



Central Coast Council

Minutes of the **Extraordinary Meeting of Council** Held remotely - online on 19 October 2020

Present

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

In Attendance

Jamie Loader (Acting Chief Executive Officer), Boris Bolgoff (Director Roads, Transport, Drainage and Waste), Julie Vaughan (Director Connected Communities), Scott Cox (Director Environment and Planning), Danielle Hargreaves (Acting Director Water and Sewer), Ricardo Martello (Executive Manager Innovation and Futures), Krystie Bryant (Executive Manager People and Culture), Mark Margin (Acting Chief Information Officer) and Shane Sullivan (Unit Manager Governance and Business Services).

The Mayor, Lisa Matthews, declared the meeting open at 6.32pm.

At the request of the Mayor, Mr Jamie Loader, Acting 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: 6.37pm

Moved: *Councillor MacGregor*

Seconded: *Councillor Pilon*

Resolved

1059/20 *That Council accept the apology received from Councillor Vincent for tonight's Extraordinary Meeting.*

For:

Unanimous

1.1 Disclosures of Interest

Time commenced: 6.38pm

**4.1 Deferred Item - Meeting Record of the Catchments and Coast Committee
Tuggerah Lakes meeting held on 26 August 2020**

Councillor McLachlan declared a significant non pecuniary interest in the matter as he was a successful tenderer with the former Wyong Shire Council around crown land lease negotiations at Saltwater Park, however the lease was never issued. He did not make this declaration in the open meeting, however Councillor McLachlan left the meeting at 9.09pm, returned at 9.47pm and did not participate in discussion on this matter.

4.5 Deferred Item - The Entrance Channel - Studies and Reports

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as he was a member of the Tuggerah Lakes Breakthrough Association and as such he has an association with Angus Jackson. 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.

This item was deferred to the 26 October 2020 Ordinary Meeting.

6.2 Deferred Item - Code of Conduct Investigation Report - INV25/2019

Councillor Smith declared a less than significant non pecuniary interest in the matter as she is referred to as Mayor at the time of the incident referred to in the report. 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 Best declared a significant non pecuniary interest in the matter as he is the subject identified in this item.

This item was resolved to be deferred to the 26 October 2020 Ordinary Meeting.

6.3 Deferred Item - Code of Conduct Investigation Report – INV6/2020

Councillor Marquart declared a significant non pecuniary interest in the matter as he is the subject identified in this item.

This item was resolved to be deferred to the 26 October 2020 Ordinary Meeting.

Moved: Councillor Holstein

Seconded: Councillor Smith

Resolved

1060/20 That Council receive the report on Disclosure of Interest and note advice of disclosures.

For:
Unanimous

1.2 Notice of Intention to Deal with Matters in Confidential Session

Time commenced: 6.42pm

Moved: Councillor Hogan

Seconded: Councillor Smith

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

Item 6.1 – Mayoral Minute – Staff Matter

Reason for considering in closed session:

2(a) contains personnel matters concerning particular individuals (other than councillors)

Item 6.2 – Code of Conduct Investigation Report – INV25/2019

Reason for considering in closed session:

2(i) alleged contraventions of any code of conduct requirements applicable under [section 440](#).

Item 6.3 – Code of Conduct Investigation Report – INV6/2020

Reason for considering in closed session:

2(i) alleged contraventions of any code of conduct requirements applicable under [section 440](#).

That Council resolve in accordance with section 10A(2)(a) and (i) of the Local Government Act that this matter be considered in closed session of Council as it relates to alleged contraventions of the Code of Conduct made under section 440. On balance consideration of this matter in open Council would not be in the public interest as it contains confidential information and the matter remains undetermined by Council at this time.

Amendment Moved: Councillor Best

Amendment Seconded: Councillor Marquart

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

- *Item 6.1 – Mayoral Minute – Staff Matter*

Reason for considering in closed session:

2(a) *contains personnel matters concerning particular individuals (other than councillors)*

That Council resolve in accordance with section 10A(2)(a) of the Local Government Act that this matter be considered in closed session of Council as it relates to alleged contraventions of the Code of Conduct made under section 440. On balance consideration of this matter in open Council would not be in the public interest as it contains confidential information and the matter remains undetermined by Council at this time.

2 *That Council consider the following items in open session;*

- *Item 6.2 – Code of Conduct Investigation Report – INV25/2019*
- *Item 6.3 – Code of Conduct Investigation Report – INV6/2020*

For:
Councillors Best, Burke, Gale, Marquart,
McLachlan and Pilon

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

Moved: Councillor Hogan

Seconded: Councillor Smith

Resolved

1061/20 ***That Council resolve that the following matters be dealt with in closed session, pursuant to s. 10A(2) of the Local Government Act 1993 for the following reasons:***

Item 6.1 – Mayoral Minute – Staff Matter

Reason for considering in closed session:

2(a) contains personnel matters concerning particular individuals (other than councillors)

Item 6.2 – Code of Conduct Investigation Report – INV25/2019

Reason for considering in closed session:

2(i) alleged contraventions of any code of conduct requirements applicable under [section 440](#).

Item 6.3 – Code of Conduct Investigation Report – INV6/2020

Reason for considering in closed session:

2(i) alleged contraventions of any code of conduct requirements applicable under [section 440](#).

That Council resolve in accordance with section 10A(2)(a) and (i) of the Local Government Act that this matter be considered in closed session of Council as it relates to alleged contraventions of the Code of Conduct made under section 440. On balance consideration of this matter in open Council would not be in the public interest as it contains confidential information and the matter remains undetermined by Council at this time.

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

Against:
Councillors Best, Burke, Gale, Pilon, Marquart and McLachlan

Procedural Motion – Exception

Time commenced: 6.58pm

Moved: Councillor Gale
Seconded: Councillor MacGregor

Resolved

1062/20 That Council adopt the following items as a group and in accordance with the report recommendations:

Item #	Item Title
3.2	Deferred Item - Proposed Council Meeting Dates
3.5	Deferred Item - Management of Coastal Land Parcels at The Entrance North and Wamberal
4.4	Deferred Item - Activities of the Social Impact Taskforce

1063/20 That Council discuss the following items individually:

Item #	Item Title
2.1	Deferred Item - Planning Proposal RZ /6/2016 Warnervale and Virginia Rd, Warnervale
3.1	Deferred Item - Planning Proposal 84/2015 for land on the corner of Collingwood Drive and Matcham Road, Matcham
3.3	Deferred Item - Proposed Council Meeting Dates
3.4	Deferred Item - Hawkesbury-Nepean River Coastal Management Program Stage 1 Scoping Study

Item #	Item Title
3.6	<i>Deferred Item - Management of Coastal Land Parcels at The Entrance North and Wamberal</i>
3.7	<i>100 Day Recovery Action Plan</i>
4.1	<i>Deferred Item - Meeting Record of the Catchments and Coast Committee Tuggerah Lakes meeting held on 26 August 2020</i>
4.2	<i>Deferred Item - Meeting Record of the Gosford CBD and Waterfront Advisory Committee meeting held 13 August 2020</i>
4.3	<i>Deferred Item - Meeting Record of the Social Inclusion Advisory Committee meeting held 11 August 2020</i>
4.5	<i>Deferred Item - The Entrance Channel - Studies and Reports</i>
4.6	<i>Deferred Item - The Entrance Beach North - Coastal Erosion Update</i>
5.1	<i>Deferred Item - Notice of Motion - Leveraging Jobs Hub off \$250M State Government Rail Investment at Kangy Angy</i>
5.2	<i>Deferred Item - Notice of Motion - Tradie led COVID recovery for the Central Coast</i>
6.1	<i>Deferred Item - Mayoral Minute - Staff Matter</i>
6.2	<i>Deferred Item - Code of Conduct Investigation Report - INV25/2019</i>
6.3	<i>Deferred Item - Code of Conduct Investigation Report – INV6/2020</i>

For:
Unanimous

2.1 Deferred Item - Planning Proposal RZ /6/2016 Warnervale and Virginia Rd, Warnervale

Time commenced: 7.07pm

Councillor Burke left the meeting at 7.11pm and returned at 7.12pm.

Moved: Councillor Smith
Seconded: Councillor Greenaway

Resolved

1064/20 The Planning Proposal to rezone Lot 1 DP 385242, Lots 1, 2 & 3 DP 1101086, Lot 1 DP 1018444 and Lots 73, 74, 75 & 76 DP 7091 (15-35 Warnervale Road & Part of 95-105 & 107-171 Virginia Road, Warnervale to R1 General Residential, R2 Low Density Residential and E3 Environmental Management under Wyong Local Environmental Plan 2013 or the Central Coast Local

Environmental Plan (whichever is in effect), is to be amended to be consistent with the advice received from Biodiversity and Conservation Division dated 5 August 2020 (ref:DOC20/580922-5) in relation to the inconsistency with Section 9.1 Ministerial Direction 4.3 Flood Prone Land.

1065/20 ***The amended Planning Proposal is forwarded to Biodiversity and Conservation Division seeking concurrence that the revised proposal is consistent with Section 9.1 Ministerial Direction 4.3 Flood Prone Land.***

1066/20 ***That Council request, upon the receipt of concurrence from Biodiversity Conservation Division requested by resolution 2, the Chief Executive Officer to exercise the delegation issued by the Department of Planning, Industry and Environment for Planning Proposal (PP_2017_CCOAS_010_00; RZ/6/2016) to proceed with the steps for drafting and making of Amendment No. 35 to Wyong Local Environmental Plan 2013 or an amendment to the Central Coast Local Environmental Plan (whichever is in effect).***

1067/20 ***That Council advise all those who made a submission of the decision.***

1068/20 ***That Council adopt amendments to Chapter 6.5 Warnervale South (Attachment 2) as an:***

- a*** ***Amendment to chapter 6.5 within Wyong Development Control Plan 2013, or as new Chapter 5.25 within the Central Coast Development Control Plan (whichever is in effect), which shall come into effect upon notification of the plan.***
- b*** ***Amended as per the following items outlined in response to the exhibition period incorporating the following changes: 2.1 Deferred Item - Planning Proposal RZ /6/2016 Warnervale and Virginia Rd, Warnervale***
 - i*** ***Inclusion of an additional road type (Park Edge)***
 - ii*** ***Updating of bushfire requirements to meet current legislation***
 - iii*** ***Updating of maps to be consistent with approved development on the site***
 - iv*** ***Minor alterations to wording, terminologies and references to ensure consistency with legislation updates.***
- c*** ***That further amendments be made to the DCP maps and figures to reflect the amended Planning Proposal layout/subdivision design as outlined in resolution 1.***

1069/20 ***That Council publish a public notice of its decision regarding the adoption of the Development Control Plan within 28 days.***

1070/20 ***That Council provide the Planning Secretary with a copy of the Development Control Plan within 28 days.***

1071/20 *That Council staff finalise the Transfer of Lands as nominated under the Deed of Agreement 2007 and Deed of Agreement 2010 between Wyong Shire Council and the land owner with a report back if not finalised by March 2021.*

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

Against:
Councillors Best, Burke, Gale, Marquart, McLachlan and Pilon

Procedural Motion – Motion of Urgency

Time commenced: 7.19pm

Moved: *Councillor Pilon*
Seconded: *Councillor Gale*

Resolved

1072/20 *That Council consider a motion of urgency regarding State Advice, Council Restricted Funds, Legal Advice and Moving Forward with this matter being urgent due to the current financial position of Council.*

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

Abstained:
Councillor Sundstrom

The Mayor declared it is appropriate that Council should consider the matter as a matter of urgency and as per clause 3.30 of the Code of Meeting Practice the item will be considered after the business notified in the agenda for the Extraordinary Meeting has been dealt with.

3.1 Deferred Item - Planning Proposal 84/2015 for land on the corner of Collingwood Drive and Matcham Road, Matcham

Time commenced: 7.22pm

Moved: *Councillor Marquart*
Seconded: *Councillor Mehrtens*

Resolved

- 1073/20** *That Council support the Planning Proposal as exhibited.*
- 1074/20** *That Council request the Chief Executive Officer to exercise delegation issued by the Department of Planning, Industry and Environment (8 August 2017) for PP/84/2015 and proceed with the steps for drafting and making of the amendment to the Central Coast Local Environmental Plan when it comes into effect.*
- 1075/20** *That Council request the Chief Executive Officer to undertake all necessary action to finalise the Planning Agreements relating to the four lots.*
- 1076/20** *That Council advise all those who made a public submission of the decision.*

For: Mayor Matthews, Councillors Best, Burke, Gale, Hogan, Holstein, Marquart, McLachlan, Mehrtens and Pilon	Against: Councillors Greenaway, MacGregor, Smith and Sundstrom
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3.2 Deferred Item - Proposed Council Meeting Dates

This item was resolved by the exception method.

Moved: **Councillor Gale**
Seconded: **Councillor MacGregor**

Resolved

- 1077/20** *That Council adopt the proposed Ordinary Council Meeting dates for 2021.*
- 1078/20** *That Council, in accordance with clause 232 of the NSW Local Government (General) Regulation 2005, publish the 2021 Ordinary Council Meeting dates in the local newspaper.*

For:
Unanimous

3.3 Deferred Item - Establishment of Alcohol Free Zones

Time commenced: 7.26pm

Moved: **Councillor Hogan**
Seconded: **Mayor Matthews**

Resolved

- 1079/20** *That Council establish Alcohol Free Zones for a period of four years as listed*

in the attached schedule.

1080/20 *That Council implement the Alcohol Free Zones in accordance with the State Government Ministerial Guidelines on Alcohol Free Zones.*

1081/20 *That Council include the Budgewoi carparks in the North, Middle and South on Scenic Drive in the Alcohol Free Zones for a period of four years.*

For:

Unanimous

3.4 Deferred Item - Hawkesbury-Nepean River Coastal Management Program Stage 1 Scoping Study

Time commenced: 7.39pm

Councillor Best left the meeting at 7.42pm and returned at 7.42pm.

Moved: Councillor Best

Seconded: Councillor Smith

Resolved

1082/20 *That Council notes the completion of the Stage 1 - Scoping Study for the Hawkesbury-Nepean River Coastal Management Program (CMP).*

1083/20 *That Council endorse the findings and proposed approach for transitioning to Stage 2 of the process identified in the Stage 1 - Scoping Study for the Hawkesbury-Nepean River Coastal Management Program.*

1084/20 *That Council note the proposed funding contribution of \$100,000 towards the development of Stage 2 of the Hawkesbury-Nepean River Coastal Management Program, as described in this report, is included in Council's adopted 2020/21 Operational Plan.*

1085/20 *That Council note that staff, in collaboration with partner Councils, will be applying for funding via the NSW Coastal and Estuary Grants program for development of Stage 2 of the CMP.*

For:

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

Against:

Councillors Burke, Gale and Marquart

3.5 Deferred Item - Management of Coastal Land Parcels at The Entrance North and Wamberal

This item was resolved by the exception method.

Moved: Councillor Gale
Seconded: Councillor MacGregor

Resolved

- 1086/20** *That with respect to Lot 7314 DP 1147369 at The Entrance North, Council staff formally request the Department of Planning, Industry and Environment (Crown Lands) to accept that the State of New South Wales is and should remain the registered proprietor in the interests of facilitating coastal management for the public benefit; or take other appropriate action to have the State of NSW secure title to this part of The Entrance North beach*
- 1087/20** *That Council staff formally approach the task force in the first instance recommending that the Department of Planning, Industry and Environment (Crown Lands) identify the person(s) presently entitled to the land between the mean high water mark and the seaward boundaries of the beachfront lots south of 'The Ruins' and seek to acquire that land from such person(s), by agreement or compulsory process; or take other appropriate action to have the State of NSW secure title to this part of Wamberal beach.*
- 1088/20** *That Council staff request the Wamberal Task force provide a formal response to Council regarding their recommended approach to the management of the land between the mean high water mark and the seaward boundaries of the beachfront lots south of 'The Ruins'*
- 1089/20** *That with respect to the unformed road reserve extending from between 25 and 27 Ocean View Drive, Wamberal, northwards to 13 Wiles Avenue, Wamberal (approximately 1.1 kilometres), being the land shown on DP 1976 as Ocean Parade, that Council maintain its current status as a public road until such time that a permanent coastal protection solution for Wamberal Beach is adopted.*

For:
Unanimous

3.6 Deferred Item - Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons and Terrigal Water Quality Sub-Committee meetings held 25 August 2020

Time commenced: 7.50pm

Moved: Councillor Holstein

Seconded: Councillor Sundstrom

Resolved

1090/20 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 25 August 2020.

1091/20 That Council request staff write to the State Emergency Operations Controller seeking clarity in regards to who is responsible agency in response to a Coastal Erosion event and report the response back to the Catchments and Coast Committee Brisbane Water.

1092/20 That Council adopt the revised Terms of Reference of the Catchments and Coast Committee – Tuggerah Lakes, as set out in Attachment 3 to this report.

For:

Unanimous

3.7 100 Day Recovery Action Plan

Time commenced: 7.51pm

Councillor Mehrtens left the meeting at 8.02pm and returned at 8.04pm.

Councillor Greenaway left the meeting at 8.03pm and returned at 8.06pm.

Councillor Sundstrom left the meeting at 8.18pm and returned at 8.19pm.

Councillor Best left the meeting at 8.35pm and returned to 8.36pm.

Councillor Smith left the meeting at 8.39pm and returned at 8.40pm.

Moved: Councillor Best

Seconded: Councillor Marquart

Resolved

1093/20 That Council adopt the 100 day Recovery Action Plan.

For:

Unanimous

The meeting was adjourned at 8.54pm and resumed at 9.05pm.

**4.1 Deferred Item - Meeting Record of the Catchments and Coast Committee
Tuggerah Lakes meeting held on 26 August 2020**

Time commenced: 9.05pm

Councillor McLachlan declared a significant non pecuniary interest in the matter as he was a successful tenderer with the former Wyong Shire Council around crown land lease negotiations at Saltwater Park, however the lease was never issued. He did not make this declaration in the open meeting, however Councillor McLachlan left the meeting at 9.09pm, returned at 9.47pm and did not participate in discussion on this matter.

Councillor Sundstrom left the meeting at 9.33pm and returned at 9.34pm.

Moved: Councillor Best

Seconded: Councillor Gale

- 1 *That Council receive the report on Deferred Item - Meeting Record of the Catchments and Coast Committee Tuggerah Lakes meeting held on 26 August 2020.*
- 2 *That due to Councils current financial crisis and the prospect that Council may well need to urgently dispose of a wide range of properties, Council request this committee and all other relevant committees subject to their terms of reference to investigate and report on possible suitable selective commercialisation of our environmental lands to assist Council to maintain these important assets in public ownership.*

Amendment Moved: Councillor Pilon

Amendment Seconded: Councillor Gale

- 1 *That Council receive the report on Deferred Item - Meeting Record of the Catchments and Coast Committee Tuggerah Lakes meeting held on 26 August 2020.*
- 2 *That Council given the current financial position suspend all advisory committees until further advice from Dr Col Gellatly, Chairperson of the ARIC Committee has been received.*

For:

Councillors Best, Burke, Gale, Marquart and Pilon

Against:

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

The amendment was put to the vote and declared LOST.

Further Amendment Moved: Councillor Holstein

Further Amendment Seconded: Councillor Sundstrom

That Council receive the report on Deferred Item - Meeting Record of the Catchments and

Coast Committee Tuggerah Lakes meeting held on 26 August 2020.

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

Against:
Councillors Burke, Gale and Marquart

Abstained: Councillors Best and Pilon

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

Moved: Councillor Holstein
Seconded: Councillor Sundstrom

Resolved

1094/20 That Council receive the report on Deferred Item - Meeting Record of the Catchments and Coast Committee Tuggerah Lakes meeting held on 26 August 2020.

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

Against:
Councillors Best, Burke, Gale, Marquart
and Pilon

4.2 Deferred Item - Meeting Record of the Gosford CBD and Waterfront Advisory Committee meeting held 13 August 2020

Time commenced: 9.47pm

Moved: Councillor Holstein
Seconded: Councillor MacGregor

Resolved

1095/20 That Council receive the report on Deferred Item - Meeting Record of the Gosford CBD and Waterfront Advisory Committee meeting held 13 August 2020.

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

Abstained:
Councillor Marquart

4.3 Deferred Item - Meeting Record of the Social Inclusion Advisory Committee meeting held 11 August 2020

Time commenced: 9.50pm

Councillor Gale left the meeting at 9.51pm and returned at 9.51pm.
Councillor Smith left the meeting at 9.59pm and returned at 10.00pm.
Councillor Best left the meeting at 10.03pm and returned at 10.03pm.

Moved: Councillor Holstein
Seconded: Councillor MacGregor

Resolved

1096/20 That Council receive the report on Deferred Item - Meeting Record of the Social Inclusion Advisory Committee meeting held 11 August 2020.

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

4.4 Deferred Item - Activities of the Social Impact Taskforce

This item was resolved by the exception method.

Moved: Councillor Gale
Seconded: Councillor MacGregor

Resolved

1097/20 That Council receive the report on Deferred Item – Activities of the Social Impact Taskforce.

For:
Unanimous

Procedural Motion

Time commenced: 10.07pm

Moved: Councillor MacGregor
Seconded: Councillor Sundstrom

Resolved

1098/20 *That Council defer all matters that are not time critical to the 26 October 2020 Ordinary Meeting.*

1099/20 *That Council consider the following items;*

- **6.1 – Deferred Item – Mayoral Minute – Staff Matter**
- **6.2 – Deferred Item - Code of Conduct Investigation Report - INV25/2019**
- **6.3 – Deferred Item - Code of Conduct Investigation Report – INV6/2020**
- **U5/20 - State Advice, Council Restricted Funds, Legal Advice and Moving Forward**

For:

Unanimous

4.5 Deferred Item - The Entrance Channel - Studies and Reports

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as he was a member of the Tuggerah Lakes Breakthrough Association and as such he has an association with Angus Jackson. 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.

Council deferred the consideration of item 4.5 to the 26 October 2020 Ordinary Meeting (minute 1026/20).

4.6 Deferred Item - The Entrance Beach North - Coastal Erosion Update

Council deferred the consideration of item 4.6 to the 26 October 2020 Ordinary Meeting (minute 1026/20).

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

Council deferred the consideration of item 5.1 to the 26 October 2020 Ordinary Meeting (minute 1026/20).

5.2 Deferred Item - Notice of Motion - Tradie led COVID recovery for the Central Coast

Council deferred the consideration of item 5.2 to the 26 October 2020 Ordinary Meeting (minute 1026/20).

Confidential Session

Time commenced: 10.10pm

Councillor Greenaway left the meeting at 10.10pm and did not vote on this item.

Councillor Smith left the meeting at 10.10pm and did not vote on this item.

Councillor Pilon left the meeting at 10.10pm and did not vote on this item.

Councillor Mehrtens left the meeting at 10.10pm and did not vote on this item.

Councillor MacGregor left the meeting at 10.10pm and did not vote on this item.

Moved: Mayor Matthews

Seconded: Councillor Holstein

Resolved

1100/20 That the meeting move into Confidential Session.

For:

Unanimous

At this stage of the meeting being 10.11pm the meeting moved into Confidential Session with the members of the press and public excluded from the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993.

Open Session

Time commenced: 11.28pm

Moved: Councillor Burke

Seconded: Councillor Gale

Resolved

1101/20 That the meeting move into Open Session.

For:

Unanimous

The meeting resumed in open session at 11.29pm and the Unit Manager Governance and Business Services reporting on proceedings of the confidential session of the ordinary meeting as follows:

6.1 Deferred Item - Mayoral Minute - Staff Matter

Time commenced: 10.17pm

Ms Liz Hayes from Local Government NSW was present for consideration of this item.

Moved: Mayor Matthews

Resolved

1102/20 That this matter be deferred to the meeting to be held 26 October 2020 to allow for the purpose of considering related legal advice.

1103/20 That in accordance with section 11(3) of the Local Government Act that Council resolves that this report is to be treated as confidential.

1104/20 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report and attachment 1 to this report remain confidential in accordance with section 10A(2)(a) of the Local Government Act as it contains information regarding personnel matters concerning a particular individual.

For:

Unanimous

Procedural Motion

Time commenced: 10.07pm

Moved: Councillor Holstein

Seconded: Councillor Gale

Resolved

1105/20 That Council defer consider the following items to the 26 October 2020 Ordinary Meeting;

- **6.2 – Deferred Item - Code of Conduct Investigation Report - INV25/2019**
- **6.3 – Deferred Item - Code of Conduct Investigation Report – INV6/2020**

For:

Mayor Matthews, Councillors Best, Gale, Holstein, Marquart, McLachlan and Pilon

Against:

Councillors Burke, Greenaway, Hogan, MacGregor, Mehrtens, Smith and Sundstrom

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

6.2 Deferred Item - Code of Conduct Investigation Report - INV25/2019

Councillor Smith declared a less than significant non pecuniary interest in the matter as she is referred to as Mayor at the time of the incident referred to in the report. 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 Best declared a significant non pecuniary interest in the matter as he is the subject identified in this item.

Council deferred the consideration of item 6.2 to the 26 October 2020 Ordinary Meeting (minute 1033/20).

6.3 Deferred Item - Code of Conduct Investigation Report - INV6/2020

Councillor Marquart declared a significant non pecuniary interest in the matter as he is the subject identified in this item.

Council deferred the consideration of item 6.3 to the 26 October 2020 Ordinary Meeting (minute 1033/20).

U5/20 State Advice, Council Restricted Funds, Legal Advice and Moving Forward

Time commenced: 11.31pm

Councillor Gale left the meeting at 11.42pm and returned at 11.43pm.

Councillor Best left the meeting at 12.05pm and did not return to the meeting.

Moved: Councillor Pilon

Seconded: Councillor Gale

- 1 *That pending a response from the The Hon. S.E. Hancock, MP, that Council note the 14th October 2020 media release from Parliamentary Secretary for the Central Coast and Member for Terrigal, Adam Crouch which states 'NSW Government will not bail out the Central Coast Council from its financial mismanagement' and 'there will be no State Funding or legislative exemption. That should Council be using restricted funds this must be acknowledged as breaching the law and ceased immediately.*
- 2 *Should it be found that Council has been using restricted funds to cover cash flow over the past financial year and beyond, without Councillors knowledge, that legal advice is urgently provided on how the business can continue to operate other than ceasing control of all financial operations under NSW Government State Administration.*
- 3 *That Council instruct Acting Chief Executive Officer to now provide The Minister for Local Government, Shelley Hancock the most recent and up to date financial deficit figures immediately.*

- 4 *That any motions put before Council for the remainder of this term of Council, must include accurate costs in regards to proposed actions and be backed by clear confirmation from Council staff that enough legally obtainable funds exist within the Council available cash flow or similar confirmation from staff exactly how the cost within the proposed motion will be legally funded.*
- 5 *That to enable Councillors to monitor the ongoing position of the business that Councillors be provided with weekly cash flow statements and forecasts.*
- 6 *That Council notes that financial irregularities were recently brought to the attention of the Office of Local Government by certain concerned Councillors. Please see letter attached.*

Amendment Moved: Councillor Smith
Amendment Seconded: Councillor MacGregor

- 1 *That Council note the correspondence from The Hon. S.E. Hancock, MP, dated 19 October, 2020 as attached.*
- 2 *That Council seek legal advice regarding the use of restricted funds.*
- 3 *That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met*
- 4 *That to enable Councillors to monitor the ongoing position of the business that Councillors be provided with weekly cash flow statements and forecasts.*
- 5 *That Council notes the correspondence sent to the Office of Local Government by certain concerned Councillors, dated 14 September, 2020.*
- 6 *That Council request the Acting Chief Executive Officer to write to the Office of Local Government providing further information related to each of the items outlined in that correspondence, noting that many of these items were addressed in a Chief Executive Officer Report in response to a motion at the Ordinary Meeting of 12 October, 2020.*

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

Against:
Councillors Burke, Gale, Holstein,
McLachlan, Marquart and Pilon

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

Moved: Councillor Smith
Seconded: Councillor MacGregor

Resolved

- 1106/20** *That Council note the correspondence from The Hon. S.E. Hancock, MP, dated 19 October, 2020 as attached.*
- 1107/20** *That Council seek legal advice regarding the use of restricted funds.*
- 1108/20** *That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met*
- 1109/20** *That to enable Councillors to monitor the ongoing position of the business that Councillors be provided with weekly cash flow statements and forecasts.*
- 1110/20** *That Council notes the correspondence sent to the Office of Local Government by certain concerned Councillors, dated 14 September, 2020.*
- 1111/20** *That Council request the Acting Chief Executive Officer to write to the Office of Local Government providing further information related to each of the items outlined in that correspondence, noting that many of these items were addressed in a Chief Executive Officer Report in response to a motion at the Ordinary Meeting of 12 October, 2020.*

For:

Unanimous

The Meeting closed at 12.24 am.