



Central Coast Council

Ordinary Council Meeting

Held in the Central Coast Council Chambers
2 Hely Street, Wyong

28 November 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
Edward Hock	Director Corporate Services (Acting)
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 Administrator acknowledged the Traditional Custodians of the land on which we live, work and play, paying respects to Elders, past, present and emerging and recognising their continued connection to these lands and waterways, acknowledging our shared responsibility to care for and protect our place and people.

The Administrator updated the meeting on recent activities of Council.

PROCEDURAL ITEMS

1.1 Disclosures of Interest

Time Commenced: 6:42pm

Moved: Rik Hart

192/23 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: 6:42pm

Moved: Rik Hart

193/23 Resolved

That Council confirms the minutes of the Ordinary Meeting of Council held on 31 October 2023.

1.3 Notice of Intention to Deal with Matters in Confidential Session

Time Commenced: 6:42pm

Moved: Rik Hart

194/23 Resolved

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

ADMINISTRATOR MINUTE

1.4 Administrator Minute - Call for Review of Short-term Residential Accommodation Permissibility and Regulation in NSW

Time Commenced: 6:43pm

195/23 Resolved

I formally move:

That Council:

- 1 Write to the Minister for Better Regulation and Fair Trading requesting that compliance issues relating to STRA properties be urgently addressed.**
- 2 Write to the Minister for Planning and Public Spaces requesting a review of the STRA regulatory framework to consider the impacts associated with STRA including impacts on housing affordability, pressure on the housing market across NSW and social impacts such as noise from non-hosted STRA.**
- 3 Write to Local Government NSW requesting support for a coordinated approach to addressing STRA issues in NSW.**
- 4 Determine whether there are any other actions that Council can take to provide more timely and effective responses to complaints regarding STRA.**

Background

The Central Coast Local Government Area has 3307 (2040 Airbnb and 1267 Stayz) residential properties listed for Short-term Residential Accommodation (STRA). STRA has become a common feature across Australia over recent years and provides alternative short term accommodation options beyond traditional tourism offerings. However, issues associated with STRA have become apparent in a number of jurisdictions.

Based on 2021 Australian Bureau of Statistics (ABS) data, around 10% of the Central Coast's housing stock is unoccupied, which is a result of both STRA and unoccupied dwellings not used for STRA. STRA comprises around 2% of the Central Coast's housing stock. This vacancy rate places pressure on the local housing market, particularly private rental supply, and can affect projected demand for dwellings by inflating demand and lowering the average occupancy. Furthermore, STRA can cause nuisance and amenity issues such as anti-social behaviour and the generation of offensive noise, based on the nature of their use.

Despite these issues, the use of a lawfully constructed residential premises for the purposes of STRA is exempt development under Part 6 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). The implementation of this state-wide Housing SEPP replaced local planning controls which many councils had in place to address issues associated with STRA. Local councils do not have the ability to apply additional planning controls where a lawfully constructed residential premises is used for STRA and the exempt development provisions are met.

Landowners who are conducting STRA operations are required to comply with NSW Fair Trading's *Code of Conduct for the Short-term Rental Accommodation Industry (2021)* and meet other licensing requirements as required and regulated by NSW Fair Trading. Under the current regulatory system for STRA, complaints about the operation of a STRA property are directed to NSW Fair Trading, with NSW Fair Trading having the power to add STRAs to an exclusion register if the operation is not complying with the code of conduct.

In respect of anti-social behaviour or behaviour that leads to concerns or complaints, the code of conduct places obligations on the owner and guest to comply with the law, including not impacting neighbours through behaviour that would lead to, for example, noise that because of its level, nature, character, or quality, or the time it is made, is likely to harm, offend, or unreasonably disrupt or interfere with the peace and comfort of neighbours and other occupants of the premises.

Current Situation

Impacts on Housing Supply:

Australia is currently suffering from a housing supply shortage. While there are a number of factors contributing to this shortage, the proliferation of STRA across Australia is a contributing and under-considered factor.

In September 2023, the Victorian Government proposed that a new 7.5% levy on all STRA to be introduced from 2025 to address housing supply issues. The levy on platforms such as Airbnb and Stayz is expected to raise about \$70m annually to fund social and affordable housing. The NSW Independent Planning Commission recently (April 2023) completed an Advice Report relating to Byron Shire Council's proposal to address the impacts of STRA through changes to their Local Environmental Plan. The Advice Report contains recommendations specific to the Byron Bay LGA but also contains recommendations that relate to STRA more generally, including, for example, recommendation 9 which states:

The NSW Government should strengthen STRA industry compliance and enforcement arrangements and make them more visible to the community and other stakeholders, consistent with the principles of open government. This includes measures to continue to improve the effectiveness and monitoring of compliance with the STRA Code of Conduct.

Compliance with the Code of Conduct:

Council has received complaints about anti-social behaviour stemming from STRA properties on the Central Coast as well as amenity issues caused by people occupying STRA properties. While urgent matters related to anti-social behaviour should always be directed to the NSW Police Force, NSW Fair Trading has a primary responsibility to actively address concerns or complaints that relate to alleged breaches of the code of conduct.

Council can take action under the *Protection of the Environment Operations Act 1997* for some amenity issues that relate to environmental pollution, including noise. However, this is complicated by the very nature of STRA and the difficulty identifying the accountable party that caused the offensive noise and being able to take action to address that offensive noise at the time it is being generated. There are provisions to issue such regulatory notices on the landowner; however, this is a lengthy and complicated process that does not provide short-term relief for affected neighbours.

Need for a Review:

There are a number of issues with the current STRA regulatory framework including their potential impact to housing supply and the limited effectiveness of the current regulatory system. The NSW Department of Planning and Environment should review the current regulatory framework for STRA in NSW. The review should consider:

- The impact of STRA on housing affordability,
- The social impacts of STRA such as anti-social behaviour and noise impacts on neighbours,
- Whether the locations in which STRA, and particularly non-hosted STRA, are currently permitted are appropriate,
- Whether exempt development is the appropriate approval process,
- Whether non-hosted STRA would be better suited to higher density and employment zones and/or within areas with better proximity to higher amenity and key local infrastructure such as town centres, and
- Whether the current regulatory regime, including compliance and enforcement activities, are appropriate.

REPORTS

2.1 Monthly Finance Report October 2023

Time Commenced: 6:46pm

Moved: Rik Hart

196/23 Resolved

That Council notes the report Monthly Financial Reports – October 2023.

2.2 Investment Report for October 2023

Time Commenced: 6:46pm

Moved: Rik Hart

197/23 Resolved

That Council:

1 Notes the Investment Report for October 2023.

2 Notes that internally restricted funds are unrestricted funds that have been

internally allocated to a certain purpose.

- 3** *Allocates the required unrestricted funds available in the General Fund to meet its October 2023 unrestricted funds deficit of \$36.01M in the Drainage Fund.*

2.3 2023-24 Quarter 1 Review

Time Commenced: 6:50pm

Moved: Rik Hart

198/23 Resolved

That Council:

- 1** *Adopts the Quarter 1 Business Report 2023-24 (Attachment 1), including the proposed amendments and additions to the Operational Plan actions and indicators as outlined in this report.*
- 2** *Adopts the amendments to the 2023-24 Original Budget as outlined in this report.*
- 3** *Includes changes to the Capital Works Program as detailed in this report in future updates to the Long-Term Financial Plan.*

2.4 Annual Report 2022-23

Time Commenced: 6:55pm

Moved: Rik Hart

199/23 Resolved

That Council adopt the Annual Report 2022-23 (Attachment 1)

2.5 Financial Sustainability Strategy

Time Commenced: 6:59pm

Moved: Rik Hart

200/23 Resolved

That Council adopts the Draft Financial Sustainability Strategy and the associated Long Term Financial Plan, attached as Attachments 1 and 2 to this report.

2.6 Outcome of Community Consultation - Sell or Retain Austin Butler Access Land

Time Commenced: 7:22pm

Moved: Rik Hart

201/23 Resolved

That Council:

- 1 Notes the outcomes of community consultation about the future of the Austin Butler Reserve Access at Woy Woy (Part Lot 9 DP 235385) conducted in response to resolution 152/23/3 of 26 September 2023.***
- 2 Notes the additional community survey undertaken by Peninsula Plaza***
- 3 Notes that resolution 137/23/7g (of 22 August 2023) to progress reclassification of Austin Butler Reserve Access was rescinded at the 26 September 2023 Council meeting (resolution 152/23).***
- 4 Rescinds resolution 202/21/8 (of 27 July 2021) to reclassify Part Lot 9 DP 235385 Austin Butler Reserve Access from community land to operational.***
- 5 Takes no further action to progress the sale of Part Lot 9 DP 235385, known as Austin Butler Reserve Access.***

2.7 Outcome of Public Exhibition - Water and Sewer Community Engagement and Education Strategy

Time Commenced: 7:28pm

Moved: Rik Hart

202/23 Resolved

That Council adopts the Water and Sewer Community Engagement and Education Strategy.

2.8 Outcome of Public Exhibition - Central Coast Section 7.12 Local

Infrastructure Contribution Plan 2023

Time Commenced: 7:31pm

Moved: Rik Hart

203/23 Resolved

That Council:

- 1 Adopts the Central Coast Section 7.12 Local Infrastructure Contribution Plan 2023 (Attachment 1) as amended in response to public exhibition.***
- 2 Rescinds the following Local Infrastructure Contribution Plans:***
 - 1) Central Coast Regional Section 7.12 Development Contribution Plan 2019***
 - 2) Shirewide Infrastructure, Services and Facilities Development Contribution Plan 2019***
 - 3) Civic Improvement Plan 2007***
- 3 Rescinds Council's Policy on Charities – Exemptions from Section 94 Contributions***
- 4 Notifies those persons who lodged submissions of Council's decision.***

2.9 Tuggerawong Stage 5 - Route Option

Time Commenced: 7:36pm

Moved: Rik Hart

204/23 Resolved

That Council resolves to support Option A as the preferred route for Stage 5 of the Tuggerawong Foreshore Shared Path

2.10 Tender Update - Embankment Stabilisation Wisemans Ferry Road

Time Commenced: 7:43pm

Moved: Rik Hart

205/23 Resolved

That Council:

- 1 Declines to accept the tender submissions received for CPA/4908- Wisemans Ferry Road – Embankment Stabilisation. in accordance with clause 178(1)(b) of the Local Government (General) Regulation 2021.**
- 2 Enters into negotiations in accordance with clause 178(1)(b) of the Local Government (General) Regulation 2021 with any person (whether or not the person was a tenderer) with a view to entering into a contract for CPA/4908 - Wisemans Ferry Road – Embankment Stabilisation.**
- 3 Notes, in accordance with clause 178(4)(a) of the Local Government (General) Regulation 2021, that the reasons for declining to invite fresh tenders or applications are:**
 - a Elements of the tender require significant clarification and further investigation and are best managed through a negotiation process.**
 - b Timeframes associated with a new formal tender will further delay project commencement and incur additional costs.**
- 4 Notes, in accordance with clause 178(4)(b) of the Local Government (General) Regulation 2021, that the reasons for entering into negotiations pursuant to recommendation 2 are:**
 - a If negotiations are entered into with proponents that tendered, 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.**
 - b Tenderers have already developed a in depth understanding of requirements through participation in the previous tender process.**
- 5 Resolves, 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.**

2.11 Housing on the Central Coast - Response to Minister for Planning and Public Spaces, the Hon Paul Scully MP

Time Commenced: 7:45pm

Moved: Rik Hart

206/23 Resolved

That Council:

- 1 Notes the letter from the Minister for Planning and Public Spaces provided in Attachment 1.***
- 2 Prepares a response letter setting out Council's approach to supporting the delivery of housing across the Central Coast, which includes:***
 - A Priority actions in the draft Central Coast Local Housing Strategy that support delivery of diverse, resilient and affordable housing on the Central Coast and timeframe for their delivery.***
 - B Details of Council's Affordable Housing Land Proposal and priority actions in Council's Affordable and Alternative Housing Strategy.***
 - C An overview of the housing challenges faced by the Central Coast and the opportunities for further NSW Government support to address them.***
 - D A submission on proposed amendments to planning controls to support housing supply announced by Minister Scully on 28 November 2023.***
- 3 Notes that Council has applied for grant funding under the Regional Housing Strategic Planning Fund – Round 2 to assist in the delivery of key affordable housing actions and priorities. The outcomes of the grant are yet to be determined.***

Procedural Motion

Time Commenced: 7:48pm

Moved: Rik Hart

207/23 Resolved

Consideration and adoption of recommendations englobo for agenda items 2.12 through to 2.16

2.12 For Public Exhibition - Central Coast Draft Night-Time Economy Discussion Paper

Resolved

That Council:

- 1 Endorses the draft Central Coast Night-Time Economy Discussion Paper (Attachment 1) for public exhibition for not less than 28 days.**
- 2 Following exhibition, receive a report on submissions for consideration along with a recommendation on the finalisation of the Central Coast Night-Time Economy Discussion Paper.**

2.13 For Public Exhibition - Draft Central Coast Local Approvals Policy

Time Commenced: 7:48pm

Resolved

That Council:

- 1 Endorses public exhibition of the Draft Central Coast Draft Local Approvals Policy (Attachment 1) for a period of not less than 42 days in accordance with Section 160 of the Local Government Act 1993.**
- 2 Following public exhibition:**
 - a. Obtain the consent of the Chief Executive Officer of NSW Office of Local Government for Part 1 of the Local Approvals Policy prior to adoption.**
 - b. Seek delegation to Council's Chief Executive Officer from the Chief Executive Officer of NSW Office of Local Government for any updates to the policy to respond to legislative changes.**
- 3 Subject to obtaining the consent of the Chief Executive Officer of NSW Office of Local Government for Part 1 of the Local Approvals Policy, receive a further report:**
 - a. on the outcomes of the public exhibition, and**
 - b. seeking approval to adopt the policy.**

2.14 For Public Exhibition - Draft Central Coast Outdoor Trading Specification

Resolved

That Council:

- 1 Endorses the Draft Outdoor Trading Specification (Attachment 1) for public exhibition concurrently with the draft Local Approvals Policy for not less than 42 days.**
- 2 Receives a further report following public exhibition that considers submissions received and any changes made to the Specification to respond to matters raised in those submissions.**
- 3 Notes that, should the Outdoor Trading Specification be adopted:**

- a. The following existing policies will be revoked:*
 - i. Guidelines for Business Use of Public Footpath Policy A5.09.2010 (former Gosford Shire Council)*
 - ii. Policy for Outdoor Eating Areas WSC020 (former Wyong Shire Council).*
- b. Transitional arrangements will be applied so that over time, all Outdoor Trading Areas, including those delivered by Council, are aligned with the Outdoor Trading Specification.*

2.15 For Public Exhibition - Draft Central Coast Council Regulatory Policy

Resolved

That Council:

- 1 Endorses public exhibition of the Draft Central Coast Regulatory Policy (Attachment 1) for a period of not less than 28 days.*
- 2 Receives a further report that considers the community feedback received during the exhibition period.*
- 3 Notes that, should the policy be adopted, the following policies are proposed to be rescinded:*
 - a) Wyong Shire Council's Policy for Parking Enforcement,*
 - b) Gosford City Council's Open Space Encroachment Policy,*
 - c) Council's Smoke-Free Outdoor Public Places Policy,*
 - d) Council's Tree and Vegetation Vandalism Management Policy, and*
 - e) Council's Water-Craft Storage on Public Land Policy.*

2.16 For Public Exhibition - Central Coast Thematic History

Resolved

That Council:

- 1 Endorses the draft Central Coast Thematic History (Attachment 1) for public exhibition for not less than 28 days.*
- 2 Following exhibition, receive a report on submissions for consideration along with a recommendation on the finalisation of the Central Coast Thematic History.*

2.17 Springfield Pond Aquatic Weed Control Works

Time Commenced: 7:53pm

Moved: Rik Hart

208/23 Resolved

That Council:

- 1 Notes the report on Springfield Pond Aquatic Weed Control Works.***
- 2 Does not charge for works on private land, for the reasons outlined in the report.***

2.18 Community Support Grant Program - September 2023

Time Commenced: 7:56pm

Moved: Rik Hart

209/23 Resolved

That Council:

- 1 Allocates \$26,362.10 (inclusive of GST where applicable) from the 2023/24 grants budget to the Community Support Grant program, as outlined below and in Attachment 1.***
 - a The University of Newcastle-Coast Next Gen Art Exhibition \$5,000.00***
 - b Shoebox Revolution Rental Subsidy - \$5,000.00***
 - c Crestani Scholarships Limited – Twilight Soiree and meeting room hire - \$4,302.00***
 - d Community Environment Network – World Wetlands Day Breakfast with the Birds 2024 - \$2,060.10***
 - e Berkely Vale Neighbourhood Centre Association Incorporated – Rent Subsidy - \$5000.00***
 - f Mooney Cheero Progress Association Incorporated- The River Hub Community Activities- \$5000.00***
- 2 Declines 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 The Lakes Surf Life Saving Club Incorporated – Junior Insurance costs - application is ineligible***
 - b Copacabana Surf Life Saving Club Incorporated-Community Connections-limited broader community benefit not demonstrated.***
 - c Umina Community Group Incorporated- DIY home maintenance workshops for women - insufficient information provided to make an***

accurate assessment.

- d Toukley Neighbourhood Centre Incorporated- DA costs support - alternate approach to funding identified.*
- e Naughty Noodle Fun Haus Incorporated-multi arts centre flooring – not supported due to potential redevelopment of the facility.*

2.19 Chain Valley Colliery Delta Coal Community Funding Grant Program - 2023-24

Time Commenced: 7:57pm

Moved: Rik Hart

210/23 Resolved

That Council:

1 Allocates \$64,344.32 (inclusive of GST where applicable) from the 2023 Chain Valley Colliery Community Funding Program as outlined below and in Attachment 1.

- a Mannering Park Community Garden Incorporated-Historic walk installations \$22,350.43*
- b Mannering Park Amateur Sailing Club Incorporated-Marine Safety Drone - \$3,899.00*
- c Mannering Park Community Garden Incorporated-Garden shed and slab - \$5,360.00*
- d Chain Valley Bay Progress Association Incorporated-Shade Sails - \$9,855.00*
- e Gwandalan Summerland Point Rural Fire Brigade (NSWRFS)- Laundry facility - \$20,926.00*
- f Lions Club of Gwandalan Incorporated-BBQ equipment - \$1,953.89*

2 Declines applications as outlined below for the reasons indicated below and in Attachment 1, and the applicants be advised and where relevant, directed to alternate funding sources.

- a Manno Mens Shed Incorporated- installation of solar battery system - broader community benefit is not demonstrated.*
- b Older Worker Empowerment Incorporated -OWE workshops- broader community benefit is not demonstrated.*
- c Table Church Incorporated -community board game nights- broader community benefit is not demonstrated.*
- d Makai Lakes Outrigger Canoe Club – building the club- broader community benefit is not demonstrated.*
- e Gwandalan Summerland Point Football Club – line marker & leaf blower - broader community benefit is not demonstrated.*

2.20 Facade Improvement Support Program -2023-2024

Time Commenced: 7:59pm

Moved: Rik Hart

211/23 Resolved

That Council:

1 *Allocates \$79,055.25 (exclusive of GST where applicable) from the 2023/24 Façade Improvement Support Program, as outlined below and in Attachment 1.*

- a 45 Mann Street, Gosford - \$3,005.42***
- b 171 Mann Street, Gosford - \$706.20***
- c 150 Main Road, Toukley - \$5,000.00***
- d 5/266 Main Road, Toukley - \$2,737.50***
- e 60 The Entrance Road, The Entrance - \$5,000.00***
- f 12A Dane Drive, Gosford - \$5,000.00***
- g 37-41 Canton Beach Road, Toukley - \$5,000.00***
- h 3/1 Campbell Crescent, Terrigal - \$5,000.00***
- i 54 Victoria Avenue, Toukley - \$4,117.25***
- j 124 Donnison Street, Gosford - \$1,266.88***
- k 169 Blackwall Road, Woy Woy - \$1,375.00***
- l 100-102 Terrigal Esplanade, Terrigal - \$5,000.00***
- m 170 Mann Street, Gosford - \$5,000.00***
- n 3B Blackwall Road, Woy Woy - \$4,141.00***
- o 2/38 The Entrance Road, The Entrance - \$3,052.50***
- p 193 Main Road, Toukley - \$3,930.00***
- m 25-27 Fairview Avenue, The Entrance - \$4,125.00***
- n 213-217 Main Road, Toukley - \$5,000.00***
- o 296-300 Main Road, Toukley - \$4,598.00***
- p 135 Mann Street, Gosford - \$3,129.50***
- q 188 Mann Street, Gosford - \$2,871.00***

2 *Declines applications as outlined below, for the reasons indicated in Attachment 1, and the applicants be advised.*

- a 9 Church Street, Terrigal - application is ineligible***
- b 1/451 Pacific Highway, Wyoming – application is ineligible***
- c Lot 1-3 Eastern Precinct Terrigal Haven– application is ineligible***
- d 4/236-238 Manns Road, West Gosford – application is ineligible***
- e 35-39 Blackwall Road, Woy Woy – application is ineligible***
- f 900 Pacific Highway, Lisarow – application is ineligible***
- g 237-239 West Street, Umina – application is ineligible***

2.21 Minutes of Advisory Group and Committee meetings held in August, September and October 2023

Time Commenced: 8:00pm

Moved: Rik Hart

212/23 Resolved

That Council notes the minutes of the following Advisory Group and Committee meetings that were held in August, September, and October 2023:

- ***Heritage and Culture Advisory Committee – meeting held 16 August 2023***
- ***Catchments to Coast Committee – meeting held 13 September 2023***
- ***Audit Risk and Improvement Committee – extraordinary meeting held 13 September 2023***
- ***Water Management Advisory Committee – meeting held 28 September 2023***
- ***Aboriginal Advisory Committee – extraordinary meeting held 20 October 2023***

**2.22 Minutes of the Aboriginal Advisory Committee meeting held 3 October 2023
and Changes to the Terms of Reference**

Time Commenced: 8:01pm

Moved: Rik Hart

213/23 Resolved

That Council:

- 1 Notes the minutes of the Aboriginal Advisory Committee meeting held 3 October 2023.***
- 2 Adopts the amended Terms of Reference for the Aboriginal Advisory Committee.***

The Meeting closed at 8:03pm.