



Central Coast Council
Ordinary Council Meeting
Held in the Council Chamber
2 Hely Street, Wyong

25 January 2022

MINUTES

Present

Rik Hart

In Attendance

David Farmer	Chief Executive Officer
Brian Bell	Director Community and Recreation Services (Acting)
Stephen Dignam	Director Infrastructure Services (Acting)
Natalia Cowley	Director Corporate Affairs and Chief Financial Officer
Luke Welfare	Director Water and Sewer (Acting)
David Milliken	Director Environment and Planning (Acting)

Notes

The Administrator, Rik Hart, declared the meeting open at 6:35pm and advised in accordance with the Code of Meeting Practice that the meeting was being recorded.

The Administrator acknowledged the traditional custodians of the land on which the meeting was being held, and paid respect to Elders past, present and emerging.

The Administrator updated the meeting on recent activities of Council.

The Administrator adjourned the meeting at 6:41pm and advised the meeting would resume following the conduct of the Open Forum.

The Open Forum commenced at 6:41pm with the speakers addressing the Council on each of the subjects below;

- Adam Treadwell - Lack of communication from the council in reference to service requests made online regarding drain problems. Lack of maintenance being done of the local vegetation and waterways.

The Open Forum closed with the Ordinary Meeting resuming at 6:47pm.

1.1 Disclosure of Interest

Time commenced: 6:47pm

Moved: Rik Hart

1/22 Resolved

That Council notes the report on Disclosures of Interest and the fact that no disclosures were made.

1.2 Confirmation of Minutes of Previous Meeting

Time commenced: 6:47pm

Moved: Rik Hart

2/22 Resolved

That Council confirm the minutes of the Ordinary Meeting of Council held on 14 December 2021 and the Extraordinary Meeting of Council held on 20 December 2021.

1.3 Notice of Intention to Deal with Matters in Confidential Session

Time commenced: 6:48pm

Moved: Rik Hart

3/22 Resolved

That Council resolve that the following matter be dealt with in open session:

Item 3.1 – Mardi Water Treatment Plant - Tender Evaluation

2.1 Investment Report for December 2021

Time commenced: 6:49pm

Moved: Rik Hart

4/22 Resolved

- 1** *That Council note the Investment Report for December 2021.*
- 2** *That Council note that internally restricted funds are unrestricted funds that have been internally allocated to a certain purpose.*
- 3** *That Council allocates the required unrestricted funds available in the General Fund to meet its December 2021 unrestricted funds deficit of \$45.81M in Water and Drainage funds as set out in this report.*

2.2 Endorsement of the Sustainability and Climate Action Plan (SCAP)

Time commenced: 6:53pm

Mr Richard Weller addressed the meeting at 6:53pm

Moved: Rik Hart

5/22 Resolved

- 1** *That Council endorse the Central Coast Sustainability and Climate Action Plan (SCAP) as per Attachment 1.*
- 2** *That Council note progress towards implementation of the SCAP will be included as part of Council's Annual Report.*

2.3 Pecuniary Interest Disclosure Return - Updated Disclosure of Interest

Time commenced: 7:05pm

Moved: Rik Hart

6/22 Resolved

That Council note the report on Pecuniary Interest Disclosure Return – Updated Disclosure of Interest.

2.4 Apply Common Seal to Council Lease at Umina Recreation Precinct (Jasmine Greens Kiosk)

Time commenced: 7:05pm

Moved: Rik Hart

7/22 Resolved

- 1** *That Council affix its common seal to the front page of the lease for Gabrielle Greyem to enable the lease to be registered on title.*

- 2** *That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 3 remain confidential in accordance with section 10A(2)(d)(i) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Council's ability to obtain value for money services for the Central Coast community.*

2.5 Request to name Toowoon Bay Lifeguard Tower in memory of Allan Cook

Time commenced: 7:06pm

Mr Daniel Cook addressed the meeting at 7:06pm

Moved: Rik Hart

7/22 Resolved

That Council approve the application to name Toowoon Bay Lifeguard Tower in memory of Allan Cook to acknowledge the outstanding contribution of Mr Cook to the community of the Central Coast.

2.6 Monthly Finance Report - December 2021

Time commenced: 7:13pm

Moved: Rik Hart

8/22 Resolved

That Council note the report Monthly Financial Reports – December 2021.

3.1 Mardi Water Treatment Plant Upgrade Design Develop and Construct - Tender Evaluation

Time commenced: 7:16pm

Moved: Rik Hart

9/22 Resolved

- 1** *That Council decline to accept any of the tenders, in accordance with cl. 178(1)(b)*

of the Local Government (General) Regulation 2005.

- 2** *That Council decline to invite fresh tenders or applications as referred to in Section 178 subclause (3)(b) - (d) of the Local Government (General) Regulation 2005.*
- 3** *That Council in accordance with Section 178(3)(e) enter into negotiations with any or all of the tenderers or any other entity with a view to entering into a contract in relation to the subject matter of the tender.*
- 4** *That Council, in accordance with Section 178(4) of the Local Government (General) Regulation 2005, notes that the reasons for entering into negotiations and not calling fresh tenders are:*
 - a** *Given the tender process has been protracted and exhaustive with an Expression of Interest (EOI) stage in the open market followed by a tender period incorporating an early tenderer involvement process with shortlisted tenderers and preparation of advanced tender designs, repetition of this process presents additional risks to Council.*
 - b** *If negotiations are entered into with informed tenderers that have demonstrated the capability to address the technical and other constraints of this complex project, this would achieve both the Contract's technical and performance requirements, achieve project completion milestones and provide a value for money outcome for Council.*
 - c** *The risks identified by Council in respect of the tenders received have some prospect of being resolved by direct negotiations, which if so resolved would result in a suitable contract for Council;*
 - d** *Inviting fresh tenders at this stage for the same or similar scope of works is not expected to result in any benefits considering time delays and additional costs associated with a fresh 12 month 2-stage tender process and potential escalation of tender pricing.*
- 5** *That Council resolve, pursuant to s.11(3) of the Local Government Act 1993, that this report remain confidential in accordance with Section 10A(2)d(i) 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 Council's ability to obtain value for money services for the Central Coast community.*

The Meeting closed at 7:19pm.