



Central Coast Council

Minutes of the
Ordinary Meeting of Council
Held remotely - online
on 27 July 2020

Present

Mayor Lisa Matthews and Councillors Greg Best, Jillian Hogan, Kyle MacGregor, Doug Vincent, Chris Burke, Chris Holstein, Bruce McLachlan, Jilly Pilon, Rebecca Gale, Louise Greenaway, Jeff Sundstrom, Richard Mehrtens and Jane Smith.

In Attendance

Gary Murphy (Chief Executive Officer), Boris Bolgoff (Director Roads, Transport, Drainage and Waste), Julie Vaughan (Director Connected Communities), Scott Cox (Director Environment and Planning), Jamie Loader (Director Water and Sewer), Ricardo Martello (Executive Manager Innovation and Futures), Carlton Oldfield (Acting Chief Finance Officer) and Shane Sullivan (Unit Manager Governance and Business Services).

The Mayor, Lisa Matthews, declared the meeting open at 6.33pm.

Councillor Best joined the meeting at 6.37pm.

At the request of the Mayor, Mr Gary Murphy, Chief Executive Officer advised that the meeting will be held remotely in accordance with section 747A of The Local Government Act 1993 clause 1(a)(i). Councillors were also reminded to adhere to the relevant policies and procedures including the Code of Meeting Practice and Code of Conduct.

The Mayor, Lisa Matthews, advised in accordance with the Code of Meeting Practice that the meeting is being recorded and read an acknowledgement of country statement.

The reports are recorded in their correct agenda sequence.

Apologies

Councillor Greenaway left the meeting at 6.40pm and did not vote on this item.

Moved: **Councillor Gale**
Seconded: **Councillor Burke**

Resolved

752/20 That Council accept the apology received from Councillor Marquart.

753/20 That Council grant a leave of absence to Councillor Marquart for the 10 August 2020 Ordinary Meeting.

For:
Unanimous

1.1 Disclosures of Interest

Councillor Greenaway returned to the meeting at 6.42pm.

5.1 Deferred Item – Notice of Motion – The Mast of the Ex HMAS Adelaide – What’s Happening?

Councillor Gale declared a less than significant non pecuniary interest in the matter as she has been in contact with the key stakeholders. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

Councillor Smith declared a less than significant non pecuniary interest in the matter as she has connections to individuals advocating for this through the diving community and perceived conflicts through Marine Discovery Centre. She will leave the meeting due to the Marine Discover Centre having displays and resources focused on the Ex HMAS Adelaide and perceived conflicts.

This item was resolved by the exception method.

5.3 Notice of Motion – East Coast Low Devastation, Protecting Lives, Public and Private Property

Councillor Pilon declared a less than significant non pecuniary interest in the matter as she owns property on Ocean View Drive, Wamberal. She chose to stay in the meeting and participate in discussion and voting on this matter as the issues being discussed is specific to the emergency crisis and erosion issues at Wamberal and North Entrance and her property is not exposed to these current issues and as a ratepayer and resident of Wamberal on Ocean View Drive, like hundreds of others, and a Ward Councillor representing effected residents in both Wamberal and North Entrance she is capable of managing this situation and speaking on behalf of the community.

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as he is known to the residents that are affected by the recent events, however he is not currently managing any property in the location and he is also a beachfront property owner but is not affected by the current events. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

Moved: **Councillor Vincent**

Seconded: **Councillor Gale**

Resolved

754/20 ***That Council receive the report on Disclosure of Interest and note advice of disclosures.***

For:

Unanimous

1.2 Confirmation of Minutes of Previous Meeting

Moved: **Councillor MacGregor**

Seconded: **Councillor Holstein**

Resolved

755/20 ***That Council confirm the minutes of the Ordinary Meeting of Council held on the 13 July 2020 and of the Extraordinary meeting of Council held on the 20 July 2020.***

For:

Unanimous

1.3 Notice of Intention to Deal with Matters in Confidential Session

Moved: **Councillor Burke**

Seconded: **Councillor Holstein**

Resolved

756/20 ***That Council resolve that the following matter be dealt with in closed session, pursuant to s. 10A of the Local Government Act 1993 for the following reason:***

Item 2.5 – Central Coast Airport Review (Phase 2) Final Report

Reason for considering in closed session:

2(a) personnel matters concerning particular individuals (other than Councillors)

For:
Mayor Matthews, Councillors Burke, Hogan, Holstein, MacGregor, Mehrtens, Smith and Sundstrom

Against:
Councillors Best, Gale, Greenaway, McLachlan and Pilon

Abstained: Councillor Vincent

Procedural Motion – Exception

Moved: Councillor Vincent
Seconded: Councillor Sundstrom

Resolved

757/20 That Council adopt the following items as a group and in accordance with the report recommendations:

Item #	Item Title
2.4	Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons and Terrigal Water Quality Sub-Committee meetings held 20 May 2020
2.5	Central Coast Airport Review (Phase 2) Final Report
5.1	Deferred Item - Notice of Motion - The Mast of the Ex HMAS Adelaide II - What's Happening?

758/20 That Council discuss the following items individually:

Item #	Item Title
2.1	Consideration of Submissions and Adoption of the Operational Plan 2020-21
2.2	Actions in response to Resolution - Integrity and Ethical Standards
2.3	Amalgamation Process Update
3.1	Long Term Water Security
5.2	Notice of Motion - Drainage Investigation for Davistown
5.3	Notice of Motion - East Coast Low Devastation, Protecting Lives, Public and Private Property
6.1	Rescission Motion - Councillor Remuneration

For:
Unanimous

Procedural Motion – Motion of Urgency

Moved: Councillor MacGregor

Seconded: Councillor Hogan

Resolved

759/20 That Council consider the Woolworths Warnervale Lockout as a matter of urgency for the significant impact that this dispute has on our local economy, workers and their families. The time critical nature of resolution of this issue is what necessitates it being urgently discussed at tonight's council meeting, the time being 6.46pm.

760/20 That Council defer consideration of this Motion of Urgency until after item 3.1 – Long Term Water Security.

For:

Unanimous

The Mayor declared it is appropriate that Council should consider the matter as a matter of urgency.

2.1 Consideration of Submissions and Adoption of the Operational Plan 2020-21

Time commenced: 6.51pm

Moved: Mayor Matthews

Seconded: Councillor Smith

Resolved

761/20 That Council note that the draft Operational Plan for the 2020-21 financial year ("Operational Plan 2020-21") was publicly exhibited from Tuesday 31 March to Monday 4 May 2020, as required by ss. 405(3) of the Local Government Act 1993.

762/20 That Council consider, as required by ss. 405(5) of the Local Government Act 1993, the submissions received by Council during the public exhibition of the draft Operational Plan 2020-21 as per Attachment 2.

763/20 That Council note the amendments to the draft Operational Plan 2020-21 that are set out in Attachments 3 and 4 to this report.

764/20 That Council adopt, pursuant to s. 405 of the Local Government Act 1993, the Operational Plan 2020-21 as per Attachment 1.

765/20 That Council authorise, subject to resolution 684/20, the Chief Executive Officer to make final editorial amendments to the Operational Plan 2020-21 to ensure correctness and clarity.

- 766/20** *That Council authorise, subject to resolution 684/20, the Chief Executive Officer to make final editorial amendments with the inclusion of the Mayor's Message and Chief Executive Officer's Message prior to publication.*
- 767/20** *That Council note the projects set out in amended Attachment 5 will form the basis of quarterly adjustments.*
- 768/20** *That Council approve the estimates of income and expenditure as detailed in the Operational Plan 2020-21, as adopted by resolution 684/20.*
- 769/20** *That Council authorise the Chief Executive Officer to borrow up to a total of \$50 million from approved institutions as per the Long Term Financial Plan contained with the Operational Plan 2020-21, noting that 87% will be used to refinance existing loan repayments and the remaining 13% will go towards funding capital works.*
- 770/20** *That Council endorse, for public exhibition pursuant to s. 610F of the Local Government Act 1993, the proposed amendments to Fees and Charges 2020-21 as set out in Attachment 6 to this report.*
- 771/20** *That Council note for proposed fees subject of resolution 10 have not been adopted and that a further report will be presented to Council after the public exhibition of those fees has been completed.*
- 772/20** *That Council adopt the proposed amendments to the 2020-21 Fees and Charges as set out in Attachment 7 and Attachment 8.*
- 773/20** *That Council authorise the Chief Executive Officer to waive or reduce fees in appropriate cases.*
- 774/20** *That Council note that as resolved on 22 June 2020 (580/20 and 582/20) a report will be provided to the 24 August 2020 Ordinary Meeting to consider an approach to the installation of vandal resistant soap dispensers in identified public toilets. And further that Council now allocate \$100,000 as part of the 2020/21 Operational Plan for the purpose of installing vandal resistant soap dispensers in identified public toilets noting that the actual endorsement of expenditure of these funds would be subject to any determination of Council as a result of the report to the 24 August 2020 Ordinary Meeting.*

For:
**Mayor Matthews, Councillors Burke,
Hogan, Holstein, Mehrtens, Smith and
Sundstrom**

Against:
**Councillors Best, Gale, MacGregor,
McLachlan, Pilon and Vincent**

A division was called by Councillors Best and Mayor Matthews.

For:
**Mayor Matthews, Councillors Burke,
Hogan, Holstein, Mehrrens, Smith and
Sundstrom**

Against:
**Councillors Best, Gale, MacGregor,
McLachlan, Pilon and Vincent**

Abstained: Councillor Greenaway

The vote was declared CARRIED on the casting vote of the Mayor.

The meeting was adjourned at 7.55pm and resumed at 8.04pm.

2.2 Actions in response to Resolution - Integrity and Ethical Standards

Time commenced: 8.05pm.

Councillor Vincent left the meeting at 8.07pm and did not vote.

Moved: Councillor Smith
Seconded: Councillor MacGregor

Resolved

775/20 That Council receive and note the report on Actions in response to Resolution – Integrity and Ethical Standards.

776/20 That Council request the Chief Executive Officer provide a further report to Council in early 2021 assessing if the actions identified have achieved the desired outcomes.

777/20 That the Dashboard be discussed at a Councillor Briefing before the end of September 2020 for the purpose of ensuring the dashboard includes appropriate Governance focussed measures and process for reporting to Council.

For:
Unanimous

2.3 Amalgamation Process Update

Time commenced: 8.08pm.

Councillor Vincent returned to the meeting at 8.08pm.

Moved: Councillor Smith
Seconded: Councillor MacGregor

Resolved

- 778/20** *That Council note the amalgamation costs and progress on consolidation projects as outlined in this Report.*
- 779/20** *That Council note that the Independent Local Government Review Panel Recommendations in 2013 that led to the amalgamation of Councils recommended that for larger Councils there should be the establishment of Local Boards or similar to ensure local identity and representation. And further to this that the Chief Executive Officer in consultation with Councillors present options in terms of Governance models to assist Council to better meet the needs of our diverse community and the Central Coast. This is to include consultation with Councillors at a workshop, potentially as part of the budget process.*
- 780/20** *That Council resolve that this report be forwarded to the Minister for Local Government, the Office of Local Government and Local Government NSW.*

For:
Mayor Matthews, Councillors Best, Greenaway, Hogan, Holstein, MacGregor, McLachlan, Mehrtens, Pilon, Smith and Sundstrom

Against:
Councillors Burke, Gale and Vincent

2.4 Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons and Terrigal Water Quality Sub-Committee meetings held 20 May 2020

This item was resolved by the exception method.

Moved: *Councillor Vincent*
Seconded: *Councillor Sundstrom*

Resolved

- 781/20** *That Council note the report on Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons and Terrigal Water Quality Sub-Committee meetings held 20 May 2020.*
- 782/20** *That Council extend the tenure of the Terrigal Water Quality Sub-Committee to the end of July 2021, with the next meeting to be scheduled for August 2020.*
- 783/20** *That the frequency of future meetings be further discussed at the August 2020 meeting of the Terrigal Water Quality Sub-Committee, and that discussions consider that the frequency of the meeting be changed to twice yearly to align with the twice yearly report on the audit that is prepared by Council staff.*

784/20 *That Council note the membership resignation of community representative Nada Pantle, and consequent nomination of Laurie Lewington as community representative for the Terrigal Sea Urchins Group.*

For:
Unanimous

2.5 Central Coast Airport Review (Phase 2) Final Report

This item was resolved by the exception method.

Moved: **Councillor Vincent**
Seconded: **Councillor Sundstrom**

Resolved

785/20 *That consideration of this matter be deferred to allow for the conduct of a Councillor Briefing.*

For:
Unanimous

3.1 Long Term Water Security

Time commenced: 8.41pm.

Councillor Smith left the meeting at 9.08pm and returned at 9.10pm.

Moved: **Councillor Greenaway**
Seconded: **Councillor MacGregor**

Resolved

786/20 *That Council receives and notes the contents of this report.*

For:
Unanimous

U4/20 Motion of Urgency - Woolworths Warnervale Lockout

Time commenced: 9.14pm.

Moved: **Councillor MacGregor**
Seconded: **Councillor Hogan**

Resolved

787/20 That Council note the importance of secure high quality local jobs for our local economy particularly in these perilous economic times.

788/20 That Council note recent media reports that Woolworths have locked out employees from working on site since last week as part of EBA negotiations for the workplace. Over 500 workers have been locked out of the workplace negatively impacting directly on hundreds of local workers and thousands of local residents and their families.

789/20 That Council note that this dispute will have an impact on local residents, families, workers and the local economy.

790/20 That Council calls on both parties to recommence negotiations and allow workers back on site to work as soon as possible.

For:

Unanimous

5.1 Deferred Item - Notice of Motion - The Mast of the Ex HMAS Adelaide II - What's Happening?

Councillor Gale declared a less than significant non pecuniary interest in the matter as she has been in contact with the key stakeholders. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

Councillor Smith declared a less than significant non pecuniary interest in the matter as she has connections to individuals advocating for this through the diving community and perceived conflicts through Marine Discovery Centre. She will leave the meeting due to the Marine Discover Centre having displays and resources focused on the Ex HMAS Adelaide and perceived conflicts.

This item was resolved by the exception method.

Moved: Councillor Vincent

Seconded: Councillor Sundstrom

Resolved

791/20 That Council request the Chief Executive Officer provide a report before the 24 August 2020 on the progress towards and/or any obstacles affecting, the installation of the Mast of the ex HMAS Adelaide II at "site 1" as adopted by Council at the 14 May 2018 Ordinary Meeting.

For:

Unanimous

5.2 Notice of Motion - Drainage Investigation for Davistown

Time commenced: 9.28pm.

Moved: Councillor Gale

Seconded: Councillor Burke

Resolved

792/20 That Council investigate drainage issues in Davistown in locations of Davis Ave, McCauley St, Kyoga Ave, Lilli Pilli Bus Stop, Restella Ave (Boat Ramp end), Pyang Ave, Mireen Ave (For Boat Ramp end) for drainage needs including but not limited to drain Pitts, flood gates and general drainage upgrades.

793/20 That Council apply for all NSW State Government and any Federal Government grants for water infrastructure with the view to fixing the drainage issue in Davistown.

For:

Unanimous

The meeting adjourned at 9.35pm and resumed at 9.42pm.

5.3 Notice of Motion - East Coast Low Devastation, Protecting Lives, Public and Private Property

Time commenced: 9.43pm.

Councillor Pilon declared a less than significant non pecuniary interest in the matter as she owns property on Ocean View Drive, Wamberal. She chose to stay in the meeting and participate in discussion and voting on this matter as the issues being discussed is specific to the emergency crisis and erosion issues at Wamberal and North Entrance and her property is not exposed to these current issues and as a ratepayer and resident of Wamberal on Ocean View Drive, like hundreds of others, and a Ward Councillor representing effected residents in both Wamberal and North Entrance she is capable of managing this situation and speaking on behalf of the community.

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as he is known to the residents that are affected by the recent events, however he is not currently managing any property in the location and he is also a beachfront property owner but is not affected by the current events. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

Moved: Councillor Best

Seconded: Councillor McLachlan

Resolved

- 794/20** *That further to Council's recent Urgency Motion U3/20, 9 June 2020 and the numerous representations made by Councillors and the beachside Communities of North Entrance and Wamberal, Council now formally write to the Parliamentary Secretary for the Central Coast and Member for Terrigal, Mr Adam Crouch expressing Council's appreciation on behalf of our Community for his urgent action in assisting with this Coastal disaster.*
- 795/20** *That further Council welcomes the recent appointment of the highly regarded Local Disaster Recovery Coordinator for the Wamberal area, Ms Lee Shearer APM and also recognises the outstanding contribution to date of Superintendent Tony Joice for his emergency works as Local Emergency Operation Controller (LEOCon).*
- 796/20** *That Council recognises the extraordinary hardship and difficulties that have arisen from the recent Coastal Erosion Disaster and takes this opportunity to recognise the Mayor's contributions in these difficult times and thank our frontline Staff who have worked tirelessly with the Community to bring about the urgent works critically necessary, with particular thanks to the Chief Executive Officer – Mr Gary Murphy, Environment and Planning Director – Mr Scott Cox, Connected Communities Director - Ms Julie Vaughan, Unit Manager Roads Maintenance and Asset Evaluation – Mr Steve Dignam, Unit Manager Environmental Management – Mr Luke Sulkowski and Unit Manager Roads Assets Planning and Design – Mr Jay Spare and their teams.*
- 797/20** *That Council extend an invitation to Ms Shearer to brief the Full Council via Zoom around emergency actions to date including more permanent initiatives going forward for the Wamberal area.*
- 798/20** *That Council invite expressions of interest from affected residents to be considered to join the Coast and Catchments Committee (Brisbane Waters).*

For:

Unanimous

6.1 Rescission Motion - Councillor Remuneration

Time commenced: 10.17pm.

Moved: Councillor Best

Seconded: Councillor McLachlan

That the following resolution carried at the Ordinary Meeting of Council held on 13 July 2020 be rescinded:

- 631/20** *That Council note the determination made by the Local Government Remuneration Tribunal made 10 June 2020 in respect of Councillor and*

Mayoral fees.

632/20 *That Council fix the annual fee to be paid to each Councillor at \$32,040 pursuant to s.248(2) of the Local Government Act 1993.*

633/20 *That Council fix the annual fee to be paid to the Mayor at \$99,800 pursuant to s.249(3) of the Local Government Act 1993.*

634/20 *That Council determine, pursuant to s.249(5) of the Local Government Act 1993, that an annual fee of \$9,980 be paid to the Deputy Mayor, with that fee to be deducted from the annual fee paid to the Mayor in accordance with resolution 3 above.*

For:

*Councillors Best, Burke, Gale, McLachlan, Pilon
and Vincent*

Against:

*Mayor Matthews, Councillors Greenaway,
Hogan, Holstein, MacGregor, Mehrtens,
Smith and Sundstrom*

The Motion was put to the vote and declared LOST.

The Meeting closed at 10.41 pm.