



Central Coast Council
Supplementary Business Paper
Ordinary Council Meeting
14 December 2021



COMMUNITY STRATEGIC PLAN 2018-2028

ONE – CENTRAL COAST IS THE COMMUNITY STRATEGIC PLAN (CSP) FOR THE CENTRAL COAST LOCAL GOVERNMENT AREA

ONE – CENTRAL COAST DEFINES THE COMMUNITY'S VISION AND IS OUR ROADMAP FOR THE FUTURE

ONE – CENTRAL COAST BRINGS TOGETHER EXTENSIVE COMMUNITY FEEDBACK TO SET KEY DIRECTIONS AND PRIORITIES

One - Central Coast will shape and inform Council's business activities, future plans, services and expenditure. Where actions are the responsibility of other organisations, sectors and groups to deliver, Council will work with key partners to advocate on behalf of our community.

Ultimately, every one of us who live on the Central Coast has an opportunity and responsibility to create a sustainable future from which we can all benefit. Working together we can make a difference.

RESPONSIBLE

WE'RE A RESPONSIBLE COUNCIL AND COMMUNITY, COMMITTED TO BUILDING STRONG RELATIONSHIPS AND DELIVERING A GREAT CUSTOMER EXPERIENCE IN ALL OUR INTERACTIONS.

We value transparent and meaningful communication and use community feedback to drive strategic decision making and expenditure, particularly around the delivery of essential infrastructure projects that increase the safety, liveability and sustainability of our region. We're taking a strategic approach to ensure our planning and development processes are sustainable and accessible and are designed to preserve the unique character of the coast.

 **Good governance and great partnerships**

G2 Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect

There are 5 themes, 12 focus areas and 48 objectives



All council reports contained within the Business Paper are now aligned to the Community Strategic Plan. Each report will contain a cross reference to a Theme, Focus Area and Objective within the framework of the Plan.



Meeting Notice

**The Ordinary Council Meeting
of Central Coast Council
will be held in the Council Chamber,
2 Hely Street, Wyong
on Tuesday 14 December 2021 at 6.30pm,
for the transaction of the business listed below:**

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David Farmer
Chief Executive Officer

AMENDED ITEM



Item No: 1.2
Title: Notice of Intention to Deal with Matters in Confidential Session
Department: Corporate Affairs

14 December 2021 Ordinary Council Meeting

Trim Reference: F2021/00035 - D14832123

Recommendation

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

Item 3.1 – Kariong Oval Recreation Area Skate Park, Pump Track and Playspace Upgrade

Reason for considering in closed session:

2(d) commercial information of a confidential nature that would, if disclosed:
(ii) confer a commercial advantage on a competitor of the Council.

That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report remain confidential in accordance with section 10A(2)(d)(ii) 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.

Summary

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in a closed and confidential Session. The report is incorporated in the "Confidential" business paper which has been circulated.

The *Local Government Act 1993* requires the Chief Executive Officer to identify those matters listed on the business paper which may be categorised as confidential in terms of section 10A of the *Local Government Act 1993*. It is then a matter for Council to determine whether those matters will indeed be categorised as confidential.

Context

Section 10A of the *Local Government Act 1993* (the Act) states that a Council may close to the public so much of its meeting as comprises:

- 2(a) *personnel matters concerning particular individuals (other than Councillors),*
- 2(b) *the personal hardship of any resident or ratepayer,*
- 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*
 - (ii) *confer a commercial advantage on a competitor of the Council, or*
 - (iii) *reveal a trade secret,*
- 2(e) *information that would, if disclosed, prejudice the maintenance of law,*
- 2(f) *matters affecting the security of the Council, Councillors, Council staff or Council property,*
- 2(g) *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*
- 2(h) *information concerning the nature and location of a place or an item of Aboriginal significance on community land.*
- 2(i) *alleged contraventions of any code of conduct requirements applicable under section 440*

It is noted that with regard to those matters relating to all but 2(a), 2(b) and 2(d)(iii) it is necessary to also give consideration to whether closing the meeting to the public is, on balance, in the public interest.

Further, the Act provides that Council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public (section 10A(3)).

As provided in the Office of Local Government Meetings Practice Note August 2009, it is a matter for the Council to decide whether a matter is to be discussed during the closed part of a meeting. The Council would be guided by whether the item is in a confidential business paper, however the Council can disagree with this assessment and discuss the matter in an open part of the meeting.

Attachments

Nil



Item No: 2.4
Title: Central Coast Stadium- Stadium Implementation Plan, Masterplan
Department: Corporate Affairs

14 December 2021 Ordinary Council Meeting

Reference: CPA/3800 - D14955820
Author: Ben Brown, Property Development Manager
Manager: Jamie Barclay, Unit Manager Development and Property
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

Recommendation

That Council extends the completion of the Stadium Masterplan, with a new deadline of June 2022.

Report purpose

To notify and seek extension to complete the development of the Stadium Masterplan from its original December 2021 deadline as noted in the Stadium Implementation Plan to June 2022.

Executive Summary

At the Ordinary Meeting of Council held on 23rd March 2021, minute 83/21 resolved:

That Council adopt the Stadium Implementation Plan and make it available on Council's website.

Within the Stadium Implementation Plan, Strategic Priority 3, required Council develop a precinct master plan by December 2021. Due to certain items requiring internal resolution it is recommended that the finalisation of the Stadium Masterplan be deferred to June 2022.

Background

On 23 March 2021, Council endorsed the Stadium Implementation Plan. Strategic Priority 3: *Precinct*, required Council develop a precinct master plan by December 2021. It is expected the precinct masterplan will help to improve connectivity between the city and stadium, lead to better activation of event days, and enhance the overall event and non- event day experience of the Stadium.

2.4 Central Coast Stadium- Stadium Implementation Plan, Masterplan (contd)

This is expected to lead to greater community, economic and financial impacts of events held at the Stadium, to both the Stadium and surrounding businesses.

Council is currently developing the masterplan with consideration (at a minimum) of:

- Connectivity to transport links; CBD and local businesses;
- Engagement with Brisbane Water and Leagues Park;
- Parking;
- Non- event day activation.

Report

Council is currently developing the Gosford Waterfront Masterplan and Stadium Masterplan via a holistic approach as both Masterplans are intrinsically linked. Whilst Council is continuing to develop both Masterplans, there are a couple of items requiring internal resolution prior to finalisation of the Stadium Masterplan. These items include:

- 1 Finalisation of the Management Rights EOI;
- 2 Land ownership succession to Council related to Lot 2, DP1011876;
- 3 Finalise discussions with DPIE related to the possibility of rezoning and reclassification of Lot 1, DP1011876.

Council is seeking an extension of the Stadium Masterplan deadline of December 2021 to June 2022 so there is adequate time to address the items noted above.

Consultation

Public consultation related to the Masterplan is scheduled to take place after finalisation of the draft masterplan and key stakeholder engagement has concluded.

Financial Considerations

At its meeting held 19 October 2020, Council resolved the following:

- 1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.*

2.4 Central Coast Stadium- Stadium Implementation Plan, Masterplan (contd)

The following statement is provided in response to this resolution of Council.
Economic development has budgeted the Masterplan development in this financial year.

Link to Community Strategic Plan

Theme 2: Smart

Choose Focus Area

S-C2: Revitalise Gosford City Centre, Gosford Waterfront and town centres as key destinations and attractors for business, local residents, visitors and tourists.

Risk Management

Council has concluded that finalising the Masterplan now without addressing the key items will adversely affect the Masterplan outcome.

Options

1. Modify the deadline to submit the Masterplan from December 2021 to June 2022.
2. Submit the Masterplan in its current form by December 2021 without the proper due diligence concluding.

Option 1 is recommended.

Critical Dates or Timeframes

If this recommendation is adopted, then the key date will be June 2022 to report back to Council with the finalised Stadium Masterplan.

Attachments

Nil.

AMENDED ITEM



Item No: 2.5
Title: Gosford City Car Park Detailed Structural Assessment - Budget
Department: Corporate Affairs

14 December 2021 Ordinary Council Meeting

Reference: F2020/00694 - D14934425
Author: Simone Chad, Manager Parking Stations
Manager: Jamie Barclay, Unit Manager Development and Property
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

Recommendation

That Council transfer \$234,000 from account 123215 – External Restrictions (Gosford Parking Station Special Rate Levy) to 10.52151.821005.000.00000 - Gosford City Car Park, for the development of a Detailed Structural Assessment for the Gosford City Car Park to be used in the 2021/22 Financial Year.

Report purpose

To obtain approval to utilise and transfer funds from account 123215 – External Restriction Parking Stations Special Rate Levy to 52151.Gosford City Car Park for the development of a Detailed Structural Assessment for the Gosford City Car Park.

Executive Summary

In 2019 Council engaged GHD Consulting to undertake preliminary non-invasive structural testing and reporting on the level of deterioration at the Gosford City Car Park, which is approximately 40 years old. The reports provided by GHD detailed a level of deterioration that warranted further invasive studies, which were to be utilised to create a comprehensive capital works program for the car park. The Parking Station's section had budgeted for a project of this nature in both the 2020/21 and 2021/22 financial years. However, due to Council's financial crisis and the impact COVID has had on revenue at the Gosford City Car Park, the operational budget in both financial years has had to be relinquished. As such, funding is requested from the car park's external restriction to undertake this essential project.

Background

The Gosford City Car Park, formerly Baker Street Car Park, is a five level multi-storey car park. The car park is constructed of post-tensioned floor slabs supported on reinforced concrete columns and two stair/lift shafts. Its roof is made of light steel frame supports with metal cladding. The car park was built circa 1981 and it is approximately 40 years old.

In May 2019, Council engaged GHD to undertake a structural condition assessment of the car park. This report presents the concrete diagnostic investigation, including estimation of the remaining life of the carpark. The concrete diagnostic testing was undertaken and completed by GHD on 5 June 2019.

As noted in the GHD building condition report, the carpark structure is showing some signs of its age, in the form of numerous concrete deteriorations, and corroding roof structure. The concrete and steel deterioration noted in the building condition report included spalling, exposed and corroding reinforcement, numerous cracks, and corroding steel roof elements.

The concrete diagnostic test results in the report support the progressive deterioration of the carpark concrete elements and the requirement of remediation works in the near future.

The projected residual life of the existing concrete elements was determined using the carbonation diffusion model. The estimations indicate that the carbonation induced corrosion occurring in the concrete elements are low and in 2019 it was identified these elements have a remaining residual life of greater than 25 years, except for the deck soffit areas with low cover. Therefore, it could be assumed that the current residual life is approximately 23 years.

However, the investigations undertaken by GHD in 2019 were non-invasive. Therefore, it is essential that Council undertake a further detailed structural assessment, including ground penetrating radar scanning, to determine the full extent of deterioration of the structure. This study will produce a report including options, but not limited to, repair, rebuild, demolish and the associated costs. This will assist Council to make informed decisions for the future of the structure and understand the required capital investment to continue providing parking at the Gosford City Car Park/Gosford CBD.

The Parking Station Section had budgeted for this project in both the 2020/21 and 2021/22 financial years. However, with Council's financial crisis and COVID's impact on revenue at the Gosford City Car Park, the operational funding for this project has had to be relinquished in both instances. The balance of the External Restrictions (Gosford Parking Station Special Rate Levy), as of 31 October 2021, was \$1,258,185 as such, it is requested to utilise \$234,000 of this balance to fund this project. The special rate levy for the Gosford City Car Park is to provide funding for the operational and capital projects for the car park.

Current Status

Currently, until funding is approved this project is unable to commence. Therefore, the car park continues to deteriorate without any comprehensive capital works plan.

Consultation

No consultation required

Financial Considerations

At its meeting held 19 October 2020, Council resolved the following:

1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.

The following statement is provided in response to this resolution of Council.

The cost of this assessment, \$234,000, will be funded from the External Restrictions (Gosford Parking Station Special Rate Levy), which had balance as of 31 October 2021 of \$1,258,185. However, as this funding is not being offset by the Economic Development and Property Unit, there will be an increase to the Unit's operational expense budget by \$234,000.

Council will transfer \$234,000 from account 123215 – External Restrictions (Gosford Parking Station Special Rate Levy) to 10.52151.821005.000.00000 – Gosford City Car Park.

The special rate levy for the Gosford City Car Park is to provide funding for the operational and capital projects for the car park.

Link to Community Strategic Plan

Theme 4: Responsible

Goal H: Delivering essential infrastructure

R-H3: Create parking options and solutions that address the needs of residents, visitors and businesses.

Risk Management

This project is essential and is required to proceed, not proceeding will create a safety risk, with the car park continuing to deteriorate.

Critical Dates or Timeframes

Approval of the budget transfer is required to develop a comprehensive capital works plan for the Gosford City Car Park/Gosford CBD parking options, without an approved budget in 2021/22 this project is unable to proceed.

Attachments

1	Gosford Carpark Concrete	Provided Under Separate	D14822540
	Testing	Cover	



Building Condition Report

Provided Under Separate
Cover

D14822546

Memorandum of Understanding

Gosford CBD

Landcom

The Technical and Further Education Commission

Central Coast Council

[This document is subject to internal and legal review.]

Memorandum of Understanding | Gosford CBD

Parties

Name	Landcom
ABN	79 268 260 688
Notice details	Level 14, 60 Station Street East, Parramatta NSW 2150 [REDACTED]

Name	The Technical and Further Education Commission
ABN	89 755 348 137
Short form name	TAFE NSW
Notice details	Level 2, Building A, Mary Ann Street, Ultimo NSW 2007 [REDACTED]

Name	Central Coast Council (Administrator Appointed)
ABN	73 149 644 003
Short form name	CCC
Notice details	49 Mann Street, Gosford NSW 2250 [REDACTED]

Background

- A TAFE NSW is a leading vocational education and training provider, which provides a broad range of high quality and practical training courses and resources.
- B Central Coast Council (CCC) is a local government entity constituted under the *Local Government Act 1993* (NSW). CCC performs the functions of a local council under the Act for the geographic area known as the Central Coast Local Government Area.
- C Landcom is a State-Owned Corporation constituted under the *Landcom Corporation Act 2001* (NSW). Landcom is the NSW Government's land and property development organisation. Landcom works with government and the private and not-for-profit sectors to deliver exemplary housing projects that provide social and economic benefits to the people of NSW. Landcom's mission is to create more affordable and sustainable communities. This is delivered through partnerships and leadership.
- D TAFE NSW is considering its options in terms of relocating its campus to the Gosford CBD. As an NSW Government entity, these options must be considered and approved by NSW Government and are subject to their timing and priorities.
- E TAFE NSW has received consent to commence demonstration of the service need and to analyse options for the delivery of a new TAFE NSW Gosford Campus.
- F Central Coast Council owns surplus land and buildings in the Gosford CBD, being the land comprised in folio identifiers 1-3/129268, B/321076, 1/251476, 454/727721, 1/564021 and 2/543135 (**Council Site**).
- G Central Coast Council is seeking a binding contract for sale of the Council Site to be in place by mid-2022.
- H Landcom and TAFE NSW have provisionally identified the Council Site as the preferred relocation option for the new campus, subject to obtaining relevant NSW Government approvals.
- I The purpose of this document is to provide the framework for the parties to reach an agreement to transact on the Council Site for the primary purpose of the development of a new TAFE NSW facility.

Agreed Terms

1 Governance

The parties will establish an appropriate governance framework for working together in connection with this document.

The parties intend to work together in good faith to deliver the scope and objectives set out in this document.

Each party will nominate a representative who will meet at mutually agreed times to:

- act as a point of contact for any proposed opportunities or initiatives;
- discuss the relationship between the parties and the performance of this document; and
- discuss any potential issues or opportunities arising.

The parties will set up a working group (**WG**) to oversee delivery of the scope set out in this document. The WG will be formed with equal representation from each party. The WG will meet fortnightly or at other intervals as agreed by the parties.

The parties agree that the WG has no delegated authority to bind the parties, and separate approvals for any recommended actions or commitment of resources will be required from the appropriate level of authority within each party.

2 Project Objective

The parties acknowledge and agree that Landcom and TAFE NSW will jointly assess the suitability of the Council Site for the prime purpose of redevelopment into a new TAFE NSW campus (**Objective**).

The parties acknowledge that alternate uses may be proposed for part or whole of the Council Site, and that TAFE NSW and Landcom's use of the land is not intended to be conditioned or restricted unless otherwise agreed.

3 Process Towards Contract

3.1 Generally

The parties are seeking to agree terms for the sale of the Council Site for the primary purpose of achieving the Objective. To progress and achieve this, and to the extent relevant to each party, the parties agree to use reasonable endeavours to do the following generally in accordance with the program set out in clause 3.8:

- obtain NSW Government approvals in accordance with clause 3.2;
- obtain a valuation of the Council Site in accordance with clause 3.3;
- reclassify part of the Council Site in accordance with clause 3.4;
- investigate, consider and address contamination and remediation in accordance with clause 3.5;

- agree the price for the Council Site in accordance with clause 3.6; and
- achieve the other outcomes listed in clause 3.8.

3.2 Government approval process

On completion of the assessment in clause 2, and subject to Landcom and TAFE NSW being satisfied that the Council Site is suitable (acting reasonably), TAFE NSW will, with Landcom assistance, seek NSW Treasury approval.

3.3 Valuation of the Council Site

The Council Site will be valued by a Valuer in accordance with this clause 3.3.

The parties agree that the valuer who performs the valuation will be:

- briefed in accordance with the valuation brief provided at Annexure 1;
- selected by the WG from a list of valuers agreed by the parties, with each party having been given the opportunity to nominate two valuers approved by that party;
- procurement of the valuer will be undertaken by Council in a transparent procurement process in accordance with Council's Procurement Policy; and
- jointly engaged by the parties as determined by the WG.

CCC will make available for this purpose all necessary documents regarding the current site condition to inform the valuation. Supplementary information will be provided by Landcom and TAFE NSW by agreement if required.

3.4 Reclassification of community land

The parties acknowledge that some land comprising the Council Site, namely the properties at 73 & 75 Mann Street under folio identifiers Lot 2 in Deposited Plan 543135 and Lot B in Deposited Plan 321076, are currently classified under the Gosford SEPP as 'community land'.

The parties agree that this land must need to be reclassified to 'operational land' before any acquisition can take place.

CCC agrees to use reasonable endeavours to do all things necessary to have this land reclassified as 'operational land' in accordance with the program in clause 3.8.

3.5 Subsurface Remediation

The Parties acknowledge that there are ground contaminants as documented in the Geotechnical Investigation report by Douglas Partners dated 13 April 2018 in Annexure 2.

The parties agree that any acquisition by Landcom, TAFE NSW and/or the Minister of Skills and Tertiary Education is subject to adequately addressing remediation of the Council Site.

CCC acknowledges and agrees that it is responsible for the remediation costs of the Council subsurface land and compliance with any orders in respect of such contamination.

The parties agree that additional subsurface contamination testing may be undertaken by Landcom and/or TAFE NSW at their cost prior to acquisition of the Council Site.

The Working Group will, with the assistance of a suitably qualified consultant / Auditor engaged by Landcom and/or TAFE NSW,

- Agree the extent and programme for additional testing required (if any); and
- Explore options and prepare an appropriate remediation strategy that would facilitate a Site Audit Statement to ensure that the site is suitable for its intended use; and
- Prepare an estimated remediation cost including appropriate contingencies.

3.6 Remediation Above Ground

The parties acknowledge the potential for the presence of contamination above ground and within the structures on the Council Site and agree that any acquisition by Landcom, TAFE NSW and/or the Minister of Skills and Tertiary Education is subject to adequately addressing remediation of the Council Site.

The Parties acknowledge that there are hazardous materials contained within 53 to 71 Mann Street as documented in a report by Coffey Partners dated 17 April 2020 in Annexure 3.

The parties agree that additional survey and testing may be undertaken by Landcom and/or TAFE NSW at their cost prior to acquisition of the Council Site to identify further hazardous materials.

The parties agree that the results of all relevant surveys will be provided to the appointed valuer for inclusion in their assessment of value.

3.7 Price

The parties agree that the price of the Council Site is to be agreed having regard to the valuation obtained under clause 3.3, the matters referred to in clauses 3.5 and 3.6 and in accordance with the program in clause 3.8.

The parties intend that any binding contract of sale of the Council Site will document the agreed position relating to the agreed remediation costs and strategy.

The parties agree that if the resulting price is not suitable to one or more of the parties, any party may terminate this memorandum by providing 14 days' notice in writing.

3.8 Program

In addition to the preceding clauses, the Working Group will prepare a detailed programme for achievement of the following milestones with a view to achieving a sale by 30 June 2022:

- a) establish the WG;

-
- b) assessment by TAFE NSW and Landcom of the Council Site's suitability to meet the Objective;
 - c) procurement of a valuer;
 - d) draft valuation report received;
 - e) valuation report agreed by the parties;
 - f) NSW Treasury approval;
 - g) Landcom Board approval (if relevant);
 - h) Reclassification of the relevant land within the Council Site to 'Operational Land';
 - i) entry into a binding contract of sale of the Council Site to occur as soon as reasonably practical after all the above actions are satisfactorily achieved.

4 Exclusivity and Access

During the term of this document specified in clause 5,1(a):

- CCC grants Landcom, TAFE NSW and the Minister administering the *Technical and Further Education Commission Act 1990* exclusive rights to negotiate the purchase of the Council Site and must not enter or continue any negotiations with any other parties or conduct any market activities in relation to the sale or leasing of the Council Site, unless otherwise agreed by the parties;
- CCC must not, without the prior written consent of Landcom and TAFE NSW, assign, transfer, mortgage, dispose of, lease, licence, grant an option or otherwise deal with the Council Site during the term of this document.
- CCC must provide reasonable information about the Council Site to Landcom and TAFE NSW to assist with the assessment in clause 2;
- On request, CCC agrees to provide reasonable access to the Council Site to Landcom's and TAFE NSW's representatives, employees, contractors, consultants and agents for inspections, to obtain certificates or reports, valuations, surveys, testing and to undertake any due diligence activities and any other associated activities at Landcom and TAFE NSW's risk; and

5 Term and Status of this Document

5.1 Term

This document expires on the date one year after the date of this document, or such other later date agreed in writing by all parties.

If this document expires or terminates for any reason, the parties must return all information that the other parties have indicated that are confidential in nature (**Confidential Information**), intellectual property or other materials belonging to the other party whether provided before or during the term of this document except to the extent a party needs to retain the other party's Confidential Information for record keeping purposes or to comply with any law.

AMENDED ITEM



Item No: 2.16
Title: Acquisition of part of 20 Brush Creek Rd, Cedar Brush Creek and part of 56 Brush Creek Rd, Cedar Brush Creek for road purposes
Department: Infrastructure Services

14 December 2021 Ordinary Council Meeting

Reference: F2019/01073 - D14943905
Author: Navneet Raheja, Project Development Engineer
Manager: Jay Spare, Unit Manager Roads and Drainage Infrastructure
Executive: Boris Bolgoff, Director Infrastructure

Recommendation

- 1** *That Council resolve to acquire the following land for the purpose of a road (Land): That part of Lot 41 DP1003436 at 20 Brush Creek Rd, Cedar Brush Creek and that part of Lot 151 DP1027625 at 56 Brush Creek Rd, Cedar Brush Creek (the Land), to an equal or lesser value than the maximum market value as determined by an independent valuation report.*
- 2** *That Council enters into negotiations with the property owners of 20 Brush Creek Rd, Cedar Brush Creek to exchange part of the closed Road Reserve to be reclassified as RU1 Primary Production zoning shown in orange in the attached plan as part compensation.*
- 3** *That Council authorise the Chief Executive Officer to execute all necessary documentation relevant to the acquisition of the land.*
- 4** *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.*
- 5** *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.*

2.16 Acquisition of part of 20 Brush Creek Rd, Cedar Brush Creek and part of 56 Brush Creek Rd, Cedar Brush Creek for road purposes (contd)

Report purpose

For Council to consider the acquisition of part of 20 Brush Creek Rd, Cedar Brush Creek and part of 56 Brush Creek Rd, Cedar Brush Creek for the purpose of road and bridge reconstruction.

Executive Summary

Detailed construction drawings have been completed confirming the need for Council to acquire a portion of land for the purpose of road allocation and bridge construction. This report also seeks to ensure the road reserve aligns with the existing road that is constructed through 20 Brush Creek Road and 56 Brush Creek Road, Cedar Brush Creek as a portion of the constructed road is not within a road reserve.

Background

The Council has grant funding to upgrade Maloneys Bridge, Cedar Brush Creek from one-way timber bridge to two-way concrete bridge based on the funding secured. The bridge is programmed for construction in the 2021-2022 financial year.

Current Status

Council is in the process of engaging a valuer to assess compensation for the land to be acquired and a Surveyor engaged to prepare a Proposed Plan of Acquisition for the road to be acquired. Details are attached in a confidential briefing note relating to the internal assessment for the maximum anticipated acquisition costs.

Report

To facilitate the road infrastructure requirements for the Project, it will be necessary to acquire part of 20 Brush Creek Rd, Cedar Brush Creek and part of 56 Brush Creek Rd, Cedar Brush Creek for the purpose of a road reserve corridor over the existing formed road.

20 Brush Creek Rd, Cedar Brush Creek has an area of 177,900m² and is zoned RU1 – Primary Production and the area to be acquired is approximately 5,278m² which is over the formed road and part of the property near the Maloneys Bridge.

56 Brush Creek Rd, Cedar Brush Creek has an area of 75,580m² and is zoned RU1 – Primary Production and the area to be acquired is approximately 213m² near the Maloneys Bridge upgrade and road alignment.

Attachment 1 shows the area of land proposed to be acquired.

2.16 Acquisition of part of 20 Brush Creek Rd, Cedar Brush Creek and part of 56 Brush Creek Rd, Cedar Brush Creek for road purposes (contd)

Following acquisitions when the land is transferred to Council, the land will be dedicated as a public road. There is an opportunity to exchange part of the closed road reserve to be reclassified as RU1 Primary Production zoning shown in orange in the attached plan as part compensation.

Council staff will endeavour to acquire the land by agreement with the landowners. If Council is unable to reach agreement within a reasonable time, it will be necessary to apply to the Office of Local Government for compulsory acquisition of the relevant portions of the Land.

Consultation

Council has written to the owners of the affected land informing them of the potential road reserve acquisition and the associated proposal to acquire part of their land to formalise the road corridor where the existing road exists.

Council have had conversations with the landowners and they would like to see the actual pegging of the proposed property boundaries on the ground before Council proceeds further. A registered surveyor has been engaged to prepare a plan of acquisition and undertake the pegging on ground.

Should Council authorise the acquisition of the affected land, consultation will continue with the owners with a view to acquire the affected parts of their property by agreement.

Financial Considerations

At its meeting held 19 October 2020, Council resolved the following:

1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.

The following statement is provided in response to this resolution of Council.

The confidential briefing note contains associated maximum acquisition costs.

The total budget available in 2021-2022 is \$900,000 which includes acquisition and construction costs. The full project is grant funded from the 'Fixing Country Bridges Program'.

Link to Community Strategic Plan

Theme 4: Responsible

Goal H: Delivering essential infrastructure

2.16 Acquisition of part of 20 Brush Creek Rd, Cedar Brush Creek and part of 56 Brush Creek Rd, Cedar Brush Creek for road purposes (contd)

R-H2: Improve pedestrian movement safety, speed and vehicle congestion around schools, town centres, neighbourhoods, and community facilities.

Risk Management

These funds are budgeted for in the 2021/2022 Capital works program.



Options

- 1 Acquisition of part of 20 Brush Creek Rd, Cedar Brush Creek and part of 56 Brush Creek Rd, Cedar Brush Creek for the purpose of road and bridge reconstruction. **This is the recommended option.**
- 2 Council can resolve not to authorise the acquisition of the affected land and the project cannot proceed. Not recommended.

Critical Dates or Timeframes

Legal agreements regarding acquisition as well as construction to be completed by 30 June 2022. The property acquisition plan should be completed prior to allow construction to proceed and meet the construction milestones.

Attachments

- | | | | |
|---|---|----------------|-----------|
| 1 | Consultation plan for Maloneys Bridge | Provided Under | D14705703 |
|  | | Separate Cover | |
| 2 | Maloneys Bridge Land Acquisition Concept Plan | Provided Under | D14966194 |
|  | | Separate Cover | |
| 3 | Confidential Briefing Note - Acquisition of part of 20 Brush Creek Rd, Cedar Brush Creek and part of 56 Brush Creek Rd, Cedar Brush Creek for road purposes - | | D14966312 |

ADDITIONAL ITEM

Item No: 2.17
Title: Council's Asset Sales Program - End of year update
Department: Corporate Affairs



14 December 2021 Ordinary Council Meeting

Reference: F2020/03104 - D14977708
Author: Joe O'Connor, Commercial Property Manager, Commercial Property
Manager: Jamie Barclay, Unit Manager Development and Property
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

Recommendation

That Council resolve that the following land has been sold and will be removed from Council's land register:

- a) 225 Sparks Road, Jilliby (Lot 15 DP 259530)**
- b) 671 Hue Hue Road, Jilliby (Lot 16 DP 259530)**
- c) 689 Hue Hue Road Jilliby, (Lot 17 DP 259530)**
- d) 701 Hue Hue Road Jilliby, (Lot 18 DP 259530)**
- e) 725 Hue Hue Road Jilliby, (Lot 4 DP 239704)**
- f) 725 Hue Hue Road Jilliby, (Lot 25 DP 259530)**
- g) 725 Hue Hue Road Jilliby, (Lot 26 DP 259530)**
- h) 749 Hue Hue Road, Jilliby (Lot 19 DP 259530)**
- i) 781 Hue Hue Road, Jilliby (Lot 6 DP 239704)**
- j) 791 Hue Hue Road, Jilliby (Lot 7 DP 239704)**
- k) 811 Hue Hue Road, Jilliby (Lot 8 DP 239704)**

Report purpose

To provide an end of year update on Council's Asset Sales program and to remove various land that has been sold from its land register.

Executive Summary

Council is continuing the path to financial recovery and sustainability with further actions implemented from the adopted Business Recovery Plan. Part of the significant steps being undertaken, include the sale of Council assets which are underperforming or surplus to Council's current and future needs. This process is crucial to deliver a much-needed boost to Council's financial position and provide confidence to our lenders that Council operations can continue sustainably, and loans serviced.

Background

Council resolved to sell and prepare for sale various Council owned land at its meeting of 30 November 2020, being known as the Tranche 1 properties. Marketing of assets listed in Tranche 2 commenced in early February 2021, these included a group of properties resolved for sale by the former Wyong Shire Council, so no further resolution was required. After a period of 28 days allowing for community consultation, Council resolved to sell a further group of properties known as Tranche 3 on 27 July 2021.

The sale of the land, known as "Warner Industrial Park," contained in this report was resolved for sale at Council's meeting of 30 November 2020. This report provides a further update to the report which was previously considered by Council at its meeting of 23 November 2021, providing an end of year update.

Current Status

As of the date this report was authored, the list of properties sold within this calendar year (2021), are as follows:

Property Address	Lot/DP	Settlement Date	Valuation Price	Sale Price
<i>Properties previously reported as sold (refer to Council report 23/11/2021)</i>			\$5,132,088	\$7,707,000
Warner Industrial Park - 225 Sparks Road and 671, 689, 701, 725, 749, 781, 791, 811 Hue Hue Road, Jiliby, 2259	Lots 15, 16, 17, 18, 19, 25 and 26 in DP 259530, Lots 4, 6, 7 and 8 in DP 239704	10/12/2021	\$19,500,000	\$27,031,775
TOTAL VALUE		As of 10/12/21	\$24,632,088	\$34,738,775

Warner Industrial Park was sold by private treaty, for greater than its market valuation. Please refer to *Attachment 1* which provides the valuation for Warner Industrial Park.

Financial Considerations

At its meeting held 19 October 2020, Council resolved the following:

1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.

The following statement is provided in response to this resolution of Council.

The sale of the Warner Industrial Park site achieved a sale's value of \$27,031,775 (excluding GST) and this has contributed to Council's financial recovery.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G2: Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect.

Risk Management

Risk mitigation has been achieved during the sales process through ensuring adequate due diligence. This process included:

- Reviewing these sites against Council resolutions and historical records
- Ensuring Council retains ownership of land that is needed for its current and future service delivery
- Ensuring that any sale would not contravene legislative requirements
- Consultation with internal stakeholders affected by the disposal of these assets.

Council staff have engaged with independent property development experts Michael Filo and Steve Rowe to execute the functions of the Independent Advisory Group. The Advisory Group's function is to provide an independent panel to review asset sales program prior to going to Council, review and advise on conditional sales for commercial and industrial sales and to review opportunities and advise Council on potential highest and best use analysis to ensure Council is receiving value for the sale.

Attachments

1   Valuation D14977743

AMENDED ITEM



Item No: 3.1
Title: Kariong Oval Recreation Area Skate Park, Pump Track and Playspace Upgrade
Department: Community and Recreation Services

14 December 2021 Ordinary Council Meeting

Reference: CPA/3946 - D14939737
Author: Michael Ross, Unit Manager, Procurement and Project Management
Manager: Brett Sherar, Unit Manager Open Space and Recreation
Executive: Brian Bell, Director Community and Recreation Services (Acting)

Recommendation

- 1 That Council declare that it did not receive any tenders for Contract CPA/3946 – Design and Construction Kariong Oval Recreation Area Skate Park, Pump Track and Playspace Upgrade in accordance with Section 178 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) resolve to enter into negotiations with experienced skate park construction contractors 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 was in the open market for the required 21 days and although a number of parties downloaded the tender, no tenders were lodged indicates that it is unlikely that we would receive a different result if fresh tenders are called.**
 - b. If negotiations are entered into with known skate park construction contractors that have sufficient experience and standing within the market place 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. 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 new tender process.**

3.1 Kariong Oval Recreation Area Skate Park, Pump Track and Playspace Upgrade (contd)

- 5 ***That Council note that the playspace component of the contract will be sourced via selective tender via the LGP 308-3 Playgrounds, Open Spaces, Modular Structures, Exterior Lighting, Recreational and Associated Infrastructure contract.***
- 6 ***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)(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 Council's ability to obtain value for money services for the Central Coast community.***

Report purpose

To seek approval to enter into negotiations with interested parties for CPA/3946 Design and Construction Kariong Oval Recreational Area Skate Park, Pump Track and Playspace Upgrade as Zero submissions were received for this tender.

Executive Summary

The proposed contract is for the design and construction of the Kariong Oval Recreation Area and includes a new skate park, pump track, playspace and demolition of the existing Kariong skate park which has reached the end of its functional life.

Tenders were released in accordance with Clause 167 (Open Tendering) of the Local Government (General) Regulation 2005 with the objective of identifying an experienced prime contractor with the skills and experience to deliver the entire scope of the project. Following a 22-day tender period during which 48 organisations downloaded tender packages there were zero responses received.

Feedback was requested post tender from interested organisations to determine reasons as to why we did not get any responses. Some of the comments included: the civil works being beyond the company's capabilities, unable to provide competitive pricing for the project, unable to meet the timing for delivery due to excess contract work post COVID-19 and uncertainty around availability and cost of play equipment and design.

Based on the feedback from the interested contractors and the lack of experienced Skate Park contractors currently in the market the Tender Evaluation Panel has concluded that the best value outcome to facilitate the completion of the project in accordance with current milestones is to separate into two contracts.

The playspace component of the contract with an estimated value of \$90,000 is removed and sourced via the LGP 308-3 Playgrounds, Open Spaces, Modular Structures, Exterior

3.1 Kariong Oval Recreation Area Skate Park, Pump Track and Playspace Upgrade (contd)

Lighting, Recreational and Associated Infrastructure contract and that Council enter into negotiations with interested and experienced contractors to award a contract for design and construction of the skate park and pump track that achieves the technical and performance requirements and provides best value for money to Council.

Background

The existing skate park at Kariong Oval Recreation Area, Kariong has reached the end of its serviceable life. The objective of the proposed redevelopment is to provide the community with a new high quality functional recreational area consisting of a skate park, pump track and playspace that will be located adjacent to Curringa Road, Kariong, with the aim of enhancing the facilities for youth recreation in the Kariong area as well as supporting needs of the wider Central Coast community.

In 2020 Council engaged skate park design consultant Convic to undertake preliminary site investigations, community consultation and prepare a concept design and report for the site based on the findings.

Council has now received funding from developer contributions for the detailed design and construction of the skate park, pump track and playspace redevelopment based on the Final Concept Report for the facility.

Council invited tenders for the design and construction of contract CPA/3946 – Kariong Oval Recreation Area Skate Park, Pump Track and Playspace including demolition of the existing Kariong skate park on 19 October 2021. This contract's Principal's Project Requirements used a performance specification to allow tenderers to deliver generally the elements and requirements of the concept design before 30 June 2021 and within available budget.

There was no mandatory site meeting partially due to COVID restrictions and partially because several of the specialist skate park construction contractors reside interstate.

Current Status

The tender was advertised through the TenderLink website on 19 October 2021. The tender closed at Council's Chambers at 2pm on 9 November 2021. Council received zero tenders.

Consultation

In 2020 Council engaged skate park design consultant Convic to undertake preliminary site investigations, two rounds of community consultation and preparation of a Final Concept Design Report for the site based on the findings.

3.1 Kariong Oval Recreation Area Skate Park, Pump Track and Playspace Upgrade (contd)

Financial Considerations

At its meeting held 19 October 2020, Council resolved the following:

1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.

The following statement is provided in response to this resolution of Council. The project has a combined 2021/22 approved budget of \$500,000 as follows:

- 1 25583 – Sporting Facility Development – Mitchell Park Recreation Area – Kariong Pump Track
\$95,000 Developer Contributions
- 2 25584 - Sporting Facility Development – Mitchell Park Recreation Area – Kariong Skate Park Upgrade
\$300,000 Developer Contributions
- 3 26067 Local Playspace Renewal – Kariong Recreation Area
\$105,000 General Revenue

Estimated Award of Contract	\$430,000
Estimated Contract Contingency	\$30,000
Project Management	\$40,000

Link to Community Strategic Plan

Theme 5: Liveable

Goal L: Healthy lifestyle for a growing community

L-L1: Promote healthy living and ensure sport, leisure, recreation and aquatic facilities and open spaces are well maintained and activated.

Risk Management

This contract has been assessed as low-risk contract principally based on the technical and performance requirements for the contract. The key risks and mitigation measures have been addressed in the Contract Plan for this Tender.

3.1 Kariong Oval Recreation Area Skate Park, Pump Track and Playspace Upgrade (contd)

Options

Council has the following options under cl.178 (3e) of the 'Regulation':

- 1 That Council resolve to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender – **This is the Recommended Option.**
- 2 That Council invite fresh tenders based on the same detail – Not Recommended as the market has already responded.
- 3 That Council resolve to not deliver the project to the community in the 21/22 financial year – Not Recommended due to high community expectation of project delivery following community consultation undertaken in 2020.

Critical Dates or Timeframes

Negotiations should commence as soon as possible to allow the contract to be awarded and completed in the 2021/22 financial year.

Attachments

Nil.