



Central Coast Council

Minutes of the Ordinary Meeting of Council Held in the Council Chamber 2 Hely Street, Wyong on 24 February 2020

Present

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

In Attendance

Gary Murphy (Chief Executive Officer), Boris Bolgoff (Director Roads, Transport, Drainage and Waste), Julie Vaughan (Director Connected Communities), Scott Cox (Director Environment and Planning), Dr Liz Develin (Director Governance), Jamie Loader (Director Water and Sewer), Ricardo Martello (Executive Manager Innovation and Futures) and Craig Norman (Chief Finance Officer).

The Mayor, Lisa Matthews, declared the meeting open at 5.45pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded. The Mayor addressed the meeting the time being 5.45pm.

The Mayor, Lisa Matthews read an acknowledgement of country statement.

At the commencement of the ordinary meeting Item 6.4 – Notice of Motion - Council to Support Community Calls for Mayor's Resignation was 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

Moved: **Councillor Sundstrom**
Seconded: **Councillor Greenaway**

Resolved

83/20 That Council note Councillor Holstein was granted a leave of absence for the Ordinary Meeting 24 February 2020.

84/20 That Council accept the apology submitted by Councillor Gale.

For:
Unanimous

The Chief Executive Officer addressed the meeting being 5.51pm.

1.1 Disclosures of Interest

Item 2.2 – Deferred Item - Sports Facility Lighting

Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he plays amateur and Club sport on the Coast. Councillor MacGregor chose to remain in the chamber and participate in discussion and voting as it does not compromise his decision making ability.

Councillor Vincent declared a less than significant non pecuniary interest in the matter as he has children that play sport on the Central Coast. Councillor Vincent chose to remain in the chamber and participate in discussion and voting as this is a region wide matter.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as her children regularly use sports facilities on the Central Coast. . Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the interest is minor and will not affect her ability to discharge her public duty impartially.

Item 2.7 – Grants and Sponsorship Program - Round 1 - 2019/2020

Councillor Pilon declared a pecuniary interest in the matter as she may potentially be involved in a future program of one of the groups identified.

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she knows a lot of the community groups and she may have worked with them in the past. Councillor Hogan chose to remain in the chamber and participate in discussion and voting by being object and fair and as there is no likelihood of personal gain.

This item was resolved by the exception method.

Item 2.8 - Community Support Grant Program - December 2019

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she knows a lot of the community groups and she may have worked with them in the past and will have no personal gain. Councillor Hogan chose to remain in the chamber and participate in discussion and voting by being object and fair.

This item was resolved by the exception method.

Moved: Councillor Smith
Seconded: Councillor MacGregor

Resolved

85/20 That Council receive the report on Disclosure of Interest and note advice of disclosures.

For:
Unanimous

1.2 Confirmation of Minutes of Previous Meeting

Moved: Councillor MacGregor

Seconded: Councillor Hogan

Resolved

86/20 That Council confirm the minutes of the Ordinary Meeting of Council of 10 February 2020, conducted on 12 February 2020.

For:

Unanimous

1.3 Notice of Intention to Deal with Matters in Confidential Session

Moved: Councillor Smith

Seconded: Councillor Mehrtens

Resolved

87/20 That Council resolve that the following matters be dealt with in closed session, pursuant to s. 10A(2)(f) of the Local Government Act 1993 for the following reasons:

Item 7.1 – Council Meetings

Reason for considering in closed session:

2(f) matters affecting the security of the Council, Councillors, Council staff or Council property,

88/20 That Council resolve, pursuant to s10A(2)(f) of the Local Government Act 1993, that this report remain confidential as it contains information affecting the security of the Council, Councillors, Council staff and Council property, and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it may compromise the ability to ensure the safety of those attending Council Meetings.

For:

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

Against:

Councillors Best, Pilon, Burke and Marquart

Abstained:

Councillors Greenaway and McLachlan

Procedural Motion – Consideration of Item - Bring Item Forward

Moved: Mayor Matthews
Seconded: Councillor MacGregor

Resolved

89/20 That Council resolve that following item(s) to be considered first with the remaining items to be in Agenda order;

- **6.4 – Notice of Motion - Council to Support Community Calls for Mayor's Resignation**

For:
Unanimous

Procedural Motion – Exception

Resolved

Moved: Councillor Vincent
Seconded: Councillor MacGregor

90/20 That Council adopt the following items as a group and in accordance with the report recommendations:

Item #	Item Title
2.1	Deferred Item - Community Safety Facilities Needs Assessment and Options Study Report
2.3	Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 21 November 2019
2.4	Fire Safety Inspection Report for Shopping Centre on Lot: 0 SP:39842, 155 - 157 The Entrance Road, The Entrance
2.7	Grants and Sponsorship Program - Round 1 - 2019/2020
2.8	Community Support Grant Program - December 2019
2.11	Meeting Record of the Water Management Advisory Committee held on 16 December 2019
3.1	Terrigal and Coastal Lagoon Audit Update
3.2	Activities of the Development Assessment and Environment and Certification Units - October to December 2019 - Quarter 2
3.3	Investment Report for January 2020

91/20 *That with the exception of the reports listed below, Council adopt the recommendations contained in the reports listed above:*

Item #	Item Title
2.2	<i>Deferred Item - Community Safety Facilities Needs Assessment and Options Study Report</i>
2.5	<i>Revised Charter for Audit Risk and Improvement Committee and Annual Reports for 2018 and 2019</i>
2.6	<i>Consideration of Submissions and Adoption of the Central Coast Cultural Plan</i>
2.9	<i>Deferred Item - Draft 2018-19 Financial Reports for Central Coast Council and Central Coast Council Water Supply Authority</i>
2.10	<i>2019-20 Q2 Business Report</i>
6.1	<i>Deferred Item - Notice of Motion - Ward's equitable expenditure and \$20 Million Dollar Loss</i>
6.2	<i>Deferred Item - Notice of Motion - Black summer fuel load reduction initiatives</i>
6.3	<i>Notice of Motion - Activity Report of the Ombudsman Office</i>
7.1	<i>Council Meetings</i>

For:
Unanimous

Procedural Motion – Adjournment of Meeting

Resolved

Moved: **Mayor Matthews**
Seconded: **Councillor MacGregor**

Resolved

92/20 *That Council adjourn the meeting for a period of 30 mins the time being 6.43pm.*

For:
Unanimous

The meeting resumed at 7.16pm.

2.1 Deferred Item - Community Safety Facilities Needs Assessment and Options Study Report

This item was resolved by the exception method.

Moved: Councillor Vincent
Seconded: Councillor MacGregor

Resolved

93/20 That Council note the report by Signature Project Management dated 8 May 2019 "Central Coast Council Community Safety Facilities – Needs Assessment and Options Study Report (the Report)".

94/20 That Council support further detailed investigations into new Animal Impounding Facility options as recommended by the Report.

95/20 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, Attachment 2 to this report is to remain confidential in accordance with section 10A(2)(c) of the Local Government Act 1993 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

2.2 Deferred Item - Sports Facility Lighting

Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he plays amateur and Club sport on the Coast. Councillor MacGregor chose to remain in the chamber and participate in discussion and voting as it does not compromise his decision making ability.

Councillor Vincent declared a less than significant non pecuniary interest in the matter as he has children that play sport on the Central Coast. Councillor Vincent chose to remain in the chamber and participate in discussion and voting as this is a region wide matter.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as her children regularly use sports facilities on the Central Coast. . Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the interest is minor and will not affect her ability to discharge her public duty impartially.

Moved: Councillor MacGregor
Seconded: Councillor Mehrtens

Resolved

- 96/20 ***That Council note this has been an ongoing item before Council going back to June 2018.***
- 97/20 ***That Council defer determination on this item subject to a meeting between Central Coast Sports Council, relevant senior staff and interested Councillors to address the issues local sporting clubs and their peak representative body Central Coast Sports Council have raised with sports lighting fees and charges.***
- 98/20 ***That Council hold this meeting as a matter of urgency (within the next month).***
- 99/20 ***That Council note the importance of affordable and high quality sporting fields and amenities and maintain our commitment to delivering these essential community infrastructure items for our community.***

For:
Unanimous

2.3 Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 21 November 2019

This item was resolved by the exception method.

Moved: **Councillor Vincent**
Seconded: **Councillor MacGregor**

Resolved

- 100/20 ***That Council receive the report on Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 21 November 2019 that is Attachment 1 to this report.***
- 101/20 ***That Council write to the Department of Planning, Industry and Environment requesting clarification around the process for their public exhibition period noting the following concerns regarding Council's recent submission on the St Hilliers and Kibbleplex developments:***
- a) ***Public exhibition period did not meet expectations;***
 - b) ***Only one community submission was received and limited agency submissions; and***
 - c) ***Advertising was limited to the Central Coast Express Advocate.***
- 102/20 ***That Council consider the staff submissions for St Hilliers and Kibbleplex and may wish to provide feedback to the Department of Planning, Industry and Environment.***

For:
Unanimous

2.4 Fire Safety Inspection Report for Shopping Centre on Lot: 0 SP:39842, 155 - 157 The Entrance Road, The Entrance

This item was resolved by the exception method.

Moved: Councillor Vincent
Seconded: Councillor MacGregor

Resolved

- 103/20 That Council note the content of the Fire Safety Report from Fire and Rescue NSW (attached), in accordance with 17(2)(a) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act); and**
- 104/20 That Council receive a further inspection report at to be provided to the next Council meeting in accordance with 17(2)(b) of Part 8 of Schedule 5 of the EP and A Act.**

For:
Unanimous

2.5 Revised Charter for Audit Risk and Improvement Committee and Annual Reports for 2018 and 2019

Moved: Councillor Best
Seconded : Councillor Smith

Resolved

- 105/20 That Council adopt the revised Audit, Risk and Improvement Committee Charter that is Attachment 2 to this report, with the following changes:**
- a Clause 4 be amended to refer to "section 355 of the Act" and not "section 355(d) of the Act";**
 - b Clause 7 be amended to remove ", to:" after the word "responsibility" and the following words be included "as follows and to report any action undertaken in the meeting minutes:"**
 - c A new Clause after Clause 75 be inserted stating: "All meeting minutes that are approved by the Committee will be reported to the next available Council Meeting for information purposes";**
 - d Clause 77 d) iv wording be removed and the following words be included "prejudice the position or activities of Council."**

- e ***A new Clause after Clause 80 be inserted stating: "The Chief Executive Officer will advise the Committee of the outcome of any matters referred to the Chief Executive Officer for action under Clause 80 at the next available Committee Meeting."***

106/20 That Council note the Office of Local Government Model Charter for Audit, Risk and Improvement Committees is yet to be adopted, however the proposed Audit, Risk and Improvement Committee Charter complies with guidelines provided by the NSW Audit Office.

107/20 That Council note the Audit, Risk and Improvement Committee Annual Report for 2018 that is Attachment 3 to this report.

108/20 That Council note the Audit, Risk and Improvement Committee Annual Report for 2019 will be provided to Council at its meeting of 27 April 2020 following the conduct of the 17 March 2020 Audit, Risk and Improvement Committee Meeting.

109/20 That Council note the updated 2019-20 Internal Audit Schedule that is Attachment 4 to this report.

For:

Unanimous

2.6 Consideration of Submissions and Adoption of the Central Coast Cultural Plan

Moved: Councillor Smith

Seconded: Councillor Sundstrom

Resolved

110/20 That Council note that the Draft Central Coast Cultural Plan 2020-2025 was publicly exhibited from 23 September 2019 to 15 November 2019.

111/20 That Council consider the submissions (Attachment one) and feedback (Attachment two) received during the exhibition period.

112/20 That Council note and endorse the amendments recommended by Council staff in this report and Attachment one.

113/20 That Council adopt the Central Coast Cultural Plan 2020-2025 (Attachment three) and make available on Council's website.

114/20 That Council amend the Cultural Plan to:

- a) incorporate opportunities to build on the Sister City relationships as part of the Cultural Plan including Walgett.***

- b) Investigate the opportunity to utilise the Gosford Foundation Trust (as amended) to encourage philanthropy in the area of arts and cultur.e**

- 115/20 That Council authorise the Chief Executive Officer to make final editorial amendments to ensure correctness and clarity.**
- 116/20 That the Chief Executive Officer develop an Action Plan identifying priority actions and provide an update in the annual report on achievement and outcomes**

**For:
Unanimous**

2.7 Grants and Sponsorship Program - Round 1 - 2019/2020

Councillor Pilon declared a pecuniary interest in the matter as she may potentially be involved in a future program of one of the groups identified.

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she knows a lot of the community groups and she may have worked with them in the past. Councillor Hogan chose to remain in the chamber and participate in discussion and voting by being object and fair and as there is no likelihood of personal gain.

This item was resolved by the exception method.

Moved: Councillor Vincent
Seconded: Councillor MacGregor

Resolved

- 117/20 That Council allocate \$139,200.00 from the sponsorship budget, to be paid over the 2019-20 and 2020-21 financial years to the applicants outlined in the table (Attachment one).**
- 118/20 That Council allocate \$19,267.00 from the 2019-20 grants budget to the Community Development Grant Program as outlined in the table (Attachment two).**
- 119/20 That Council decline the Grants and Sponsorship program applications for the reasons indicated in the tables (Attachment one and two), and the applicants be advised and where relevant, directed to alternate funding.**

**For:
Unanimous**

2.8 Community Support Grant Program - December 2019

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she knows a lot of the community groups and she may have worked with them in the past and will have no personal gain. Councillor Hogan chose to remain in the chamber and participate in discussion and voting by being object and fair.

This item was resolved by the exception method.

Moved: Councillor Vincent
Seconded: Councillor MacGregor

Resolved

120/20 That Council allocate \$12,211.58 from the 2019-20 grants budget to the community grant programs as outlined in the following report and Attachment 1.

121/20 That Council decline applications for the reasons indicated in Attachment 2 the applicants be advised and where relevant, directed to alternate funding.

For:
Unanimous

2.9 Deferred Item - Draft 2018-19 Financial Reports for Central Coast Council and Central Coast Council Water Supply Authority

Moved: Councillor Best
Seconded: Councillor McLachlan

Resolved

122/20 That Council note that the draft Consolidated Financial Reports for Central Coast Council for the period from 1 July 2018 to 30 June 2019 are presented to Council. The Consolidated Financial Report includes the general purpose financial report, special purpose financial report and special schedules, which is Attachment 1 to the business paper.

123/20 That Council also note that the draft Consolidated Financial Reports have been prepared in accordance with the requirements of the Local Government Act 1993 ("LG Act"), the Local Government (General) Regulation 2005 ("LG Reg") and the relevant accounting and reporting requirements of the Office of Local Government prescribed Code of Accounting Practice and Financial Reporting - Update No. 27 and Australian Accounting Standards.

124/20 That Council note that the draft Financial Reports for Central Coast Council Water Supply Authority for the period from 1 July 2018 to 30 June 2019 is presented to Council, which is Attachment 2 to the business paper.

- 125/20 ***That Council note that the draft Financial Reports for Central Coast Council Water Supply Authority as presented in accordance with section 41B of the Public Finance and Audit Act 1983 (PF&A Act) and the Public Finance, the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board, the Local Government Act 1993 (NSW) and the relevant accounting and reporting requirements of the Office of Local Government prescribed Code of Accounting Practice and Financial Reporting - Update No. 27 and Australian Accounting Standards.***
- 126/20 ***That Council authorise, the Mayor to execute all documents related to the draft Consolidated Financial Reports in accordance with s413(2)(c) of the LG Act, and cl. 215(1)(b)(i) of the LG Reg.***
- 127/20 ***That Council authorise, the Deputy Mayor to execute all documents related to the draft Consolidated Financial Reports in accordance with s413(2)(c) of the LG Act, and cl. 215(1)(b)(ii) of the LG Reg.***
- 128/20 ***That Council authorise, the Chief Executive Officer to execute all documents related to the draft Consolidated Financial Reports in accordance with s413(2)(c) of the LG Act, and cl. 215(1)(b)(iv) of the LG Reg.***
- 129/20 ***That Council authorise, the Responsible Accounting Officer of the Council, to execute all documents related to the draft Consolidated Financial Reports with s413(2)(c) of the LG Act, and cl. 215(1)(b)(iii) of the LG Reg.***
- 130/20 ***That Council authorise, for the purposes of s. 41C(1C) of the Public Finance and Audit Act 1983, its Mayor, Deputy Mayor, Chief Executive Officer and Responsible Accounting Officer to execute all documents related to the draft Financial Reports for Central Coast Council Water Supply Authority.***
- 131/20 ***That Council resolve, for the purposes of s. 413(1) of the LG Act, to refer the Consolidated Financial Reports for Central Coast Council and the Financial Reports for Central Coast Council Water Supply Authority for the period from 1 July 2018 to 30 June 2019 to the NSW Auditor-General, for external audit.***
- 132/20 ***That Council delegate to the Chief Executive Officer to set the date for the meeting to present the audited 2018-19 financial reports, together with the auditor's reports, to the public in accordance with s418(1)(a), (b) of the LG Act.***

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

Abstained:
Councillor Greenaway

2.10 2019-20 Q2 Business Report

Moved: Councillor Best
Seconded: Councillor Marquart

Resolved

- 133/20 That Council receive Central Coast Council's Q2 Business Report on progress against Central Coast Council's 2019-20 Operational Plan.**
- 134/20 That Council note that Council's Responsible Accounting Officer has declared the financial position of Central Coast Council to be satisfactory.**
- 135/20 That Council approve the proposed budget amendments included in Central Coast Council's Q2 Business Report for 2019-20.**

For:
Unanimous

2.11 Meeting Record of the Water Management Advisory Committee held on 16 December 2019

This item was resolved by the exception method.

Moved: Councillor Vincent
Seconded: Councillor MacGregor

Resolved

- 136/20 That Council receive the report on the Meeting Record of the Water Management Advisory Committee held on 16 December 2019.**
- 137/20 That Council appoint Councillor Jane Smith as the Chairperson for the Water Management Advisory Committee.**
- 138/20 That Council adopt the Terms of Reference for the Water Management Advisory Committee as set out in Attachment 2 to this report.**

For:
Unanimous

3.1 Terrigal and Coastal Lagoon Audit Update

This item was resolved by the exception method.

Moved: Councillor Vincent
Seconded: Councillor MacGregor

Resolved

139/20 ***That Council receive the report on Terrigal and Coastal Lagoon Audit Update.***

For:

Unanimous

3.2 **Activities of the Development Assessment and Environment and Certification Units - October to December 2019 - Quarter 2**

This item was resolved by the exception method.

Moved: ***Councillor Vincent***

Seconded: ***Councillor MacGregor***

Resolved

140/20 ***That Council receive and note the report on Activities of the Development Assessment and Environment and Certification Units - October to December 2019 - Quarter 2.***

For:

Unanimous

3.3 **Investment Report for January 2020**

This item was resolved by the exception method.

Moved: ***Councillor Vincent***

Seconded: ***Councillor MacGregor***

Resolved

141/20 ***That Council receive the Investment Report for January 2020.***

For:

Unanimous

6.1 **Deferred Item - Notice of Motion - Ward's equitable expenditure and \$20 Million Dollar Loss**

Moved: ***Councillor Best***

Seconded: ***Councillor McLachlan***

Resolved

- 142/20** *That further to the Council's recent 2020/2021 budget workshop Council now formally directs the Chief Executive Officer to provide options for a draft 2020/2021 budget for Council's consideration that clearly demonstrates a fair distribution of expenditure across the five wards of this Council, taking into account regional projects.*

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

Against:
Councillors Greenaway, Pilon, Burke and Marquart

6.2 Deferred Item - Notice of Motion - Black summer fuel load reduction initiatives

Moved: Councillor Best
Seconded: Councillor Marquart

- 1 *That it is noted and supported that various other motions on the current Council agenda reflect Council's acknowledgement around these extraordinary events whilst this motion seeks to deal with prevention.*
- 2 *That Council recognises the catastrophic extent of the recent Australia wide bushfires that burned millions of hectares, millions of animals, with the loss of more than 2,500 properties and resulting in the death of more than 20 individuals, and Council is committed to carrying out all necessary mitigation and Vegetation Policy reviews to spare this Region from a similar fate.*
- 3 *That Council notes our Region is now still extremely vulnerable to the potential of major wild fires particularly due to ground fuel loads and that Council's Vegetation Policies have contributed to this build up.*
- 4 *That Council applauds Staff's initiative to provide free vegetation waste tipping arrangements for those west of the M1 Motorway and seeks advice around expanding the Program to include those particularly at the Urban / Forest interface.*
- 5 *That Council notes with concern that many of our well intended Vegetation Corridors along with Council's 'Urban Forest' approach may now need to be significantly reconsidered if we are to protect homes and indeed whole suburbs.*
- 6 *That Council now request the Chief Executive Officer to provide a report on Local Fuel Load Reduction Options in preparation for submissions to the Federal Government's Fuel Load Reduction initiative.*

Amendment Moved: Councillor Smith
Amendment Seconded: Councillor MacGregor

- 1 *That it is noted and supported that various other motions on the current Council agenda reflect Council's acknowledgement around these extraordinary events whilst this motion seeks to deal with prevention.*
- 2 *That Council recognises the catastrophic extent of the recent Australia wide bushfires that burned millions of hectares, millions of animals, with the loss of more than 2,500 properties and resulting in the death of more than 20 individuals, and Council is committed to undertaking responsible decision making regarding mitigation, adaptation and risk management._*
- 3 *That Council notes our Region is vulnerable to the predicted impacts of climate change including extreme weather events and potential of major wild fires, coastal erosion and flooding.*
- 4 *That Council;*
 - a *commends the NSW state government in reducing the risk of inappropriate responses to the recent bushfire crisis by announcing an independent expert inquiry into the 2019-20 bushfire season.*
 - b *recognises the independence and expertise of the former Deputy Commissioner of NSW Police, and the former NSW Chief Scientist and Engineer who have been appointed to lead the inquiry.*
 - c *acknowledges the comprehensive nature of the Terms of Reference for the enquiry, including "consideration of any role of weather, drought, climate change, fuel loads and human activity".*
 - d *looks forward to considering any recommendations arising from the inquiry, including those related to:*
 - *"Preparation and planning for future bushfire threats and risks" and*
 - *"Land use planning and management and building standards, including appropriate clearing and other hazard reduction, zoning, and any appropriate use of indigenous practices."*
- 5 *That Council requests the CEO to:*
 - a *fast track resolution 831/19 adopted on 26 August, 2019 in relation to the urgent preparation of the plans required to reduce emissions and adapt to environmental changes and extreme events including a climate action plan.*
 - b *Establish a panel of interested Councillors and allocate up to \$4,000 to hold a Public Hearing on a Saturday in March or April, 2020 to invite presentations and submissions in relation to (a).*
 - c *Provide a draft report to Council and for public comment by end June, 2020.*
- 6 *That Councillors receive a briefing on:*

- a *How Council is working with local communities on emergency preparedness.*
- b *How Council is working with relevant agencies on hazard reduction.*

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

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

The Amendment was declared CARRIED and became the Motion.

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

Resolved

- 143/20** ***That it is noted and supported that various other motions on the current Council agenda reflect Council's acknowledgement around these extraordinary events whilst this motion seeks to deal with prevention.***
- 144/20** ***That Council recognises the catastrophic extent of the recent Australia wide bushfires that burned millions of hectares, millions of animals, with the loss of more than 2,500 properties and resulting in the death of more than 20 individuals, and Council is committed to undertaking responsible decision making regarding mitigation, adaptation and risk management.***
- 145/20** ***That Council notes our Region is vulnerable to the predicted impacts of climate change including extreme weather events and potential of major wild fires, coastal erosion and flooding.***
- 146/20** ***That Council;***
 - a commends the NSW state government in reducing the risk of inappropriate responses to the recent bushfire crisis by announcing an independent expert inquiry into the 2019-20 bushfire season.***
 - b recognises the independence and expertise of the former Deputy Commissioner of NSW Police, and the former NSW Chief Scientist and Engineer who have been appointed to lead the inquiry.***
 - c acknowledges the comprehensive nature of the Terms of Reference for the enquiry, including "consideration of any role of weather, drought, climate change, fuel loads and human activity".***
 - d looks forward to considering any recommendations arising from the inquiry, including those related to:***
 - "Preparation and planning for future bushfire threats and risks" and***

- ***“Land use planning and management and building standards, including appropriate clearing and other hazard reduction, zoning, and any appropriate use of indigenous practices.”***

147/20 That Council requests the Chief Executive Officer to:

- a fast track resolution 831/19 adopted on 26 August, 2019 in relation to the urgent preparation of the plans required to reduce emissions and adapt to environmental changes and extreme events including a climate action plan.***
- b Establish a panel of interested Councillors and allocate up to \$4,000 to hold a Public Hearing on a Saturday in March or April, 2020 to invite presentations and submissions in relation to (a).***
- c Provide a draft report to Council and for public comment by end June, 2020***

148/20 That Councillors receive a briefing on:

- a How Council is working with local communities on emergency preparedness***
- b How Council is working with relevant agencies on hazard reduction***

For:

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

Against:

Councillors Best, Burke and Marquart

Division was called by Councillor Vincent at 8.34pm

6.3 Notice of Motion - Activity Report of the Ombudsman Office

Councillor Marquart left the chamber at 8.36pm and did not return to the Meeting. He was not present for consideration of this item.

Moved: Councillor McLachlan

Seconded: Councillor Pilon

- 1 That Council requests the Chief Executive Officer provide Councillors with a report around activity of the Internal Ombudsman's office, noting that some of the content may have to be reported in confidential.***
- 2 That Council conduct a briefing for all Councillors on 30 March 2020 and a further report***

be provided to Council.

Amendment Moved: Councillor Greenaway

Amendment Seconded: Councillor MacGregor

- 1 *That Council requests the Chief Executive Officer provide Councillors with a report around activity of the Internal Ombudsman's office or equivalent commencing from 2012 for both the former Gosford City Council and Wyong Shire Councils and during the period of administration, noting that some of the content may have to be reported in confidential.*
- 2 *That Council request the Chief Executive Officer to conduct a briefing for all Councillors by 30 April 2020 and a further report be provided to Council.*

For:

Unanimous

The Amendment was declared CARRIED and became the Motion.

Moved: Councillor Greenaway

Seconded: Councillor MacGregor

Resolved

- 149/20** ***That Council requests the Chief Executive Officer provide Councillors with a report around activity of the Internal Ombudsman's office or equivalent commencing from 2012 for both the former Gosford City Council and Wyong Shire Councils and during the period of administration, noting that some of the content may have to be reported in confidential.***
- 150/20** ***That Council request the Chief Executive Officer to conduct a briefing for all Councillors by 30 April 2020 and a further report be provided to Council.***

For:

Unanimous

6.4 Notice of Motion - Council to Support Community Calls for Mayor's Resignation

The Director Governance addressed the Meeting the time being 6.02pm.

Moved: Councillor Best

Seconded: Councillor McLachlan

- 1 *That Council notes with grave concern the extraordinary devastation and hardship now felt across our Local Government area as a consequence of the recent flooding events and that Council extends its heartfelt sympathy to all those affected.*
- 2 *That Council now notes the unprecedented collapse in Community confidence in Council, resulting in widespread calls for the Mayor's resignation.*

- 3 That Council notes the recent unfortunate criticisms of both Council and Staff by the Member for The Entrance Mr David Mehan, quote:

"It is very clear The Entrance Channel has been mismanaged by this Council."

"Council has no plan, it's appalling."

"I can't believe we have got to this."

(Source: ABC Interview 12th February 2020)

- 4 That Council recognises the difficulty going forward around Community confidence and indeed credibility of the Office of the Mayor.
- 5 That it is with this understanding and in the spirit of acknowledging the Community's outrage that Council supports their call for the Mayor's resignation.
- 6 That Council as a display of good faith now immediately review all financial options in the Draft 2020-2021 Budget and the recurring Five Year Business Plan with a view to a permanent solution and prioritising flood mitigation works in and around The Entrance Channel including immediate and ongoing dredging.

For:

Councillors Best, McLachlan, Pilon, Burke and Marquart

Against:

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

The motion was put to the vote and declared LOST.

Procedural Motion – Dissent from the Chair

Moved: Councillor Best

Seconded: Councillor Pilon

That Council dissent from the Mayor's ruling that, having had two speakers for and two speakers against, the motion now be put.

For:

Councillors Best, Pilon, Burke, Marquart and McLachlan

Against:

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

The motion was put to the vote and declared LOST.

Division was called by Councillors Best at 6.32pm

Procedural Motion – Move into Confidential Session

Councillor Marquart left the chamber at 8.36pm and did not return to the Meeting. He was not present for consideration of this item.

Councillor Best left the chamber at 8.55pm and did not return to the Meeting. He was not present for consideration of this item.

Moved: **Councillor Mehrtens**

Seconded: **Councillor Hogan**

Resolved

151/20 That the meeting move into Confidential Session.

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

Against:
Councillor Pilon and Greenaway

At this stage of the meeting being 8.56pm 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 as the items listed come within the following provisions:-

Item 7.1 Council Meetings

Pursuant to s10A(2)(f) of the Local Government Act 1993, that this report remain confidential as it contains information affecting the security of the Council, Councillors, Council staff and Council property, and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it may compromise the ability to ensure the safety of those attending Council Meetings.

Open Session

The meeting resumed in open session at 9.08pm and Mayor Matthews reported on proceedings of the confidential session of the ordinary meeting as follows:

7.1 Council Meetings

Councillor Marquart left the chamber at 8.36pm and did not return to the Meeting. He was not present for consideration of this item.

Councillor Best left the chamber at 8.55pm and did not return to the Meeting. He was not present for consideration of this item.

Moved: Councillor Smith

Seconded: Councillor Hogan

Resolved

- 152/20** That Council amend the Code of Meeting Practice to provide that Council Meetings will be held at Wyong Chambers (2 Hely Street, Wyong).
- 153/20** That Council note the operational measures that staff will be implementing to assist in managing Council meetings, which will increase in stringency should safety concerns remain.
- 154/20** That Council amend the Code of Meeting Practice to provide that all briefings will be held at Gosford Administration Building (49 Mann Street, Gosford).
- 155/20** That Council write to the Minister for Local Government requesting a review of the Model Code of Conduct with regard to addressing the adverse use of social media and the deliberate distribution of misinformation by Councillors both inside and outside the chamber.
- 156/20** That Council request the Chief Executive Officer bring forward a draft Councillor Social Media policy.
- 157/20** That a further report be provided to Council in June to review this position.
- 158/20** That Council resolve, pursuant to s10A(2)(f) of the Local Government Act 1993, that this report remain confidential as it contains information affecting the security of the Council, Councillors, Council staff and Council property, and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it may compromise the ability to ensure the safety of those attending Council Meetings.

For:

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

Against:

Councillors Vincent and Burke

The Meeting closed at 9.11pm.