

The following document is the minutes of the Council and Committee meeting held on 11 October 2012. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 25 October 2012 and therefore subject to change. Please refer to minutes of 25 October 2012 for confirmation.



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
11 OCTOBER 2012

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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

11 October 2012

Present: Councillors D Knight (Mayor), J Arkan, N Cowling, R Degens, G Innes, B Palmer, K Rhoades, M Sultana and S Townley

Staff: General Manager, Director Corporate Business, Director City Services, Director Land Use, Health & Development and Executive Assistant.

The meeting commenced at 5.00 pm with the Mayor, Cr D Knight in the chair.

We respectfully acknowledge the Gumbayngirr Country and the Gumbayngirr Aboriginal peoples who are traditional custodians of the land on which we meet and their Elders both past and present.

The Mayor reminded the Chamber that the meeting was to be recorded, and that no other recordings of the meeting would be permitted.

The Mayor gave a welcome to the gallery and the new Councillors.

DISCLOSURES OF INTEREST

Disclosures of interest were tabled by Councillors concerning the following items of business:

Councillor	Item	Type of Interest
Cr Arkan	CON12/6 - Assignment of Lease - Consent to Assignment of Lease of Kiosk B, City Square, being Lot 14 in Deposited Plan 1031722 and Execution of Deed of Assignment of Lease Documents Under Common Seal of Council	Pecuniary
General Manager	CS12/31, Item T50 - Traffic Committee Report No. 3/2012	Non Pecuniary

PUBLIC ADDRESS

Time	Speaker	Item
5.00 pm	Betty-Anne Collins	CS12/33 - Road Naming Proposal, Mackays Road, Coffs Harbour

CONFIRMATION AND ADOPTION OF MINUTES

- 229** **RESOLVED** (Arkan/Degens) that the minutes of the Ordinary meeting held on 23 August 2012 be confirmed as a true and correct record of proceedings.

CITY SERVICES DEPARTMENT REPORT

CS12/33 ROAD NAMING PROPOSAL - MACKAYS ROAD, COFFS HARBOUR

To provide recommendations to Council in relation to a road naming proposal in the Mackay's Road and Jensen Close area of Coffs Harbour.

- 230** **RESOLVED** (Arkan/Sultana) that:
1. Council re-address the four properties of 76, 78, 80 and 82 Mackay's Road to 10a, 10b, 10c and 10d Jensen Close respectively.
 2. The application fee for the Mackay's Road naming application be refunded to the applicant.

AMENDMENT

MOVED (Cowling/Townley) that a sign be placed on Mackays Road directing emergency services to Jensen Close and then at the entrance to the easement another sign listing the four properties.

The **AMENDMENT** on being put to the meeting was **LOST**.

The **MOTION** on being put to the meeting was declared **CARRIED**.

GENERAL MANAGER'S REPORTS

GM12/26 ELECTION OF DEPUTY MAYOR

To seek Council's decision on the election of a Deputy Mayor.

231 RESOLVED (Cowling/Degens) that Council elect a Deputy Mayor for the ensuing twelve (12) months.

232 RESOLVED (Sultana/Innes) that the method of election be by open vote and a show of hands.

The General Manager advised that only one nomination had been received which was from Councillor Arkan, being no other nominations, declared that Cr J Arkan is elected Deputy Mayor for the ensuing 2 months.

GM12/27 REVIEW OF S355 / 377 COMMITTEES

To review Council's s355 / 377 Committees, appoint Councillors to those committees and approve the revised structure of s355 / 377 committees and their delegations.

233 RESOLVED (Degens/Palmer) that:

1. Council confirms the structure and the delegations of all sub-committees as defined in the attachment.
2. Council appoints Councillors to the committees as required.

MOTION

234 MOVED (Rhoades/Innes) that to enable Council to consider the appointments to the various committees move into a Committee of the Whole and moved that the committee make the following appointments.

Australia Day and Special Events Committee

Cr Degens

Environmental Working Group

Cr Townley & Cr Innes

Governance and Audit Committee

Cr Arkan

Cont'd

Performance review panel for the performance of the General Manager

Cr Degens

Koala Plan of Management Advisory Committee

Cr Townley

Orara River Restoration Project Management Committee

Cr Arkan

Woolgoolga Business Lands Working Group

Crs Sultana, Innes & Arkan

Access Advisory Committee

Cr Cowling

Coastal & Estuary Management Advisory Committee

Crs Townley, Palmer & Degens

Coffs Harbour Bicycle Users Group

Crs Degens & Arkan

Floodplain Management Advisory Committee

Crs Townley & Innes

Multicultural Reference Group

Cr Sultana

Yandaarra Aboriginal Consultative Committee

Crs Sultana, Arkan & Palmer

Coffs Harbour Local Traffic Committee

Cr Cowling

Airport Focus Committee

Cr Rhoades on behalf of the Mayor

Cont'd

Coffs Coast Regional Park Trust

Crs Arkan & Townley

Coffs Harbour City Bush Fire Management Committee

Cr Palmer

Coffs Harbour Sports Advisory Committee (COFFSAC)

Crs Cowling & Sultana

Coffs Harbour International Sports Stadium Inc

Crs Rhoades, Degens & Sultana

Coffs Coast Tourism Association

Cr Palmer

Mid North Coast Regional Arts Board

Cr Degens

Solitary Islands Marine Park Advisory Committee

Cr Innes

MOTION

235 MOVED (Cowling/Arkan) out of Committee of the Whole back in to Open Council.

MOTION

236 MOVED (Rhoades/Arkan) the recommendation of the committee.

GM12/28 NOTICE OF DRAFT POLICY TO BE PLACED ON PUBLIC EXHIBITION - COUNCILLOR EXPENSES AND FACILITIES POLICY

To advise Council and the community of the public exhibition of the draft Councillor Expenses and Facilities policy.

In accordance with Section 252 of the Local Government Act 1993, (the Act) Council is required within five (5) months after the end of each financial year to adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor and Councillors in relation to discharging the functions of civic office.

In accordance with Section 253(5) of the Act if there are anything other than minor changes, the policy is to be advertised allowing for at least 28 days for public submissions.

237 RESOLVED (Arkan/Palmer) that:

1. In accordance with Section 253(5) of the Local Government Act 1993, Council gives public notice of its intention to adopt the Councillor Expenses and Facilities Policy as attached and allow at least 28 days for the making of public submissions.
2. Following the exhibition period, Council considers a further report including a summary of any submissions received.

GM12/29 2012 LOCAL GOVERNMENT ASSOCIATION CONFERENCE - VOTING DELEGATES FROM CHCC

To advise of the four voting delegates to represent the Coffs Harbour City Council at the 2012 Local Government Association Annual Conference to be held at Dubbo on the 28-30 October 2012.

238 RESOLVED (Innes/Cowling) that Coffs Harbour City Council resolve that the voting delegates for the 2012 LGA Conference be as follows:

Councillor Denise Knight (Mayor)
Councillor John Arkan
Councillor Rodney Degens
Councillor Sally Townley

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORTS

L12/25 DRAFT CLASS 5 VEGETATION MAPPING FOR THE COFFS HARBOUR LOCAL GOVERNMENT AREA

To recommend that the Draft Class 5 Vegetation Map (Version 1.0 2012) for the Coffs Harbour Local Government Area (LGA) and accompanying documents be publicly exhibited and submissions be invited.

239 RESOLVED (Arkan/Townley) that:

1. Council endorse release of the following digital layers and reports for public exhibition and invite submissions for a period of 30 days:
Data Layer:
 - a) Draft Class 5 Vegetation Map Version 1.0 (2012)Reports:
 - a) Draft Summary - Fine-scale Vegetation Map for Coffs Harbour (as appended)
 - b) Volume 1: Development of a Fine-scale Vegetation Map for the Coffs Harbour Local Government Area (as appended)
 - c) Volume 2: Vegetation Community Profiles of the Coffs Harbour Local Government Area (as appended)
2. A report be brought back to Council on the draft Class 5 Vegetation Mapping for the Coffs Harbour Local Government Area, following exhibition.

L12/26 THE COFFS JALIIGIRR PROJECT

To inform Council of:

- the successful funding bid received through the Federal Government Biodiversity Fund;
- partnership arrangements and Terms of Reference formed for the Jaliigirr Biodiversity Alliance Inc; and
- Implementation stages of The Coffs Jaliigirr Project including explanations of opportunities to land holders within the Coffs Harbour local government area (LGA).

240 RESOLVED (Degens/Arkan) that:

1. Council note the attached Jaliigirr Biodiversity Terms of Reference.
2. Council note the substantive project management responsibilities under the Jaliigirr Project to be fulfilled by a Coffs Jaliigirr Project Officer.
3. Council note and endorse staff involvement associated with the provision of advisory assistance to Jaliigirr Biodiversity Alliance Inc.

CORPORATE BUSINESS DEPARTMENT REPORTS

CB12/83 FINANCIAL RESULT FOR YEAR ENDED 30 JUNE 2012

To report on the final results of the financial position of various activities to the year ended 30 June 2012.

241 RESOLVED (Degens/Innes) that:

- The estimated results for the financial year 2011/12 be noted as follows:

	\$	
General Account	167,422	surplus
Water Account	(4,098,025)	deficit
Sewer Account	(1,802,591)	deficit

- The various revotes from 2011/2012 to 2012/2013 as detailed in Attachment D as follows, be adopted.

SUMMARY	REVOTE \$	FUNDING			
		Revenue \$	External \$	Environmental Levy \$	Restricted Equity \$
General Account	31,531,736	2,828,971	2,698,058	307,909	25,696,798
Water Account	4,604,171	679,019			3,925,152
Sewer Account	25,987,207	650,000	2,984,012		22,353,195

- Approve the revote of general fund interest on investments over budget in order to cover the \$277,936 shortfall in 2012/13 Financial Assistance grant funding as reported to Council 23/8/12 (CB12/74).
- Approve \$46,815 of funding from the Private works surpluses for costs associated with the commercialisation of City Works.

CB12/84 RELEASE OF RESTRICTION ON USE FOR A BUILDING ENVELOPE OVER LOT 561 DP 1152205, CABBAGE PALM ROAD, BONVILLE

Report on the proposal to release a restriction on use related to a building envelope over Lot 561 DP 1152205, Cabbage Palm Road, Bonville.

242 RESOLVED (Sultana/Palmer) that:

- Council consent to the release of the existing restriction in relation to the building envelope over Lot 561 DP 1152205, Cabbage Palm Road, Bonville.
- Council consent to the creation by 88B Instrument of a new restriction over Lot 561 DP 1152205 in compliance with Council Development Consent 597/11.
- All necessary documents associated with this matter be executed under the common seal of Council.
- All costs are to be paid by the landowner.

CB12/85 PROPERTY ACQUISITION – PART LOT 70 DP 1104413 PEARCE DRIVE, COFFS HARBOUR

To seek Council approval to acquire Part Lot 70 DP 1104413 at Pearce Drive, Coffs Harbour.

243 RESOLVED (Cowling/Degens) that:

1. Council acquire Lot 703 as shown in the plan annexed to this report being part of Lot 70 DP 1104413.
2. Council purchase the property on the terms contained within the body of this report.
3. The necessary documents for the acquisition of the property be executed under the common seal of Council.
4. The property once acquired be classified as operational land under the Local Government Act 1993 (as amended).

CB12/86 HOCKEY COFFS COAST – APPLICATION FOR A LOAN

Hockey Coffs Coast (Coffs Harbour & District Hockey Association Inc) is seeking a loan of \$167,395 for the replacement of the existing synthetic grass hockey pitch.

244 RESOLVED (Cowling/Innes) that:

A loan of \$167,395 be made to the Coffs Harbour & District Hockey Association Inc, with funding from the ELE Reserve, on the following terms and conditions:

1. The principal be repaid over a term of 10 years at an interest rate of 7 % per annum with monthly repayments of \$1,943.60 in arrears.
2. Repayments be made by direct bank transfer.
3. The loan commence on 1 November 2012.

CB12/87 BUSINESS IMPROVEMENT AND DEVELOPMENT STUDY TOUR

To seek Council approval for the General Manager, Director of Corporate Business and one further senior manager to attend a study tour to Singapore and the United Kingdom.

245 RESOLVED (Palmer/Degens) that:

Council approves the attendance of the General Manager, the Director of Corporate Business and a further senior manager on the study tour to Singapore and the United Kingdom.

DIVISION

A division was duly demanded, and those members voting for and against the motion were recorded:

FOR

Cr Arkan
Cr Degens
Cr Innes
Cr Knight
Cr Palmer
Cr Rhoades
Cr Sultana

Cr AGAINST

Cr Cowling
Cr Townley

CITY SERVICES DEPARTMENT REPORTS

CS12/31 TRAFFIC COMMITTEE REPORT NO. 3/2012

To confirm the Minutes of the Traffic Committee Meeting held on Thursday, 23 August 2012.

246 RESOLVED (Sultana/Arkan) that:

T.42 - Moonee Street/Pacific Highway Coffs Harbour – Taxi Zone (R.505330 [3131316])

That approval be given to relocate existing taxi zone and replace with a 2 car length zone south of island on intersection of Moonee Street and Pacific Highway Coffs Harbour near courthouse, as per plan T.42-2012.

T.43 – Sawtell Public School review of signs in school zone and alignment of children's crossings (R.501290, R.501540, R.502570 [3138210])

Cont'd

That approval be given for:

- (a) Realignment of school crossing 11th Avenue, Sawtell, as per plan T.43-2012.
- (b) Change 'No Stopping' times adjacent school crossing to all day, as per plan T.43-2012.
- (c) Relocate 'No Parking' zone (2 cars width) in 13th Avenue, Sawtell, further north as per plan T.43-2012.

T.44 - Reid Drive & Feran Crescent Coffs Harbour – Traffic Calming (R.505820, R.504490[3112444])

That approval be given to install 10 m double barrier line in Feran Crescent, Coffs Harbour, to delineate the intersection at Reid Drive and Feran Crescent, as per plan T.44-2012.

T.45 - Intersection of Bray and Joyce Street Coffs Harbour- request for Bus Zone (R.503240, R.504920.[3085581])

That approval be given to install Bus Zone on south side of Bray Street, Coffs Harbour, east of Joyce Street, as per plan T.45-2012.

T.46- Harbour Drive South Coffs Harbour (Brelsford Park) – Bus Zone [3164297]

That approval be given that bus zone times be changed to unrestricted on south side of Harbour Drive Coffs Harbour (Brelsford Park), as per plan T.46-2012.

T.47- Unnamed Laneway Parallel to Elizabeth Street, Coffs Harbour – Traffic and Parking Issues [3144958]

That approval be given to install 'No Parking' signs on eastern side of unnamed laneway parallel to Elizabeth Street Coffs Harbour, as per plan T.47-2012.

T.48- Harbour Drive, Coffs Harbour - Temporary Road Closure - Santa's City Centre Welcome and Lighting of the Christmas Tree [3165300]

- (a) that the temporary road closure of Harbour Drive, Coffs Harbour, on Thursday, 6 December 2012, between 4.00pm and 8.00pm for the purpose of Santa's Arrival and the 'Lighting of the Christmas Tree', be advertised and providing no substantive objections are received, the closure be approved.
- (b) the organisers to liaise with affected traders and obtain traders approval.
- (c) the organisers submit a traffic control plan for approval by council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
- (d) the organisers be responsible for all costs associated with the temporary closure.

Cont'd

T.49 - Harbour Drive, Coffs Harbour - Temporary Road Closure - Buskers Festival [3165300]

- (a) the temporary road closure of Harbour Drive, Coffs Harbour, on Wednesday, 26 September 2012, between 6.00am and 5.00pm for the purpose of holding the Coffs Harbour International Buskers & Comedy Festival, be advertised and providing no substantive objections are received, the closure be approved.
- (b) the organisers to liaise with affected traders and obtain traders approval.
- (c) the organisers submit a traffic control plan for approval by council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
- (d) the organisers be responsible for all costs associated with the temporary closure.

(Due to timing of Council elections and restart of Council meetings, this approval has been completed.)

T.50 - Snake Racing Coffs Coast Rally [3157627]

Approval of the following temporary road closures:

1. Friday 12 October 2012 - Harbour Drive, Coffs Harbour (between Pacific Highway and Gordon Street), between 3.00pm and 7.00pm for ceremonial start.
2. Saturday 13 October 2012 - Wears Road - McCrears Road Bucca (150m south MacNamara Road to 200m north of Wears/McCrears Road) between 6.30am and 3.00pm.
3. Saturday 13 October - Beach Street, Woolgoolga (between Queen Street and Carrington Street) between 7.30am and 4.30pm.
4. Saturday 13 October 2012 - Sherwood Creek Road (from 100m east of Duffus Road to the council boundary - see Clarence Valley Council road closures) between 7.30am and 4.00pm.
5. Sunday 14 October 2012 - Moleton Road (from 200m west of Mole Creek Road to Cradle Creek Road) between 6.00am and 2.30pm.
6. Sunday 14 October 2012 - Lower Bobo Road (Beverley Road) (from Bobo River to Eastern Dorrigo Way, see Bellingen Shire Council road closures) between 7.30am and 4.30pm.

Subject to the following conditions:

- (a) the organisers to liaise with affected traders and obtain traders approval.
- (b) the organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
- (c) the organisers be responsible for all costs associated with the temporary closure and clean up.

Cont'd

CS12/31 Traffic Committee Report No. 3/2012 ...(Cont'd)

- (d) that sufficient qualified marshals be made available to properly control the event.
- (e) that all fuel centres have 24 hour security.

T.51 - BCU Coffs Tri- Traffic Management [3127660]

That the temporary road closures for BCU Coffs Tri to be held on 2-3 March 2013 be deferred to next Traffic Committee Meeting after further consultation with RMS and Police.

CS12/32 PACIFIC HIGHWAY RENAMING CONSULTATION

To seek Council's endorsement of proposed options for renaming of the service road and bypassed sections of the Pacific Highway as part of the Sapphire to Woolgoolga upgrade project.

247 RESOLVED (Arkan/Innes) that:

1. Council endorse the proposed options for naming of the new northern beaches service roadway to be created with the completion of the Sapphire to Arrawarra Pacific Highway upgrade as set out in the attachment and proceed with notification to relevant stakeholders and consultation with the community.
2. That, following a consultation period of 28 days, a report be prepared for Council outlining issues and comments in relation to the proposal and presenting a preferred option for adoption.

248 MOVED (Rhoades/Arkan) that items CON12/1, CON12/2, CON12/3, CON12/4 and CON12/5 are moved as one as they all relate to product services.

CON12/1 TENDER RFT-531-TO - 2012/14 ANNUAL CONTRACT FOR SUPPLY & DELIVERY OF BITUMEN EMULSION

To obtain Council's approval to accept a tender for the supply and delivery of bitumen emulsion into Council's storage facility for a period of twenty four (24) months following award of a Contract.

249 RESOLVED (Rhoades/Arkan) that:

1. Council accepts the tender of Fulton Hogan Industries Pty Ltd ABN 54 000 538 689 for Contract RFT-531-TO, Supply and Delivery of Bitumen Emulsion, for the scheduled rate as tendered on the basis that:
 - a. The tender is the most advantageous tender following the application of Council's Tender Value Selection System
 - b. The Tenderer has the necessary experience in similar works and his ability and performance are satisfactory
 2. The contract documents be executed under the Seal of Council.
-

CON12/2 TENDER RFT-551-TO - UNDERGROUND STORAGE TANKS AT PUMP STATION 7, ARTHUR STREET, COFFS HARBOUR

To report on tenders received for Contract RFT-551-TO, construction of underground storage tanks at Sewage Pumping Station 7, Arthur Street Coffs Harbour, and to gain Council approval to accept a tender.

250 RESOLVED (Rhoades/Arkan) that:

1. Council accept the tender of Bob Chambers Pty Ltd, ABN 49 003 778 630, for the Lump Sum of \$363,495, inclusive of GST on the basis that:
 - a) The tender is the most advantageous tender following the application of Council's Tender Value Selection System
 - b) The Tenderer has the necessary experience in similar works and its ability and performance are satisfactory
2. The contract documents be executed under the Seal of Council.

CON12/3 TENDER RFT-554-TO - AIRPORT CONSULTANCY SERVICES, DESIGN, PLANNING & CONSTRUCTION SUPERVISION, COFFS HARBOUR AIRPORT RUNWAY RESURFACING

To report on tenders received for Contract RFT-554-TO, for the engagement of a Consultant for the planning, design and construction supervision of the resurfacing of the main runway at the Coffs Harbour Airport, and to gain Council approval to accept a tender.

251 RESOLVED (Rhoades/Arkan) that:

1. Council accept the tender of Ka men Engineering Pty Ltd, ABN 59 093 900 906, for the Lump Sum and Schedule of Rates Fee of \$88 ,743, inclusive of GST on the basis that:
 - a) The tender is the most advantageous tender following the application of Council's Tender Value Selection System
 - b) The Tenderer has the necessary experience in similar works and its ability and performance are satisfactory
 - c) The contract documents be executed under the Seal of Council.

CON12/4 TENDER: WASTE, GREEN WASTE & RECYCLABLES COLLECTION - COFFS COAST STATE PARK TRUST AND WOOLGOOLGA BEACH RESERVE TRUST - CONTRACT NO. RFT-547-TO

To report on tenders received for the Waste, Green Waste & Recyclables Collection – Coffs Coast State Park Trust & Woolgoolga Beach Reserve Trust and to gain Council approval to appoint a single contractor to carry out the proposed works.

252 RESOLVED (Rhoades/Arkan) that:

1. Council, as Corporate Manager of the Coffs Coast State Park Trust and Woolgoolga Beach Reserve Trust, accepts the tender of Handybin Waste Services (Coffs Harbour) Pty Ltd (ABN: 74 06 5 744 121) for Contract RFT - 547-TO Waste, Green Waste & Recyclables Collections. The tender is conforming and is the most advantageous tender offer following the application of Council's Tender Value Selection System.
 - a) The tenderer has the necessary experience in similar works and their ability and performance is more than satisfactory.
 - b) The tenderer's price is the most advantageous for Council.
 - c) The tenderer's financial capacity is acceptable.
2. The contract documents be executed under the Seal of Council.

CON12/5 TENDER: SUPPLY OF DUCTILE PIPE AND VARIOUS WATER SERVICE FITTINGS - CONTRACT NO. RFT-550-TO

To report on the tenders received for the Supply and Delivery of Ductile Pipe and Various Water Service Fittings and to gain Council approval.

253 RESOLVED (Rhoades/Arkan) that:

1. Council accepts the tender offer of Tyco Water for the Supply and Delivery of Ductile Pipe and various Water Service Fittings contract number- RFT-550-TO at an estimated annual tender value of \$125,800.00 GST inclusive.

The recommendation is on the basis that:

 - a) The tender offer is the most suitable and advantageous following the application of Council's Tender Value Selection System.
 - b) Tyco Water has been a long term proven supplier to Council of Ductile Pipe and Fittings and leads the industry in customer service and product quality assurance.
 - c) The evaluation panel identified delivery lead times as critical in delivery of the program and it is to be noted that whilst a cheaper package price was offered by Crevet Pipelines their delivery schedule timeframes were unacceptable and lacking clarity.
 - d) It is anticipated that if Council accept the recommended tender offer of Tyco Water a savings of 1% to 13% will be achieved on some product categories, but as an overall package prices will increase by approximately 2.3%.

Cont'd

CON12/5 Tender: Supply of Ductile Pipe and Various Water Service Fittings - Contract No. RFT-550-TO ...(Cont'd)

- e) By actively going out to tender Coffs Harbour Council will not breach the Local Government (General) Regulation 2005- Section 7 Tendering, for annual expenditure over \$150,000.00.
2. Provision be allowed for a 12 month extension based on satisfactory supplier performance, which will take this tender through to November 2014.
3. The contract documents be executed under Council's Seal

Cr Arkan declared an interest in the following item, vacated the chamber and took no part in the discussion or voting, the time being 6.36pm.

254 MOVED (Rhoades/Degens) that the item CON12/6 be heard in Closed Meeting.

Cr Arkan returned to the meeting, the time being 6.38pm.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

MATTERS OF AN URGENT NATURE

MUN12/16 RDA Funding Update

Cr Rhoades raised that the next round of RDA funding is due for Council to make its submission, currently Council's position is COLAB, followed by the Foreshores and followed by a third project, Cr Rhoades requests a report back to Council regarding the structure of those projects as new Councillors need to be fully briefed as to their order.

The General Manager advised that there have been several reports to Council where Council has considered the priorities, a report will be brought back to Council with those reports as attachments as well as a summary to what has occurred since that time.

QUESTIONS ON NOTICE

QON12/10 UPDATE OF COUNCIL'S INVESTMENTS

Noted

CLOSED MEETING – SECTION 10(A)

The Mayor requested a motion to close the meeting to consider a confidential report as outlined in the meeting agenda, the time was 6.47 pm.

255 **MOVED** (Rhoades/Townley) that the meeting be closed to the press and public during consideration of the following items for the reasons as stated:

CON12 - Assignment of Lease - Consent to Assignment of Lease of Kiosk B, City Square, being Lot 14 in Deposited Plan 1031722 and Execution of Deed of Assignment of Lease Documents Under Common Seal of Council

This report was confidential for the reason of Section 10A(2) of the Local Government Act, 1993:

- (d) Contained 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.

The **MOTION** on being put to the meeting was **CARRIED**.

The press and public vacated the chamber.

CON12/6 ASSIGNMENT OF LEASE - CONSENT TO ASSIGNMENT OF LEASE OF KIOSK B, CITY SQUARE, BEING LOT 14 IN DEPOSITED PLAN 1031722 AND EXECUTION OF DEED OF ASSIGNMENT OF LEASE DOCUMENTS UNDER COMMON SEAL OF COUNCIL

Cr Arkan declared an interest in the following item, vacated the chamber and took no part in the discussion or voting, the time being 6.47pm.

Seeking Council's consent to the assignment of the lease for the property known as Kiosk B in the City Square and more particularly described as Lot 14 in Deposited Plan 1031722 and for the execution of a Deed of Assignment of lease and ancillary documents under the Common Seal of Council.

256 **RECOMMENDATION** (Degens/Townley) that:

1. The Council as registered proprietor of Kiosk B being Lot 14 in DP 103 1722 (the demised premises) consent to the assignment of registered lease AE670508 subject to the provisions of the lease agreement and the terms and conditions contained in this report and the confidential attachment.
2. Any necessary documents required to give effect to the assignment of registered lease AE670508 of Kiosk B being Lot 14 in DP 10317 22 be executed under the common seal of Council.
3. Any costs associated with the assignment process are recouped by Council from the lessee.

Cr Arkan returned to the meeting, the time being 6.59pm.

OPEN MEETING

The Mayor requested an appropriate motion to enable the meeting to resolve into an Open Meeting.

257 RECOMMENDED (Rhoades/Innes) that the Council now move into Open Meeting.

258 RESOLVED (Cowling/Sultana) to adopt the report of the Closed Session.

The Mayor read to the meeting the resolution of the Closed Meeting.

This concluded the business and the meeting closed at 7.02 pm.

Confirmed: 25 October 2012

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Denise Knight
Mayor