



CENTRAL COAST COUNCIL

**MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 28 SEPTEMBER 2016
COMMENCING AT 5.00PM**

PRESENT

Ian Reynolds

IN ATTENDANCE

Chief Executive Officer, Executive Manager Governance, Section Manager Marketing Tourism and Communications, Communications Officer and two administration staff.

The Administrator, Ian Reynolds, declared the meeting open at 5.02pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Administrator, Ian Reynolds, delivered the opening prayer and read an acknowledgment of country statement.

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3, 3.4, 1.4, 1.5 and 2.1, 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.

1.1 Disclosure of Interest

RESOLVED on the motion of Mr REYNOLDS:

350/16 That Council receive the report on Disclosure of Interest and the fact that no disclosure was made be noted.

1.2 Proposed Briefings and Inspections

RESOLVED on the motion of Mr REYNOLDS:

351/16 That Council receive the report on Proposed Briefings and Inspections.

1.3 Address by Invited Speakers

RESOLVED on the motion of Mr REYNOLDS:

352/16 That Council receive the amended report on Invited Speakers.

353/16 That Council agree meeting practice may be varied to allow reports from Group Leaders and/or the Chief Executive Officer to be dealt with following an Invited Speaker's address.

1.4 Confirmation of Minutes of Previous Meeting

RESOLVED on the motion of Mr REYNOLDS:

354/16 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 14 September 2016.

Business Arising

There was no business arising.

1.5 Notice of Intention to Deal with Matters in Confidential Session

RESOLVED on the motion of Mr REYNOLDS:

355/16 That Council consider the following matter in Confidential Session, pursuant to sections 10A 2(c)(d)(i) and (g) of the Local Government Act 1993:

5.1 CPA/272086 - Tuggerah Regional Sporting & Recreation Complex - Stage 1 Construction

356/16 That Council note its reasons for considering Item No 5.1 – CPA/272086 - Tuggerah Regional Sporting & Recreation Complex - Stage 1 Construction in a closed session is that the report contains;

2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business

2(d) commercial information of a confidential nature that would, if disclosed:
(i) prejudice the commercial position of the person who supplied it, or

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

357/16 That Council note that the Administrator will report on this matter in open session of Council.

PROCEDURAL MOTION

RESOLVED on the motion of Mr REYNOLDS:

358/16 That Council adopt, with the exception of Items 2.1, 3.3, 3.5 and 5.1 the recommendations contained in the remaining reports. For the sake of clarity, that means that Items 3.1, 3.2, 4.1 and 4.2 were dealt with in accordance with the recommendations of the Council staff.

2.1 Mayoral (Administrator) Minute - Civic Reception for Olympic and Paralympic Participants

RESOLVED on the motion of Mr REYNOLDS:

359/16 That Council hold a Civic Reception to welcome home and recognise Central Coast Olympians and Paralympians who competed in Rio in 2016.

3.1 Approval of 2015-16 Capital Projects to be Continued in 2016-17

RESOLVED on the motion of Mr REYNOLDS:

- 360/16 *That Council approve the proposed capital projects to be continued in 2016-17 as detailed in this report.*
- 361/16 *That Council approve a \$23.6 million increase to the 2016-17 Capital budget to accommodate projects continuing from 2015-16 as detailed in this report.*
- 362/16 *That Council identify reductions totalling \$23.6 million in the quarterly budget reviews during 2016-17 to offset the cost of continuing projects.*

3.2 Sewerage Service Fees for Retirement Villages

RESOLVED on the motion of Mr REYNOLDS:

- 363/16 *That Council waive 53% of total water, sewerage and drainage service charges for 2016/17 (by way of credit) for each resident of retirement villages in the former Gosford local government area (LGA). This will bring these charges into line with charges to retirement village residents in the former Wyong LGA.*
- 364/16 *That Council endorse aligning the 2017/18 total water, sewerage and drainage service charges charged to retirement villages in the former Gosford local government area (LGA) with charges to retirement village residents in the former Wyong LGA. This recommendation will be formally resolved when water, sewer and drainage charges are made as part of the 2017/18 Strategic Planning process.*
- 365/16 *That Council absorb the financial cost of this fee reduction and seek opportunities to reduce the former Gosford Council costs through the scale and synergies arising from the amalgamation of the former Gosford and Wyong councils.*

3.3 Adoption of Central Coast Council Code of Meeting Practice - Amendment to Facilitate Webcasting and Revised Meeting Dates

Ms Jane Smith, Community Environment Network, addressed Council at 5.12pm and retired at 5.23pm.

RESOLVED on the motion of Mr REYNOLDS:

- 366/16 *That Council note that two submissions were received as a result of the public exhibition and public notice of the draft Code of Meeting Practice that is attachment 1 to this report.*
- 367/16 *That Council adopt, pursuant to s. 362 of the Local Government Act 1993, the draft Code of Meeting Practice that is attachment 2 to this report.*

3.4 Status Report on the Land Sales Strategy for the former Gosford City Council

Ms Sue Chidgey, Save Central Coast Reserves Group, addressed Council at 5.06pm and retired at 5.11pm.

Ms Jane Smith, Community Environment Network, addressed Council at 5.12pm and retired at 5.23pm.

Mr Richard Wells, Wamberal Community Group, addressed Council at 5.23pm and retired at 5.29pm.

RESOLVED on the motion of Mr REYNOLDS:

368/16 That Council note this report.

369/16 That Council resolve, pursuant to s. 11(3) of the Local Government Act 1993, that the attachment 2 to this report remain confidential as that attachment includes personnel information about individuals who are not councillors.

370/16 That Council resolve to take no further action in respect to the proposed reclassification of public land pursuant to the following resolutions of the former Gosford Council:

- a Resolution D of the ordinary meeting of the former Gosford Council of 8 September 2015; and**
- b Resolution D of the ordinary meeting of the former Gosford Council of 10 December 2015.**

371/16 That Council request that the CEO provide me with a report on potential "Adopt-a-park" scheme on the Central Coast, to encourage community involvement in the operation and management of key public parks and reserves.

At 5.41pm, the Administrator adjourned the meeting for 5 minutes to allow the public gallery to clear.

3.5 Trusts of the Former Gosford City Council

Ms Jane Smith, Community Environment Network, addressed Council at 5.12pm and retired at 5.23pm.

Ms Joy Cooper, Community Representative, addressed Council at 5.30pm and retired at 5.34pm.

RESOLVED on the motion of Mr REYNOLDS:

372/16 Taking into account the matters raised in the meeting, I resolve to defer the matter and request a further report addressing those matters raised.

4.1 Revised Mine Subsidence District Boundaries

RESOLVED on the motion of Mr REYNOLDS:

373/16 That Council receive and note the Submission prepared by Council staff in response to the Revised Mine Subsidence District Boundaries.

4.2 Investment Report for August 2016

RESOLVED on the motion of Mr REYNOLDS:

374/16 That Council receive the Investment Report for August 2016.

CONFIDENTIAL SESSION

RESOLVED on the motion of Mr REYNOLDS:

375/16 That the meeting move into Confidential Session.

At this stage of the meeting being 5.54pm 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:-

- 2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business*
- 2(d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or**
- 2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

OPEN SESSION

RESOLVED on the motion of Mr REYNOLDS:

380/16 That the meeting move back into Open Session.

The meeting resumed in open session at 5.56pm and the Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting as follows:

5.1 CPA/272086 - Tuggerah Regional Sporting & Recreation Complex - Stage 1 Construction

RESOLVED on the motion of Mr REYNOLDS:

- 376/16 ***That the Council resolve to decline to accept any of the tenders, in accordance with cl. 178(1)(b) of the Local Government (General) Regulation 2005.***
- 377/16 ***That the Council determine, for the purposes of cl. 178(3) of the Local Government (General) Regulation 2005 ("the LG Regulation"), that the Council enter in to negotiations with the entity identified as Tenderer No. 4 in confidential attachment 1 to this report ("Tenderer 4"), with a view to entering in to a contract in relation to the subject matter of the request for tender.***
- 378/16 ***That the Council note, for the purposes of cl. 178(4) of the LG Regulation, that:***
- a Its reasons for declining to invite fresh tenders or fresh applications are:***
 - i The project subject of the invitation to tender is partly funded by a grant from the National Stronger Regions Fund, and is subject to tight time constraints that may not be met if fresh tenders or fresh application were to be invited;***
 - ii Inviting fresh tenders or applications is unlikely to result in a more beneficial contract than direct negotiations with Tenderer 4; and***
 - iii The risks identified by the Council in respect to the tender received from Tenderer 4 have some prospect of being resolved by direct negotiations, which if so resolved would result in an appropriate contract for the Council;***
 - iv The significant cost associated with inviting fresh tenders or applications; and***
 - b The Council's reason for determining to enter in to negotiations with Tenderer 4 are that the risks identified by the Council in respect to the tender received from Tenderer 4 have some prospect of being resolved by direct negotiations, which if so resolved would result in an appropriate contract for the Council.***

379/16 *That the Council resolve that this report and its attachments remain confidential in accordance with s.11 (3) of the Local Government Act 1993 ("LG Act"), because:*

- a The report and its attachments contain information that would, if disclosed, confer a commercial advantage on a person with whom the Council proposes to conduct business (s. 10A(2)(c) of the LG Act);*
- b The report and its attachments contain commercial information of a confidential nature which, if disclosed, would prejudice the commercial position of the person who supplied it to the Council (s. 10A(2)(d)(i) of the LG Act; and*
- c The report includes legal advice that would be privileged from production in legal proceedings on the ground of legal professional privilege (s. 10A(2)(g) of the LG Act).*

QUESTIONS ON NOTICE

Nil.

THE MEETING closed at 6.00pm.