



Central Coast Council

Minutes of the **Extraordinary Meeting of Council**

Held in the Council Chamber

2 Hely Street, Wyong

on 11 April 2018

Commencing at 8.00pm

Present

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

In Attendance

Brian Glendenning (Acting Chief Executive Officer), Mike Dowling (Director Assets, Infrastructure and Business), Julie Vaughan (Director Connected Communities), Scott Cox (Director Environment and Planning), Shane Sullivan (Acting Executive Manager Governance) and Vivienne Louie (Chief Financial Officer).

The Mayor, Jane Smith, declared the meeting open at 8.02pm 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.

Reports to the ordinary meeting were dealt with in the following order: 1.1, 2.2 and 2.1. However for the sake of clarity the reports are recorded in their correct agenda sequence.

Apology/Leave of Absence

Apologies were received from:

Councillor Marquart

Councillor Vincent

1.1 Disclosure of Interest

2.2 Gosford Regional Library

Councillor Holstein declared a significant non-pecuniary interest in the matter as he is employed one day a week at RYSS which is a site impacted by the proposal. Councillor Holstein left the chamber at 8.06pm during consideration of this matter, did not vote and returned at 10.24pm.

Councillor Hogan declared a less than significant non-pecuniary interest in the matter as the organisation she works for have worked with ET Australia in the past (approximately 7 years ago). Councillor Hogan stated that she will remain in the chamber and participate in discussion and voting on this matter that as she will not allow her personal beliefs to sway her decision making.

Councillor Best declared a less than significant non-pecuniary interest in the matter as Central Coast Group Training (CCGT), of which he is the General Manager, and ET Australia (named in the report) are sister not for profit youth support organisations that have collaborated in the past in assisting youth in their careers. Councillor Best stated he will remain in the chamber and participate in discussion and voting on this matter as he does not believe this minor interface will affect his decision making process.

Moved: Mayor Smith
Seconded: Councillor Sundstrom

Resolved

291/18 That Council receive the report on Disclosure of Interest and note advice of disclosures.

For:
Unanimous

Procedural Motion – Address by Invited Speakers

Moved: Councillor Gale Collins
Seconded: Councillor Mehrtens

Resolved

292/18 That Council invite the following speakers to address Council:

SPEAKERS	REPORT
Mr Tony Mylan	2.2 - Gosford Regional Library
In favour of the motion	

For:
Unanimous

Procedural Motion – Suspension of Standing Orders

Moved: Councillor Greenaway
Seconded: Councillor Burke

Resolved

293/18 That Council suspend standing orders and consider item 2.2 after the speaker address and then the remaining items in agenda sequence.

For:
Unanimous

Procedural Motion – Closed Session

Moved: Councillor Sundstrom
Seconded: Councillor Burke

That Council move into closed session to discuss the confidential attachments to item 2.1 - Regional Performing Arts and Conference Centre – Potential Alternative Sites.

A division was called by Councillor Best and Matthews.

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

2.1 Regional Performing Arts and Conference Centre – Potential Alternative Sites

Council adjourned the meeting at 9.59pm and resumed the meeting at 10.17pm during consideration of this item.

Moved: Councillor Holstein
Seconded: Councillor Best

- 1 That Council note this report and its attachments.*
- 2 That Council resolve that the site at Rotary Park (Poppy Park) and part of adjoining road reserve (Vaughan Ave) and southern tip of leagues club park, Gosford is to be the nominated site for the proposed Regional Performing Arts and conference Centre RPACC.*

- 3 That Council request that the Acting Chief Executive officer:
- a Seek the consent of the Central Coast Conservatorium Inc (CCCI) to the Development of the RPACC on the site referred to in Resolution 2 above; and
 - b Inform the NSW Government and Commonwealth Government funding bodies of resolution2 above.
- 4 That Council resolve that confidential attachments 1, 2,5,7,9 and 10 to this report remain confidential because those attachments include commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the council.
- 5 Council note the whilst the preferred location include the Central Coast Conservatorium (CCC), should aspects of design or operational practicality not meet their needs, that council seek government funding bodies to allocation the allotted funds earmarked for the CCC to the upgrade of the Georgiana Ave site.
- 6 That council note the importance and continued protection of the Memorial Park, and ensure any works on the adjoining preferred site not unduly impact, but enhance its presence and usage. This to be achieved by liaising with the Gosford RSL sub branch.
- 7 That as part of the site works the Rotary Staircase / Time capsule with acknowledgement of their past works on the site be relocated to the southern section of the memorial Park to allow pedestrian access to the southern lower park area.
- 8 That all significant trees identified in the Eco Logical Tree assessment be retained and protected in any future works.
- 9 That council prepare a further report on the aspects of additional funding for the project, the report to include;
- a Further government arts funding opportunities
 - b Consideration of the sale of the Mann St site (Broadwater Hotel)
 - c And aspects of funding inclusion for CCC
- 10 On government acceptance of the site council proceed immediately with the necessary planning.

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

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

The motion was put to the vote and declared LOST.

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

- 1 That Council note this report and its attachments.
- 2 That Council resolve that the site at 51-71 Mann Street, Gosford is to be the nominated site for the proposed Regional Performing Arts and Conference Centre (RPACC), however, following the recent announcements from the Minister for Planning, RPACC will be discussed as part of an integrated precinct together the the Regional Library
- 3 That Council request that the Acting Chief Executive Officer:
 - a Seek the consent of the Central Coast Conservatorium Inc (CCCI) to the development of the RPACC in the precinct referred to in resolution 2 above; and
 - b Inform the NSW Government and Commonwealth Government funding bodies of resolution 2 above.
- 4 That Council resolve that confidential attachments 1, 2, 5, 7, 9 and 10 to this report remain confidential because those attachments includes commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the Council.
- 5 Council request the CEO to continue discussions with ET Australia to commit to provide accommodation for ET Australia and its tenants within an integrated precinct incorporating both the Regional Library and RPACC.

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

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

Resolved

- 294/18 That Council note this report and its attachments.**
- 295/18 That Council resolve that the site at 51-71 Mann Street, Gosford is to be the nominated site for the proposed Regional Performing Arts and Conference Centre (RPACC), however, following the recent announcements from the Minister for Planning, RPACC will be discussed as part of an integrated precinct together the the Regional Library**
- 296/18 That Council request that the Acting Chief Executive Officer:**
- a Seek the consent of the Central Coast Conservatorium Inc (CCCI) to the development of the RPACC in the precinct referred to in resolution 2 above; and**
 - b Inform the NSW Government and Commonwealth Government funding bodies of resolution 2 above.**

297/18 *That Council resolve that confidential attachments 1, 2, 5, 7, 9 and 10 to this report remain confidential because those attachments includes commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the Council.*

298/18 *Council request the CEO to continue discussions with ET Australia to commit to provide accommodation for ET Australia and its tenants within an integrated precinct incorporating both the Regional Library and RPACC.*

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

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

2.2 Gosford Regional Library

Councillor Holstein declared a significant non-pecuniary interest in the matter as he is employed one day a week at RYSS which is a site impacted by the proposal. Councillor Holstein left the chamber at 8.06pm during consideration of this matter, did not vote and returned at 10.24pm.

Councillor Hogan declared a less than significant non-pecuniary interest in the matter as the organisation she works for have worked with ET Australia in the past (approximately 7 years ago). Councillor Hogan stated that she will remain in the chamber and participate in discussion and voting on this matter that as she will not allow her personal beliefs to sway her decision making.

Councillor Best declared a less than significant non-pecuniary interest in the matter as Central Coast Group Training (CCGT), of which he is the General Manager, and ET Australia (named in the report) are sister not for profit youth support organisations that have collaborated in the past in assisting youth in their careers. Councillor Best stated he will remain in the chamber and participate in discussion and voting on this matter as he does not believe this minor interface will affect his decision making process.

Mr Tony Mylan addressed council at 8.06pm

Moved: Mayor Smith
Second: Councillor Best

- 1** *That Council request the Chief Executive Officer to continue to advance the development of Concept 1, however, design it to take additional levels, and secure funding and / or investment before proceeding with additional development beyond the current scope of Concept 1.*
- 2** *That Council request the CEO to order to facilitate submission of a Development Application consistent with part 1*

- 3 *That Council request the Chief Executive Officer to terminate the consultants on the alternative concept.*
- 4 *That Council request the Chief Executive Officer to proceed to public tender for a detailed design & construction proposal on the concept selected by council.*
- 5 *That, following the recent announcements from the Minister for Planning, Council request the CEO to continue discussions with ET Australia to include that parcel of land in the integrated precinct incorporating both the Regional Library and RPACC.*
- 6 *That Council request that the Chief Executive Officer when presenting future draft budgets includes the required Council funding and any confirmed external grant funding to deliver the selected concept for the Gosford Regional Library based on the staged program of works.*

For:

*Mayor Smith and Councillors Gale Collins,
Pilon, McLachlan and Best*

Against:

*Councillors Mehrtens, Sundstrom, Matthews,
MacGregor, Greenaway, Burke and Hogan*

The motion was put to the vote and declared LOST.

Further Motion Moved: Councillor Mehrtens

Further Motion Seconded: Councillor MacGregor

- 1 *That Council request the Chief Executive Officer to continue to advance the development of concept 2 in order to facilitate submission of a Development Application*
- 2 *That Council request the Chief Executive Officer to terminate the consultants on the alternative concept.*
- 3 *That Council request the Chief Executive Officer to proceed to public tender for a detailed design and construction proposal on the concept selected by council.*
- 4 *That Council Resolve on the following;*
 - a) *That Council authorise the Chief Executive Officer to enter into a Deed of Agreement with ET Australia in order to allow for the transfer of the lot currently owned by ET Australia, being 123B-125A Donnison Street (also known as Lot 11 DP 746819) to Council.*
 - b) *That Council authorise the Chief Executive Officer to negotiate and execute the relevant lease documents for temporary office accommodation for tenants located in 123B-125A Donnison Street during construction.*
 - c) *That Council immediately commence an expression of interest and authorise the Chief Executive Officer to appoint a suitably experienced commercial agent to commence pre-leasing the proposed commercial and retail space located within Concept 2.*
- 5 *That Council request that the Chief Executive Officer when presenting future draft budgets includes the required Council funding and any confirmed external grant funding to deliver the selected concept for the Gosford Regional Library based on the staged program of works.*

For: Councillors Mehrtens, Sundstrom, Matthews,
MacGregor, Burke and Hogan

Against: Mayor Smith and Councillors Gale Collins,
Pilon, McLachlan, Hogan and Best

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

Amendment Moved: Councillor McLachlan
Amendment Seconded: Councillor Pilon

- 1 *That Council request the Chief Executive Officer to continue to advance the development of concept 2 in order to facilitate submission of a Development Application*
- 2 *That Council request the Chief Executive Officer to terminate the consultants on the alternative concept.*
- 3 *That Council request the Chief Executive Officer to proceed to public tender for a detailed design and construction proposal on the concept selected by council.*
- 4 *That Council Resolve on the following;*
 - a) *That Council authorise the Chief Executive Officer to enter into a Deed of Agreement with ET Australia in order to allow for the transfer of the lot currently owned by ET Australia, being 123B-125A Donnison Street (also known as Lot 11 DP 746819) to Council.*
 - b) *That Council authorise the Chief Executive Officer to negotiate and execute the relevant lease documents for temporary office accommodation for tenants located in 123B-125A Donnison Street during construction.*
 - c) *That Council immediately commence an expression of interest and authorise the Chief Executive Officer to appoint a suitably experienced commercial agent to commence pre-leasing the proposed commercial and retail space located within Concept 2.*
- 5 *That Council request that the Chief Executive Officer when presenting future draft budgets includes the required Council funding and any confirmed external grant funding to deliver the selected concept for the Gosford Regional Library based on the staged program of works.*
- 6 *That Council not commence construction without:*
 - a *a preleasing agreement of at least 30% of the total lettable area at market rate; or*
 - b *consultation with Council*

For: Councillors Pilon and McLachlan

Against: Mayor Smith and Councillors Mehrtens,
Sundstrom, Gale Collins, Matthews,
MacGregor, Greenaway, Burke and Hogan

Councillor Best (Abstain)

The Amendment was put to the vote and declared LOST.

Further Motion Moved: Councillor Greenaway

Further Motion Seconded: Councillor Best

- 1 That Council request the Chief Executive Officer to continue to advance the development of Concept 1, however, design it to take additional levels, and secure funding and / or investment before proceeding with additional development beyond the current scope of Concept 1.
- 2 That Council request the CEO to order to facilitate submission of a Development Application consistent with part 1
- 3 That Council request the Chief Executive Officer to terminate the consultants on the alternative concept.
- 4 That Council request the Chief Executive Officer to proceed to public tender for a detailed design & construction proposal on the concept selected by council.
- 5 Council request the CEO to continue discussions with ET Australia to commit to provide accommodation for ET Australia and its tenants within an integrated precinct incorporating both the Regional Library and RPACC.
- 6 That Council request that the Chief Executive Officer when presenting future draft budgets includes the required Council funding and any confirmed external grant funding to deliver the selected concept for the Gosford Regional Library based on the staged program of works.

For:

Mayor Smith and Councillors Gale Collins,
Pilon, McLachlan Greenaway and Best

Against:

Councillors Mehrtens, Sundstrom, Matthews,
MacGregor, Burke and Hogan

The Motion was put to the vote and declared CARRIED on the casting vote of the Mayor.

Resolved

- 299/18 That Council request the Chief Executive Officer to continue to advance the development of Concept 1, however, design it to take additional levels, and secure funding and / or investment before proceeding with additional development beyond the current scope of Concept 1.**
- 300/18 That Council request the CEO to order to facilitate submission of a Development Application consistent with part 1**
- 301/18 That Council request the Chief Executive Officer to terminate the consultants on the alternative concept.**
- 302/18 That Council request the Chief Executive Officer to proceed to public tender for a detailed design & construction proposal on the concept selected by council.**
- 303/18 Council request the CEO to continue discussions with ET Australia to commit to provide accommodation for ET Australia and its tenants within an integrated precinct incorporating both the Regional Library and RPACC.**

304/18 *That Council request that the Chief Executive Officer when presenting future draft budgets includes the required Council funding and any confirmed external grant funding to deliver the selected concept for the Gosford Regional Library based on the staged program of works.*

For:

**Mayor Smith and Councillors Gale Collins,
Pilon, McLachlan Greenaway and Best**

Against:

**Councillors Mehrtens, Sundstrom,
Matthews, MacGregor, Burke and Hogan**

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

The Meeting closed at 11.30pm.