



Central Coast Council

## Ordinary Council Meeting

Held in the Council Chamber  
2 Hely Street, Wyong

13 April 2021

# MINUTES

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### Present

Dick Persson AM

### In Attendance

David Farmer	Chief Executive Officer
Rik Hart	Former Chief Executive Officer
Malcolm Ryan	Chief Operating Officer
Natalia Cowley	Director Corporate Affairs
Boris Bolgoff	Director Infrastructure Services
Julie Vaughan	Director Connected and Recreation Communities
Scott Cox	Director Environment and Planning
Jamie Loader	Director Water and Sewer

### Notes

The Administrator, Dick Persson AM, declared the meeting open at 6.32pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Administrator, Dick Persson AM 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, Dick Persson AM welcomed recently commenced Central Coast Council Chief Executive Officer, Mr David Farmer.

### Procedural Motion

Moved: Mr Dick Persson AM

### **85/21 Resolved**

*That Council thank the Acting Chief Executive Officer, Mr Rik Hart and the Chief Operating Officer, Mr Malcolm Ryan for their important contribution during their period at Central Coast Council.*

The Administrator, Dick Persson AM adjourned the meeting at 6.36pm and advised the meeting would resume following the conduct of the Open Forum.

The Open Forum commenced at 6.36pm with the speakers addressing the Council on each of the subjects below;

- Joy Cooper – Significant Tree Policy
- Kevin Brooks - The importance of improving productivity and efficiency in the delivery of Council functions and services.
- Kay (Patricia) Williams - The recognition of the traditional custodians of Central Coast and motorbike strategy on Kincumber Mountain.

The Open Forum closed with the Ordinary Meeting resuming at 6.59pm.

### **1.1 Disclosures of Interest**

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Time Commenced: 7.00pm

Moved: Mr Dick Persson AM

#### **86/21 Resolved**

*That Council receive the report on Disclosure of Interest and note that no disclosure was made..*

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

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Time Commenced: 7.00pm

Moved: Mr Dick Persson AM

#### **87/21 Resolved**

*That Council confirm the minutes of the previous Ordinary Meeting of Council held on 23 March 2021.*

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

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Time Commenced: 7.00pm

Moved: Mr Dick Persson AM

#### **88/21 Resolved**

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

**1.4 Administrator's Minute - Remediation of Sites containing Coal Ash Repositories**

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Time Commenced: 7.00pm

Moved: Mr Dick Persson AM

**89/21 Resolved**

- 1 *That Council supports the sixteen recommendations made in the report 'Costs for remediation of sites containing coal ash repositories', by the Public Works Committee. That Council writes to the Local Members of Parliament and to the Minister for Energy & Environment to seek their support for the NSW Government to acknowledge the inquiry and commence the implementation of the recommendations.*
- 2 *That Council writes to the Local Members of Parliament and to the Minister for Energy & Environment to seek their support for the NSW Government to acknowledge the inquiry and commence the implementation of the recommendations.*
- 3 *That Council acknowledge the hard work of Lake Munmorah resident, Mr Gary Blashke OAM, in raising community awareness about this important issue, and for appearing before the Legislative Council Inquiry personally.*

**2.1 Annual Review - Internal Ombudsman Charter**

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Time Commenced: 7.03pm

Moved: Mr Dick Persson AM

**90/21 Resolved**

*That Council note the proposed change and adopt the revised Internal Ombudsman Charter that is Attachment 1 to this report.*

**2.2 Lots 2 to 7 DP 249281 and Lot 11 DP598580 being 475 to 535 Pacific Highway Crangan Bay**

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Time Commenced: 7.04pm

Ms Sandra Kay, addressed the meeting at 7.04pm.

Moved: Mr Dick Persson AM

**91/21 Resolved**

- 1 *That Council inform the landowners that Council has not made an "error" in the zoning of their land.*
- 2 *The Bank Guarantee supplied by the landowners be used to cover Council's costs in the engagement of City Plan.*
- 3 *That the landowners be informed that Council's planning staff will be reviewing zoning of all lands zoned for environmental protection and it is unlikely that this will be completed until the end of 2022.*
- 4 *That Council refer the City Plan report and the submission from the landowners legal Counsel to the Department of Planning Industry and Environment under clause 3.35 of the EPA Act with a request that the Department consider the implications of both reports.*

### **3.1 Terrigal Trojans Rugby Club Review of Cash Contributions - Loan Repayment Report**

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Time Commenced: 7.13pm

Moved: Mr Dick Persson AM

#### **92/21 Resolved**

- 1 *That Council apply the cash contribution only of \$318,504.00, to the current outstanding amount owed by Terrigal Trojans (\$554,014.45) to Central Coast Council, and therefore the loan balance to be repaid is \$235,510.45, and it be determined that this resolution, supersedes any previous resolution relating to the loan repayment.*
- 2 *That Council and Terrigal Rugby Club Pty Ltd enter into a Deed of Agreement to ensure an appropriate annual repayment schedule is adhered to with payments to commence from 1 July 2021 and continue annually until the loan is repaid.*
- 3 *That Council progress a further lease with Terrigal Trojans Rugby Club Pty Ltd in line with the current Facilities Leasing and Licensing Policy with a 10-year maximum tenure, once the revised Plan of Management is fully adopted for The Haven. The terms of the new lease will ensure that the agreed loan amount be repaid simultaneously with the expiry of the lease.*
- 4 *That Council include within both the Deed of Agreement and lease that any default on loan repayment will result in immediate termination of the lease.*

**4.1 External Loan Management**

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Time Commenced: 7.16pm

Moved: Mr Dick Persson AM

**93/21 Resolved**

- 1 *That Council approve the early repayment of three Sewer Fund loans (inclusive of interest and loan break costs) with a capital value of \$15.54M out of the unrestricted funds sitting in the Sewer Reserve. The exact amount of accrued interest and loan break costs for the three loans will be determined at the time of repayment but are currently estimated at \$0.2M for accrued interest and \$1.24M for break costs.*
- 2 *That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachments 1, 2, 3, 4, 5 and 6 to this Report remain confidential in accordance with section 10A(2)(c) of the Local Government Act as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

**4.2 Audit, Risk and Improvement Committee membership**

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Time Commenced: 7.17pm

Moved: Mr Dick Persson AM

**94/21 Resolved**

- 1 *That Council defer this matter to allow the Chief Executive Officer to undertake further consideration of the following:*
  - *Role of Councillors in the Audit, Risk and Improvement Committee*
  - *Expanding the role of the Audit, Risk and Improvement Committee to include greater financial oversight*
  - *Applications received in response to the recruitment process*
  - *Any recommended appointment to the Audit, Risk and Improvement Committee*
- 2 *That a further report be provided to the 27 April 2021 Council Meeting.*
- 3 *That Council write to the applicants for the Audit, Risk and Improvement Committee membership apologising for this delay.*
- 4 *That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 1 to this Report remain confidential in accordance with section 10A(2)(a) of the Local Government Act as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

**4.3 Meeting Record of the Audit, Risk and Improvement Committee (ARIC) meeting held 10 March 2021 and ARIC Annual Report 2020**

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Time Commenced: 7.20pm

Moved: Mr Dick Persson AM

**95/21 Resolved**

- 1 *That Council note the Meeting Record of the Audit, Risk and Improvement Committee meeting held 10 March 2021.*
- 2 *That Council note the Audit, Risk and Improvement Committee Annual Report for 2020.*

**4.4 Meeting Records of Advisory Group meetings held in January and February 2021**

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Time Commenced: 7.20pm

Moved: Mr Dick Persson AM

**96/21 Resolved**

*That Council receive the report on Meeting Records of Advisory Group meetings held in January and February 2021.*

**4.5 Grant Funding Budget Adjustment**

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Time Commenced: 7.20pm

Moved: Mr Dick Persson AM

**97/21 Resolved**

- 1 *That Council resolve to adopt an immediate budget adjustment to release \$40,000 of unexpended grant restricted funds for the Business Case East Tuggerah Precinct project to general revenue.*
- 2 *That Council resolve to adopt an immediate budget adjustment to release \$100,000 of unexpended grant restricted funds for the Agribusiness Mapping project to general revenue.*

**4.6 Central Coast Car Parking Study and Implementation Plan - Public Exhibition**

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Time Commenced: 7.21pm

Moved: Mr Dick Persson AM

**98/21 Resolved**

- 1 *That Council note that the Draft Central Coast Car Parking Study and Implementation Plan was publicly exhibited between 9 June 2020 - 6 July 2020 and 3 August 2020 – 16 August 2020.*
- 2 *That Council consider the submissions and feedback received during the exhibition period.*
- 3 *That Council note and endorse the amendments recommended by Council staff.*
- 4 *That Council adopt the amended Central Coast Car Parking Study and Implementation Plan 2020 as attached to this report and make it available on Council's website.*
- 5 *That Council authorise the Chief Executive Officer to make final editorial amendments to ensure correctness and clarity.*

**4.7 Warnervale Working Group - End of Term**

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Time Commenced: 7.23pm

Moved: Mr Dick Persson AM

**99/21 Resolved**

*That Council wind up the Warnervale Working Group noting it has now completed its term as resolved by Council.*

**Procedural Motion**

Moved: Mr Dick Persson AM

**100/21 Resolved**

*That Council consider now consider item 4.9 - Proposal to purchase land known as Davistown Wetlands - Status Update and consider items 4.8 – Warnervale Aircraft Landing Area Signage and 4.10 – Warnervale Airport together.*

Items are recorded in Agenda sequence.

**4.8 Warnervale Aircraft Landing Area Signage**

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Time Commenced: 7.27pm

Note: This item was considered in conjunction with item 4.10 – Warnervale Airport

Mr Patrick Gallagher, addressed the meeting at 7.28pm.

Moved: Mr Dick Persson AM

**101/21 Resolved**

*That the following part of the resolution carried at the Ordinary Meeting of Council held on 10 August 2020 be rescinded:*

*757/20 (b) (ii) That "Central Coast Airport" be officially renamed to "Warnervale Aircraft Landing Area (ALA)" to remove any doubt, with identifying signage and other materials to be amended by the end of October 2020.*

**4.9 Proposal to purchase land known as Davistown Wetlands - Status Update**

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Time Commenced: 7.24pm

Moved: Mr Dick Persson AM

**102/21 Resolved**

- 1 That Council discontinue any negotiations to purchase by agreement the land known as the Davistown Wetlands.*
- 2 That Council not commence compulsorily acquisition of the land known as the Davistown Wetlands.*

**4.10 Warnervale Airport**

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Time Commenced: 7.27pm

Moved: Mr Dick Persson AM

**103/21 Resolved**

- 1 That Council approve the development of a Masterplan that includes the runway length of 1200 metres with no extension and a Plan of Management for the Central Coast Airport at Warnervale.*
- 2 That Council authorise the Chief Executive Officer to publicly exhibit the draft Masterplan and Plan of Management once completed.*



- 3 *That Council authorise the Chief Executive Officer to negotiate and execute agreements that will enhance and promote better utilisation of the Central Coast Airport at Warnervale.*
- 4 *That Council authorise the Chief Executive Officer to hold discussions with the Aviation Industry and affected land owners.*
- 5 *That Council authorise the Chief Executive Officer to explore inclusion of 4 and 10 Warren Road, Warnervale and 140 Sparks Road, Warnervale into the draft Airport Masterplan and to suspend the sales of these land parcels until the Airport Masterplan is finalised.*
- 6 *That Council authorise the Chief Executive Officer to immediately suspend the development of the Warnervale conservation agreement and any agreement with the NSW biodiversity Conservation Trust to permanently protect the Porters Creek Wetland until the Airport Masterplan, plan of Management and a subdivision plan is registered that subdivides the Wetland and surrounding E2 land from the employment land in Warnervale.*
- 7 *That Council acknowledge and thank the support of the Parliamentary Secretary for the Central Coast and Member for Terrigal Adam Crouch, the Minister for Planning Rob Stokes and the reviewers that included the planning expert Abigail Goldberg and aviation specialist Peter Fiegehen for conducting the review and resolving the future of the Central Coast Airport.*
- 8 *That Council as part of the Masterplan process for Central Coast Airport at Warnervale prepare a draft plan showing the environmental and proposed conservation land to be protected as well as the proposed employment land that will be subdivided from the conservation land.*

#### **5.1 Meeting Record of the Coastal Open Space System (COSS) Committee Meeting held on 2 March 2021**

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Time Commenced: 7.44pm

Moved: Mr Dick Persson AM

#### **104/21 Resolved**

- 1 *That Council note the Meeting Record of the Coastal Open Space System (COSS) Committee Meeting held 2 March 2021 that is Attachment 1 to this report.*
- 2 *That Council write to the NSW Premier requesting strengthening of legislation to allow prosecution for tree removal and land clearing on deferred matters lands.*

**The Meeting** closed at 7.45 pm.