



Central Coast Council

Environment and Planning Committee

Held in the Function Room 2

2 Hely Street, Wyong

03 June 2025

MINUTES

Attendance

Members

Cr Doug Eaton OAM, Chairperson

Cr Sharon Walsh, Deputy Chair

Cr Margot Castles, Member

Cr John Mouland, Member

Cr John McNamara, Member

Cr Jane Smith, Member

Cr Rachel Stanton, Member

Status

Present

Present

Present

Apology

Present

Present

Present (remotely)

Guest Councillor

Cr Helen Crowley

Cr Corrine Lamont

Status

Present (remotely)

Present (remotely)

Staff

Shannon Turkington, Acting Director

Environment and Planning

Luke Sulkowski, Unit Manager

Environmental Management

Peter Sheath, Section Manager Bushfire

and Flood Risk Management

Ben Fullagar, Section Manager

Catchments to Coast

Shann Mitchell, Unit Manager

Environmental Compliance Services

Scott Duncan, Section Manager, Local

Planning and Policy

Ben Fullagar, Section Manager,

Catchments to Coast

Status

Present

Present

Present

Present

Present

Present

Present

The Chairperson, Deputy Mayor Doug Eaton OAM, declared the meeting open at 7:03pm

That in accordance with clause 6.20 of the code of meeting practice, remote attendance via audio visual link to the Environment and Planning Committee meeting on 3 June 2025 be granted to Councillor Stanton due to personal reasons, was MOVED by Councillor EATON and SECONDED by Councillor CASTLES.

CARRIED

FOR: UNANIMOUS

REPORTS

1.1 Introduction: Welcome, Acknowledgement of Country, and Apologies

7:05pm

The Chair read an Acknowledgement of Country statement.

The Chair noted the written apology of Mayor McKinna and Cr John Mouland.

1.2 Disclosures of Interest

7:00pm

No disclosures of interest were disclosed.

1.3 Confirmation of Minutes of Previous Meeting

7:06pm

A MOTION was *MOVED by Councillor STANTON and SECONDED by Councillor MCNAMARA:*

EPC14/25

That the Committee confirms the minutes of the previous Environment and Planning Committee held on Tuesday 6 May 2025 with the below amendments:

- a) Item 1.1 – Strike out the motion to accept apologies as it is not required.***
- b) Item 1.5 - Remove Mayor McKinna from the voting as he was an apology.***
- c) Item 1.5 – Remove the reference to the vote count of Councillor Wright and Councillor McWaide as not they are not voting members of the committee.***

CARRIED

FOR: UNANIMOUS

1.4 Items Resolved by Exception

7:08pm

A MOTION was *MOVED* by Councillor WALSH and *SECONDED* by Councillor MCNAMARA:

EPC15/25

That the Committee determines that the following items on Environment and Planning Committee Agenda will be adopted without debate:

- a) Item 1.7 - Land Acquisition - Mannering Park - Shared Pathway.***
- b) Item 1.8 - Land Acquisition - Davistown Road Saratoga - Road Widening.***
- c) Item 1.11 - Review of Policy for Asbestos Management.***
- d) Item 1.12 - DA Statistics.***

CARRIED

FOR: UNANIMOUS

1.5 Local Strategic Planning Statement - For Public Exhibition

7:13pm

Section Manager, Local Planning and Policy talked the presentation 'Local Strategic Planning Statement'.

A MOTION was *MOVED* by Councillor SMITH and *SECONDED* by COUNCILLOR WALSH:

EPC16/25

That the Committee recommends that Council directs the Chief Executive Officer to allocate relevant planning staff to meet with interested ward Councillors by 30 July 2025 to discuss how they would like to be involved in community consultation to develop the Local Strategic Planning Statement (LSPS) which is to be finalised by end of the year.

CARRIED

FOR: UNANIMOUS

1.6 Draft Open Coast Coastal Management Program - For Public Exhibition

7:38pm

A MOTION was *MOVED* by Councillor CASTLES AND *SECONDED* BY COUNCILLOR SMITH:

EPC17/25

- 1 That the Committee recommends that Council place the draft Open Coast Coastal Management Program on public exhibition for not less than 42 calendar days.***
- 2 That the draft Terms of Reference for The Coastal, Estuary and Floodplain Risk Management Sub-Committee be brought to the Extraordinary Meeting on 10 June 2025, if possible.***

- 3 That the Committee recommends that Council directs the Chief Executive Officer expedite the process around formation of the sub-committees to for Coastal, Estuary and Floodplain Risk Management Committee and Mangrove Mountain Advisory Committee.**
- 4 That the outcomes of the public exhibition of the draft Open Coast Coastal Management Program be reported to the Coastal, Estuary and Floodplain Risk Management Committee.**

CARRIED

FOR: UNANIMOUS

1.7 Land Acquisition - Mannering Park - Shared Pathway

RESOLVED by EXCEPTION on the MOTION of Councillor WALSH and SECONDED Councillor MCNAMARA.

EPC18/25

That the Committee:

- 1 Recommends to Council to acquire land pursuant to Section 177 of the Roads Act 1993, for the public purpose of creating a shared pathway linking Mannering Park and Chain Valley Bay. The land to be acquired is part of Lot C DP 349733 and part of Lot D DP 34973. Both lots are in Mannering Park as at Attachment 1.**
- 2 Recommends to Council that the Chief Executive Officer be authorised to negotiate, finalise and execute the purchase of the land in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991 (the Just Terms Act) with consideration given to the current market value of the land as determined by an independent valuer.**
- 3 Recommends to Council that the Chief Executive Officer (being General Manager under the Local Government Act 1993) be authorised to make an application to the Minister for Local Government for approval to acquire all or part of the land by compulsory process pursuant to the Just Terms Act, if negotiations with property owners are not finalised within the time period specified in the Just Terms Act.**
- 4 Recommends to Council that Council, in accordance with provisions of Section 11(3)) of the LG Act that Attachment 4 remain confidential in accordance with Section 10A(2)(d) of the LG Act as it contains commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it or confer a commercial advantage on a competitor of Council.**

1.8 Land Acquisition - Davistown Road Saratoga - Road Widening

RESOLVED by EXCEPTION on the MOTION of Councillor WALSH and SECONDED Councillor MCNAMARA

EPC19/25

That the Committee recommends to Council that Council:

- 1 Acquires the following land pursuant to Section 177 of the Roads Act 1993 for the public purpose of road widening to enable road and pathway and drainage upgrades of Davistown Road Saratoga. The subject land is part of each of Lot 16 DP 22807, Lot 17 DP 22807, Lot 2 DP 1212395, Lot 1 DP 1212395, and Lot 20 DP 22807 (see Attachment 1).***
- 2 Authorises the Chief Executive Officer to negotiate, finalise and execute the purchase of the land in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991 (the Just Terms Act) with consideration given to the current market value of the land as determined by an independent valuer.***
- 3 Authorises the Chief Executive Officer (being General Manager for the purposes of the Local Government Act 1993 (the LG Act)) to make an application to the Minister for Local Government and the Governor for approval to acquire the Lands by compulsory process pursuant to the Just Terms Act, if the acquisition of the land from the relevant property owners is not finalised within the statutory negotiation period set out in the Just Terms Act.***
- 4 Notes that in accordance with provisions of Section 11(3)) of the LG Act that Attachment 3 is to remain confidential in accordance with Section 10A(2)(d) of the LG Act as it contains commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it or confer a commercial advantage on a competitor of Council.***

1.9 Winney Bay - Outcome of Consultation

8:34pm

A MOTION was MOVED by Councillor WALSH and SECONDED by COUNCILLOR MCNAMARA:

EPC20/25

That the Committee:

- 1 Receives the report on community consultation undertaken for the concept designs for the Clifftop Walk which includes an upgrade of Captain Cook Lookout and the carpark.***
- 2 Notes that due to current financial considerations and based on the four-year delivery program, Council is currently unable to facilitate major upgrades relating to the Clifftop Walk or the Captain Cook Lookout over the next four***

years.

- 3** ***Recommends that Council requests that the Chief Executive Officer develops and implements a plan for safety barriers at appropriate locations along the cliff edge between Captain Cook Lookout and the existing Winney Bay Stairs to mitigate public safety risks and enable the informal walking trail to be used by the community.***

CARRIED

FOR: UNANIMOUS

1.10 Draft Flood Risk Management Policy - for Public Exhibition

EPC21/25

This item is deferred to the Extraordinary meeting to be held on 10 June 2025 on the MOTION of Councillor MCNAMARA and SECONDED by Councillor CASTLES:

Recommendation

That the Committee

- 1 Recommends to Council that Council endorses the public exhibition of the draft Flood Risk Management Policy for a period of not less than 28 days.*
- 2 Notes that a further report will be provided following the public exhibition period.*

1.11 Review of Policy for Asbestos Management

EPC22/25

RESOLVED by EXCEPTION on the MOTION of Councillor WALSH and SECONDED Councillor MCNAMARA

Recommendation

That the Committee recommends that Council endorses the Draft Policy for Asbestos Management (Attachment 1) to be placed on public exhibition for a period of not less than 28 days with a further report to be presented after the public exhibition period.

1.12 DA Statistics

EPC23/25

RESOLVED by EXCEPTION on the MOTION of Councillor WALSH and SECONDED Councillor MCNAMARA

Recommendation

That the Committee notes the Development Application statistics contained within the report.

1.13 Planning Proposal Statistics

EPC24/25

That this item be deferred to the Extraordinary meeting to be held on 10 June 2025 on the MOTION of Councillor MCNAMARA and SECONDED by Councillor CASTLES:

Recommendation

That the Committee notes the Planning Proposal information contained within this report.

1.14 FOGO (Food Organics Garden Organics) Facility Business Case Report - referral to Council to seek Expression of Interest

EPC25/25

That this item be deferred to the Extraordinary meeting to be held on 10 June 2025 on the MOTION of Councillor MCNAMARA and SECONDED by Councillor CASTLES:

Recommendation

That the Committee:

- 1 *Accepts the attached Business Case remain confidential as the Business case contains:
 - a. *information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*
 - b. *commercial information of a confidential nature that would, if disclosed-
 - i. *prejudice the commercial position of the person who supplied it, or*
 - ii. *confer a commercial advantage on a competitor of the council, or*
 - iii. *reveal a trade secret.***
- 2 *Receive and note the Confidential 'FOGO Facility Business Case (Final Draft)' and redacted versions of the attachments.*
- 3 *Accepts the findings within the Business case and recommends,
 - i) *progression to the Expression of Interest (EOI) stage for the FOGO Facility,*
 - ii) *advising the Office of Local Government (OLG) of Councils intention to proceed with the Public Private Partnership (PPP) model.**
- 4 *Notes that a report be provided to the Environment and Planning Committee that summarises all (EOI) submissions and provides a recommendation on next steps.*
- 5 *Recommends to Council that Council adopts the following:
 - i. *receives and notes the recommendations and confidential Business Case and attachments from the Environment and Planning Committee.*
 - ii. *agrees with the Business Case recommendations and findings and accepts the draft FOGO Facility Business Case as being the Final FOGO Facility Business Case.*
 - iii. *agrees that the development of at least 100,000 tonne p/a In Vessel Composting FOGO Facility constructed at Councils Buttonderry Waste Management Facility remains a viable project and will facilitate**

Council's compliance with upcoming regulatory change, and that this proceeds to an Expression of Interest (EOI).

- iv. agrees to proceed to an EOI with the FOGO Facility project, as ascertained within the FOGO Facility Business Case, as a Build Own Operate and Transfer (BOOT) contract delivered via a Public Private Partnership (PPP) which requires assessment by Office of Local Government (OLG) prior to proceeding.*
- v. authorises the CEO to certify that all documents put forward to the OLG from Council are prepared in accordance with The Public Private Partnership (PPP) Guidelines and lodge the authorised documents and FOGO Facility Business Case PPP proposal with OLG for assessment.*
- vi. endorses the FOGO Procurement Plan as identified in Attachment F of the FOGO Facility Business Case and subject to OLG agreement, authorises the release of an Expression of Interest for the development of a FOGO Facility under a BOOT and PPP contract.*
- vii. That a further report be provided to the Infrastructure and Assets Committee on the outcome of the EOI process, with recommendation(s) on subsequent actions, and that any Infrastructure and Assets Committee recommendations be included in a subsequent report to Council.*

8:38pm

EPC26/25

A PROCEDURAL MOTION WAS MOVED by Councillor MCNMARA SECONDED by Councillor CASTLES **to defer the following to the extraordinary meeting 10 June 2025:**

- a) Item 1.10 – Draft Flood Risk Management Policy – for Public Exhibition.**
- b) Item 1.13 – Planning Proposal Statistics**
- c) Item 1.14 – FOGO (Food Organics Garden Organics) Facility Business Case Report – referral to Council to seek Expression of Interest.**

CARRIED

FOR: UNANIMOUS

The next Extraordinary Meeting is to be held at 7:00pm on Tuesday 10 June 2025 at the Wyong Administration Building.

The next Ordinary Meeting is to be held at 7:00pm on Tuesday 1 July 2025 at the Wyong Administration Building.

The Meeting concluded at 8:39pm.