



Central Coast Council
Business Paper
Ordinary Council Meeting
10 August 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.



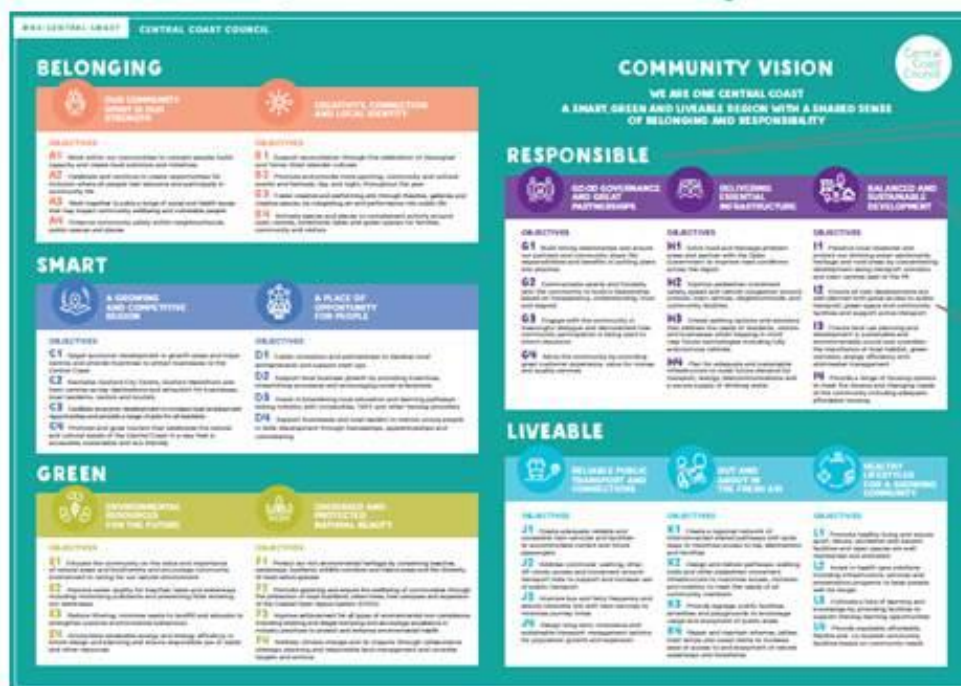
Good governance and great partnerships

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

COMMUNITY STRATEGIC PLAN 2018-2028 FRAMEWORK

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.



Theme

Focus Area

Objective

Meeting Notice

**The Ordinary Council Meeting
of Central Coast Council
will be held remotely – online,
Tuesday 10 August 2021 at 6.30pm,
for the transaction of the business listed below:**

1 PROCEDURAL ITEMS

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David Farmer
Chief Executive Officer

Item No: 1.1
Title: Disclosure of Interest
Department: Corporate Affairs

10 August 2021 Ordinary Council Meeting

Reference: F2021/00035 - D14707166



Recommendation

That Council and staff now disclose any conflicts of interest in matters under consideration by Council at this meeting.

Chapter 14 of the *Local Government Act 1993* ("LG Act") regulates the way in which the councillors and relevant staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public functions.

Section 451 of the LG Act states:

- "(1) A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.*
- (2) The councillor or member must not be present at, or in sight of, the meeting of the council or committee:*
 - (a) at any time during which the matter is being considered or discussed by the council or committee, or*
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.*
- (3) For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.*
- (4) Subsections (1) and (2) do not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:*
 - (a) the matter is a proposal relating to:*
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or*

- (ii) *the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and*
- (a1) *the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under section 443) in that person's principal place of residence, and*
 - (b) *the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.*
- (5) *The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:*
 - (a) *be in the form prescribed by the regulations, and*
 - (b) *contain the information required by the regulations."*

Further, the Code of Conduct adopted by Council applies to all councillors and staff. The Code relevantly provides that if a councillor or staff have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed as well as providing for a number of ways in which a non-pecuniary conflicts of interests might be managed.

Item No: 1.2
Title: Confirmation of Minutes of Previous Meeting
Department: Corporate Affairs

10 August 2021 Ordinary Council Meeting

Reference: F2021/00035 - D14707173



Recommendation

That Council confirm the minutes of the Ordinary Meeting of Council held on 27 July 2021.

Summary

Confirmation of minutes of the Ordinary Meeting of Council held on 27 July 2021.

Attachments

1	Minutes - Ordinary Meeting - 27 July 2021	Provided Under Separate Cover	D14757133
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Item No: 1.3
Title: Notice of Intention to Deal with Matters in Confidential Session
Department: Corporate Affairs



10 August 2021 Ordinary Council Meeting

Trim Reference: F2021/00035 - D14707180

Recommendation

That Council note that no matters have been tabled to deal with in a closed session.

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,*

1.3 Notice of Intention to Deal with Matters in Confidential Session (contd)

- 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: 2.1
Title: Draft Central Coast Disability Inclusion Action Plan 2021-2025
Department: Community and Recreation Services



10 August 2021 Ordinary Council Meeting

Reference: F2020/02582 - D14764149
Author: Kerrie Forrest, Section Manager, Community Planning Services and Facilities
Manager: Phil Cantillon, Unit Manager Leisure and Lifestyle
Executive: Julie Vaughan, Director Community and Recreation Services

Recommendation

- 1 That Council endorse the draft Central Coast Disability Inclusion Action Plan for the purpose of community consultation.**
- 2 That Council place the draft Central Coast Disability Inclusion Action Plan on public exhibition for a period of 28 days.**
- 3 That Council request the Chief Executive Officer provide a further report back to Council on the outcomes of the public exhibition.**

Report purpose

To enable Council to consider the draft Central Coast Disability Inclusion Action Plan 2021-2025 for the purpose of public exhibition and community consultation.

Executive Summary

Under the Disability Inclusion Act 2014, Central Coast Council is required to develop a Disability Inclusion Action Plan every four years.

The draft Central Coast Disability Inclusion Plan 2021-2025 ('the draft Plan') is Council's second Action Plan and builds on the achievements of the Disability Inclusion Action Plan 2017-2021. It has been developed in collaboration with people with disability, their family members and carers, people working in the disability sector and Council's Access and Inclusion Reference Group. Like everyone else, people with disability want to live a meaningful life and be able to participate in all aspects of community life.

The draft Plan outlines the strategies and actions that Central Coast Council will put in place over the next four-year period to ensure the Central Coast is accessible, inclusive and liveable. Through this Plan, Council will work to develop positive community behaviours towards people with a disability, create more liveable communities, support meaningful access to employment and improve access to services.

Background

The Disability Inclusion Act 2014 requires all public authorities, including Councils, to have a Disability Inclusion Action Plan setting out the measures it intends to put in place so that people with disability can access general support and services available in the community and can participate fully in the community.

In development of the Disability Inclusion Action Plan, a public authority must consult with people with disability and have regard to the NSW Disability Inclusion Action Planning Guidelines 2020.

Other relevant legislation and policies include:

- UN Convention on the Rights of Persons with Disability
- National Disability Strategy 2010-2020
- Disability Discrimination Act 1992
- NSW Anti-Discrimination Act 1977
- NSW Local Government Act 1993
- NSW Carers (Recognition) Act 2010

The Disability Inclusion Action Plan is aligned with Council's Integrated Planning and Reporting framework including the Community Strategic Plan, the Delivery Program and annual Operational Plans. The progress of the Plan is to be reported quarterly to the community as well as forming part of Council's Annual Report. In accordance with the requirements of the framework, a copy is to be provided to the Minister of Families, Communities and Disability Services.

Current Status

Council's Disability Inclusion Action Plan 2017-2021 ended on 30 June 2021, with several ongoing actions that will continue to be implemented until the new Plan is adopted.

Council has been working collaboratively with the Access and Inclusion Reference Group over the past year to develop the new draft Central Coast Disability Inclusion Action Plan 2021-2025. The draft Plan is proposed to be placed on public exhibition and will be made available in a range of accessible formats including an Easy English version and Auslan video.

Report

The draft Central Coast Disability Inclusion Action Plan 2021-2025 has been drafted in accordance with the Disability Inclusion Act 2014 and the NSW Disability Inclusion Action Planning Guidelines 2020.

The overall vision of the draft Central Coast Disability Inclusion Action Plan 2021 – 2025 is to ensure:

“The Central Coast is an accessible and inclusive place to live, visit, work and play”.

The draft Plan includes four focus areas set by the NSW Disability Inclusion Action Planning Guidelines:

- Increasing positive attitudes and behaviours towards people with disability in the community and in Council.
- Making the Central Coast more accessible, inclusive and liveable.
- Increasing employment of people with disability in meaningful roles at Council and in the community.
- Improving access to mainstream Council services through better systems and processes.

To make the draft Plan easy to use, it has been developed in two parts.

Part 1 (Attachment 1) includes an overview of each of these four focus areas, including information on what our community told us is important to them, what we have achieved so far and the focus for the next four years. Details of the actions to be delivered are presented with timeframes, performance indicators and the nominated business units within Council responsible for implementation. It is important for all areas of Council to involve and consider people with lived experience of disability when making decisions, planning and providing programs, services and facilities. Twelve units across Council are responsible for delivering actions in the Plan.

Part 2 (Attachment 2) includes resources for the community. These have been designed as fact sheets and provide background information including why we need a Disability Inclusion Action Plan, the legislative and policy context, people with disability in the Central Coast, details of community engagement and key findings, Council’s access and inclusion achievements so far and Council’s statement of commitment and guiding principles for disability inclusion.

Consultation

The draft Central Coast Council Disability Inclusion Action Plan has been informed and developed with the community.

Community consultation was undertaken between August and November 2020 with a focus on people with lived experience of disability, including people with disability, family members and carers; and people working in the disability sector.

Unfortunately, the consultation was impacted by COVID-19 restrictions and had to be conducted mostly online. The community's views were gathered through online surveys, online forums and targeted face to face or online meetings.

To increase accessibility, Auslan interpreters and captioning was provided for meetings. Information and surveys were also provided in Easy English to assist participation by people with intellectual disability. Due to gaps in online engagement, face to face meetings were held with Aboriginal service providers and clients, members of the deaf community, mental health advocates and multicultural representatives. Around 240 people participated in the consultation.

Throughout the consultation phase and development of the draft Plan staff met and sought advice from Council's Access and Inclusion Reference Group, which is made up of people with lived experience of disability and sector workers.

Section Managers and Unit Managers across Council were also consulted. Unit Managers have provided approval for their respective actions in the Plan.

The draft Plan is proposed to be exhibited for 28 days from mid-August to mid-September 2021. A further report will then be made to Council detailing the feedback and submissions received during the exhibition period and any proposed changes to the Plan.

Financial Considerations

This Plan is designed to be implemented over four years. . There is no additional budget required for 21/22. Service Business Units will be required to deliver the required actions and budget accordingly within their operational budgets for future years. The future report following the exhibition period will outline any additional financial considerations or impact.

Link to Community Strategic Plan

Theme 1: Belonging

Goal B: Creativity connection and local identity

B-A2: Celebrate and continue to create opportunities for inclusion where all people feel welcome and participate in community life.

Risk Management

Council is required under the Disability Inclusion Act 2014 to have a Disability Inclusion Action Plan in place. There are no risks with the public exhibition of the draft Central Coast Disability Inclusion Action Plan 2021-2025.

Options

- 1 To exhibit the draft Central Coast Disability Inclusion Action Plan 2021-2025. This will provide an opportunity to comment on the final actions and ensure inclusive community engagement. **This is the recommended option.**
- 2 To not exhibit the draft Central Coast Disability Inclusion Action Plan 2021-2025. **Not recommended.**

Critical Dates or Timeframes

The draft Central Coast Disability Inclusion Action Plan 2021-2025 is to be exhibited for 28 days to ensure adequate time for the community to provide feedback. A new Disability Inclusion Action Plan is to be in place, as soon as practical following the completion of the previous Plan on 30 June 2021. The final Plan is scheduled to be reported back to Council for adoption in October 2021.

Attachments

- | | | | |
|----------|---|---|-----------|
| 1 | Draft Central Coast Draft Disability Inclusion Action Plan 2021-2025 Part 1 | Provided Under Separate Cover | D14767827 |
| 2 | Draft Central Coast Disability Inclusion Action Plan 2021-2025 Part 2 - Resources for the Community | Provided Under Separate Cover | D14767849 |



Item No: 2.2
Title: Draft Responsible Dog Ownership Policy for Community Consultation
Department: Environment and Planning

10 August 2021 Ordinary Council Meeting

Reference: F2020/00039 - D14737960
Author: Sara Foster, Unit Manager Environmental Compliance and Systems
Executive: Scott Cox, Director, Environment and Planning

Recommendation

- 1 *That Council endorse the draft Responsible Dog Ownership Policy for the purpose of community consultation.***
- 2 *That Council place the draft Responsible Dog Ownership Policy on public exhibition for a period of 28 days.***
- 3 *That Council request the Chief Executive Officer provide a further report back to Council on the outcomes of the public exhibition.***

Report purpose

The purpose of this report is for Council to consider the draft Responsible Dog Ownership Policy for community consultation.

This report recommends that Council endorse this draft policy for the purposes of public exhibition for a period of 28 days.

Executive Summary

This Policy has been developed in recognition of the high rates of dog ownership within the Central Coast local government area and will be used to raise awareness of community expectations & requirements of owning a dog.

It aims to promote socially responsible dog ownership through education, compliance and mutual understanding of the roles and responsibilities of all members of the community in relation to dogs.

Background

The Central Coast LGA has the highest population of companion animals in NSW, and with that, a number of issues relating to animal management, community safety & animal welfare.

At its meeting held on 27 April 2021, Council resolved as follows:

110/21 That Council develops a 'Responsible Pet Ownership' Policy, which provides a framework for what is expected of pet owners on the Central Coast.

The intention of the Responsible Pet Ownership Policy was to cover the ownership requirements of both cats and dogs; however, due to the high number of incidents relating specifically to dogs, it has been determined that a policy relating to dog ownership should be developed as a priority and then a separate policy on cat ownership will follow next year.

This Policy has been developed to outline the expectations, requirements and responsibilities of dog owners to their dogs and the broader Central Coast community.

In accordance with the process for policy review and adoption, Council approval is required to undertake community consultation by way of public exhibition of this draft policy

Report

Council recognises the significant social and health benefits of dog ownership. These benefits, however, need to be balanced with compliance and animal management in accordance with the *Companion Animal Act 1998*.

Responsible dog ownership for the purposes of this draft Policy is defined as a dog owner meeting the health and wellbeing needs of their dog, being socially responsible and ensuring that their dog does not impact the safety and wellbeing of the broader community or other animals.

Consultation

A workshop was held on 22 June 2021 with the Companion Animals Advisory Committee to determine the framework of the Policy and key topic areas to be included.

Broader community consultation will be achieved as part of the public exhibition period. It is recommended that the exhibition period be for 28 days. Any feedback will be reported to Council at the conclusion of the exhibition period.

Financial Considerations

The draft Dog Ownership Policy has no budget implications.

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

Ineffective management of dogs within the Central Coast LGA can negatively impact the community and pose a safety risk. This draft Policy aims to reduce these risks and impacts.

This Policy will also inform the community of the rights and responsibilities of the dog owners.

Attachments

- 1** Draft Responsible Dog Ownership Policy [Provided Under Separate Cover](#) D14774395



Item No: 2.3
Title: Gosford Regional Library - Change of Procurement Method
Department: Community and Recreation Services



10 August 2021 Ordinary Council Meeting

Reference: CPA/2804 - D14758118
Author: Mark Butterfield, Project Manager
Michael Ross, Unit Manager Procurement and Project Management
Manager: Beth Burgess, Unit Manager, Libraries Learning and Education
Executive: Julie Vaughan, Director Community and Recreation Services

Recommendation

- 1** *That Council provide approval for the combination of the tender for the demolition of the building on 123A Donnison St Gosford with the tender for the construction of the Gosford Regional Library.*
- 2** *That Council note the intent to undertake a two-stage procurement process, an Expression of Interest followed by a Selective Request for Tender for the tender of the combined contract for Gosford Regional Library.*
- 3** *That a further report be provided to Council at the conclusion of the tender process seeking approval to award contract to the recommended proponent.*

Report purpose

To provide an update on the demolition and construction procurement method proposed for the Regional library to combine the demolition of the existing building on 123A Donnison St and the construction of the Gosford Regional Library into one contract. In addition, it is proposed to change the procurement method for the combined contract from a single-stage open tender to a two-stage procurement process comprising an Expression of Interest (EOI) followed by a Selective Request for Tender (RFT) released to the proponents shortlisted by the EOI.

The report recommends these changes based on required remedial works identified following previous Council resolution to commence demolition works.

Executive Summary

In February 2021 Council approved the demolition of the existing building on 123A Donnison St, Gosford following a tender process and engagement of a contractor. Council also approved the development of full construction and tender documentation.

During the finalisation of the tender documentation for the demolition, the consulting engineer assisting the lead design consultant Lahznimmo Architects recommended substantial remedial works be completed in conjunction with the demolition. The extent of the remedial works meant that the works under contract would no longer be demolition only, but a mix of demolition and construction. It has therefore been determined that the most appropriate approach for project delivery is to combine the demolition and construction responsibility into one contract.

The timeframe required for the development of the full construction and tender documentation presents an opportunity for Council to improve the selection process for a suitable contractor by running a two-stage procurement process. A thorough EOI process can be run concurrently in this timeframe to produce a pre-qualified shortlist of proponents. Release of the RFT to the shortlisted proponents would shorten the timeframe required for the release and evaluation of the subsequent selective RFT and ensure the project remains on the critical path to achieve milestones. It is also considered that a selected approach will result in higher quality submissions being provided by the shortlisted proponents. This procurement process is in accordance with Clause 166 (b) of NSW Local Government Regulation 2005 and Section 168 of NSW Local Government Regulation 2005 which details the requirements for allocating a contract using this selective tendering method.

Background

Combination of Demolition and Construction Tenders

Council at its Ordinary meeting on 8 February 2021 adopted the following resolution, part thereof;

- 32/21 2 *That Council approve the demolition of the existing building on 123A Donnison Street, Gosford following the tender process and engagement of the successful contractor.*

During the finalisation of the tender documentation for the demolition, the consulting engineer assisting the lead design consultant Lahznimmo Architects recommended substantial remedial works be completed in conjunction with the demolition. The extent of the remedial works meant that the works under contract would no longer be demolition only, but a mix of demolition and construction. There is also possibility that the additional remediation works could require some additional design be undertaken by the contractor. Due to these factors it has been determined that the most appropriate approach for project delivery is to combine the demolition and construction responsibility into one contract. This

will ensure the successful contractor possesses adequate expertise to manage any eventuality and also prevent disputes over ownership of construction and warranty if the remedial works completed by one contractor are incorporated into a building constructed by another contractor.

Adoption of a Two-Stage Procurement Process

Council at its Ordinary meeting on 8 February 2021 adopted the following resolution, in part:

32/21

- 3 *That Council approve the commencement and finalisation of the development of full construction documentation suitable for calling of construction tenders for the Regional Library.*
- 4 *That a further report be provided to Council prior to the commencement of the construction phase of the project, including tender documentation.*

The timeframe for the development of full construction documentation gives Council an opportunity to improve the selection process and reduce the timeframe required to run the RFT by creating a shortlist of proponents by facilitating an EOI process first.

Clause 166 (b) of NSW Local Government Regulation 2005 permits this selective tendering method, "by which invitations to tender for a particular proposed contract are made following a public advertisement asking for expressions of interest". Section 168 of NSW Local Government Regulation 2005 details the requirements for allocating a contract using this selective tendering method.

The following advantages for using a two-stage procurement process for the Regional Library construction contract have been identified:

- An EOI at this stage of the project will allow for the evaluation of many proponents (if the EOI is heavily subscribed) without affecting the construction start date, as the evaluations will be conducted during the construction documentation development period.
- Shortlisting prior to the release of the tender documentation generally results in proponents submitting higher quality proposals in the formal tender.

A shortlist of proponents would be supplied in the report provided to Council prior to the commencement of the construction phase of the project. The RFT would be released to the shortlisted proponents upon Council granting approval to proceed with this phase.

Current Status

The project is currently at the stage where detail design works are being completed by the lead consultant; Lahznimmo Architects as part of the full construction documentation package.

The Regional Library design includes dedicated library space, Council customer service centre, library administration, meeting rooms, flexible function spaces, maker/creator spaces and collaboration and innovation spaces for the community over four levels, incorporating the current functions of the existing Smart Work Hub. The flexible design of the building allows for the capacity for Council meetings/civic functions to be held within the function space which will be required when the Gosford administration building is sold.

The Development Assessment (DA) submission for the construction of the Regional Library was revised to incorporate the DA for the demolition of the building on 123A Donnison St, Gosford, which was originally separate.

The change to the DA approach means that the original timeframe for demolition will be delayed from it being completed in 2021 to commencing in March 2022, however the overall project remains on track for completion in early 2024.

Consultation

Recent consultation has included site visits and reports regarding the demolition methodology and remedial works from the consulting engineer supporting the lead design consultant.

The Regional Library's Project Control Group has discussed the proposed combination of demolition and construction tenders and the adoption of a two-stage procurement process and determined this to be the most suitable approach.

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.

There will be no financial or cash impact to complete the next phase of the project. Demolition and construction documentation and the procurement process are covered by the existing funding streams.

Due to the current financial situation facing Council, a further report will be provided on the outcome of the tender process, prior to contract award to ensure adequate cashflow exists to complete the future stages of the project.

Link to Community Strategic Plan

Theme 5: Liveable

Goal L: Healthy lifestyle for a growing community

L-L3: Cultivate a love of learning and knowledge by providing facilities to support lifelong learning.

Risk Management

The Regional Library project has been in planning for many years and has a high level of community interest and expectations to deliver. The project has incurred delays to the original timeline and as a result a revised timeline has been developed and a variation to funding milestones has been submitted to the Federal Department.

Adoption of the measures proposed in this report will positively contribute to the management of procurement and construction risks by moving the mixed demolition/remedial works to a suitable contractor with the capability to handle both areas; and allowing Council to use a two-stage process to conduct a thorough evaluation of proponents for the construction of the Regional Library.

The project is being managed by a formal gated Council approval process which requires formal approval before commencing each phase of the project.

Options

Council has the following options:

- 1 That Council resolve to combine the demolition and construction contracts and proceed with the two-stage procurement process as this will have the least procurement and construction risk for Council.
This option is recommended by staff.
- 2 Leaving the demolition and construction contracts separate and retaining the existing single-stage procurement process. This will increase the construction risk profile.
This option is not recommended by staff.

Critical Dates or Timeframes

In order to comply with the variation submitted to the Federal Grant Funding body, it is imperative that Council proceed with the tender process for contract immediately.

In accordance with the revised Program timeline which incorporates the combined DA has the submission of the DA in August 2021 and commencement for demolition/construction for March 2021. The project conclusion date has had to be extended to April/May 2024 and any further delays will impact the ability to meet the Federal grant milestone obligations.

Preparation and release of the EOI should progress as soon as possible to take advantage of the time available due to the detail design works.

Attachments

Nil.

Item No: 2.4
Title: Amendment to Central Coast Management Rights procurement
Department: Corporate Affairs



10 August 2021 Ordinary Council Meeting

Reference: F2017/00116 - D14758017
Author: Kath Casey, Stadium Manager
Manager: Jamie Barclay, Unit Manager Development and Property
Executive: Natalia Cowley, Director Corporate Affairs and Chief Financial Officer

Recommendation

- 1 That Council permits an additional tender submission from Central Coast Stadium Venue Management Team for the management rights of the Central Coast Stadium in accordance with NSW Local Government (State) Award 2020 Clause 41(iii)(f).**
- 2 That Council extend the venue management rights tender by an additional four weeks to permit enough time to prepare and submit an in-house tender.**
- 3 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 1 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.**

Executive Summary

Central Coast Stadium has been operated by Central Coast Council for the past seven years. Over this time, the Stadium's experienced venue management team has built a reputation for dedication to working with and supporting hirers. The Stadium's venue management team has a proven track record of delivering events, while the Stadium is a valuable community asset, delivering significant economic benefits to the region and acting as a focal point for community pride and sense of place within the Central Coast.

In consultation with the United Services Union (USU) and the Stadium's venue management team, Council recognised the potential for the venue team to submit an in-house tender under the NSW Local Government (State) Award 2020 Clause 41 (iii) (f).

Council's management are supportive of having the in-house tender participate in the tender process.

Background

Central Coast Council currently owns and has operated Central Coast Stadium for the past seven years. Council is seeking to increase the utilisation and financial performance of the venue by testing if outsourcing of the management of the Stadium provides these outcomes.

In 2019, leading up to the 20-year anniversary of the Stadium, Council commenced a review of the strategic and operational performance of the Stadium, including the development of a Central Coast Stadium Strategy (Strategy). The Strategy was made available for public consultation throughout 2020, culminating in the development of a corresponding Stadium Implementation Plan (SIP), which has subsequently been approved by Council on Monday 23 March 2021, including a resolution for Council to undertake a tender process, with selected respondents, to engage a suitable partner for the Management Rights for the Stadium.

This Request for Proposal was developed to identify and appoint an operator to manage the Stadium, pursuant to the SIP and Council's resolution. Following the evaluation of the Proposals, Council intends to proceed to negotiations with one or more Respondents with a view to executing a Venue Management Agreement with the successful Respondent.

At its Ordinary Meeting held 23 March 2021 Council resolved in part;

- 83/21 3 *That Council delegate authority to the Chief Executive Officer to authorise approval of a selective tender to engage a suitable partner for the Management Rights for the Central Coast Stadium in accordance with the Local Government (General) Regulation 2005 – 166(b) with the candidates contained in Confidential Attachment 3.*
- 4 *That Council delegate authority to the Chief Executive Officer to authorise direct negotiations with one or more tenderers for the Management Rights and for the Naming Rights of the Central Coast Stadium prior to an award of contract for either service, to ensure that the most advantageous outcome is achieved.*
- 8 *That Council recognise that proceeding with the award of a contract for the Management Rights of the Central Coast Stadium has the potential to impact roles of existing Council staff.*

Current Status

It was identified in part eight of the resolution of the Ordinary Meeting held 23 March 2021, and following consultation with the USU and the Stadium venue management team, Council's management have agreed for the Central Coast Stadium venue management team to submit an in-house tender under the NSW Local Government (State) Award 2020 Clause 41 (iii) (f)

41. WORKPLACE CHANGE

(iii) Proposal Stage

- (f) **Competitive tendering** – Where employees who are adversely affected by the proposed changes request the employer's assistance to submit an in-house bid and the employer refuses that request, the employer shall provide the reasons in writing.

The Central Coast Stadium venue management team have approval from Council management to submit an in house bid for the management rights of the Stadium.

This report seeks a resolution of Council to commence this process.

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.

There is \$22,200 available in the 2021/2022 Stadium budget to complete the tender for the Stadium's management rights.


Link to Community Strategic Plan

Theme 1: Belonging

Goal B: Creativity connection and local identity

B-A2: Celebrate and continue to create opportunities for inclusion where all people feel welcome and participate in community life.

Attachments

- | | | |
|---|--|-----------|
| 1 | Confidential Attachment - Selective Tender for Stadium Management Rights - | D14525317 |
| 2 | Central Coast Stadium Final Strategy Report | D14457922 |
-  [Provided Under Separate Cover](#)