



Central Coast Council

## Ordinary Council Meeting

Held in the Central Coast Council Chambers

2 Hely Street, Wyong

26 April 2023

# MINUTES

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### **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 6:30pm and advised in accordance with the Code of Meeting Practice that the meeting was being recorded. The Chief Executive Officer 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**

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Time Commenced: 6:39pm

**Moved:** Rik Hart

**63/23 Resolved**

***That Council receive the report on Disclosures of Interest and note advice of disclosure by Administrator Rik Hart:***

- ***Item 2.6 - Fire Safety Inspection Report for Residential Flat Building - 6 Pine Tree Lane, Terrigal***

***Mr Hart is a tenant at the subject property. The tenancy is funded by Council, pursuant to employment agreement with NSW state government. Mr Hart has no financial interest in the building. The Office of Local Government had been notified of those facts and circumstances.***

## **1.2 Confirmation of Minutes of Previous Meeting**

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Time Commenced: 6:40pm

**Moved:** Rik Hart

**64/23 Resolved**

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

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

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Time Commenced: 6:40pm

**Moved:** Rik Hart

**65/23 Resolved**

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

## **ADMINISTRATOR MINUTE**

### **S.1 Administrator Minute - Rescission Motion - Commuter Car Park at Woy Woy**

Time Commenced: 6:41pm

**Moved:** Rik Hart

**66/23 Resolved**

***I formally move that Council:***

- 1 Rescind resolutions 37/23/4, 37/23/5 and 37/23/6 that were carried at the Ordinary Meeting of Council on 28 February 2023, and therefore not proceed with transfer of ownership of the commuter car park at 93 Blackwall Road, Woy Woy to a private party.***
- 2 Continue to negotiate with Transport for NSW for the transfer of the commuter carpark at 93 Blackwall Road, Woy Woy to Transport for NSW and authorise the CEO to execute a contract if a mutual agreement can be reached on satisfactory terms.***
- 3 Include in the agreement to extinguish Council's option to acquire car park spaces in the shopper car park at 52 Railway Road, Woy Woy, resolved by Council (37/23/3) on 28 February 2023, provisions for those car parks to be accessed free of charge by the public until the date on which the option would have otherwise expired, namely, December 2032.***

### **2.1 Monthly Finance Report March 2023**

Time Commenced: 6:43pm

**Moved:** Rik Hart

**67/23 Resolved**

***That Council receive the report Monthly Financial Reports – March 2023***

### **2.2 Investment Report for March 2023**

Time Commenced: 6:47pm

**Moved:** Rik Hart

**68/23 Resolved**

- 1 That Council note the Investment Report for March 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 March 2023 unrestricted funds deficit of \$38.8M in Drainage Fund as set out in this report.**

## **2.3 Adoption of Central Coast Plan of Management for Council Community Land 2023**

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Time Commenced: 6:48pm

**Moved:** Rik Hart

**69/23 Resolved**

**That Council:**

- 1 Note that:**
  - a. The Draft Plan of Management for Council Community Land (the draft POM) was placed on public exhibition from 21 December 2022 to 1 March 2023;**
  - b. A total of 343 separate submissions concerning the draft POM were received by Council; and**
  - c. All submissions that were received concerning the draft POM have been considered in formulating the proposed final POM.**
- 2 Further note that:**
  - a. A total of five public hearings were held on 1, 2, 6, 7 and 8 February 2023;**
  - b. A total of 1128 lots of Council owned community land included in the draft POM were considered at these public hearings on the basis that these lots were to be categorised for the first time or a change of category was proposed for these lots; and**
  - c. A report of the public hearings has been published on Council's website in accordance with Section 47G of the Local Government Act 1993.**
- 3 Acknowledge and thank Central Coast residents and community organisations for the level of engagement and interest in the management of Council community land that is demonstrated via the breadth and depth of issues raised in community submissions and feedback during public hearings concerning the draft POM.**
- 4 Note that amendments have been made to improve the operative provisions of the POM and to vary the schedule of land covered by the POM in response to feedback made in submissions and at public hearings.**

- 5 Form the opinion that amendments to the POM are not substantial.**
- 6 Adopt the POM, as amended, as the Central Coast Plan of Management for Council Community Land 2023 (Attachment 1).**
- 7 Note that the categorisation of parcels included in the objections report (Attachment 3) will be reconsidered as part of the next review of the Plan of Management for Council Community Land, which is expected to be publicly exhibited within the next 12 months.**
- 8 Authorise the Chief Executive Officer to make minor amendments to the format of the adopted POM to apply Council's style guide.**
- 9 Revoke all pre-existing plans of management for Council owned community land except for the following:**
  - a. Kincumba Mountain Plan of Management;**
  - b. Grahame Park (Central Coast Stadium) Plan of Management; and**
  - c. Gosford City Bowling Club Plan of Management.**
- 10 Give notice that the Central Coast Plan of Management for Council Community Land 2023 will come into effect on 3 May 2023 (that is, seven days from the date of this meeting).**

#### **2.4 Report on Outcomes of Public Exhibition - Draft Central Coast Planning Agreement Policy**

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Time Commenced: 6:57pm

**Moved:** Rik Hart

**70/23 Resolved**

**That Council:**

- 1 Amend the Central Coast Planning Agreement Policy, as exhibited, to:**
  - a. Clarify the role and responsibilities of consent authorities when determining Development Applications and Planning Proposals accompanied by a Planning Agreement.**
  - b. Amend the supporting procedures to distinguish between the steps involved in negotiating a Planning Agreement for a Development Application and Planning Agreement for a Planning Proposal.**
  - c. Remove Appendix 2 – Planning Agreement Template and transfer the content to the new Council policy framework template.**

**2     *Adopt the final Central Coast Planning Agreement Policy provided at Attachment 1.***

**3     *Revoke the following policies:***

- *Former Wyong Shire Planning Agreement Policy;*
- *Deed of Agreement and Bank Guarantee Policy; and*
- *Deferred Payment of Section 94 Contributions Policy.*

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## **2.5            Submission on Proposed Hunter Offshore Renewable Energy Area**

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Time Commenced: 7:00pm

**Moved:**     Rik Hart

**71/23        Resolved**

***That Council:***

- 1     *Make a formal submission (Attachment 1) to the Department of Climate Change, Energy, the Environment and Water on the proposed Hunter Offshore Renewable Energy Area (Attachment 2).***
- 2     *Note that this submission requests an extension of the consultation period and an update to consultation material to reflect the potential impacts and opportunities of the proposal for the Central Coast.***

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## **2.6            Fire Safety Inspection Report for Residential Flat Building - 6 Pine Tree Lane, Terrigal**

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Time Commenced: 7:02pm

**Moved:**     Rik Hart

**72/23        Resolved**

***That Council:***

- 1     *Note the content of the Fire Safety Report from Fire and Rescue NSW (Attachment 1), in accordance with Section 17(2)(a) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act 1979.***
- 2     *Receive a further report in accordance with Section 17(2)(b) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act 1979, following***

***staff review of Attachment 1.***

**2.7 Amendments to Local Planning Panel Membership**

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Time Commenced: 7:03pm

**Moved:** Rik Hart

**73/23 Resolved**

***That Council:***

- 1 Noting the amendment to Ministerial Directions for the operation of Local Planning Panels in NSW, resolve in accordance with Section 2.18(1) of the Environmental Planning and Assessment Act 1979 to appoint eight additional members (as set out in Attachment 1) to the independent expert panel list for the Central Coast Local Planning Panel.***
- 2 Resolve in accordance with Section 2.18(1) of the Environmental Planning and Assessment Act 1979 to reduce the number of community representatives from nine members to eight members (as set out in Attachment 1), noting that one of the current community representatives is also endorsed as an independent expert and has agreed to be considered as an independent expert member of the Central Coast Local Planning Panel rather than a nominated community representative.***
- 3 Make these new appointments for the period from the date of this resolution until 29 February 2024, consistent with the expiration date of the existing membership of the Central Coast Local Planning Panel.***

**2.8 Variations to Development Standards – January to March 2023**

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Time Commenced: 7:04pm

**Moved:** Rik Hart

**74/23 Resolved**

***That Council note the report on Variations to Development Standards – January 2023 to March 2023.***

## **2.9 Sale of Land for Unpaid Rates s.713**

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Time Commenced: 7:05pm

**Moved:** Rik Hart

**75/23 Resolved**

***That Council***

- 1 *Endorse the Sale of Land for unpaid rates according to Section 713 of the Local Government Act 1993.***
- 2 *Approve the direct appointment of Recoupa in accordance with Section 55 (3)(i) of the Local Government Act 1993 due to the unavailability of competitive or reliable tenderers as Recoupa has been identified as the only organisation in NSW that has specific experience in the sale of land that is occupied, as part of the recovery of unpaid rates.***

## **2.10 Community Support Grant Program - February 2023**

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Time Commenced: 7:09pm

**Moved:** Rik Hart

**76/23 Resolved**

- 1 *That Council allocate \$9614.65 (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 Community Support and Outreach Services Central Coast Limited - \$5,000.00***
  - b Wamberal Surf Life Saving Club - \$3,337.00***
  - c Wyongah Progress Association Incorporated - \$1,277.65***
- 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 We Care Connect Limited – application is ineligible***



**2.11 Governance Lighthouse Report as at 31 December 2022**

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Time Commenced: 7:10pm

**Moved:** Rik Hart

**77/23 Resolved**

***That Council note the Governance Lighthouse Report as at 31 December 2022 as provided at Attachment 1 to this report.***

**2.12 Minutes of Advisory Group and Committee meetings held in January, February and March 2023**

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Time Commenced: 7:11pm

**Moved:** Rik Hart

**78/23 Resolved**

***That Council note the minutes of Council's Advisory Group and Committee meetings held in January, February and March 2023.***

**2.13 Request to Change the October Council Meeting date**

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Time Commenced: 7:11pm

**Moved:** Rik Hart

**79/23 Resolved**

***That Council adopt the proposed revised October 2023 Ordinary Council meeting date from 24 October 2023 to 31 October 2023.***

**The Meeting** closed at 7:12pm.