

AMENDED ITEM

Item No: 1.2
Title: Confirmation of Minutes of Previous Meetings
Department: Governance

26 October 2020 Ordinary Council Meeting

Trim Reference: F2020/00039 - D14229247



Summary

Confirmation of minutes of the Ordinary Meeting of Council held on 12 October 2020 and the Extraordinary Meetings held on 19 October 2020, 20 October 2020 and 21 October 2020.

Recommendation

That Council confirm the minutes of the Ordinary Meeting of Council held on the 12 October 2020 and the Extraordinary Meetings held on 19 October 2020, 20 October 2020 and 21 October 2020.

Attachments

- | | | |
|----------|---|-----------|
| 1 | Minutes - Ordinary Meeting - 12 October 2020 | D14236759 |
| 2 | Minutes - Extraordinary Meeting - 19 October 2020 | D14246477 |
| 3 | Minutes - Extraordinary Meeting - 20 October 2020 | D14251959 |
| 4 | Minutes - Extraordinary Meeting - 21 October 2020 | D14253118 |



Central Coast Council

Minutes of the Ordinary Meeting of Council

Held remotely - online
on 12 October 2020

Present

Mayor Lisa Matthews and Councillors Greg Best, Jillian Hogan, Kyle MacGregor, Doug Vincent, 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), Ricardo Martello (Executive Manager Innovation and Futures), Krystie Bryant (Executive Manager People and Culture) 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 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: 6.36pm

Moved: Councillor MacGregor

Seconded: Councillor Sundstrom

Resolved

960/20 *That Council note that Councillor Gale was granted leave of absence from this meeting at the 28 September 2020 Ordinary Meeting. Councillor Gale*

contacted the Chief Executive Officer prior to the meeting and advised that she would be attending this meeting.

***For:
Unanimous***

1.1 Disclosures of Interest

Time commenced: 6.37pm

3.7 Council Representative for Hunter and Central Regional Planning Panel

Councillor Sundstrom declared a pecuniary interest in the matter as he is a Council appointed delegate to the Joint Regional Planning Panel. Councillor Sundstrom left the meeting at 10.17pm, returned at 10.30pm and did not participate in discussion on this matter.

Councillor Smith declared a pecuniary interest in the matter as she is a Council appointed alternate delegate to the Joint Regional Planning Panel. Councillor Smith left the meeting at 10.17pm, returned at 10.30pm and did not participate in discussion on this matter.

***Moved: Councillor Gale
Seconded: Councillor Hogan***

Resolved

961/20 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: 6.43pm

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

Resolved

962/20 That Council confirm the minutes of the Ordinary Meeting of Council held on the 28 September 2020.

***For:
Unanimous***

Procedural Motion

Time commenced: 6.44pm

Moved: Mayor Matthews
Seconded: Councillor Sundstrom

Resolved

963/20 That Council defer all items with the exception of the following to an Extraordinary meeting to be conducted remotely on Monday, 19 October 2020 at 6.30pm:

- **Item 1.3 – Notice of Intention to Deal with Matters in Confidential Session**
- **Item 1.4 - Mayoral Minute – Staff Matter**
- **Item 1.5 - Mayoral Minute – Establishment of a Finance Committee to Oversee Council’s Forensic Financial Audit and 100-Day Action Plan to Recovery**
- **Item 3.7 – Council Representative for Hunter and Central Regional Planning Panel (Late Report)**
- **Item 3.8 – Serious Financial Situation (Late Report)**
- **Notice of Motion 6.2 – Collapse of Confidence in Council’s Internal Controls and Financial Management**

964/20 That in accordance with clause 10.32 of the Code of Meeting Practice Council recognise this issues for consideration tonight are of great importance to the whole of the Central Coast and as such the time limit on debate in accordance with clause 10.31 of the Code of Meeting Practice is to be lifted for this meeting.

965/20 That Council formally resolve to conduct an Extraordinary Meeting remotely on Monday, 19 October 2020 at 6.30pm for the purpose of considering those items not dealt with at the meeting tonight and that appropriate notice be given of this meeting.

966/20 That Council consider Item 3.8 – Serious Financial Situation and Item 6.2 – Notice of Motion - Collapse of Confidence in Council’s Internal Controls and Financial Management concurrently to allow Councillors to record their lack of support or otherwise on each part of the motion.

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

Against: Councillors Greenaway and McLachlan

1.3 Notice of Intention to Deal with Matters in Confidential Session

Time commenced: 6.51pm

Moved: Mayor Matthews

Seconded: Councillor Smith

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 1.4 – Staff Matter

Reason for considering in closed session:

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

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

Amendment Moved: Councillor Best

Amendment Seconded: Councillor Greenaway

That Council defer consideration of Item 1.4 – Mayoral Minute – Staff Matter to the Extraordinary Meeting to be held on 19 October 2020.

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

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

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

A procedural motion was moved and Item 1.3 – Notice of Intention to Deal with Matters in Confidential Session was recommitted, the time being 7.11pm.

Moved: Councillor Best

Seconded: Councillor Greenaway

Resolved

967/20 That Council defer consideration of item 1.4 – Mayoral Minute – Staff Matter to the Extraordinary Meeting to be held on 19 October 2020 as a confidential item.

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

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

Procedural Motion – Recommit Item 1.3**Moved: Councillor Vincent****Seconded: Mayor Matthews****Resolved****968/19 That Council recommit Item 1.3 – Notice of Intention to Deal with Matters in Confidential Session, the time being 7.11pm.****For:****Unanimous****1.5 Mayoral Minute - Establishment of a Finance Committee to Oversee Council's Forensic Financial Audit and 100-Day Action Plan to Recovery**

Time commenced: 7.16pm

Moved: Mayor Matthews

- 1 *That Council acknowledge the distress this latest news has caused our community, including the impact of community confidence in Council.*
- 2 *That Council note the forensic internal audit of Council's finances underway, including the establishment of a working group to implement a 100-day action plan to recovery.*
- 3 *That Council establish a finance committee comprised of all Councillors, the Office of Local Government appointed independent financial expert and human resources adviser, DMB Consulting Pty Ltd and an independent legal adviser to oversee Council's forensic internal audit and 100-day action plan to recovery.*
- 4 *That further to the financial crisis and the liquidity issue that Council face, that Council move a vote of no confidence in the Chief Executive Officer.*
- 5 *That further Council seek to have an urgent review of the Chief Executive Officer delegations.*

*Amendment Moved: Councillor Marquart**Amendment Seconded: Councillor Best*

- 1 *That Council acknowledge the distress this latest news has caused our community, including the impact of community confidence in Council.*
- 2 *That Council note the forensic internal audit of Council's finances underway, including the establishment of a working group to implement a 100-day action plan to recovery.*
- 3 *That further to the financial crisis and the liquidity issue that Council face, that Council move a vote of no confidence in the Chief Executive Officer.*

- 4 *That further Council seek to have an urgent review of the Chief Executive Officer delegations.*

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

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

The amendment was put to the vote and declared LOST.

The Mayor at 9.35pm withdrew her motion and as a result the following become the motion.

Further Motion Moved: Mayor Matthews
Further Motion Seconded: Councillor Smith

Resolved

969/20 That Council acknowledge the distress this latest news has caused our community, including the impact of community confidence in Council.

970/20 That Council note the forensic internal audit of Council's finances underway, including the establishment of a working group to implement a 100-day action plan to recovery.

971/20 That Council establish a finance committee comprised of all Councillors, the Office of Local Government appointed independent financial expert and human resources adviser and an independent legal adviser to oversee Council's forensic internal audit and 100-day action plan to recovery. Further that consideration be given to the inclusion of the relevant consultant.

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

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

Procedural Motion

Councillor Hogan left the meeting at 8.08pm and returned at 8.10pm.
Councillor Gale left the meeting at 8.13pm and returned at 8.15pm

Moved: Councillor Sundstrom
Seconded: Mayor Matthews

Resolved

972/20 That Council move into confidential session to consider legal advice regarding item 1.5 – Mayoral Minute - Establishment of a Finance Committee to Oversee Council's Forensic Financial Audit and 100-Day Action Plan to Recovery the time being 7.25pm.

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

Against:
Councillors Gale, Marquart and Pilon

Procedural Motion

Moved: Councillor MacGregor
Seconded: Mayor Matthews

Resolved

973/20 That Council adjourned the meeting and will move into open session at 8.45pm.

For:
Unanimous

Procedural Motion

Moved: Councillor MacGregor
Seconded: Councillor Greenaway

That Council deals with Item 1.5 - Mayoral Minute - Establishment of a Finance Committee to Oversee Council's Forensic Financial Audit and 100-Day Action Plan to Recovery in seriatim.

For:
Councillors Gale, Greenaway, Smith, MacGregor and Sundstrom

Against:
Mayor Matthews, Councillors Best, Burke, Hogan, Holstein, Marquart, McLachlan and Pilon

Abstained: Councillors Mehrtens and Vincent

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

Council deferred the consideration of item 2.1 to the 19 October 2020 Extraordinary Meeting (minute 963/20).

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

Council deferred the consideration of item 3.1 to the 19 October 2020 Extraordinary Meeting (minute 963/20).

3.2 Proposed Council Meeting Dates

Council deferred the consideration of item 3.2 to the 19 October 2020 Extraordinary Meeting (minute 963/20).

3.3 Establishment of Alcohol Free Zones

Council deferred the consideration of item 3.3 to the 19 October 2020 Extraordinary Meeting (minute 963/20).

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

Council deferred the consideration of item 3.4 to the 19 October 2020 Extraordinary Meeting (minute 963/20).

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

Council deferred the consideration of item 3.5 to the 19 October 2020 Extraordinary Meeting (minute 963/20).

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

Council deferred the consideration of item 3.6 to the 19 October 2020 Extraordinary Meeting (minute 963/20).

3.7 Council Representatives for Hunter and Central Regional Planning Panel

Time commenced: 10.17pm

Councillor Sundstrom declared a pecuniary interest in the matter as he is a Council appointed delegate to the Joint Regional Planning Panel. Councillor Sundstrom left the meeting at 10.17pm, returned at 10.30pm and did not participate in discussion on this matter.

Councillor Smith declared a pecuniary interest in the matter as she is a Council appointed alternate delegate to the Joint Regional Planning Panel. Councillor Smith left the meeting at 10.17pm, returned at 10.30pm and did not participate in discussion on this matter.

Moved: Councillor MacGregor

Seconded: Councillor Burke

Resolved

974/20 That Council, pursuant to [Part 2 Division 2.4 c. 2.13 of the Environmental Planning and Assessment Act 1979](#), re-appoint the following Councillors to be members of the Hunter and Central Coast Regional Planning Panel:

- a. Councillor MacGregor**
- b. Councillor Burke**

975/20 That Council, pursuant to [Part 2 Division 2.4 c. 2.13 of the Environmental Planning and Assessment Act 1979](#) re-appoint the following two Councillors, as an alternate of the Councillors above to the Hunter and Central Coast Regional Planning Panel:

- a. Councillor Sundstrom**
- b. Councillor Smith**

976/20 That Council maintain the remuneration to be paid to each nominee when exercising functions as a member of the Hunter and Central Coast Regional Planning Panel at \$700.00 per meeting, inclusive of GST and expenses.

977/20 That Council note that the re-appointment to the Hunter and Central Coast Regional Planning Panel will be for a term of one year.

978/20 That Council request the Chief Executive Officer notify the secretariat of Hunter and Central Coast Regional Planning Panel in writing of the above.

For:

Unanimous

That the meeting be adjourned at 10.20pm and resumed at 10.30pm.

3.8 Serious Financial Situation

Time commenced: 10.31pm

Councillor Gale left the meeting at 11.00pm and returned at 11.05pm.

Mayor Matthews left the meeting at 11.15pm and returned at 11.16pm

Councillor Sundstrom left the meeting at 11.22pm and returned at 11.23pm

This item was considered in seriatim as resolved by Council (minute 966/20)

Moved: Councillor MacGregor

Seconded: Councillor Hogan

Resolved

980/20 That Council consider the draft 100-day recovery action plan and financial forensic scope documentation at a workshop to be held on Thursday 15 October 2020.

For:

Unanimous

Moved: Councillor Burke

Seconded: Councillor Sundstrom

Resolved

981/20 That Council request that the Chief Executive Officer write to the Minister for Local Government seeking urgent assistance with the following matters:

- **Seek approval to borrow from restricted funds including the Developer contributions under the EP&A Act, the Developer servicing plan contributions under the Water Management Act, Domestic Waste management funds and unrestricted cash within the water and sewer funds comprising income from user and service charges, and advice on the process to obtain such approval; or**
- **Secure necessary external borrowing up to \$100 million from TCorp or any other emergency funding sources for the purposes of maintaining liquidity in the Council until such time as the actions within the draft 100-day recovery action plan are implemented; and**
- **Confirmation on the timing, scope and terms of reference for the previously committed financial and human resources advisors**

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

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

A division was called by Councillors Marquart and Best

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

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

Moved: Mayor Matthews
Seconded: Councillor Sundstrom

Resolved

982/20 That Council resolve to utilise current scheduled Councillor Workshops Saturday 31 October 2020 for the purposes of reviewing the actions taken to date.

For:
Unanimous

Moved: Councillor MacGregor
Seconded: Councillor Mehrstens

Resolved

983/20 That should the Minister for Local Government not be able to assist in securing borrowing through Tcorp that Council authorise the Chief Executive Officer to present a loan proposal for its consideration at a future meeting of Council for the sum of up to \$100 million.

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

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

Procedural Motion

Time commenced: 11.25pm

Moved: Councillor Smith
Seconded: Councillor Greenaway

That Council defer consideration of item 6.2 - Notice of Motion - Collapse of Confidence in Council's Internal Controls and Financial Management to the Extraordinary Meeting 19 October 2020.

*For:
Councillors Burke, Greenaway, Marquart,
McLachlan and Smith*

*Against:
Mayor Matthews, Councillors Best, Gale,
Hogan, Holstein, MacGregor, Mehrtens,
Pilon, Sundstrom and Vincent*

The motion was put to the vote and declared LOST.

4.1 Meeting Record for the Catchments and Coast Committee Tuggerah Lakes meeting held on 26 August 2020

Council deferred the consideration of item 4.1 to the 19 October 2020 Extraordinary Meeting (minute 963/20).

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

Council deferred the consideration of item 4.2 to the 19 October 2020 Extraordinary Meeting (minute 963/20).

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

Council deferred the consideration of item 4.3 to the 19 October 2020 Extraordinary Meeting (minute 963/20).

4.4 Activities of the Social Impact Taskforce

Council deferred the consideration of item 4.4 to the 19 October 2020 Extraordinary Meeting (minute 963/20).

4.5 The Entrance Channel - Studies and Reports

Council deferred the consideration of item 4.5 to the 19 October 2020 Extraordinary Meeting (minute 963/20).

4.6 The Entrance Beach North - Coastal Erosion Update

Council deferred the consideration of item 4.6 to the 19 October 2020 Extraordinary Meeting (minute 963/20).

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

Council deferred the consideration of item 6.1 to the 19 October 2020 Extraordinary Meeting (minute 963/20).

6.2 Notice of Motion - Collapse of Confidence in Council's Internal Controls and Financial Management

Time commenced: 11.28pm

Councillor Greenaway left the meeting at 11.28pm and returned at 11.29pm

Councillor Greenaway left the meeting at 11.37pm and returned at 11.40pm

Councillor Smith left the meeting at 11.42pm and returned at 12.32pm

Councillor Hogan left the meeting at 11.52pm and returned at 11.57pm

Councillor Gale left the meeting at 11.53pm and returned at 11.54pm

This item was considered in seriatim as resolved by Council (minute 966/20)

Moved: Councillor Best

Seconded: Councillor McLachlan

Resolved

984/20 That Council notes with great concern the recent Audit Report by the NSW Audit Office around Council's "internal controls" over local infrastructure contributions (LICs) where serious concerns were raised around risks associated with Administration of LICs highlighting that up until June 2019 this Council unlawfully accessed \$13.2 million for unapproved administration activities.

For:

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

Moved: Councillor Vincent

Seconded: Councillor Best

Against:

Councillor Greenaway

Resolved

985/20 Further Council's confidence is significantly eroded in the knowledge that now two Chief Financial Officers, two interim internal Chief Financial

Officers (returned to their substantive positions) and four Governance Directors, have resigned or been replaced in the past three years and that this Council is currently again recruiting.

For:

Unanimous

Councillor Smith left the meeting at 11.42pm and returned at 12.32pm

Moved: Councillor Best

Seconded: Councillor McLachlan

- 3 *As Elected Representatives and trusted custodians of the Ratepayer purse, this year budget alone reflecting \$573 million 2020 FY, with \$335.5 million of this being Rates and Charges, this Council having regard to the issues outlined below a-k, now formally seeks independent advice and assistance from the Office of Local Government and the Office of the Auditor General to better understand this Council's compliance with our financial control standards, internal controls, transparency and probity.*
- a *That this Council in FY19/20 budgeted for an \$18 million loss with a now Q3 result of \$41 million loss with preliminary adjustments forecast resulting in full year loss eclipsing \$80 million. Compounding this, Council notes it's exhibited Budget FY20/21 also reflects a multi-million dollar loss.*
 - b *That Council's internal controls in the FY18/19 were unable to deliver the Accounts for some nine months past their due date requiring several Departmental extensions understandably exacerbating the crafting of the FY19/20 budget.*
 - c *The scathing commentary attached to the recently released Audit Office's Independent Report.*
 - d *Council also notes the extraordinary waste of millions of dollars through actively terminating binding Contracts and willingly paying extensive damages.*
 - e *That Council's lack of internal controls and transparency have resulted in this Council abandoning its \$171 million Civic Project known as the Gosford Art Centre and Library costing millions.*
 - f *The escalating NSW Court List associated with this Council, again costing millions.*
 - g *Council's confidence is further highly eroded due to the recognition that the current recruitment process on foot for a new Chief Financial Officer will be our fifth Chief Financial Officer in this term of Council alone.*
 - h *Further to the Auditor General's Report, Council notes the exponential worsening of its now more than \$200 million infrastructure spending backlog.*
 - i *Council's processes leading up to the extinguishment and refund of a \$5 million State Government Grant for a Community Walkway that had already commenced.*
 - j *Budgeted staffing levels as advised by the Chief Executive Officer now up by some 500 FTEs since the Amalgamation with total Council employment being approximately 2,500 Staff plus \$9 million in Contractors, some being remunerated at \$1,300 a day.*

- k Council's recent \$50 million borrowing with \$25 million being new money that forms part of Council's current \$232 million borrowing. Note this ratio is not excessive, however the interest rate is 6.25% in the current market.*
- l That Council also notes the importance of sound internal controls as a result of its decisions around looming issues such as the Coastal Erosion and Property Losses and the extraordinary risks Council now faces with regard to its stance on the Airport.*

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

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

The motion was put to the vote and declared LOST on the casting vote of the Mayor.

Moved: **Councillor Best**
Seconded: **Councillor Marquart**

Resolved

986/20 ***That having regard to the wide range of issues identified and the sobering commentary from the Office of the Auditor General, this Council now seeks to take a proactive, responsible and self-reporting position through reaffirming Councils support for requesting the Office of Local Government, the Audit Office and the Minister to step in and assist Council in embedding an appropriate Review Team in to the back end of Council's systems to identify the root cause and other relevant issues and welcome the resources that have been identified by the Office of Local Government, such are our concerns as the Elected Body and we look forward to being expedited as a matter of urgency.***

For:
Unanimous

6.3 Notice of Motion - Tradie led COVID recovery for the Central Coast

Council deferred the consideration of item 6.3 to the 19 October 2020 Extraordinary Meeting (minute 963/20).

The confidential reports were deferred for consideration to the 19 October 2020 Extraordinary Meeting (minute 963/20 and 967/20);

7.1 Code of Conduct Investigation Report - INV25/2019

Council deferred the consideration of item 7.1 to the 19 October 2020 Extraordinary Meeting (minute 963/20).

7.2 Code of Conduct Investigation Report - INV6/2020

Council deferred the consideration of item 7.2 to the 19 October 2020 Extraordinary Meeting (minute 963/20).

1.4 Mayoral Minute – Staff Matter

Council deferred the consideration of item 1.4 to the 19 October 2020 Extraordinary Meeting (minute 967/20).

The Meeting closed at 12.46 am.



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

987/20 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

988/20 ***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

989/20 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, Mehrstens, 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

- 990/20 That Council adopt the following items as a group and in accordance with the report recommendations:**

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

- 991/20 That Council discuss the following items individually:**

Item #	Item Title
2.1	<i>Deferred Item - Planning Proposal RZ /6/2016 Warnervale and Virginia Rd, Warnervale</i>

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

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

- 992/20** *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.*
- 993/20** *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.*
- 994/20** *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).*
- 995/20** *That Council advise all those who made a submission of the decision.*
- 996/20** *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.*

- 997/20** *That Council publish a public notice of its decision regarding the adoption of the Development Control Plan within 28 days.*
- 998/20** *That Council provide the Planning Secretary with a copy of the Development Control Plan within 28 days.*
- 999/20** *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: <i>Mayor Matthews, Councillors Greenaway, Hogan, Holstein, MacGregor, Mehrstens, Smith and Sundstrom</i>	Against: <i>Councillors Best, Burke, Gale, Marquart, McLachlan and Pilon</i>
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Procedural Motion – Motion of Urgency

Time commenced: 7.19pm

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

Resolved

- 1000/20** *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: <i>Mayor Matthews, Councillors Best, Burke, Gale, Greenaway, Hogan, Holstein, Marquart, MacGregor, McLachlan, Mehrstens, Pilon and Smith</i>	Abstained: <i>Councillor Sundstrom</i>
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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

1001/20 That Council support the Planning Proposal as exhibited.

1002/20 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.

1003/20 That Council request the Chief Executive Officer to undertake all necessary action to finalise the Planning Agreements relating to the four lots.

1004/20 That Council advise all those who made a public submission of the decision.

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

3.2 Deferred Item - Proposed Council Meeting Dates

This item was resolved by the exception method.

Moved: Councillor Gale
Seconded: Councillor MacGregor

Resolved

1005/20 That Council adopt the proposed Ordinary Council Meeting dates for 2021.

1006/20 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

1007/20 That Council establish Alcohol Free Zones for a period of four years as listed in the attached schedule.

1008/20 That Council implement the Alcohol Free Zones in accordance with the State Government Ministerial Guidelines on Alcohol Free Zones.

1009/20 That Council include the Budgewoi carpark 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

1010/20 That Council notes the completion of the Stage 1 - Scoping Study for the Hawkesbury-Nepean River Coastal Management Program (CMP).

1011/20 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.

1012/20 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.

1013/20 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,

Against:

Councillors Burke, Gale and Marquart

**McLachlan, Mehrrens, Pilon, Smith and
Sundstrom**

**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

1014/20 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

1015/20 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.

1016/20 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'

1017/20 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

1018/20 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.

1019/20 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.

1020/20 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

1021/20 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, Mehrtens, 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

1022/20 ***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, Mehrtens, 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

1023/20 ***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, Mehrtens, 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

1024/20 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

1025/20 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

1026/20 *That Council defer all matters that are not time critical to the 26 October 2020 Ordinary Meeting.*

1027/20 *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

1028/20 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

1029/20 That the meeting move into Open Session.

For:

Unanimous

Against:

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

1030/20 That this matter be deferred to the meeting to be held 26 October 2020 to allow for the purpose of considering related legal advice.

1031/20 That in accordance with section 11(3) of the Local Government Act that Council resolves that this report is to be treated as confidential.

1032/20 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

1033/20 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, Mehrstens, 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, Mehrtens, 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

- 1034/20** *That Council note the correspondence from The Hon. S.E. Hancock, MP, dated 19 October, 2020 as attached.*
- 1035/20** *That Council seek legal advice regarding the use of restricted funds.*
- 1036/20** *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*
- 1037/20** *That to enable Councillors to monitor the ongoing position of the business that Councillors be provided with weekly cash flow statements and forecasts.*
- 1038/20** *That Council notes the correspondence sent to the Office of Local Government by certain concerned Councillors, dated 14 September, 2020.*
- 1039/20** *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.



Central Coast Council

Minutes of the Extraordinary Meeting of Council

Held remotely - online
on 20 October 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

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), 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 6.50pm.

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: 6.51pm

Moved: Councillor Gale

Seconded: Councillor Smith

Resolved

1040/20 That Council accept the apology received from Councillor Marquart for tonight's Extraordinary Meeting.

For:
Unanimous

1.1 Disclosures of Interest

Time commenced: 6.52pm

Councillor Burke left the meeting at 6.55pm and did not vote on this item.

Moved: Councillor Best
Seconded: Mayor Matthews

Resolved

1041/20 That Council receive the report on Disclosure of Interest and the fact that no disclosure was made be noted.

For:
Unanimous

1.2 Notice of Intention to Deal with Matters in Confidential Session

Time commenced: 6.56pm

Councillor Burke left the meeting at 6.55pm and returned at 6.56pm.

Moved: Councillor MacGregor
Seconded: Councillor Hogan

Resolved

1042/20 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 2.1 – Financial Update

That Council resolve that this matter be dealt with in close session pursuant to s10A(2)(g) of the Local Government Act 1993 for the following reason, it concerns:

2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

In accordance with section 10A(2)(g) of the Local Government Act 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

manage legal matters effectively and in the best interests of the Central Coast community.

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

Against:
Councillors Burke, Gale and Pilon

Abstained: Councillor Vincent

Confidential Session

Moved: Mayor Matthews
Seconded: Councillor Hogan

Resolved

1043/20 That the meeting move into Confidential Session.

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

Against:
Councillors Gale and Pilon

Abstained: Councillor Vincent

At this stage of the meeting being 6.57 pm 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.

The meeting was adjourned at 6.58pm and resumed at 7.08pm.

Procedural Motion – Open Session

Moved: Councillor Best
Seconded: Councillor Holstein

Resolved

1048/20 That the meeting move into Open Session.

For:
Unanimous

The meeting resumed in open session at 9.19pm and the Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting as follows:

2.1 Financial Update

Time commenced: 7.08pm

Councillor Mehrtens declared a less than significant non-pecuniary interest in this matter for the reason that his employer is a Member of Parliament. He chose to remain in the meeting for the reason that his interest will not influence his decision making in the meeting. (declared at 8:14pm).

Moved: Councillor Best

Seconded: Councillor McLachlan

Resolved

1044/20 That Council conduct an Extraordinary Meeting (remotely) at 1.30pm on Wednesday, 21 October 2020 for the purpose of making a determination with regard to the use of restricted funds.

1045/20 That Council make urgent representations to the Minister for Local Government seeking permission for the partial utilisation of restricted funds to make staff payroll for the week ending 18 October 2020 and that should the Minister's permission not be forthcoming 2,157 Council staff may not be paid.

1046/20 That Council request that the acting Chief Executive Officer take immediate action to secure a commercial loan including an overdraft as well as pursue the State Government for emergency financial support.

1047/20 That Council resolve that this matter be dealt with in close session pursuant to s10A(2)(g) of the Local Government Act 1993 for the following reason, it concerns:

2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

In accordance with section 10A(2)(g) of the Local Government Act 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 manage legal matters effectively and in the best interests of the Central Coast community.

For:

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

Against:

Councillors Gale and Vincent

The Meeting closed at 9.23 pm.



Central Coast Council

Minutes of the
Extraordinary Meeting of Council
Held remotely - online
on 21 October 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

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), Ricardo Martello (Executive Manager Innovation and Futures), Krystie Bryan (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 1.43pm.

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: 1.44pm

Moved: Councillor Hogan

Seconded: Councillor Gale

Resolved

1049/20 That Council accept the apology received from Councillor Marquart for today's Extraordinary Meeting.

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

Against:
Councillor Greenaway

Disclosures of Interest

Time commenced: 1.46pm

Moved: Councillor MacGregor
Seconded: Councillor Burke

Resolved

1050/20 That Council receive the report on Disclosure of Interest and the fact that no disclosure was made be noted.

For:
Unanimous

Notice of Intention to Deal with Matters in Confidential Session

Moved: Mayor Matthews
Seconded: Councillor Vincent

Resolved

1051/20 That Council resolve that Item 2.1 – Financial Update be dealt with in open session.

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

Abstained:
Councillor Greenaway

Procedural Motion - Confidential Session

Councillor Greenaway left the meeting at 2.40pm and returned at 2.40pm.

Moved: Councillor Greenaway
Seconded: Councillor MacGregor

Resolved

1052/20 That the meeting move into Confidential Session to consider legal advice in accordance with section 10A(2)(g) of the Local Government Act 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 manage legal matters effectively and in the best interests of the Central Coast community, the time being 2.36pm.

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

Against:
Councillors Best, Pilon and Gale

At this stage of the meeting being 2.36pm 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.

Procedural Motion – Open Session

Councillor Gale left the meeting 4.10pm and did not return.

Moved: Councillor Smith
Seconded: Mayor Matthews

Resolved

1053/20 That the meeting move into Open Session, the time being 4.46pm.

For:
Unanimous

The meeting resumed in open session at 4.46pm with the members of the press and public present.

2.1 Financial Update

Time commenced: 1.58pm

Councillor Gale left the meeting at 4.10pm and did not return.

Moved: Councillor Smith
Seconded: Councillor MacGregor

Resolved

- 1054/20** *That Council note the actions taken in response to the Council resolution from the Extraordinary Meeting held 20 October 2020 and continue to expedite the securing of a commercial loan and overdraft.*
- 1055/20** *That Council accept the Office of Local Government's early provision of Council's Financial Assistance Grant Payments.*
- 1056/20** *That Council notes that Council will be processing the payroll in line with the standard process.*
- 1057/20** *That Council note the media release issued today from the Minister of Local Government, Ms Shelley Hancock.*
- 1058/20** *That the Mayor, Deputy Mayor and any interested Councillors meet tomorrow with the Acting Chief Executive Officer and independent legal representation to begin preparing a response to be submitted to the Minister within 7 days from official notification.*
- 1059/20** *That the Mayor note the receipt of notification from the Industrial Relations Commission and this item be tabled.*
- 1060/20** *That Council request DMB Pty Ltd to provide further information to Councillors including a briefing on Monday 26 October 2020 from DMB Pty Ltd, with the briefing to be recorded and provided to those Councillors unable to attend (subject to confidentiality).*
- 1061/20** *That Council notes the advice from the Acting Chief Executive Officer that funds are available to pay current wages in a lawful manner contrary to previous advice.*
- 1062/20** *That Council authorise the Mayor to commission legal advice from a firm not already utilised by Council to provide advice to specifically for the governing body on their responsibilities as members of the governing body in the current financial circumstances and in relation to the notice of intention to issue a suspension order.*
- 1063/20** *The advice should include suggestions for pro-active strategies to manage the legal and financial risk to the Council and governing body in the current circumstances.*
- 1064/20** *The advice is to be provided to all Councillors in written form promptly at the time of receipt and by way of briefing.*

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

Abstained:
Councillor Pilon

The Meeting closed at 5.27 pm.