



Central Coast Council

**Ordinary Council Meeting**  
Held in the Council Chamber  
2 Hely Street, Wyong

28 March 2023

## MINUTES

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### **Present**

Rik Hart

### **In Attendance**

David Farmer	Chief Executive Officer
Andrew Pearce	Director Infrastructure Services (Acting)
Dr Alice Howe	Director Environment and Planning
Jamie Loader	Director Water and Sewer
Marissa Racomelara	Director Corporate Services
Beth Burgess	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 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**

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Time Commenced: 6:39pm

**Moved:** Rik Hart

**46/23 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**

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Time Commenced: 6:40pm

**Moved:** Rik Hart

**47/23 Resolved**

***That Council confirm the minutes of the Ordinary Meeting of Council held on 28 February 2023.***

**1.3 Notice of Intention to Deal with Matters in Confidential Session**

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Time Commenced: 6:40pm

**Moved:** Rik Hart

**48/23 Resolved**

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

**2.1 Monthly Finance Report February 2023**

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Time Commenced: 6:40pm

**Moved:** Rik Hart

**49/23 Resolved**

**1 That Council receive the report Monthly Financial Reports – February 2023**

**2 That Council adopt amendments to the 2022-23 Capital Works Program detailed**

*in Attachment 3.*

## **2.2 Investment Report for February 2023**

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Time Commenced: 6:45pm

**Moved:** Rik Hart

**50/23 Resolved**

- 1 That Council note the Investment Report for February 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 February 2023 unrestricted funds deficit of \$38.1M in Drainage Fund and \$0.9M in Water Funds as set out in this report.**

## **2.3 Exhibition of the Draft Operational Plan 2023-24**

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Time Commenced: 6:46pm

**Moved:** Rik Hart

**51/23 Resolved**

- 1 That Council endorse the following documents for the purposes of public exhibition from Monday 3 April 2023 to Monday 1 May 2023 and invite public submissions in accordance with the Local Government Act 1993:**
  - Draft Operational Plan 2023-24 – Attachment 1**
  - Draft Fees and Charges 2023-24 – Attachment 2**
  - A table identifying percentage changes in proposed Fees and Charges for 2023-24 compared to the same fee in 2022-23**
- 2 That Council authorise the Chief Executive Officer to make appropriate amendments to the draft documents to correct numerical, grammatical or typographical errors for public exhibition.**

**2.4 Central Coast Council Water and Sewer Delivery Plan 2022-2026**

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Time Commenced: 7:06pm

**Moved:** Rik Hart

**52/23 Resolved**

***That Council notes the Water and Sewer Delivery Plan Progress Report for July – December 2022.***

**2.5 Draft Councillor Expenses and Facilities Policy**

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Time Commenced: 7:11pm

**Moved:** Rik Hart

**53/23 Resolved**

- 1 *The draft Councillor Expenses and Facilities Policy 2023 (attachment 1) be adopted.***
- 2 *The Councillor Expenses and Facilities Policy 2020 (attachment 2) be revoked.***

**2.6 Central Coast Council Draft Liquid Trade Waste Policy**

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Time Commenced: 7:13pm

**Moved:** Rik Hart

**54/23 Resolved**

- 1 *That Council exhibits the Draft Liquid Trade Waste Policy (the Policy) for public comment***
- 2 *That Council considers a further report on the outcome of the exhibition and for adoption of the policy***

**2.7 Gosford Regional Library**

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Time Commenced: 7:14pm

**Moved:** Rik Hart

**55/23 Resolved**

- 1 That Council, in accordance with clause 178(1)(b) of the Local Government (General) Regulation 2021, decline to accept the tender submissions received for CPA/3691 - Design Development and Construction of Gosford Regional Library.**
- 2 That Council, pursuant to clause 178(3)(e) of the Local Government (General) Regulation 2021, authorise the CEO to negotiate with any or all of the shortlisted proponents, with any proposed contract to return to Council for consideration of acceptance.**
- 3 That Council authorise the CEO to invite fresh tenders pursuant to clause 178(3)(b) of the Local Government (General) Regulation 2021, if a contract is unable to be agreed, pursuant to recommendation 2.**
- 4 That Council, in accordance with clause 178(4)(a) of the Local Government (General) Regulation 2021, note that the reasons for declining to invite fresh tenders or applications are:**
  - a Given the tender was subject to a two-stage tender process, it is considered reasonable that the shortlisting process has identified contractors with the capacity and capability to undertake the subject works.**
  - 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 clause 178(4)(b) of the Local Government (General) Regulation 2021, notes that the reasons for entering into negotiations pursuant to recommendation 2 are:**
  - a If negotiations are entered into with the shortlisted proponents, pursuant to recommendation 2, the shortlisting process has demonstrated they 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.**
- 6 That Council resolve, for the purposes of s.11(3) of the Local Government Act 1993, that Attachment 1 is to be treated and remain as confidential because this document contains information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposing to conduct) business and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.**

**2.8 Central Coast Destination Management Plan 2022-2025 - Progress Actions of 2022**

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Time Commenced: 7:18pm

**Moved:** Rik Hart

**56/23 Resolved**

- 1 That Council receive the report and Attachment 1 on the progress of actions of the Central Coast Destination Management Plan 2022-2025.**
- 2 That Council receive a further report on the progress of the Destination Management Plan in twelve months.**

**2.9 Acquisition of part of 54 Avoca Drive, Avoca Beach for road re-alignment purposes**

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Time Commenced: 7:22pm

**Moved:** Rik Hart

**57/23 Resolved**

- 1 That Council resolve to acquire the following land for the purpose of a road reserve to accommodate the shared pathway. Part of Lot 604 DP 16791 shown on the diagram in the plan in Attachment 1 at 54 Avoca Dr, Avoca Beach ('Land').**
- 2 That the purchase price be negotiated after taking into account the current market value as determined by an independent registered valuer.**
- 3 That Council authorise the Chief Executive Officer to execute all necessary documentation relevant to the acquisition of the land.**
- 4 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**
- 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.***

**2.10 Land Acquisition - Yorkies Bridge, Kingtree Lane and Brush Creek Road, Cedar Brush Creek**

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Time Commenced: 7:23pm

**Moved:** Rik Hart

**58/23 Resolved**

- 1 That Council resolve to acquire the following land for the purpose of a road (the Land): That part of LOT 5 DP543156 at 11 Kingtree Lane, Cedar Brush Creek, and that part of LOT641 DP834817 at 665 Brush Creek Road, Cedar Brush Creek (the Land), to an equal or lesser value than the maximum market value as determined by an independent valuation report.***
- 2 That Council authorises the Chief Executive Officer to execute all necessary documentation relevant to the acquisition of the land.***
- 3 That Council resolve to acquire all or some of the portions comprising the Land by compulsory process for the purposes of a road, 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 all or some of the portions comprising 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 all or some of the portions comprising 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 Pursuant to section 11(3) of the Local Government Act 1993, that Attachment 3 of this report remain confidential in accordance with section 10A(2)(c) as this contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.***

**2.11 Updated - Facade Improvement Support Program 2022-2023**

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Time Commenced: 7:24pm

**Moved:** Rik Hart

**59/23 Resolved**

***That Council allocate an additional \$2,669.71 from the 2022-2023 Façade Improvement Support Program, as outlined below.***

- i. 246A Main Road, Toukley - \$200.25***
- ii. 23 Rankens Court, Wyong - \$224.25***
- iii. 231C Main Road, Toukley - \$40.00***
- iv. 3/266 Main Road, Toukley - \$62.00***
- v. 6/243 Main Road, Toukley - \$271.38***
- vi. 119-123 The Entrance Road, The Entrance - \$60.00***
- vii. 172 Mann Street, Gosford - \$454.50***
- viii. 253 Main Road, Toukley - \$191.36***
- ix. 96 Mann Street, Gosford - \$174.30***
- x. 193 Main Road, Toukley - \$244.75***
- xi. 229C Main Road, Toukley - \$258.00***
- xii. 1-3 Church Street, Wyong - \$11.76***
- xiii. 1/169 Main Road, Toukley - \$165.91***
- xiv. 32 William Street, Gosford - \$301.25***
- xv. 145 The Entrance Road, The Entrance - \$10.00***

**2.12 Community Support Grants Program - January 2023**

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Time Commenced: 7:25pm

**Moved:** Rik Hart

**60/23 Resolved**

***1 That Council allocate \$21,469.43 (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 Toukley Neighbourhood Centre Inc - \$1,823.43***
- b Heartbeat of Football Foundation Limited - \$4,860.00***
- c The Rotary Club of The Entrance Inc - \$5,000.00***
- d Surfing NSW Inc - \$4,786.00***
- e North Entrance Surf Life Saving Club - \$ 5,000.00***

***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 Patonga Beach Progress Association - broader community benefit is not demonstrated*
- b Camp Quality Limited - broader community benefit is not demonstrated*
- c Gosford City Hockey Club – application is ineligible*

## **2.13 Support for Lake Macquarie Coastal Management Program**

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Time Commenced: 7:26pm

**Moved:** Rik Hart

**61/23 Resolved**

***That Council:***

- 1 Note the submission made by staff on the draft Lake Macquarie Coastal Management Program (Attachment1).***
- 2 Endorse the list of actions (Table 1) that include Central Coast Council as a supporting partner.***
- 3 Write to Lake Macquarie City Council confirming Council's support and endorsement of the actions.***

## **2.14 Governance Lighthouse Report as at 30 September 2022**

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Time Commenced: 7:28pm

**Moved:** Rik Hart

**62/23 Resolved**

***That Council note the Governance Lighthouse Report as at 30 September 2022 as provided as Attachment 1 to this report.***

**The Meeting** closed at 7:28pm.