 Mann Street Gosford - \$2860.00**

2 That Council decline applications as outlined below, for the reasons indicated in Attachment 1, and the applicants be advised.

- i. 92-96 Pacific Highway, Wyong - application is ineligible**
- ii. 15B William Street, Gosford – application is ineligible**
- iii. 4/219 Main Road, Toukley – application is ineligible**
- iv. 45 Mann Street, Gosford – application is ineligible**

2.20 Variations to Development Standards - October to December 2022

Time Commenced: 8:09pm

Moved: Rik Hart

42/23 Resolved

That Council notes the report on Variations to Development Standards – October to December 2022.

2.21 Meeting Record of the Catchments to Coast Advisory Committee Meeting Held 14 December 2022

Time Commenced: 8:09pm

Moved: Rik Hart

43/23 Resolved

That Council

1 Note the meeting record of the Catchments to Coast Advisory Committee held on 14 December 2022.

- 2** *Endorse the recommendation of the Catchments to Coast Advisory Committee to implement an additional intervention trigger as part of the Interim Entrance Management Procedure where actions in accordance with the relevant entrance condition are also implemented if there is a flood level of both 7mAHD on the Yarramalong Water NSW gauge 211014 and 6mAHD on the Ourimbah Creek Water NSW 211013 gauge.*

2.22 Tender - Road Upgrade - Shelly Beach Road, Empire Bay CPA/4081

Time Commenced: 8:11pm

Moved: Rik Hart

44/23 Resolved

- 1** *That Council notes that no tenders were received for contract CPA/4081 Road Upgrade – Shelly Beach Road, Empire Bay in accordance with Section 178 of the Local Government (General) Regulation 2021.*
- 2** *That Council cancel the proposal for the contract under CPA/4081 Road Upgrade – Shelly Beach Road, Empire Bay in accordance with Section 178(3)(a) of the Local Government (General) Regulation 2021.*

2.23 Office of the Internal Ombudsman - Proposed changes to the delivery of services

Time Commenced: 8:13pm

Moved: Rik Hart

45/23 Resolved

- 1** *That Council endorses the removal from the organisational structure the position of the Internal Ombudsman.*
- 2** *That Council rescinds, effective 1 April 2023, the Internal Ombudsman Charter.*
- 3** *That Council notes the creation of the position of Disclosures and Investigations Coordinator, a position in the Governance, Risk and Legal Unit, with reporting duties to Council, the Executive Leadership Team, and the Audit, Risk & Improvement Committee, and with the responsibilities outlined in the body of the report.*
- 4** *That the CEO be authorised to make typographical amendments to existing policies and documents to give effect to the removal of the Office of the Internal*

Ombudsman from Council's organisational structure.

The Meeting closed at 8:16pm.