



Central Coast Council

Ordinary Council Meeting

held remotely, online

29 June 2021

MINUTES

Present

Rik Hart

In Attendance

David Farmer	Chief Executive Officer
Natalia Cowley	Director Corporate Affairs and Chief Financial Officer
Boris Bolgoff	Director Infrastructure Services
Julie Vaughan	Director Community and Recreation Services
Scott Cox	Director Environment and Planning
Jamie Loader	Director Water and Sewer

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 is being recorded.

The Administrator, Rik Hart 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.

The Administrator, Rik Hart adjourned the meeting at 6.43pm and advised the meeting would resume following the conduct of the Open Forum.

The Open Forum commenced at 6.43pm with the speakers addressing the Council on each of the subjects below;

- Erin Kelly – Woy Woy Playground Removal

The Open Forum closed with the Ordinary Meeting resuming at 6.53pm.

1.1 Disclosure of Interest

Time commenced: 6.53pm

Moved: Rik Hart

185/21 Resolved

That Council receive the report on Disclosure of Interest and the fact that no disclosure was made be noted.

1.2 Confirmation of Minutes of Previous Meeting

Time commenced: 6.53pm

Moved: Rik Hart

186/21 Resolved

That Council confirm the minutes of the Ordinary Meeting of Council held on 15 June 2021.

1.3 Notice of Intention to Deal with Matters in Confidential Session

Time commenced: 6.54pm

Moved: Rik Hart

187/21 Resolved

That Council notes Item 3.1 has been considered and it is not required to be dealt with in Confidential Session.

2.1 Consideration of Submissions and Adoption of the Operational Plan 2021-2022

Time commenced: 6.54pm

Mr Kevin Brooks addressed the meeting at 6.54pm

Moved: Rik Hart

188/21 Resolved

1 That Council note that the draft Operational Plan 2021-2022 was publicly exhibited from Thursday 29 April 2021 to Wednesday 26 May 2021, as required by ss. 405(3) of the Local Government Act 1993.

- 2 That Council consider, as required by ss. 405(5) of the Local Government Act 1993, the submissions received during the public exhibition of the draft Operational Plan 2021-2022 as per Attachment 3.**
- 3 That Council note the amendments to the draft Operational Plan 2021-2022 that are set out in Attachments 4 and 5 to this report.**
- 4 That Council adopt, pursuant to s. 405 of the Local Government Act 1993, the Operational Plan 2021-2022 as per Attachment 1.**
- 5 That Council authorise, subject to resolution 4, the Chief Executive Officer to make final editorial amendments to the Operational Plan 2021-2022 to ensure correctness and clarity.**
- 6 That Council approve the estimates of income and expenditure as detailed in the Operational Plan 2021-2022, as adopted by resolution 4.**
- 7 That Council authorise the Chief Executive Officer to refinance existing loan balloon repayments.**
- 8 That Council note the proposed legislative and minor typographical amendments to the Fees and Charges 2021-2022, as set out in Attachments 6 and 7.**
- 9 That Council adopt the Fees and Charges 2021-22 as per Attachment 2.**
- 10 That Council authorise the Chief Executive Officer to waive or reduce fees in appropriate cases.**
- 11 Council note that upon closing The Entrance Library, Council will continue to provide a customer service outlet (ability for customers to pay bills at a reduced level of service) 14 hours per week and 2 public access computers at the Visitor Information Centre, The Entrance, as well as visits from our mobile library service.**
- 12 That Council seek an urgent meeting with the Chair of IPART to discuss a further application being made for the continuation of the 15% SRV beyond three years.**
- 13 That Council write to the Co-Ordinator General, Planning Delivery and Local Government, outlining where Council does not receive certainty of revenue beyond three years, our inability to plan for the future and enter into funding agreements puts the organisation and its services to the community at risk.**

2.2 Making and Fixing of 2021-22 Rates and Charges

Time commenced: 7.45pm

Moved: Rik Hart

189/21 Resolved

- 1 That Council note rates and charge rebates to pensioners are prescribed by s. 575 of the Local Government Act 1993.**
- 2 That Council is of the opinion that all rateable land that is used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 will derive benefit from the provision of certain facilities, services and activities contributing to business and tourism development that are funded in part or whole by a Business/Tourism Development Special Rate (as set out in Attachment 1).**
- 3 That Council is of the opinion that the following rateable land will derive benefit from the activities that are funded in part or whole by the Gosford Parking Special Rate and/or funded in whole or in part by the Gosford Central Business District Special Rate, which (respectively) fund the operation and maintenance of the Baker Street Parking Station and the provision of facilities, services and activities that contribute to business and tourism development in the area:**
 - a Rateable land within Registered Plan 97/6.**
 - b Rateable land within the area indicated in the Gosford Central Business District Improvement and Parking Area map (as set out in Attachment 2):**
 - i Commencing west of Mann Street, at Lot 1 DP 156665, bounded by Etna, Hills, Watt and Faunce Streets; and**
 - ii From Henry Parry Drive to Allotment 1, Section 96, Town of Gosford to the intersection of Erina Street, north to Donnison Street, west of Henry Parry Drive to Georgiana Terrace to include unnamed lane in DP 13734; and**
 - iii Then from Allotment 4, Section 9, Town of Gosford to its intersection with the centre line of the Great Northern Railway bounded by Henry Parry, Mann Street, Georgiana Terrace, Dane Drive to the railway line and back to the point of commencement.**
- 4 That Council is of the opinion that the following rateable land will derive benefit from the activities that are funded in part or whole by The Entrance Area Special Rate, which promotes the economic development, marketing and development of The Entrance area and provides for the organisation and management of promotional events within and around The Entrance area for the purpose of improving the market penetration of The Entrance area and its traders (as set out in Attachment 3):**
 - a All rateable land used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 in the suburb known as The Entrance; and**
 - b All rateable land in the suburbs of Magenta, The Entrance, North, The**

Entrance, Blue Bay, Long Jetty, Toowoona Bay, Shelly Beach and Bateau Bay used predominately for any of the following purposes, as those terms are defined in the Wyong Local Environmental Plan 2013 or the former Wyong Council's "Retail Centres Strategy":

- i. amusement centres,***
- ii. camping grounds,***
- iii. caravan parks,***
- iv. eco-tourist facilities,***
- v. pubs,***
- vi. registered clubs, or***
- vii. service stations,***
- viii. tourist and visitor accommodation***

5 That Council is of the opinion that all rateable land in the suburbs known as Toukley, Canton Beach, Noraville and Norah Head that is used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 will derive benefit from the activities that are funded in part or whole by the Toukley Area Special Rate, which markets and promotes the economic development of the Toukley area (as set out in Attachment 4).

6 That Council is of the opinion that the following rateable land will derive benefit from the activities that are funded in part or whole by the Wyong Area Special Rate, which is used to market and promote the economic development of the Wyong area within which this special rate applies (as set out in Attachment 5):

a All land used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 in the suburb known as Watanobbi.

b All land used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 in the suburb known as Wyong, bounded by the following:

- i North of the Wyong River from Tacoma in the east to the M1 Freeway in the west;***
- ii East of the M1 Freeway from the Wyong River to the suburb boundary between Wyong and Warnervale but to exclude Lot 32 DP 814964;***
- iii South of the northern Wyong boundary to its intersection with the Pacific Highway and then south of the Pacific Highway to the intersection of Pollock Avenue, but to include the land known as Lot 400 DP 1114793 (being to the north of the Pacific Highway);***
- iv The eastern boundary of the suburb of Wyong from Johns Road to Wyong River.***

7 That Council resolve to make, the following ordinary rates for the 2021-22 rating and financial year consisting of an ad valorem amount and subject to a minimum amount, pursuant to sections 492-494, 497-498, 533-535 and 543 (inclusive) of

the Local Government Act 1993 (refer to Attachment 6):

Ordinary Rate Category Section 493	Ordinary Rate Sub Category Section 529	Ad Valorem Amount (cents in the \$)	Minimum Rate Amount
Farmland	-	0.183622	\$565.00
Residential	-	0.342450	\$565.00
Business	-	0.663713	\$565.00
Business	Local Retail	0.716435	\$565.00
Business	Major Retail	1.078595	\$565.00
Mining	-	46.766206	\$565.00

- 8 *That Council resolve to make, the following special rates for the 2021-22 rating and financial year consisting of an ad valorem amount, pursuant to ss. 492, 495, 497-500, 535-538 and 543 (inclusive) of the Local Government Act 1993 where those special rates are to apply only to and be levied on only the rateable land identified in the table below:*

Special Rate	Ad Valorem Amount (cents in the \$)	Special rate applies to the following rateable land
Business/Tourism Development	0.050684	All rateable land identified in resolution 2
Gosford Parking	0.137966	All rateable land identified in resolution 3
Gosford Central Business District Improvement	0.359930	All rateable land identified in resolution 3
The Entrance Area	0.409161	All rateable land identified in resolution 4
Toukley Area	0.304089	All rateable land identified in resolution 5
Wyong Area	0.124524	All rateable land identified in resolution 6

- 9 *That Council apply land valuations, with a base date 1 July 2019, for rating purposes in the 2021-22 rating and financial year.*
- 10 *That Council resolve to make, the following annual domestic waste management service charges for the 2021-22 rating and financial year, pursuant to ss. 496 and 535 of the Local Government Act 1993 (refer Attachment 7):*

Name	Charge Amount
Domestic Waste Management - Availability Charge	\$72.00
Domestic Waste Management Service – Eastern Area	\$520.00
Domestic Waste Management Service – Western Area	\$461.00
Domestic Waste Management Service – 140 litre to 240 litre Waste Upgrade	\$138.00

<i>Domestic Waste Management Service – 140 litre to 360 litre Waste Upgrade</i>	<i>\$276.00</i>
<i>Domestic Waste Management Service – Additional 140 litre Waste Bin Service</i>	<i>\$273.00</i>
<i>Domestic Waste Management Service – Additional 240 litre Waste Bin Service</i>	<i>\$413.00</i>
<i>Domestic Waste Management Service – Additional 360 litre Waste Bin Service</i>	<i>\$552.00</i>
<i>Domestic Waste Management Service – 240 litre to 360 litre Recycling Bin Upgrade</i>	<i>\$36.00</i>
<i>Domestic Waste Management Service – Additional 240 litre Recycling Bin Service</i>	<i>\$104.00</i>
<i>Domestic Waste Management Service – Additional 360 litre Recycling Bin Service</i>	<i>\$138.00</i>
<i>Domestic Waste Management Service – Additional 240 litre Vegetation Bin Service</i>	<i>\$112.00</i>
<i>Domestic Waste Management Service – Additional Short Term Extra Service – 140 litre Waste Bin - price per service</i>	<i>\$18.93</i>
<i>Domestic Waste Management Service – Additional Short Term Extra Service – 240 litre Waste Bin - price per service</i>	<i>\$20.15</i>
<i>Domestic Waste Management Service – Additional Short Term Extra Service – 360 litre Waste Bin - price per service</i>	<i>\$21.37</i>
<i>Domestic Waste Management Service – Additional Short Term Extra Service – 660 litre Waste Bin - price per service</i>	<i>\$39.18</i>
<i>Domestic Waste Management Service – Additional Short Term Extra Service – 1.1 cubic meter Waste Bin - price per service</i>	<i>\$65.26</i>
<i>Domestic Waste Management Service – Additional Short Term Extra Service – 1.5 cubic meter Waste Bin - price per service</i>	<i>\$89.02</i>
<i>Domestic Waste Management Service – Additional Short Term Extra Service – 240 litre Recycling Bin - price per service</i>	<i>\$20.15</i>
<i>Domestic Waste Management Service – Additional Short Term Extra Service – 360 litre Recycling Bin - price per service</i>	<i>\$21.37</i>
<i>Domestic Waste Management Service – Additional Short Term Extra Service – 660 litre Recycling Bin - price per service</i>	<i>\$39.18</i>
<i>Domestic Waste Management Service – Additional Short Term Extra Service – 1.1 cubic meter Recycling Bin - price per service</i>	<i>\$65.26</i>
<i>Domestic Waste Management Service – Additional Short Term Extra Service – 1.5 cubic meter Recycling Bin - price per service</i>	<i>\$89.02</i>
<i>Domestic Waste Management Service – Additional Short Term Extra Service – 240 litre Vegetation Bin - price per service</i>	<i>\$20.15</i>

- 11 That Council provide domestic waste management services only to parcels of land which have current Council consent or approval for a residential building.***
- 12 That Council resolve to make, the changes set out in the adopted Delivery Program and Operational Plan for the 2021-22 financial year including but not***

limited to the following waste management charges for the 2021-22 rating and financial year, pursuant to ss. 501 and 535 of the Local Government Act 1993:

Name	Charge Amount
Waste Management Service – 140 litre Waste Bin Service	\$389.00
Waste Management Service – 240 litre Waste Bin Service	\$519.00
Waste Management Service - 360 litre Waste Bin Service	\$640.00
Waste Management Service - 660 litre Waste Bin Service	\$2,216.00
Waste Management Service - 1.1 cubic metre Waste Bin Service	\$3,094.00
Waste Management Service - 1.5 cubic metre Waste Bin Service	\$4,167.00
Waste Management Service – 240 litre Recycling Bin Service	\$104.00
Waste Management Service – 360 litre Recycling Bin Service	\$139.00
Waste Management Service – 660 litre Recycling Bin Service	\$287.00
Waste Management Service – 1.1 cubic meter Recycling Bin Service	\$476.00
Waste Management Service – 1.5 cubic meter Recycling Bin Service	\$651.00
Waste Management Service – 240 litre Vegetation Bin Service	\$112.00

- 13 That Council apply, a proportional charge adjustment, calculated on a daily basis, where domestic waste management services or waste management services commence or cease during the 2021-22 rating year.**
- 14 That, for the period between 1 July 2021 and 30 June 2022 in respect to overdue rates and charges, Council charge the lesser of the following:**
- a the maximum rate of interest as determined by the Minister for Local Government under s. 566(3) of the Local Government Act 1993, being 6%; or**
 - b the maximum rate of interest payable on overdue rates and charges under s. 356 of the Water Management Act 2000, being the rate applicable on an unpaid judgment of the Supreme Court;**
 - c and this interest to be calculated on a daily basis using the simple interest method in accordance with s. 566 of the Local Government Act 1993.**

2.3 Investment Report for May 2021

Time commenced: 7.53pm

Moved: Rik Hart

190/21 Resolved

That Council receive the Investment Report for May 2021.

2.4 Administrator Expenses and Facilities Report to 30 April 2021

Time commenced: 7.58pm

Moved: Rik Hart

191/21 Resolved

That Council receive the report Administrator Expenses and Facilities Report to 30 April 2020.

2.5 Pecuniary Interest Disclosure Returns - Recently Appointed Designated Persons

Time commenced: 7.59pm

Moved: Rik Hart

192/21 Resolved

That Council receive the report on Pecuniary Interest Disclosure Returns - Recently Appointed Designated Persons.

2.6 Request to Prepare a Planning Proposal for 43-49 The Esplanade, Ettalong Beach

Time commenced: 7.59pm

Mr Peter Gillis addressed the meeting at 8.00pm

Moved: Rik Hart

193/21 Resolved

1 That Council, pursuant to Section 3.33 of the Environmental Planning and Assessment Act, 1979, prepare a Planning Proposal to amend the Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan (if in effect),

to:

- a** *increase the maximum building height from 11.5m to 17m and floor space ratio from 1:1 to 1.75:1 on the following lots:*
- *Lot 117 in DP 10650 (No 46 The Esplanade);*
 - *Lot 118 in DP 10650 (No 46 The Esplanade);*
 - *Lot 119 in DP 10650 (No 46 The Esplanade);*
 - *Lot 120 in DP 10650 (No 45 The Esplanade);*
 - *Lot 121 in DP 10650 (No 44 The Esplanade); and*
 - *Lot 122 in DP 10650 (No 43 The Esplanade), and*
- b** *to increase the maximum building height and floor space ratio on Lot 2 in DP1249007 and O/SP 99403 (No 49 The Esplanade) to be consistent with the planning controls approved as part of the State Significant Project Approval (MP 09_0121) for this site.*
- 2** *That Council, pursuant to Section 3.34 of the Environmental Planning and Assessment Act, 1979, forward the Planning Proposal to the Minister requesting a Gateway Determination*
- 3** *That Council request delegation for the Chief Executive Officer (or delegate) to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979*
- 4** *That Council authorise the Chief Executive Officer (or delegate) to enter into a Planning Agreement (PA), and to negotiate and execute all documentation in relation to the finalisation of the PA (if required).*
- 5** *That Council undertakes public authority and community consultation in accordance with the Gateway Determination requirements*
- 6** *That Council considers a further report on the results of public authority and community consultation*

2.7 Adoption of Works-In-Kind Policies

Time commenced: 8.08pm

Mr David Kitson addressed the meeting at 8.09pm

Moved: Rik Hart

194/21 Resolved

- 1 That Council adopt the draft Works-In-Kind Policy (for works under the Environmental Planning & Assessment Act, 1979), the draft Works-In-Kind Policy (for works under the Water Management Act, 2000) and their respective guidelines, as outlined in Attachments 1, 2 3 and 4 to this report.**
- 2 That Council notify those persons who lodged submissions of Council's decision.**

2.8 Beach Nourishment Opportunity: Sydney Metro West Tunnel

Time commenced: 8.20pm

Moved: Rik Hart

195/21 Resolved

- 1 That Council writes to the Ministers for Transport and Local Government expressing in principle support to participate in beach nourishment opportunities for Wamberal Beach resulting from the Sydney Metro West Tunnel or similar projects.**
- 2 That Council request the NSW Government partner with Central Coast Council to seek and obtain the necessary approvals for beach nourishment at Wamberal Beach using sand from the Metro West Tunnel including:**
 - a Providing Council written confirmation that a minimum of 50% of all costs associated with the design and approval phase of the project will be met by the NSW government.**
 - b Providing Council with written confirmation that the NSW Government will make staff resources and departmental assistance available to Council to prepare all necessary approvals.**
- 3 That Council subject to the outcome of Item 2, and other favourable outcomes from preliminary project risk assessments, that in consultation with the NSW Government, staff seek to have more detailed impact assessments undertaken, consult with stakeholders and the local community, and obtain the necessary approvals for using sand from the Sydney Metro West Tunnel project for beach nourishment.**
- 4 That Council Delegate authority to the Chief Executive Officer to enter into any agreements with the NSW Government (including Transport for NSW) to facilitate the investigations and approvals for beach nourishment using sand from the Sydney Metro West Tunnel project.**
- 5 That Council acknowledge that should the works identified in Item 3 proceed, staff will present the outcomes of the impact assessments and community consultation**

at a future Council meeting for determination prior to approving the acceptance of any sand from the Metro West Tunnel project.

2.9 Review of application of Social Media Policy for Councillors

Time commenced: 8.23pm

Moved: Rik Hart

196/21 Resolved

That Council receive the report Review of application of Social Media Policy for Councillors.

3.1 CPA/3632 - Tender Evaluation - Animal Care Facility Management

Time commenced: 8.24pm

Moved Rik Hart

197/21 Resolved

- 1 That Council declines to accept any of the tenders received for CPA/3632 - Animal Care Facility Management as per cl.178 (1b) of the Local Government (General) Regulation 2005.**
- 2 That Council resolve to invite fresh tenders for CPA/3632 - Animal Care Facility Management, with a revised Scope of Work in accordance with cl.167 Open Tendering, of the Local Government (General) Regulation 2005.**
- 3 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report and attachments remain confidential in accordance with section 10A(2)(d)(i) 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 matter in open Council would on balance be contrary to the public interest as it would affect Council's ability to obtain value for money services for the Central Coast community.**

The Administrator acknowledged Ms Shane Sullivan, Unit Manager Governance and Risk as this was to be her last Council Meeting at Central Coast Council and thanked her for her work.

The Meeting closed at 8.29pm.