



Central Coast Council

Minutes of the Ordinary Meeting of Council Held remotely - online on 28 September 2020

Present

Mayor Lisa Matthews and Councillors Greg Best, Jillian Hogan, Kyle MacGregor, Doug Vincent, Troy Marquart, Chris Holstein, Bruce McLachlan, Jilly Pilon, Louise Greenaway, Jeff Sundstrom, Richard Mehrstens 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) and Shane Sullivan (Unit Manager Governance and Business Services).

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

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) and section 413L of The Local Government (General) Regulation 2005. 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

Time commenced: 6.38pm

Moved: **Councillor Sundstrom**

Seconded: **Councillor Pilon**

Resolved

973/20 ***That Council accept the apologies received from Councillor Burke and Gale for tonight's Ordinary Meeting.***

974/20 ***That Council grant the leave of absence submitted by Councillor Gale for the meeting of 12 October 2020.***

For:
Unanimous

The Mayor commemorated Ms Susan Ryan who recently passed away and acknowledged the contribution she had for women in Government as she was the first women from Australian Labor Party to serve in cabinet, first women to hold the portfolio relating to women's affairs, served as a Senator for the Australian Capital Territory, notably involved in the creation of the Sex Discrimination Act 1984 and Affirmative Action Act 1986 and Australia's first Age Discrimination Commissioner.

1.1 Disclosures of Interest

Time commenced: 6.41pm

2.1 Outcome of exhibition of Planning Proposal related to Precinct 2A and 2B North Wyong Shire Structure Plan

Mayor Matthews declared a pecuniary interest in the matter as a family member owns land within this precinct. Mayor Matthews left the meeting at 6.52pm, returned at 7.07pm and did not participate in discussion on this matter.

2.3 Request to prepare Planning Proposal No 239 Debenham Road North, Somersby

Councillor Marquart declared a significant non pecuniary interest in the matter as he owns property within close proximity to the current proposal. Councillor Marquart left the meeting at 7.09pm, returned at 7.11pm and did not participate in discussion on this matter.

3.3 State of Environment Report 2020

Councillor Vincent declared a pecuniary interest in the matter as his employer has charter over the northern ash dams. Councillor Vincent left the meeting at 8.03pm, returned at 8.09pm and did not participate in discussion on this matter.

3.6 Adoption of amendments to 2020-21 Fees and Charges

Mayor Matthews declared a pecuniary interest in the matter as family members might be affected by the changes associated with these fees and charges. Mayor Matthews left the meeting at 8.51pm, returned at 8.59pm and did not participate in discussion on this matter.

Councillor Hogan declared a pecuniary interest in the matter as the organisation she works for rents premises from Council. Councillor Hogan left the meeting at 8.51pm, returned at 8.59pm and did not participate in discussion on this matter.

Councillor Best declared a less than significant non pecuniary interest in the matter as his employer rents premises from Council. 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.

3.7 Community Support Grant Program - July 2020

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she knows of community group recipients.

Councillor Holstein declared a significant non pecuniary interest in the matter as he is a member of the Rotary Club.

Councillor McLachlan declared a pecuniary interest in the matter as his company has sponsored one of the grant applicants previously.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows some of the grant applicants.

This item was resolved by the exception method.

3.8 Draft Skatepark Action Plan

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as his son was a NSW team rider/skater. He 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.

4.3 Working Together Staying Strong COVID Grants - August 2020

Councillor Hogan declared a pecuniary interest in the matter as she works with most of the grant recipients in the community sector.

This item was resolved by the exception method.

7.1 Metro Cinema at Lake Haven - Rent Waiver

Mayor Matthews declared a significant non pecuniary interest in the matter as the Chief Executive Officers' partner was her Campaign Manager in the 2017 Local Government Elections.

This item was resolved by the exception method.

Moved: **Councillor MacGregor**

Seconded: **Councillor Mehrtens**

Resolved

975/20 That Council receive the report on disclosure of interest and note advice of disclosures.

For:

Unanimous

1.2 Confirmation of Minutes of Previous Meeting

Time commenced: 6.47pm

Moved: Councillor MacGregor

Seconded: Councillor Sundstrom

Resolved

976/20 That Council confirm the minutes of the Ordinary Meeting of Council held on the 14 September 2020.

For:

Unanimous

1.3 Notice of Intention to Deal with Matters in Confidential Session

Time commenced: 6.47pm

Moved: Councillor Hogan

Seconded: Councillor Mehrtens

Resolved

977/20 That Council resolve that the following matters be dealt with in closed session, pursuant to s. 10A(2)(a) of the Local Government Act 1993 for the following reasons:

Item 7.1 – Metro Cinema at Lake Haven – Rent Waiver

Reason for considering in closed session:

That Council resolve that this matter be dealt with in closed session, pursuant to s. 10A(2)(d) of the Local Government Act 1993 for the following reason:

2(d) commercial information of a confidential nature that would, if disclosed:

(i) prejudice the commercial position of the person who supplied it

That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report and Attachment 1 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.

For: Mayor Matthews, Councillors Best, Hogan, Holstein, MacGregor, Marquart, McLachlan, Mehrtens, Smith, Sundstrom and Vincent

Against: Councillors Greenaway and Pilon

Procedural Motion – Exception

Time commenced: 6.48pm

Moved: Councillor Holstein

Seconded: Councillor Pilon

Resolved

978/20 That Council adopt the following items as a group and in accordance with the report recommendations:

Item #	Item Title
3.5	Investment Report for July and August 2020
3.7	Community Support Grant Program – July 2020
4.1	Meeting Record of the Coastal Open Space System (COSS) Committee Extraordinary Meeting held on 18 August 2020
4.2	Meeting Record of the Playspaces Advisory Committee Meeting held on 5 August 2020
4.3	Working Together Staying Strong COVID Grants - August 2020
6.4	Notice of Motion – Wamberal Taskforce
7.1	Metro Cinema at Lake Haven – Rent Waiver

979/20 That Council discuss the following items individually:

Item #	Item Title
2.1	Outcome of exhibition of Planning Proposal related to Precinct 2A and 2B North Wyong Shire Structure Plan
2.2	Planning Proposal RZ /6/2016 Warnervale and Virginia Rd, Warnervale
2.3	Request to prepare Planning Proposal No 239 Debenham Road North, Somersby

Item #	Item Title
2.4	Review of the Warnervale Section 7:11 Pan Request for Public Exhibition
3.1	Draft Economic Development Strategy 2020-2040 and Economic Recovery and Resilience Framework
3.2	Proposed Development of Warnervale Education and Business Precinct
3.3	State of Environment Report 2020
3.4	Amended Code of Meeting Practice and Consideration of Submissions
3.6	Adoption of amendments to 2020-221 Fees and Charges
3.8	Draft Skatepark Action Plan
3.9	Biodiversity Strategy
3.10	Meeting Record of the Companion Animals Advisory Committee held 28 July 2020
6.1	Notice of Motion - Additional Motion to LGNSW Annual Conference - Legislative Reform
6.2	Notice of Motion - Extreme Risks and Lease Liabilities
6.3	Notice of Motion - Leveraging Jobs Hub off \$250M State Government Rail Investment at Kangy Angy

For:
Unanimous

2.1 Outcome of exhibition of Planning Proposal related to Precinct 2A and 2B North Wyong Shire Structure Plan

Time commenced: 6.52pm

Mayor Matthews declared a pecuniary interest in the matter as a family member owns land within this precinct. Mayor Matthews left the meeting at 6.52pm, returned at 7.07pm and did not participate in discussion on this matter.

The Mayor vacated the chair and the Deputy Mayor assumed the chair at 6.52pm.

Moved: Councillor Smith
Seconded: Councillor MacGregor

Resolved

980/20 That Council amend Planning Proposal (PP_2013_WYONG_013_02; RZ/2/2013) as exhibited in response to issues raised by submissions and to

provide greater guidance for future development of the land, as follows:

- a Relocation of RE1 Public Recreations zoning adjoining the wildlife and riparian corridors to more suitable, less topographically constrained locations;*
- b Widening the central wildlife corridor from 30m to a minimum of 40m; and*
- c Realignment of the R2 Low Density Residential zone and RE1 Public Recreation Zone to promote a more orderly and feasible development outcomes.*

981/20 *That Council supports the Planning Proposal (PP_2013_WYONG_013_02; RZ/2/2013) as exhibited and outlined above, to land within Precincts 2A and 2B from RU6 Transition and E2 Environmental Conservation to R2 Low Density Residential, RE1 Public Recreation, E2 Environmental Conservation and E3 Environmental Management under Wyong Local Environmental Plan 2013 or the Central Coast Local Environmental Plan (whichever is in effect);*

982/20 *That Council request the Secretary of the Department of Planning, Industry and Environment to concur that the inconsistency of the Planning Proposal with the s9.1 Ministerial Direction 4.3 Flood Prone Land be considered of minor significance for the reasons outlined in this report;*

983/20 *That Council request, upon the receipt of concurrence requested by resolution 3, and the adoption of the updated Warnervale District S.7.11 Development Contribution Plan, the Chief Executive Officer to exercise the delegation issued by the Department of Planning, Industry and Environment for Planning Proposal (PP_2013_WYONG_013_02; RZ/2/2013) to proceed with the steps for drafting and making of Amendment No. 34 to Wyong Local Environmental Plan 2013 or an amendment to the Central Coast Local Environmental Plan (whichever is in effect);*

984/20 *That Council request that the Chief Executive Officer investigate further a voluntary scheme to increase the width of the wildlife corridor through Landholder agreements that may include options of voluntary acquisition and provide a report back to Council.*

985/20 *That Council amend the draft site-specific Development Control Plan Chapter - Wadalba South Urban Release Area (as exhibited) in response to issues raised by submissions and to provide greater guidance for future development of the land, as follows:*

- a Addition of objectives and controls regarding flooding, stormwater and biodiversity;*
- b Including additional and expanded requirements for Council to consider at the DA stage which include staging and servicing*

requirements;

- c Minor alterations to wording, terminologies and references to make the DCP clearer and to better reflect objectives.*

986/20 *That Council adopt the site-specific Development Control Plan Chapter - Wadalba South Urban Release Area (as amended at Attachment 2) as Chapter 6.28 within Wyong Development Control Plan 2013, and as Chapter 5.52 within the Central Coast Development Control Plan (when it comes into effect), which shall come into effect upon notification of the plan.*

987/20 *That Council publish a public notice of its decision regarding the adoption of the Development Control Plan within 28 days;*

988/20 *That Council provide the Planning Secretary with a copy of the Development Control Plan within 28 days;*

989/20 *That Council advise all those who made a submission of the decision.*

For:

Councillors Best, Holstein, MacGregor, Marquart, McLachlan, Pilon, Smith, Sundstrom and Vincent

Against:

Councillors Greenaway, Hogan and Mehrtens

The Deputy Mayor vacated the chair and the Mayor resumed the chair at 7.07pm.

2.2 Planning Proposal RZ /6/2016 Warnervale and Virginia Rd, Warnervale

Time commenced: 7.07pm

Moved: Councillor Smith

Seconded: Councillor MacGregor

Resolved

990/20 *That Council defer consideration of this item until a site visit has been conducted for those interested Councillors.*

For:

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

Against:

Councillor Vincent

2.3 Request to prepare Planning Proposal No 239 Debenham Road North, Somersby

Time commenced: 7.09pm

Councillor Marquart declared a significant non pecuniary interest in the matter as he owns property within close proximity to the current proposal. Councillor Marquart left the meeting at 7.09pm, returned at 7.11pm and did not participate in discussion on this matter.

Moved: Councillor Smith
Seconded: Councillor MacGregor

Resolved

991/20 That Council defer consideration of this item until a site visit has been conducted for those interested Councillors.

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

2.4 Review of the Warnervale Section 7:11 Plan Request for Public Exhibition

Time commenced: 7.11pm

Moved: Councillor Greenaway
Seconded: Councillor MacGregor

Resolved

992/20 That Council request the Chief Executive Officer to exhibit the draft amended Warnervale District Contributions Plan 2020 for 28 days to allow for public consultation.

993/20 That a further report be presented to Council on the outcomes of the public exhibition and that such report include correspondence confirming the binding written commitments from the State Government relating to infrastructure that it will provide at specific locations and which notes both the budgeted amount and the delivery dates for such infrastructure.

994/20 That Council hold discussions with the Department of Planning, Environment and Industry during the exhibition period to determine how the Special Infrastructure Contributions will be utilised for the Warnervale District.

For:
Unanimous

3.1 Draft Economic Development Strategy 2020-2040 and Economic Recovery and Resilience Framework

Time commenced: 7.20pm

Councillor Mehrtens left the meeting at 7.30pm and returned at 7.31pm

Councillor Sundstrom left the meeting at 7.44pm and returned at 7.45pm

Councillor Pilon left the meeting at 7.51pm and did not vote on the motion

Moved: Councillor Holstein

Seconded: Councillor McLachlan

- 1 That Council acknowledges the significant needs of the Central Coast business community and regional economy in both the short and long term.
- 2 That Council receive and note the Draft Economic Development Strategy 2020-2040, Economic Recovery and Resilience Framework, and Economic Development Team Resources report and all supporting documentation.
- 3 That Council endorse the Draft Central Coast Economic Development Strategy 2020-2040.
- 4 That Council endorse the Draft Central Coast Economic Recovery and Resilience Framework.

Amendment Moved: Councillor Smith

Amendment Seconded: Councillor MacGregor

- 1 That Council receive and note the Draft Economic Development Strategy 2020-2040 and the Economic Recovery and Resilience Framework.
- 2 That Council endorse the Draft Central Coast Economic Development Strategy 2020-2040 with the following amendments:
 - a Amendments as resolved by Council on 9 June 2020 to be made in the final document
 - b Page 26 – under IMPROVING ECONOMIC LEADERSHIP AND COORDINATION - Add "Projects that build consensus across all levels of government, key stakeholders and the community
 - c Wherever a reference to a "City Deal" is made, specify that the action is to "investigate a City Deal"
 - d Page 31 – "Work with stakeholders, peak bodies and the community to modernise and streamline planning processes and requirements to future-proof our new development"
 - e Replace references to "removing red tape" to "streamlining processes"

- 3 *That Council endorse the Draft Central Coast Economic Recovery and Resilience Framework with the following amendments:*
- *Page 5 - Council is investigating opportunities to advance the economic revitalisation of Gosford, Wyong, The Entrance, Peninsula and other town centres.*
 - *Page 8 – Amend to add “Quadruple Bottom Line” as a Response Principle - defined in terms of economic, social, ecological and governance*
 - *Page 17 – Amend Strategic Themes to add “Quadruple Bottom Line”*
 - *Page 22 – replace “entering into public-private partnerships’ with “investigate public-private partnerships”*
 - *Replace references to “removing red tape” with “streamlining processes”*
- 4 *That Council note that the Implementation Plans for the Draft Central Coast Economic Development Strategy 2020-2040 and the Draft Economic Recovery and Resilience Action Plan are draft documents to be amended in line with changes above and subject to further discussion before finalisation.*

<i>For:</i>	<i>Against:</i>
<i>Mayor Matthews, Councillors Best, Greenaway, Hogan, MacGregor, Mehrrens, Pilon, Smith, Sundstrom and Vincent</i>	<i>Councillors Holstein, McLachlan and Marquart</i>

The amendment was put to the vote and declared CARRIED and then become the motion.

Moved: **Councillor Smith**
Seconded: **Councillor MacGregor**

Resolved

995/20 ***That Council receive and note the Draft Economic Development Strategy 2020-2040 and the Economic Recovery and Resilience Framework.***

996/20 ***That Council endorse the Draft Central Coast Economic Development Strategy 2020-2040 with the following amendments:***

- a*** ***Amendments as resolved by Council on 9 June 2020 to be made in the final document***
- b*** ***Page 26 – under IMPROVING ECONOMIC LEADERSHIP AND COORDINATION - Add “Projects that build consensus across all levels of government, key stakeholders and the community***
- c*** ***Wherever a reference to a “City Deal” is made, specify that the action is to “investigate a City Deal”***

d Page 31 – “Work with stakeholders, peak bodies and the community to modernise and streamline planning processes and requirements to future-proof our new development”

e Replace references to “removing red tape” to “streamlining processes”

997/20 That Council endorse the Draft Central Coast Economic Recovery and Resilience Framework with the following amendments:

- Page 5 - Council is investigating opportunities to advance the economic revitalisation of Gosford, Wyong, The Entrance, Peninsula and other town centres.*
- Page 8 – Amend to add “Quadruple Bottom Line” as a Response Principle - defined in terms of economic, social, ecological and governance*
- Page 17 – Amend Strategic Themes to add “Quadruple Bottom Line”*
- Page 22 – replace “entering into public-private partnerships’ with “investigate public-private partnerships”*
- Replace references to “removing red tape” with “streamlining processes”*

998/20 That Council note that the Implementation Plans for the Draft Central Coast Economic Development Strategy 2020-2040 and the Draft Economic Recovery and Resilience Action Plan are draft documents to be amended in line with changes above and subject to further discussion before finalisation.

For:
Mayor Matthews, Councillors Best, Greenaway, Hogan, Holstein, MacGregor, Marquart, Mehrtens, Smith, Sundstrom and Vincent

Against:
Councillor McLachlan

3.2 Proposed Development of Warnervale Education and Business Precinct

Time commenced: 7.52pm

Councillor Pilon left the meeting at 7.51pm and did not vote.

Moved: Councillor Greenaway
Seconded: Councillor MacGregor

Resolved

- 999/20** *That Council endorse the proposed concept plan for Warnervale Education and Business Precinct noting that this is not to be interpreted as an endorsement of, or acceptance of any of the content of Planning Proposal PP_2014_Wyong_012_00 and that this Concept Plan will be further developed independently of that proposal.*
- 1000/20** *That Council approve the industry and community exhibition and consultation of the concept plan for 28 days.*
- 1001/20** *That Council approve the call for expressions of interest from business, industry and education providers to partner with the Warnervale Education and Business Precinct.*
- 1002/20** *That a further report to brought back to Council detailing the outcome of the expressions of interest.*

For:

Unanimous

3.3 State of Environment Report 2020

Time commenced: 7.57pm

Councillor Vincent declared a pecuniary interest in the matter as his employer has charter over the northern ash dams. Councillor Vincent left the meeting at 8.03pm, returned at 8.09pm and did not participate in discussion on this matter.

Councillor Pilon left the meeting at 7.51pm and returned at 8.08pm

Moved: Councillor Smith

Seconded: Councillor Greenaway

Resolved

- 1003/20** *That Council adopt the Central Coast State of the Environment Report 2020 for publication on the website*
- 1004/20** *That Council note an updated version of the Central Coast State of the Environment Report 2020 will be presented in November 2021*
- 1005/20** *That Council refer the State of the Environment Report to the Innovation and Futures Reference Group for further consideration of gaps, information and data to be included in the final State of the Environment Report.*

For:

Mayor Matthews, Councillors Greenaway, Hogan, Holstein, MacGregor, Mehrrens, Pilon, Smith and Sundstrom

Against:

Councillors Best, Marquart and McLachlan

3.4 Amended Code of Meeting Practice and Consideration of Submissions

Time commenced: 8.09pm

Councillor Greenaway left the meeting at 8.13pm and returned at 8.14pm

Councillor Mehrtens left the meeting at 8.15pm and returned at 8.16pm

Councillor Best left the meeting at 8.23pm and returned at 8.24pm

Councillor MacGregor left the meeting at 8.50pm and did not vote on the motion

Moved: Councillor Smith

Seconded: Councillor MacGregor

1 That Council in accordance with s.363 of the NSW Local Government Act 1993 adopt the amended Code of Meeting Practice that is Attachment 1 to this report having given consideration to all submissions and feedback received concerning the amended Code of Meeting Practice as required by s.362 of the NSW Local Government Act 1993 and making the following change in response to the submission received:

- Provide for the conduct of Council Meetings in the Gosford area at a suitable venue within two months of the lifting of restrictions under any relevant Public Health Order and Regulation; and
- Provide for the conduct of Council Meetings at that venue for every second Council meeting from that time onward.
- Provide for the conduct of Briefings alternatively between Gosford and Wyong once Council Meetings have resumed between alternative locations of Gosford and Wyong

2 That Council note that one submission, that is Attachment 2 to this report, was received during the exhibition period.

3 That Council revoke Central Coast Council's [Webcasting of Council Meetings Policy](#) as it is now obsolete and the Code of Meeting Practice provides for the webcasting of all Council Meetings as required under the Model Code of Meeting Practice made in accordance with the NSW Local Government Act 1993.

Amendment Moved: Councillor Best

Amendment Seconded: Councillor McLachlan

1 That Council in accordance with s.363 of the NSW Local Government Act 1993 adopt the amended Code of Meeting Practice that is Attachment 1 to this report having given consideration to all submissions and feedback received concerning the amended Code of Meeting Practice as required by s.362 of the NSW Local Government Act 1993.

2 That Council note that one submission, that is Attachment 2 to this report, was received during the exhibition period.

3 That Council revoke Central Coast Council's Webcasting of Council Meetings Policy as it is now obsolete and the Code of Meeting Practice provides for the webcasting of all Council Meetings as required under the Model Code of Meeting Practice made in

accordance with the NSW Local Government Act 1993.

- 4 *That Council in the provision of open and transparent communications allows for the chat facility on the webcast of Council Meetings be activated.*

For:
Councillors Best, Marquart and McLachlan

Against:
Mayor Matthews, Councillors Greenaway, Hogan, Holstein, MacGregor, Mehrtens, Pilon, Smith, Sundstrom and Vincent

The amendment was put to the vote and declared LOST.

Further Amendment Moved: Councillor Best

Further Amendment Seconded: Councillor McLachlan

- 1 *That Council in accordance with s.363 of the NSW Local Government Act 1993 adopt the amended Code of Meeting Practice that is Attachment 1 to this report having given consideration to all submissions and feedback received concerning the amended Code of Meeting Practice as required by s.362 of the NSW Local Government Act 1993.*
- 2 *That Council note that one submission, that is Attachment 2 to this report, was received during the exhibition period.*
- 3 *That Council revoke Central Coast Council's Webcasting of Council Meetings Policy as it is now obsolete and the Code of Meeting Practice provides for the webcasting of all Council Meetings as required under the Model Code of Meeting Practice made in accordance with the NSW Local Government Act 1993.*
- 4 *That Council request the Chief Executive Officer report on the process and resources required for Council to livestream all Councillor briefings other than confidential.*

For:
Councillors Best, Holstein, Marquart, McLachlan and Pilon

Against:
Mayor Matthews, Councillors Greenaway, Hogan, MacGregor, Mehrtens, Smith, Sundstrom and Vincent

The further amendment was put to the vote and declared LOST.

Moved: Councillor Smith

Seconded: Councillor MacGregor

Resolved

- 1006/20 That Council in accordance with s.363 of the NSW Local Government Act 1993 adopt the amended Code of Meeting Practice that is Attachment 1 to this report having given consideration to all submissions and feedback received concerning the amended Code of Meeting Practice as required by s.362 of the NSW Local Government Act 1993 and making the following**

change in response to the submission received:

- *Provide for the conduct of Council Meetings in the Gosford area at a suitable venue within two months of the lifting of restrictions under any relevant Public Health Order and Regulation; and*
- *Provide for the conduct of Council Meetings at that venue for every second Council meeting from that time onward.*
- *Provide for the conduct of Briefings alternatively between Gosford and Wyong once Council Meetings have resumed between alternative locations of Gosford and Wyong*

1007/20 *That Council note that one submission, that is Attachment 2 to this report, was received during the exhibition period.*

1008/20 *That Council revoke Central Coast Council's [Webcasting of Council Meetings Policy](#) as it is now obsolete and the Code of Meeting Practice provides for the webcasting of all Council Meetings as required under the Model Code of Meeting Practice made in accordance with the NSW Local Government Act 1993.*

For:
Mayor Matthews, Councillors Greenaway, Hogan, Holstein, Mehrtens, Pilon, Smith, Sundstrom and Vincent

Against:
Councillors Best, Marquart and McLachlan

3.5 Investment Report for July and August 2020

This item was resolved by the exception method.

Moved: *Councillor Holstein*
Seconded: *Councillor Pilon*

Resolved

1009/20 *That Council receive the Investment Report for July and August 2020.*

For:
Unanimous

3.6 Adoption of amendments to 2020-21 Fees and Charges

Time commenced: 8.51pm

Mayor Matthews declared a pecuniary interest in the matter as family members might be affected by the changes associated with these fees and charges. Mayor Matthews left the meeting at 8.51pm, returned at 8.59pm and did not participate in discussion on this matter.

Councillor Hogan declared a pecuniary interest in the matter as the organisation she works for rents premises from Council. Councillor Hogan left the meeting at 8.51pm, returned at 8.59pm and did not participate in discussion on this matter.

Councillor Best declared a less than significant non pecuniary interest in the matter as his employer rents premises from Council. 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.

The Mayor vacated the chair and the Deputy Mayor assumed the chair at 8.51pm.

Councillor MacGregor left the meeting at 8.50pm and returned at 8.54pm

Moved: Councillor Best
Seconded: Councillor Marquart

Resolved

1010/20 That Council note that the proposed new fees and amendments to the 2020-21 Fees and Charges were publicly exhibited from 30 July 2020 to 26 August 2020 in accordance with ss. 610F and 705 of the Local Government Act 1993.

1011/20 That Council further note that there were no submissions received during the public exhibition period for the new fees and amendments to the 2020-21 Fees and Charges.

1012/20 That Council determine, pursuant to s. 610F of the Local Government Act 1993, to approve the new fees and amendments to the 2020-21 Fees and Charges.

1013/20 That Council notes income yield from Fees and Charges for 2019/20 was \$56,671,859 against the 2020/21 exhibited budget of \$67,224,885.

For:
Councillors Best, Holstein, MacGregor, Marquart, McLachlan, Mehrrens, Pilon and Smith

Against:
Councillors Greenaway and Vincent
Abstained: Councillor Sundstrom

The Deputy Mayor vacated the chair and the Mayor resumed the chair at 9.00pm.

3.7 Community Support Grant Program - July 2020

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she knows of community group recipients.

Councillor Holstein declared a significant non pecuniary interest in the matter as he is a member of the Rotary Club.

Councillor McLachlan declared a pecuniary interest in the matter as his company has sponsored one of the grant applicants previously.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows some of the grant applicants.

This item was resolved by the exception method.

Moved: Councillor Holstein

Seconded: Councillor Pilon

Resolved

1014/20 That Council support the recommendations in principle to allocate \$18,334.82 from the 2020/21 grants budget to the Community Support Grant program, as outlined in the following report and Attachment 1

1015/20 That Council decline applications for the reasons indicated in Attachment 2, the applicants be advised and where relevant, directed to alternate funding

1016/20 That Council request the Chief Executive Officer to review the proposals and identify those that may not be able to proceed at this stage due to the COVID-19 pandemic and only allocate to those able to deliver proposed projects

For:

Unanimous

3.8 Draft Skatepark Action Plan

Time commenced: 9.00pm

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as his son was a NSW team rider/skater. He 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.

Moved: Councillor Holstein

Seconded: Councillor MacGregor

Resolved

- 1017/20** *That Council endorse the draft Central Coast Skatepark Action Plan for the purposes of community consultation.*
- 1018/20** *That the draft Central Coast Skatepark Action Plan be placed on public exhibition for a period of 28 days.*
- 1019/20** *That a further report comes back to Council on the outcomes of the public exhibition.*
- 1020/20** *That prior to the circulation of the strategy for community consultation that the strategy be amended to include four regional skate parks (north, south, east and west) with an even distribution of these high quality facilities across the LGA to encourage skateboarding tourism, the further development of competition grade facilities and the delivery by council of high quality facilities for both intra-regional and extra regional visitors to our regions skate parks.*

For:

Unanimous

3.9 Biodiversity Strategy

Time commenced: 9.12pm

Moved: **Councillor Smith**

Seconded: **Councillor MacGregor**

Resolved

- 1021/20** *That Council adopts the attached draft Central Coast Council Biodiversity Strategy amended as follows:*
- a a new theme titled "Protect and Expand the Coastal Open Space System (COSS);*
 - b a brief history of the COSS;*
 - c an explanation of the mechanisms that identified and enabled the COSS including, but not limited to, Bonus Lot Provision, COSS Levy, COSS Committee and voluntary acquisition process;*
 - d actions relating to expanding COSS, protection of COSS lands and funding options that are independent of a reliance on offsetting.*

For:

Mayor Matthews, Councillors Greenaway, Hogan, Holstein, MacGregor, McLachlan, Mehrtens, Pilon, Smith, Sundstrom and Vincent

Against:

Councillors Best and Marquart

3.10 Meeting Record of the Companion Animals Advisory Committee held 28 July 2020

Time commenced: 9.22pm

Moved: Councillor Best

Seconded: Councillor MacGregor

Resolved

1022/20 That Council note the report on Meeting Record of the Companion Animals Advisory Committee meeting held on 28 July 2020.

1023/20 That Council request the Office of Local Government to amend the section 29 of the Companion Animals Act 1998 to include:

- **The owner of a cat must take all reasonable precautions to prevent the cat from escaping from the property on which it is being kept.**

Maximum penalty— 8 penalty units.

(1A) The regulations may, for the purposes of this section, specify what constitutes or does not constitute reasonable precautions to prevent a cat from escaping.

(2) For the purposes of subsection (1), owner of a cat includes the person who is for the time being in charge of the cat.

1024/20 That Council submit this matter to the Local Government NSW Annual Conference as a motion.

For:

Mayor Matthews, Councillors Best, Hogan, Holstein, MacGregor, McLachlan, Marquart, Pilon, Smith, Sundstrom and Vincent

Abstained:

Councillor Mehrtens and Greenaway

The meeting was adjourned at 9.38pm and resumed at 9.51pm.

4.1 Meeting Record of the Coastal Open Space System (COSS) Committee Extraordinary Meeting held on 18 August 2020

This item was resolved by the exception method.

Moved: Councillor Holstein

Seconded: Councillor Pilon

Resolved

1025/20 That Council receive the report on Meeting Record of the Coastal Open Space System (COSS) Committee Extraordinary Meeting held on 18 August 2020.

For:

Unanimous

4.2 Meeting Record of the Playspaces Advisory Committee Meeting held on 5 August 2020

This item was resolved by the exception method.

Moved: Councillor Holstein

Seconded: Councillor Pilon

Resolved

1026/20 That Council receive the report on Meeting Record of the Playspaces Advisory Committee Meeting held on 5 August 2020.

For:

Unanimous

4.3 Working Together Staying Strong COVID Grants - August 2020

Councillor Hogan declared a pecuniary interest in the matter as she works with most of the grant recipients in the community sector.

This item was resolved by the exception method.

Moved: Councillor Holstein

Seconded: Councillor Pilon

Resolved

1027/20 That Council receive the report on the Working Together Staying Strong Grant Program August 2020 applications as outlined in the following report and Attachments 1 and 2.

For:

Unanimous

**6.1 Notice of Motion - Additional Motion to LGNSW Annual Conference -
Legislative Reform**

Time commenced: 9.51pm

Moved: Councillor Greenaway

Seconded: Councillor MacGregor

Resolved

1028/20 That Council resolve to submit the following additional motion to the LGNSW Annual Conference regarding the following issues, noting that it will be finalised and circulated to all Councillors prior to submission;

Call on LGNSW to actively campaign for legislative reform that would

- a make it an offence for a person to intentionally or recklessly threaten or incite violence towards any persons listed in (b) (i) below, in the exercise of any function under the Local Government Act or any other Act or any regulation conferring functions on a council**
- b make it an offence for a person to publish content that reasonable persons would regard as being, in all the circumstances, intimidating, menacing, harassing or offensive towards any of the following in the exercise of any function under the Local Government Act or any other Act or any regulation conferring functions on a council**
- (i)**
- the Minister**
 - the Departmental Chief Executive**
 - a person authorised under section 746**
 - an auditor appointed under Part 3 of Chapter 13**
 - a council**
 - a councillor**
 - an administrator of a council appointed under this Act**
 - an employee of a council**
 - a police officer**
 - a person duly authorised to perform the function for the purposes of the Act or regulation concerned.**
- c impose, in addition to Maximum penalties as provided in similar legislation eg Crimes (Domestic and Personal Violence) Act 2007, a further penalty to the effect that anyone convicted of such an offence be disqualified from holding public office as per s 275 of the Local Government Act 1993**

For:
Mayor Matthews, Councillors Greenaway,
Hogan, Holstein, MacGregor, Mehrrens,
Smith, Sundstrom and Vincent

Against:
Councillors Best, Pilon, McLachlan
Marquart

6.2 Notice of Motion - Extreme Risks and Lease Liabilities

Time commenced: 10.10pm

Councillor MacGregor left the meeting at 10.14pm and returned at 10.22pm

Councillor Pilon left the meeting at 10.15pm and returned at 10.16pm

Moved: Councillor Best

Seconded: Councillor Marquart

- 1 *That Council recognises and thanks staff for their risk minimisation initiative to introduce a revised 'Displacement Threshold' at Warnervale Airport / ALA requiring \$13,000.00 of new line markings as opposed to trimming the trees, due to Council Resolutions on foot.*
- 2 *Further Council notes that all relevant parties other than Council, i.e. Central Coast Aero Club and HTH Holdings / Hudsons, are more than happy to deal with the vegetation issue as a matter of urgency.*
- 3 *That Council notes with great concern that the new reduced thresholds have now resulted in disqualifying urgent Medical Evacuation Aircraft / AirMed from accessing the Airport along with other Emergency Service Providers such as RFS training on the eve of our 20/21 Bushfire Season.*
- 4 *That Council notes repeated staff reports highlighting the need for urgent safety action around vegetation issues, concerns by CASA, benchmarked against their Safety Matrix and the recently released Warnervale Airport (Restrictions) Act Review recommending urgent action to mitigate vegetation safety issues, i.e. trees at the end of the runway. It is with this understanding and in light of the Staff Response (see 1 above) that Council now formally seek advice from our Insurers Statewide, as to whether these actions are sufficient for them to continue insuring this Council, its Ratepayers and indeed Councillors in the event of the loss of an aircraft, serious injury or death if found negligent that may lend itself to Manslaughter Charges.*
- 5 *That further to Council's recent far reaching initiative to change the name of the Airport from an Airport to an ALA, Aircraft Landing Area, staff investigate and report on what governance and due diligence was carried out prior to this decision being made and as to whether Council now as the owner and Lessor of the Airport has breached its obligations under the License Deed due to possible implications that will now arise from the re-identification of the Airport to an ALA, reportedly through no consultation.*

For:
Councillors Best, Holstein, Marquart,
McLachlan and Pilon

Against:
Mayor Matthews, Councillors Greenaway,
Hogan, MacGregor, Mehrtens, Smith,
Sundstrom and Vincent

A division was called by Councillors Marquart and Best

For:

Against:

*Councillors Best, Holstein, Marquart,
McLachlan and Pilon*

*Mayor Matthews, Councillors Greenaway,
Hogan, MacGregor, Mehrstens, Smith,
Sundstrom and Vincent*

The motion was put to the vote and declared LOST

6.3 Notice of Motion - Leveraging Jobs Hub off \$250M State Government Rail Investment at Kangy Angy

Time commenced: 10.52pm

Moved: *Councillor Best*
Seconded: *Councillor Pilon*

Resolved

1029/20 That Council defer consideration of item 6.3 - Notice of Motion - Leveraging Jobs Hub off \$250M State Government Rail Investment at Kangy Angy to the 12 October 2020 Ordinary Meeting.

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

Against:
Councillor Vincent

6.4 Notice of Motion - Wamberal Taskforce

This item was resolved by the exception method.

Moved: *Councillor Holstein*
Seconded: *Councillor Pilon*

Resolved

1030/20 That the Chief Executive Officer seek to make available on Council's website the minutes of the recently established Wamberal Taskforce noting that:

- a for past meetings, these minutes should be available on the website by end of October, 2020; and**
- b for future meetings, the minutes should be available on the website within 1 week of formal adoption by the Wamberal Taskforce.**

1031/20 That the Chief Executive Officer provide a report to the last meeting in October, 2020 on

- a** *the costs of emergency works undertaken at Wamberal Beach and North Entrance Beach as directed by the State government*
- b** *the process and progress of recovering those costs from the State government*

For:

Unanimous

The confidential report was adopted by the exception method (minute 978/20) and therefore the resolutions are reported as follows;

7.1 Metro Cinema at Lake Haven - Rent Waiver

Mayor Matthews declared a significant non pecuniary interest in the matter as the Chief Executive Officers' partner was her Campaign Manager in the 2017 Local Government Elections.

This item was resolved by the exception method.

Moved: **Councillor Holstein**

Seconded: **Councillor Pilon**

Resolved

1032/20 *That Council defer consideration of Metro Cinema at Lake Haven – Rent Waiver to the Ordinary Meeting to be held on 28 September 2020 and note that a report will be provided for Council's consideration in the business paper of 12 October 2020.*

For:

Unanimous

The Meeting closed at 10.52 pm.