



Central Coast Council

Minutes of the
Ordinary Council Meeting of Council
Held in the Council Chamber
2 Hely Street, Wyong
on 26 August 2019

Present

Mayor Jane Smith and Councillors Greg Best, Jillian Hogan, Kyle MacGregor, Doug Vincent (arrived 7.28pm), Troy Marquart, Chris Burke, Chris Holstein, Bruce McLachlan, Jilly Pilon, Rebecca Gale Collins, Louise Greenaway, Jeff Sundstrom, Richard Mehrstens and Lisa Matthews.

In Attendance

Gary Murphy (Chief Executive Officer), Andrew Pearce (Acting Director Roads, Transport, Drainage and Waste), Julie Vaughan (Director Connected Communities), Scott Cox (Director Environment and Planning), Evan Hutchings (Director Governance), Jamie Loader (Acting Director Water and Sewer), Ricardo Martello (Executive Manager Innovation and Futures) and Craig Norman (Chief Finance Officer).

The Mayor, Jane Smith, declared the meeting open at 6.31pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Mayor, Jane Smith read an acknowledgement of country statement.

The Mayor, Jane Smith also acknowledged the connection that we all have to this land and place, and the shared responsibility that we have to care for and protect this land for future generations.

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3,2.1, 2.2 and 8.2 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

Apologies

There were no requests for leave of absence.

Councillor Vincent submitted an apology as he would be a late arrival.

1.1 Confirmation of Minutes of Previous Meetings

Moved: Councillor Gale Collins

Seconded: Councillor Pilon

Resolved

749/19 That Council confirm the minutes of the Ordinary Meeting of the Council held on 12 August 2019 with the following amendment;

- **The meeting was adjourned at 7.57pm by the Mayor in accordance with Clause 15:13 of the Code of Meeting Practice due to disorder in the chamber and resumed at 8.11pm.**
- **To record attendance on the procedural motion if verified by staff in resolution 750/19.**

750/19 That Council request the Chief Executive Officer to confirm the Councillors in attendance during voting on the procedural motion regarding the consideration of item 7.1 – Notice of Motion – Warnervale Airport Hub Certainty and advise via the Councillor Support Update.

For:

Unanimous

1.2 Notice of Intention to Deal with Matters in Confidential Session

Moved: Councillor MacGregor

Seconded: Councillor Sundstrom

Resolved

751/19 That Council receive the report and note that no matters have been tabled to deal with in a closed session.

For:

Unanimous

1.3 Disclosure of Interest

Item 2.1 - Deferred Item - DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road, Pretty Beach

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as she is in contact with the Peninsula Chamber of Commerce. Councillor Gale Collins chose to remain in the chamber as it does not impact her decision making.

Item 2.2 - DA 54377/2018 - 62 Lillicrapps Road, Mangrove Mountain - Additions to Existing Shed & Use of Part of Property for Log Processing Works

Mayor Smith declared a significant non pecuniary interest in the matter as she knows the adjacent land owner. Mayor Smith left the chamber at 7.17pm, returned at 7.21pm, and did not participate in discussion or voting.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows residents that reside in the vicinity of the property. Councillor Greenaway left the chamber at 7.17pm, returned at 7.21pm, and did not participate in discussion or voting.

Item 4.1 - Airport Audit Tender

Councillor Vincent declared a less than significant non pecuniary interest in the matter as he has family members that have visited the Warnervale Airport on excursions. Councillor Vincent chose to remain in the chamber and participate in discussion and voting as his family are not members of the Aero Club and do not have business interests at the Warnervale airport site.

Item 4.3 - Response to Notice of Motion - SEPP14 Wetland Warnervale

Councillor Vincent declared a less than significant non pecuniary interest in the matter as he has family members that have visited the Warnervale Airport on excursions. Councillor Vincent chose to remain in the chamber and participate in discussion and voting as his family are not members of the Aero Club and do not have business interests at the Warnervale airport site.

Item 4.7 - Community Support Grant Program - June 2019

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she knows some of the recipients. Councillor Hogan chose to remain in the chamber and participate in discussion and voting as I will manage the minor conflict by being objective and fair while carrying out my public duties.

Councillor Best declared a pecuniary interest in the matter as he is the General Manager of Central Coast Group Training who has a grant request in the report. Councillor Best left the chamber at 8.43pm, returned at 8.44pm and did not participate in discussion or voting.

Item 4.11- Amendments to the 2019/20 Capital Budget

Mayor Smith declared a significant non pecuniary disclosure in the matter as she is on the Board of Central Coast Marine Discovery Centre. The matter was dealt with under the exception method.

Item 4.13 - Gosford Cultural Precinct - Audit

Councillor Holstein declared a pecuniary interest in the matter as he is employed casually by a tenant at the parkside site. Councillor Holstein left the chamber at 9.09pm, did not return, and did not participate in discussion or voting.

Item 8.2 - Notice of Motion - Council Supports Climate Change Emergency Declaration

Councillor Best declared a less than significant non pecuniary interest in the matter as he is concerned that such a policy may impact on all Councillors homes. Councillor Best chose to remain in the chamber as this is not a given, only a concern. The Mayor sought clarification regarding this declaration to which Councillor Best provided no response.

Councillor Gale Collins declared a pecuniary interest in the matter as she owns a property on the Central Coast and the motion may increase insurance premium and lower property value. Councillor Gale Collins left the chamber at 7.23pm, returned at 8.00pm, and did not participate in discussion or voting.

Councillor Marquart declared a less than significant non pecuniary interest in the matter as it negatively affects Central Coast ratepayers. Councillor Marquart chose to remain in the chamber and participate in discussion and voting as he is a Central Coast ratepayer.

Councillor McLachlan declared a pecuniary interest in the matter as insurance premiums will go through the roof. Councillor McLachlan left the chamber at 7.23pm, returned at 8.00pm, and did not participate in discussion or voting.

Councillor Pilon declared a pecuniary interest in the matter due to the implementation of this motion having a high potential to increase her insurance and decrease the value of her home. Councillor Pilon has received numerous concerns from neighbours who have been advised by their insurance companies that their premiums have gone up considerably due to climate change. Councillor Pilon left the chamber at 7.23pm, returned at 8.00pm, and did not participate in discussion or voting.

Councillor Vincent declared a pecuniary interest in the matter as he works for a local industry. Councillor Vincent left the chamber at 7.52pm, returned at 8.00pm, and did not participate in discussion or voting.

Moved: Councillor Holstein
Seconded: Councillor Gale Collins

Resolved

752/19 That Council receive the report on Disclosure of Interest and note advice of disclosures.

For:
Unanimous

Procedural Motion – Exception

Moved: Councillor Gale Collins
Seconded: Councillor Holstein

Resolved

753/19 *That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports listed at 754/19:*

Item 2.1 -	<i>Deferred Item - DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road, Pretty Beach</i>
Item 2.2 -	<i>DA 54377/2018 - 62 Lillicrapps Road, Mangrove Mountain - Additions to Existing Shed & Use of Part of Property for Log Processing Works</i>
Item 4.1 -	<i>Airport Audit Tender</i>
Item 4.2 -	<i>Fraud and Corruption Control Policy</i>
Item 4.3 -	<i>Response to Notice of Motion - SEPP14 Wetland Warnervale</i>
Item 4.4 -	<i>Central Coast Council Single Use Plastic Policy</i>
Item 4.6 -	<i>Water and Sewerage 2019 Development Servicing Plans</i>
Item 4.7 -	<i>Community Support Grant Program - June 2019</i>
Item 4.8 -	<i>Innovation and Futures Reference Group</i>
Item 4.10 -	<i>Adoption of an amended 2019-20 Fee - Circuses and Carnivals</i>
Item 4.12 -	<i>Ordinary Rates Harmonisation</i>
Item 4.13 -	<i>Gosford Cultural Precinct - Audit</i>
Item 5.3 -	<i>2018/19 Capital Works Project Status</i>
Item 5.7 -	<i>Meeting Record of the Employment and Economic Development Committee held 13 June 2019</i>
Item 8.2 -	<i>Notice of Motion - Council Supports Climate Change Emergency Declaration</i>
Item 8.3 -	<i>Notice of Motion - The Bells</i>

754/19 *That Council adopt the following items en-masse and in accordance with the report recommendations:*

Item 2.3 -	<i>Central Coast Section 7.12 Contributions Plan Report</i>
Item 2.4 -	<i>Draft Central Coast Council Biodiversity Strategy</i>
Item 3.1 -	<i>CPA/2134 - Tender Evaluation - Upgrade Access Driveway at Charmhaven Depot</i>
Item 4.5 -	<i>Acquisition of Land at Carlton Road Holgate for Road Widening</i>
Item 4.9 -	<i>Meeting Record of the Protection of the Environment Trust Management Committee held on 28 June 2019</i>
Item 4.11 -	<i>Amendments to the 2019/20 Capital Budget</i>
Item 5.1 -	<i>Asbestos Tipping Charges Moratorium</i>
Item 5.2 -	<i>Investment Report for July 2019</i>
Item 5.4 -	<i>Activities of the Development Assessment and Environment and Certification Units - April to June 2019 Quarter 4</i>
Item 5.5 -	<i>Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held 20 June 2019</i>
Item 5.6 -	<i>Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 26 June 2019</i>

Item 5.8 - Meeting Record of Mangrove Mountain and Spencer Advisory Committee held on 25 June 2019

Item 8.1 - Notice of Motion - Umina Mall

For:
Unanimous

**U1/19 In-House Advice Around Emerging Issues of Council's Climate Change Policy
Councillor Greg Best**

Moved: Councillor Best
Seconded: Councillor Pilon

That Council consider a motion of urgency regarding in-house advice around the emerging issue of Council's climate change policy and its effect on Councillors potential declarations.

<i>For:</i> Councillors Gale Collins, Pilon, McLachlan, Holstein, Burke, Marquart and Best	<i>Against:</i> Mayor Smith, Councillors Matthews, Mehrtens, Sundstrom, Greenaway, MacGregor and Hogan
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The motion of urgency was declared LOST on the casting vote of the Mayor.

2.1 Deferred Item - DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road, Pretty Beach

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as she is in contact with the Peninsula Chamber of Commerce. Councillor Gale Collins chose to remain in the chamber as it does not impact her decision making.

Moved: Councillor Gale Collins
Seconded: Councillor Burke

Resolved

755/19 That Council note the deferred DA/54334/18 – Proposed Dwelling, Carport & Swimming Pool at 48 High View Road, Pretty Beach which is Attachment 1.

756/19 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.

757/19 That Council advise those who made written submissions of its decision.

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

Against:
Councillors Sundstrom, Greenaway and MacGregor

2.2 DA 54377/2018 - 62 Lillicrapps Road, Mangrove Mountain - Additions to Existing Shed & Use of Part of Property for Log Processing Works

Mayor Smith declared a significant non pecuniary interest in the matter as she knows the adjacent land owner. Mayor Smith vacated the Chair and Deputy Mayor Holstein assumed the Chair for consideration of this item at 7.17pm. Councillor Holstein vacated the Chair and Mayor Smith resumed the Chair at 7.21pm. Mayor Smith did not participate in discussion or voting on this item.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows residents that reside in the vicinity of the property. Councillor Greenaway left the chamber at 7.17pm, returned at 7.21pm, and did not participate in discussion or voting.

Moved: Councillor Marquart
Seconded: Councillor Burke

Resolved

758/19 That Council grant a time limited consent for 18months subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.

759/19 That Council advise those who made written submissions of its decision.

760/19 That Council consult the Department of Water regarding the lining of the retention basin.

761/19 That Council conduct tests prior to any further work recommencing being carried out on the site.

For:
Councillors Matthews, Mehrtens, Sundstrom, Pilon, McLachlan, Holstein, Burke, Marquart and Best

Against:
Councillors Gale Collins, MacGregor and Hogan

Procedural Motion – Order of Business

Moved: Councillor MacGregor
Seconded: Councillor Sundstrom

Resolved

762/19 *That Council bring Item 8.2 - Notice of Motion - Council Supports Climate Change Emergency Declaration forward for discussion.*

For:
Unanimous

2.3 Central Coast Section 7.12 Contributions Plan Report

This item was adopted by exception in accordance with minute number 754/19.

Moved: **Councillor Gale Collins**
Seconded: **Councillor Holstein**

Resolved

763/19 *That Council endorse the draft Central Coast Section 7.12 Contributions Plan for the purpose of public exhibition.*

764/19 *That Council exhibit the draft Central Coast Section 7.12 Contributions Plan for a minimum period of 28 days in accordance with the requirements of the Environmental Planning & Assessment Regulations 2000.*

765/19 *That Council consider a further report on the outcomes of the public exhibition period.*

766/19 *That Council exhibit amendments to all former Wyong Shire Council Section 7.11 Contributions Plans to end the discounted contributions rate for secondary dwellings and levy contributions at the rate applicable within the existing contributions plans simultaneously with the exhibition of the draft Central Coast Regional Section 7.12 Contributions Plan.*

767/19 *That Council apply Section 7.11 contributions to Secondary Dwellings in the former Gosford Local Government area.*

For:
Unanimous

2.4 Draft Central Coast Council Biodiversity Strategy

This item was adopted by exception in accordance with minute number 754/19.

Moved: **Councillor Gale Collins**
Seconded: **Councillor Holstein**

Resolved

- 768/19** *That Council endorse the draft Central Coast Council Biodiversity Strategy for the purposes of community consultation.*
- 769/19** *That the draft Central Coast Council Biodiversity Strategy is placed on public exhibition for a period of at least 60 days.*
- 770/19** *That staff consider submissions received during the exhibition period and provide a report back to Council:*
- a. Addressing the submissions received from the public during the exhibition period.*
 - b. Proposing appropriate amendments to the Biodiversity Strategy with consideration of those submissions, and seeking adoption of the Biodiversity Strategy by Council.*

For:

Unanimous

3.1 CPA/2134 - Tender Evaluation - Upgrade Access Driveway at Charmhaven Depot

This item was adopted by exception in accordance with minute number 754/19.

Moved: Councillor Gale Collins

Seconded: Councillor Holstein

Resolved

- 771/19** *That council invite, in accordance with clause 167, 168 or 169 of the Local Government Act (General) Regulation 2005, fresh tenders for upgrade of the access driveway at Charmhaven Depot based on the same or different details.*
- 772/19** *That Council resolve, pursuant to s.11(3) of the Local Government Act 1993, that Attachment 1 to this report remain confidential in accordance with section 10A(2)(c) of the Local Government Act as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.*

For:

Unanimous

4.1 Airport Audit Tender

Councillor Vincent declared a less than significant non pecuniary interest in the matter as he has family members that have visited the Warnervale Airport on excursions. Councillor Vincent chose to remain in the chamber and participate in discussion and voting as his family are not members of the Aero Club and do not have business interests at the Warnervale airport site.

Moved: Mayor Smith
Seconded: Councillor MacGregor

- 1 *That as provided under clause 178(3)(e) of the Local Government (General) Regulation that Council request the Chief Executive Officer enter into negotiations with appropriate providers to conduct the forensic audit of Central Coast Airport pursuant to the resolution of Council made on 29 January 2019 Council Meeting and based on the Tender documentation that was released to the market previously.*
- 2 *That pursuant to (1) above, a pre-qualified contractor on the Local Government Procurement (LGP) panel be engaged to undertake Phase 1 of the audit as detailed in the report at an estimated cost of \$30,000 (ex GST).*
- 3 *That a further report be submitted to Council following (2) above, including a cost estimate for completion of the audit.*

Amendment Moved: Councillor Best
Amendment Seconded: Councillor McLachlan

That Council recognises that the appropriate processes and pathways to deal with matters of inappropriate or corrupt behaviour are to report them to the CEO and/or the ICAC.

<i>For:</i> <i>Councillors Gale Collins, Pilon, McLachlan, Burke, Marquart and Best</i>	<i>Against:</i> <i>Mayor Smith and Councillors Matthews, Mehrtens, Sundstrom, Greenaway, Holstein, Vincent, MacGregor and Hogan</i>
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A division was called by Councillors Best.

<i>For:</i> <i>Councillors Gale Collins, Pilon, McLachlan, Burke, Marquart and Best</i>	<i>Against:</i> <i>Mayor Smith and Councillors Matthews, Mehrtens, Sundstrom, Greenaway, Holstein, Vincent, MacGregor and Hogan</i>
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The Amendment was put to the vote and declared LOST.

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

Resolved

773/19 *That as provided under clause 178(3)(e) of the Local Government (General) Regulation that Council request the Chief Executive Officer enter into negotiations with appropriate providers to conduct the forensic audit of Central Coast Airport pursuant to the resolution of Council made on 29 January 2019 Council Meeting and based on the Tender documentation that was released to the market previously.*

774/19 *That pursuant to 773/19 above, a pre-qualified contractor on the Local Government Procurement (LGP) panel be engaged to undertake Phase 1 of the audit as detailed in the report at an estimated cost of \$30,000 (ex GST).*

775/19 *That a further report be submitted to Council following 774/19 above, including a cost estimate for completion of the audit.*

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

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

The motion was declared **CARRIED**.

4.2 Fraud and Corruption Control Policy

Moved: *Mayor Smith*
Seconded: *Councillor Greenaway*

Resolved

776/19 *That Council refer the draft policy to the Audit Risk and Improvement Committee for review and comment prior to coming to Council for adoption.*

For:
Unanimous

4.3 Response to Notice of Motion - SEPP14 Wetland Warnervale

Councillor Vincent declared a less than significant non pecuniary interest in the matter as he has family members that have visited the Warnervale Airport on excursions. Councillor Vincent chose to remain in the chamber and participate in discussion and voting as his family are not members of the Aero Club and do not have business interests at the Warnervale airport site.

Councillor Marquart left the chamber at 8.37pm during this item and did not return.

Moved: *Mayor Smith*
Seconded: *Councillor Greenaway*

Resolved

777/19 That Council develop a remediation plan for the land identified in Figure 2 of the report, which is 0.87ha and within the fenced boundary of the Central Coast Airport which was part of the SEPP 14 Wetland, in accordance with the details contained within the report.

778/19 That a further report be submitted to Council following the preparation of the remediation plan referred to in 1 above, with the report including any potential impacts on the operation of Central Coast Airport.

For:

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

Against:

Councillors Gale Collins, Pilon, McLachlan, Burke and Best

4.4 Central Coast Council Single Use Plastic Policy

Councillor Marquart left the chamber during this item at 8.37pm and did not return.

Moved: Councillor MacGregor

Seconded: Mayor Smith

Resolved

779/19 That Council receive the report on Central Coast Council Single Use Plastic Policy.

780/19 That Council adopt the Central Coast Council Single Use Plastic Policy that is Attachment 1 to this report.

781/19 That Council advise all those who made a submission of the decision.

For:

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

Against:

Councillors Gale Collins and Burke

4.5 Acquisition of Land at Carlton Road Holgate for Road Widening

This item was adopted by exception in accordance with minute number 754/19.

Moved: Councillor Gale Collins

Seconded: Councillor Holstein

Resolved

- 782/19** *That Council resolve to acquire the following land for the purpose of a road ('Land'):*
- a That part of Lot 42 DP 1142488 highlighted in yellow in the Plan in Attachment 2, at 6 Carlton Road, Holgate.*
 - b That part of Lot 41 DP 1142488 highlighted in yellow in the Plan in Attachment 3, at 7 Carlton Road, Holgate.*
 - c That part of Lot 29 DP 1976 highlighted in yellow in the Plan in Attachment 4, at 15 Carlton Road, Holgate.*
 - d That part of Lot 46 DP 1976 highlighted in yellow in the Plan in Attachment 5, at 38 Carlton Road, Holgate.*
 - e That part of Lot 1 DP 1155519 highlighted in yellow in the Plan in Attachment 6, at 1 Arundel Road Holgate.*
 - f That part of Lot 12 DP 1946 highlighted in yellow in the Plan in Attachment 7, at 13 Clyde Road Holgate.*
- 783/19** *That Council authorise the Chief Executive Officer to execute all necessary documentation relevant to the acquisition of the Land.*
- 784/19** *That Council resolve to acquire all or some of the portions comprising the Land by compulsory process for the purposes of a road, pursuant to Section 177 of the Roads Act 1993 and in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991, in the event that negotiations for the acquisition of all or some of the portions comprising the Land with the relevant property owner or owners cannot be satisfactorily resolved.*
- 785/19** *That Council resolve to make an application to the Minister for Local Government and the Governor for approval to acquire all or some of the portions comprising the Land by compulsory process pursuant to the Land Acquisition (Just Terms Compensation) Act 1991, in the event that negotiations for the acquisition of the Land with the relevant property owner or owners cannot be satisfactorily resolved.*

For:
Unanimous

4.6 Water and Sewerage 2019 Development Servicing Plans

Councillor Marquart left the chamber at 8.37pm and did not return.

Moved: Mayor Smith
Seconded: Councillor Sundstrom

Resolved

- 786/19** *That Council adopt the draft Development Servicing Plans in principle.*
- 787/19** *That Council approve the draft Development Servicing Plans be placed on public exhibition for 30 working days in accordance with IPART requirements.*
- 788/19** *That Council adopt the draft Development Servicing Plan and register with IPART should no significant objections be received as a result of the public exhibition.*
- 789/19** *That Council note the revised water supply and sewerage developer charges be effective as of 1 November 2019.*

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

Abstained:
Councillor MacGregor

4.7 Community Support Grant Program - June 2019

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she knows some of the recipients. Councillor Hogan chose to remain in the chamber and participate in discussion and voting as she will manage the minor conflict by being objective and fair while carrying out her public duties.

Councillor Best declared a pecuniary interest in the matter as he is the General Manager of Central Coast Group Training who has a grant request in the report. Councillor Best left the chamber at 8.43pm, returned at 8.44pm and did not participate in discussion or voting.

Councillor Marquart left the chamber at 8.37pm and did not return.

Moved: **Mayor Smith**
Seconded: **Councillor Holstein**

Resolved

- 790/19** *That Council allocate \$54,323.98 from the 2019-20 grants budget to the community grant programs as outlined in the following report and Attachment 1.*
- 791/19** *That Council decline applications for the reasons indicated in Attachment 2 the applicants be advised and where relevant, directed to alternate funding.*

For:
Mayor Smith and Councillors Matthews,

Against:
Councillors Greenaway, Vincent and

*Mehrtens, Sundstrom, Gale Collins, Pilon, MacGregor
McLachlan, Holstein, Burke and Hogan*

4.8 Innovation and Futures Reference Group

Councillor Marquart left the chamber at 8.37pm and did not return.

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

Resolved

792/19 *That Council establish the Innovation and Futures Reference Group as an open engagement forum for debate and engagement of stakeholder views on strategic matters relevant to the development of Council's innovation agenda.*

793/19 *That Council adopt the draft Terms of Reference provided as Attachment 2 to this report.*

794/19 *That Council endorse the following Councillors to be part of the Innovation and Futures Reference Group's Steering Group, as follows;*

- *Mayor Smith*
- *Councillor Holstein*
- *Councillor Greenaway*
- *Councillor Vincent*
- *Councillor MacGregor*

795/19 *That Council as part of the September 2019 quarterly budget review make provision for the reallocation of operational funding from the existing Innovation and Futures department budget for delivering the open engagement forum events of the Innovation and Futures Reference Group.*

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

Against:
Councillors Gale Collins and Pilon

4.9 Meeting Record of the Protection of the Environment Trust Management Committee held on 28 June 2019

This item was adopted by exception in accordance with minute number 754/19.

Moved: *Councillor Gale Collins*
Seconded: *Councillor Holstein*

Resolved

- 796/19** *That Council note the Meeting Record of the Protection of the Environment Trust Management Committee held on 28 June 2019 that is Attachment 1 to this report.*
- 797/19** *That Council staff send correspondence to the relevant parties noting the 6 parcels of land donated to and held by the Trust for protection of environmental values.*
- 798/19** *That Council endorse an application being made for the addition of a message on the 10.7 Certificate (formerly Section 149) of each of the six properties at Somersby donated to the Protection of the Environment Trust noting the above.*
- 799/19** *That Council resolve that the Protection of the Environment Trust Management Committee coordinates an annual Strom Talk to support the objectives of the Trust.*
- 800/19** *That Council as Trustee resolve to release the funds in accordance with the information provided in the confidential attachment outlining the two Smarty Grants applications received, as set out in Attachment 2 to this report.*
- 801/19** *That Council resolve, pursuant to s.11(3) of the Local Government Act 1993, that Attachment 2 to this report remain confidential as the attachment includes commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and it would not be in the public interest for this information to be made available as it would jeopardise Council's ability to collect such information in the future.*

For:

Unanimous

4.10 Adoption of an amended 2019-20 Fee - Circuses and Carnivals

Councillor Marquart left the chamber at 8.37pm and did not return.

Moved: **Councillor Holstein**

Seconded: **Councillor Greenaway**

Resolved

- 802/19** *That Council note that the proposed reduction to the daily fee for Circuses and Carnivals in 2019-20 was publicly exhibited from Thursday 28 June 2019 to Thursday 25 July 2019 in accordance with ss. 610F and 705 of the Local Government Act 1993.*

803/19 *That Council further note that there were no submissions received by Council during the public exhibition of the proposed reduction to the fee for the 2019-20 financial year.*

804/19 *That Council determine, pursuant to s. 610F of the Local Government Act 1993, to approve the exhibited proposed amended fee for 2019-20.*

805/19 *That Council note that it does not currently own any land holdings that could host an exotic animals circus.*

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

Against:
Councillor Best

4.11 Amendments to the 2019/20 Capital Budget

This item was adopted by exception in accordance with minute number 754/19.

Mayor Smith declared a significant non pecuniary disclosure in the matter as she is on the Board of Central Coast Marine Discovery Centre.

Moved: **Councillor Gale Collins**
Seconded: **Councillor Holstein**

Resolved

806/19 *That Council note a \$4.3 million increase to the 2019-20 capital works budget to accommodate projects continuing from 2018-19 as detailed in the attachment to this report.*

807/19 *That Council approve a \$1.7 million increase to the 2019-20 capital budget to accommodate grant and developer contribution funded projects, new projects and increases in project budgets as detailed in the attachment to this report.*

For:
Unanimous

4.12 Ordinary Rates Harmonisation

Councillor Marquart left the chamber at 8.37pm and did not return.

Councillor Vincent left the chamber at 9.05pm, returned at 9.09pm, and did not participate in discussion or voting.

Moved: Mayor Smith
Seconded: Councillor Greenaway

Resolved

808/19 That Council adhere to the newly legislated timeline for ordinary rates harmonisation of 1 July 2021 (2021-2022).

For: Mayor Smith and Councillors Matthews, Mehrtens, Sundstrom, Greenaway, Gale Collins, Pilon, McLachlan, Holstein, Burke, MacGregor and Hogan	Against: Councillor Best
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4.13 Gosford Cultural Precinct - Audit

Councillor Holstein declared a pecuniary interest in the matter as he is employed casually with a tenant at the parkside site. Councillor Holstein left the chamber at 9.09pm, did not return.

Councillor Marquart left the chamber at 8.37pm and did not return.

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

809/19 That Council defer the matter to allow a Councillor workshop with the contractor to define the scope of the audit.

For: Mayor Smith, Councillors Matthews, Mehrtens, Sundstrom, Greenaway, Gale Collins, Pilon, Burke, Vincent, MacGregor and Hogan	Against: Councillors Pilon, McLachlan and Best
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The Mayor adjourned the meeting at 9.16pm, resuming at 9.29pm.

5.1 Asbestos Tipping Charges Moratorium

This item was adopted by exception in accordance with minute number 754/19.

Moved: Councillor Gale Collins
Seconded: Councillor Holstein

Resolved

810/19 That Council receive the report on Asbestos Tipping Charges Moratorium.

For:
Unanimous

5.2 Investment Report for July 2019

This item was adopted by exception in accordance with minute number 754/19.

Moved: Councillor Gale Collins
Seconded: Councillor Holstein

Resolved

811/19 That Council receive the Investment Report for July 2019.

For:
Unanimous

5.3 2018/19 Capital Works Project Status

Councillor Marquart left the chamber at 8.37pm and did not return.

Councillor Holstein left the chamber at 9.10pm and did not return.

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

812/19 That Council receive the report on 2018/19 Capital Works Project Status.

813/19 That Council thank and commend our staff for the work outlined in the report with over 90% completion.

814/19 That Council request the Chief Executive Officer provide an update on the current status of delivery of election promises and commitments from both the State and Federal governments.

For:
Unanimous

5.4 Activities of the Development Assessment and Environment and Certification Units - April to June 2019 Quarter 4

This item was adopted by exception in accordance with minute number 754/19.

Moved: Councillor Gale Collins
Seconded: Councillor Holstein

Resolved

815/19 That Council receive and note the report on development statistics.

For:
Unanimous

5.5 Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held 20 June 2019

This item was adopted by exception in accordance with minute number 754/19.

Moved: Councillor Gale Collins
Seconded: Councillor Holstein

Resolved

816/19 That Council receive the report on Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held 20 June 2019.

For:
Unanimous

5.6 Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 26 June 2019

This item was adopted by exception in accordance with minute number 754/19.

Moved: Councillor Gale Collins
Seconded: Councillor Holstein

Resolved

817/19 That Council receive the report on Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 26 June 2019.

For:
Unanimous

5.7 Meeting Record of the Employment and Economic Development Committee held 13 June 2019

Councillor Marquart left the chamber at 8.37pm and did not return.

Councillor Holstein left the chamber at 9.10pm and did not return.

Moved: Mayor Smith
Seconded: Councillor McLachlan

Resolved

818/19 That Council receive the report on Meeting Record of the Employment and Economic Development Committee held 13 June 2019.

819/19 That Council acknowledges Central Coast unemployment figures are significantly higher than the state average.

820/19 That Council request the Chief Executive Officer report back on resourcing the economic development team in order to assist major industry wishing to relocate to the Central Coast.

For:
Unanimous

5.8 Meeting Record of Mangrove Mountain and Spencer Advisory Committee held on 25 June 2019

This item was adopted by exception in accordance with minute number 754/19.

Moved: Councillor Gale Collins
Seconded: Councillor Holstein

Resolved

821/19 That Council receive the report on Meeting Record of Mangrove Mountain and Spencer Advisory Committee held on 25 June 2019.

For:
Unanimous

8.1 Notice of Motion - Umina Mall

This item was adopted by exception in accordance with minute number 754/19.

Moved: Councillor Gale Collins

Seconded: Councillor Holstein

Resolved

822/19 That Council note it has been more than six months since fire gutted Umina Mall shopping village.

823/19 That Council receive the petition of 400 residents calling for action to rebuild the site to improve community amenity and to give locals back their shopping village.

824/19 That Council note there is an existing approved DA for the site.

825/19 That Council acknowledge that delays have occurred due to failed negotiations for the sale of neighbouring lots conducted by the former Gosford Council and under Administration at which time the Administrator determined to reject a previously negotiated price.

826/19 That Council request a confidential report be returned by the last meeting in September on the status of the proposed sale of Lot 100 DP 1201961, and other relevant lots, with options for sale that reflect the good faith previously shown by Gosford Council and the owner of neighbouring sites, and the need for urgent action to bring the site back to life.

For:

Unanimous

8.2 Notice of Motion - Council Supports Climate Change Emergency Declaration

Councillor Best declared a less than significant non pecuniary interest in the matter as he is concerned that such a policy may impact on all Councillors homes. Councillor Best chose to remain in the chamber as this is not a given, only a concern.

Councillor Gale Collins declared a pecuniary interest in the matter as the Director of Governance advised to leave chamber as she owns a property on the Central Coast and the motion may increase insurance premium and lower property value. Councillor Gale Collins left the chamber at 7.23pm, returned at 8.00pm, and did not participate in discussion or voting.

Councillor Marquart declared a less than significant non pecuniary interest in the matter as it negatively affects Central Coast ratepayers. Councillor Marquart chose to remain in the chamber and participate in discussion and voting as he is a Central Coast ratepayer.

Councillor McLachlan declared a pecuniary interest in the matter as insurance premiums will go through the roof. Councillor McLachlan left the chamber at 7.23pm, returned at 8.00pm, and did not participate in discussion or voting.

Councillor Pilon declared a pecuniary interest in the matter as the advice from the Director of Governance to Councillor McLachlan, she chose to declare a pecuniary interest due to the implementation of this motion having a high potential to increase her insurance and decrease the value of her home. Councillor Pilon has received numerous concerns from neighbours who have been advised by their insurance companies that their premiums have gone up considerably due to climate change. Councillor Pilon left the chamber at 7.23pm, returned at 8.00pm, and did not participate in discussion or voting.

Councillor Vincent arrived at 7.28pm during discussion on this item. Councillor Vincent declared a pecuniary interest in the matter as he works for a local industry. Councillor Vincent left the chamber at 7.52pm, returned at 8.00pm, and did not participate in discussion or voting.

Moved: Councillor MacGregor

Seconded: Councillor Hogan

- 1 That Council accepts that warming due to human release of greenhouse gasses (generally termed climate change) poses a clear and present danger to the local and global community.*
- 2 That Council notes that climate change impacts are affecting people today and are projected to get much worse as time passes.*
- 3 That Council understands that government decisions made today are directly impacting and will impact on the future health and well-being of residents on the Central Coast and elsewhere.*
- 4 That council acknowledges that declaring a climate emergency is meaningless without strong policy and the action to implement it and therefore,*
- 5 That council declare a climate emergency and request the Chief Executive Officer to prepare and submit a report to Council on the costs of providing sufficient resources and action to implement the following measures as a response to the declaration of a climate emergency:*
 - a) Immediately implementing the Climate Change Policy (CCP) including urgent preparation of the plans required to reduce emissions and adapt to environmental changes and extreme events including a climate action plan.*
 - b) Appoint a council reference group of suitably qualified selected experts to provide advice on the councils response to the climate change emergency.*
 - c) Set measurable targets and times for achieving the climate action plan that are in line with the emergency regarding GHG emissions and for urgent preparation for extreme events.*

- d) *Set council emissions reduction target (below 2017/18 levels) consistent with the pathway number 1 in the IPCC special report that follows 60% by 2022 and 85% by 2028.*
 - e) *Include consideration of the threats from environmental change due to climate change (as set out in IPCC reports, CSIRO and BOM studies) into council plans and decision making processes.*
 - f) *Investigate opportunities and provide appropriate support for local industry that reduces emissions or increases community resilience to climate impacts.*
 - g) *Support employment opportunities that would encourage a just transition away from fossil fuels both on the Central Coast and elsewhere.*
 - h) *Commence advocating for the establishment of a just transition authority to be based on the Central Coast to oversee the transition of local workers in the power and mining industries into new employment positions that reflect their skills training and current remuneration levels for future employment.*
 - i) *Seek to develop the WEZ and other suitable employment lands on the Central Coast as job hubs for industries such as renewable energy, smart manufacturing, robotics, ICT and other associated sustainable industries.*
- 6 *Write to the NSW Premier and the Prime Minister and relevant Energy and Environment Ministers declaring a climate emergency and calling on the State and Federal government to do so too.*

Amendment Moved: Councillor Marquart

Amendment Seconded: Councillor Best

That Council rule out consideration of planned retreat, managed realignment or time limited development consent in any form due to the negative impact of such policies to over 20,000 properties in local government area.

*For:
Councillors Burke, Marquart and Best*

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

The amendment was put the vote and declared LOST. The motion was then put.

A division was called by Councillors Marquart, Burke and Best.

*For:
Councillors Burke, Marquart and Best*

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

The Amendment was put to the vote and declared LOST.

Motion of Dissent

Moved: Councillor Marquart

Seconded: Councillor Best

That Councillor Marquart was not given the opportunity to address the Chairperson's ruling requesting he either withdraw, apologise or take his seat.

For:
Councillors Burke, Marquart and Best

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

As a result of the division the motion was declared LOST.

Moved: Councillor MacGregor

Seconded: Councillor Hogan

Resolved

827/19 That Council accepts that warming due to human release of greenhouse gasses (generally termed climate change) poses a clear and present danger to the local and global community.

828/19 That Council notes that climate change impacts are affecting people today and are projected to get much worse as time passes.

829/19 That Council understands that government decisions made today are directly impacting and will impact on the future health and well-being of residents on the Central Coast and elsewhere.

830/19 That Council acknowledges that declaring a climate emergency is meaningless without strong policy and the action to implement it and therefore,

831/19 That Council declare a climate emergency and request the Chief Executive Officer to prepare and submit a report to Council on the costs of providing sufficient resources and action to implement the following measures as a response to the declaration of a climate emergency:

- a Immediately implementing the Climate Change Policy (CCP) including urgent preparation of the plans required to reduce emissions and adapt to environmental changes and extreme events including a climate action plan.**
- b Appoint a council reference group of suitably qualified selected experts to provide advice on the councils response to the climate change emergency.**
- c Set measurable targets and times for achieving the climate action plan**

that are in line with the emergency regarding GHG emissions and for urgent preparation for extreme events.

- d Set council emissions reduction target (below 2017/18 levels) consistent with the pathway number 1 in the IPCC special report that follows 60% by 2022 and 85% by 2028.***
- e Include consideration of the threats from environmental change due to climate change (as set out in IPCC reports, CSIRO and BOM studies) into council plans and decision making processes.***
- f Investigate opportunities and provide appropriate support for local industry that reduces emissions or increases community resilience to climate impacts.***
- g Support employment opportunities that would encourage a just transition away from fossil fuels both on the Central Coast and elsewhere.***
- h Commence advocating for the establishment of a just transition authority to be based on the Central Coast to oversee the transition of local workers in the power and mining industries into new employment positions that reflect their skills training and current remuneration levels for future employment.***
- i Seek to develop the WEZ and other suitable employment lands on the Central Coast as job hubs for industries such as renewable energy, smart manufacturing, robotics, ICT and other associated sustainable industries.***

832/19 That Council request the Chief Executive Officer write to the NSW Premier and the Prime Minister and relevant Energy and Environment Ministers declaring a climate emergency and calling on the State and Federal government to do so too.

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

Against:
Councillors Burke, Marquart and Best

8.3 Notice of Motion - The Bells

Councillor Holstein left the chamber at 9.10pm, did not return, and did not participate in discussion or voting.

Councillor Marquart left the chamber at 8.37pm and did not return.

Moved: ***Councillor Best***

Seconded: Councillor Pilon

- 833/19 That further to Council's Meeting of August 12 2019; Item 7.1 that resulted in a near quorum collapse due to multiple Councillors absence, Council now investigates the introduction of a courtesy announcement / warning bells system similar to those used in State and Federal Parliament.*
- 834/19 That as Council is now currently spending substantial funds in the renovation of the Gosford Council Chambers, this issue be dealt with as a matter of urgency with a view to its inclusion in these works.*
- 835/19 Further Council notes that such a warning system would not only assist Councillors but indeed members of the public gallery to be ushered into the Chamber in a timely fashion prior to Meeting commencement.*
- 836/19 That Staff through the General Manager be requested to provide a Report around this initiative and also report on the Gosford Chamber upgrade including the final Chamber layout and public areas.*
- 837/19 That as this Council prides itself on Community inclusion, could Staff please confirm how this pledge will be maintained with the now limited gallery seating at Gosford.*

*For:
Councillors Gale Collins, Pilon, McLachlan,
Burke and Best*

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

The motion was put to the vote and declared LOST.

The Meeting closed at 9.43pm.