

The following document is the minutes of the Council Meeting held on Thursday, 17 December 2009. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 11 February 2010 and therefore subject to change.
Please refer to the minutes of the meeting of 11 February 2010 for confirmation.



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
17 DECEMBER 2009

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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

17 DECEMBER 2009

Present: Councillors K Rhoades (Mayor), J Arkan, J Bonfield, R Degens, M Graham, K Hines, D Knight, W Palmer and P Templeton.

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

The meeting commenced at 5.00pm with the Mayor, Cr K Rhoades in the chair.

The Mayor presented Graduation Certificates to the eight new Coffs Ambassadors Tour Guides.

DISCLOSURE OF INTEREST

There were no disclosures of interest tabled.

CONFIRMATION OF MINUTES

225 **RESOLVED** (Arkan/Degens) that the minutes of the Ordinary meeting held on 26 November 2009 be confirmed as a true and correct record of proceedings.

NOTICE OF MOTION

PERFORMING ARTS CENTRE ON BRELSFORD PARK

226 RESOLVED (Knight/Hines):

1. That Council address, immediately moving forward with the desperate need for a performing arts centre on Brelsford Park or the lower parts of City Hill with the intention of satisfying the community's need for a venue for performing arts.
2. That Council revisit the feasibility study/needs assessment from 2000/2001 and make appropriate adjustments in relation to a Performing Arts / Entertainment Centre
3. That the feasibility study/needs assessment examine the best fit of facilities on Brelsford Park or the lower parts of City Hill and not be restricted to the current Master Plan footprints.
4. That the existing 2000/2001 and amended feasibility study/needs assessment be completed and reported to Council at the earliest possible time.
5. That Council forms an internal working group of all Councillors and suitably qualified and experienced staff to oversee the development of this project.

AMENDMENT

MOVED (Degens/Arkan) that the sites for the performance centre include Brelsford Park, City Hill and other sites.

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

DIVISION

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

FOR

Cr J Arkan
Cr J Bonfield
Cr M Graham
Cr K Hines
Cr D Knight
Cr W Palmer
Cr P Templeton
Cr K Rhoades

AGAINST

Cr R Degens

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT

L38 COFFS HARBOUR 2030 PLAN

The objective of this report is to seek Council's endorsement of the Coffs Harbour 2030 Plan.

227 RESOLVED (Templeton/Arkan):

1. That Council acts upon the desires of the community as expressed in the 2030 Strategic Plan.
2. That Council adopt the Coffs Harbour 2030 Plan and endorse its implementation as the Community Strategic Plan for Coffs Harbour City Council's integrated planning and reporting framework.
3. That all Council's proposals, strategic initiatives and development embrace the 2030 Plan.
4. That every community and industry initiative and development be informed of the 2030 Strategic Plan.
5. That a detailed Implementation and Monitoring Strategy for the Coffs Harbour 2030 Plan be reported back to Council in the first half of 2010, emphasising adherence towards the Plan.

L39 TENDERS: ORARA RIVER REHABILITATION PROJECT BUSH REGENERATION TENDER- CONTRACT NO. 09/10-401-TO

To report on tenders received for the Bush Regeneration Contract, Orara River Rehabilitation Project (Contract No. 09/10-401-TO) and to gain Council approval to accept a tender.

228 RESOLVED (Palmer/Hines) that Council accept the tender of Coffs Harbour Bush Regeneration Group Pty Ltd, ABN 50 097 299 280, for Contract No. 09/10-401-TO, Orara River Rehabilitation Project Bush Regeneration, for the lump sum amount of \$90,169.20 including GST, on the basis that:

- a) The tender is the only conforming tender and has the highest weighted score following the application of Council's Tender Value Selection System.
- b) The tenderer has the necessary licenses and experience in similar works and his referees have confirmed his ability and satisfactory performance.
- c) The tenderer's financial capacity is acceptable.
- d) That the contract documents be completed under Seal of Council

CITY SERVICES DEPARTMENT REPORTS

S58 TENDER: SAPPHIRE TO WOOLGOOLGA WATER MAIN RELOCATION STAGE 1 - SKINNERS CREEK AND CUNNINGHAMS CREEK UNDERBORE WORKS

To report on tenders received for underbore works across Skinners Creek and Cunninghams Creek at Moonee and to gain Council approval to accept a conforming tender.

229 RESOLVED (Palmer/Arkan):

1. That Council accept the tender of Ameidat Pty Limited, ABN 74 088 387 384, for Contract No. 09/10-414-TO, Sapphire To Woolgoolga Watermain Relocations Stage 1 Skinners Creek and Cunninghams Creek Underbore Works for the lump sum amount of \$337,778.94 including GST, on the basis that:-
 - a) The tender is the highest scoring tender following the application of Council's Tender Value Selection System
 - b) The Tenderer has the necessary experience in similar works and his referees have confirmed his ability and satisfactory performance
 - c) Council has had previous experience working with this local contractor and his performance has been satisfactory.
2. That the contract documents be completed under Seal of Council

AMENDMENT

MOVED (Graham/Degens) that Council defer deciding upon these major infrastructure developments until Council can be assured that they accord with the 2030 Plan.

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

DIVISION

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

FOR

Cr K Rhoades
Cr J Bonfield
Cr K Hines
Cr D Knight
Cr W Palmer

AGAINST

Cr P Templeton
Cr R Degens
Cr J Arkan
Cr M Graham

**S59 TENDERS - SAPPHIRE TO MOONEE WATERMAIN RELOCATION -
CONTRACT 09/10-412-TO**

To report on tenders received for laying a 375mm dia watermain from Split Solitary to Moonee associated with the Sapphire to Woolgoolga Pacific Highway Upgrade and to gain Council approval to decline to accept any tender and carry out the works itself.

- 230 RESOLVED** (Palmer/Arkan) that, in accordance with the Local Government (General) Regulation 2005, Part 7 – Tendering, Division 4, Clause 178(3), Council not accept any of the tenders for Contract 09/10-412-TO Installation of the 375mm dia Watermain from Split Solitary to Moonee and carry out the requirements of the proposed contract itself.

AMENDMENT

MOVED (Graham/Degens) that Council defer deciding upon these major infrastructure developments until Council can be assured that they accord with the 2030 Plan.

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

DIVISION

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

FOR

Cr K Rhoades
Cr J Bonfield
Cr K Hines
Cr D Knight
Cr W Palmer

AGAINST

Cr P Templeton
Cr R Degens
Cr J Arkan
Cr M Graham

S60 COFFS HARBOUR CITY COUNCIL EVENT STRATEGY

To familiarise Council with the recent development of the Coffs Harbour City Council Event Strategy and to seek support for the findings and proposed outcomes outlined within the Strategy.

231 RESOLVED (Arkan/Bonfield) that Council adopt the Findings and Outcomes outlined in the Event Strategy including:

1. The establishment of a Coffs Harbour City Council Events Team made up of Council staff from departments involved in the coordination of events including, but not limited to, Sports, Economic Development, Tourism and Community Services.
2. The development of an Event Toolkit to assist local event organisers in the approvals process, and also to provide information on how to run a successful event. This information is proposed to be available in both hard copy and online on Council's website.
3. The implementation of a formal system for event evaluation and support through the use of a Council specific event application and assessment process. Support for minor events to be approved by the Events Team, with major events to be approved through the Executive Team with recommendations from the Events Team.

S61 TENDER: INSTALLATION OF NEW WATER AND SEWER MAINS, MOONEE TO WOOLGOOLGA - CONTRACT NO. 09/10-415-TO

To report on tenders received for the construction of Water, Sewer and Reclaimed Water mains between Killara Avenue, Heritage Park and Unwins Road, Woolgoolga to replace mains affected by the Sapphire to Woolgoolga Pacific Highway Upgrade project and to gain Council approval to accept the most advantageous conforming tender.

232 RESOLVED (Palmer/Arkan):

1. That Council accept the tender of Ledonne Constructions P/L, ABN 68 003 117 717, for Contract No. 09/10-415-TO, Installation of New Water and Sewer Mains Moonee to Woolgoolga, for the lump sum amount of \$9,474,886.00 including GST on the basis that:
 - a) RTA provide funding for the Option 2 Portion of the Tender
 - b) Additional works required by Council be funded from Councils Water and Sewer Reserve funds
 - c) The tender is the most advantageous tender following the application of Council's Tender Value Selection System
 - d) The Tenderer has the necessary experience in similar works and his ability and performance are satisfactory
 - e) The Tenderer's financial capacity is acceptable.
2. That the contract documents be executed under the Seal of Council.

AMENDMENT

MOVED (Graham/Degens) that Council defer deciding upon these major infrastructure developments until Council can be assured that they accord with the 2030 Plan.

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

DIVISION

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

FOR

Cr K Rhoades
Cr J Bonfield
Cr K Hines
Cr D Knight
Cr W Palmer

AGAINST

Cr P Templeton
Cr R Degens
Cr J Arkan
Cr M Graham

CORPORATE BUSINESS DEPARTMENT REPORTS

C76 BANK BALANCES AND INVESTMENTS FOR NOVEMBER 2009

To list Council's Bank Balances and Investments as at 30 November 2009.

233 RESOLVED (Bonfield/Hines):

1. That the bank balances and investments totalling (from loans, Section 94 and other avenues that form the restricted accounts and are committed for future works) one hundred and fifty four million, nine hundred and twenty four thousand, and forty six dollars (\$154,924,046) as at 30 November 2009 be noted.
2. That the general fund unrestricted cash & investments totalling three hundred and fourteen thousand and twenty three dollars (\$314,023) as at 30 November 2009 be noted.

C77 MONTHLY BUDGET REVIEW FOR OCTOBER 2009

To report on the estimated budget position as at 31 October 2009.

- 234 RESOLVED** (Hines/Knight) that the revised Budget position as at 31 October 2009 be noted:

	General Account \$	Water Account \$	Sewer Account \$
Original Budget adopted 30 June 2009	1,113,139 (D)	6,796,677 (D)	5,226,126 (D)
Approved Variations to 30 Sept 2009	(28,264) (S)	(664,000) (S)	(1,786,500) (S)
Recommended variations for October	Nil	Nil	Nil
Estimated result 2008/09 as at 31 October 2009	<u>1,084,875 (D)</u>	<u>6,132,677 (D)</u>	<u>3,439,626 (D)</u>

C78 CORINDI TREATMENT PLANT LAND - PROPOSED LEASE OF PART

To obtain Council approval for proposed lease of part of the Corindi Waste Water Treatment Plant property.

- 235 RESOLVED** (Palmer/Arkan):

1. That Council lease part of its Corindi Waste Water Treatment Plant property, being part Lot 4 DP 806515 Kangaroo Trail Road Corindi, and being approximately that area (about 4 hectares) shown in hatching on the plan attached to the report (and to be defined by survey) to P & I Bhatti Pty Limited, on the following terms and conditions:

Term:	Five (5) years, with five (5) year option;
Purpose:	Establishment, growing and maintenance of blueberries or similar agricultural activities, as approved in writing by Council, requiring use of reclaimed water.
Rental:	Rent free for first year during initial establishment of plantation, increasing to \$5,000 per annum for the second and third years, and increasing to \$10,000 per annum during the fourth and fifth years. Rent to be reviewed to market level upon taking up the option renewal at the end of 5 years. Annual CPI increases to apply during the option renewal term of 5 years.

Special
Right:

As the Lessee wishes to initially establish the blueberry plantation on an initial trial basis in order to ensure its viability, the Lessee will be given the right to surrender the lease at the end of three (3) years if it is determined that the ongoing use of the lease area for blueberry growing purposes is not economically viable. In such event the Lessee, at its own cost, shall remove the plantation and all improvements made on the land and return the land to Council in a clean, tidy and manageable condition similar to the condition existing prior to the grant of this lease. No compensation shall be payable by Council to the Lessee.

Special
Conditions:

- (a) Lessee to be responsible for all reasonable legal costs associated with preparing, execution and registration of the lease, as well as for the costs of survey, plan preparation; plan approval and subsequent registration of the plan;
- (b) Lessee to suitably fence the leased area and maintain fences during the lease period or any approved extension;
- (c) Work buildings that are necessarily required for the purpose of carrying on blueberry and associated farming activities may be erected (subject to separate written approval) on the subject lease area. No dwelling or residence (either permanent or temporary) is to be erected.
- (d) Reclaimed water will be made available, at the expense of the Lessee, for use on the leased land by the Lessee. In line with current policy, no kilolitre charge will be made for water used.
- (e) At the expiration or termination of the lease (if no extension or renewal is granted) the Lessee will remove all improvements and return the land to Council in a clean, tidy and manageable condition, similar to the condition existing prior to granting this lease.
- (f) The Lessor (Council) shall not be responsible for payment of any compensation to the Lessee upon or following expiration or termination of the lease.
- (g) Lessee is to be responsible for the control and eradication of all noxious weeds and pests, and is to maintain the property in a clean and tidy condition, and to remove all waste and rubbish on a regular basis at the Lessee's cost.
- (h) Lessee is to hold and keep current insurance policies for Workers Compensation, Product Liability and \$20 million Public Liability noting Council as an interested party and to indemnify Council against all actions and claims.
- (i) Lease to include Personal Guarantees of Directors in respect of performance of the terms and conditions of that Lease;
- (j) If the Lessee fails to establish the blueberry plantation on the lease area within the initial five year term of the lease then he will lose the option renewal right and the lease will be terminated. Any improvements made to the land are to be removed by the lessee and the land returned to Council in a clean, tidy and manageable condition. Council shall not be liable for payment of any compensation to the Lessee.

(k) Any additional conditions as may be advised or required by Council's solicitor.

2. That any necessary documents associated with the lease of part Lot 4 DP 806515 to P & I Bhatti Pty Ltd be executed under the Common Seal of Council.

C79 TWO WAY RADIO SYSTEM REPLACEMENT

To obtain approval for the replacement of Council's Two Way Radio System which is not meeting Council's needs and emergency requirements.

- 236** **RESOLVED** (Palmer/Hines) that a new Two Way Radio system be purchased, under Government Contract, at an approximate cost of \$713,000 with funding and ongoing management, maintenance and replacement under the Plant Fund of Council.

QUESTIONS ON NOTICE

QON3/09 - GATE AT THE TOP OF MACCUES ROAD

Councillor Palmer asked "*Should we maintain the closure of Maccues Road with regard to the fact that it is ineffective and there are doubts about its legality*".

The General Manager advised that Council last considered the Maccues Road access issue in a report on 17 February 2005.

The report followed the completion of a road safety audit which showed that the western section of Maccues Road was not suitable for additional traffic unless road improvement works were carried out.

The recommendation adopted at that meeting was to; maintain the locked gate at the western end of Maccues Road, include the road on Council's maintained roads register and that Council staff prioritise funding for any improvements.

Legal advice was considered at the time which showed that Council had authority to close the road, and to not do so could incur a liability under Section 42 of the Civil Liability Act.

Minor improvements to road signposting and alignment have been carried out on Maccues Road however no funding for major improvement works required to meet road safety standards has been identified in Council's Management Plan. It is therefore recommended that Maccues Road should remain closed until such time as road improvement works are carried out.

Further investigation could be undertaken into enforcement of the closure if the locked gate is proving ineffective.

Contact will be made again with affected parties plus a letter will be sent to all parties re the status quo concerning the locks.

This concluded the business and the meeting closed at 6.45 pm.

Confirmed: 11 February 2010.

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K D Rhoades, AFSM
Mayor