

The following document is the minutes of the Council and Committee meeting held on 10 June 2010. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 24 June 2010 and therefore subject to change. Please refer to minutes of 24 June 2010 for confirmation.



**COFFS HARBOUR CITY COUNCIL**  
**ORDINARY MEETING**  
**COUNCIL CHAMBERS**  
**COUNCIL ADMINISTRATION BUILDING**  
**COFF AND CASTLE STREETS, COFFS HARBOUR**  
**10 JUNE 2010**

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## COFFS HARBOUR CITY COUNCIL

### ORDINARY MEETING

**10 JUNE 2010**

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, Acting 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 K D Rhoades in the chair.

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#### DISCLOSURES OF INTEREST

There were no disclosures of interest tabled.

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#### PUBLIC FORUM

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| Time   | Speaker   | Item                    |
|--------|-----------|-------------------------|
| 5.00pm | Ray Budge | Funding for Harmony Day |

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#### CONFIRMATION AND ADOPTION OF MINUTES

**67** **RESOLVED** (Palmer/Hines) that the minutes of the Ordinary meeting held on 27 May 2010 be confirmed as a true and correct record of proceedings.

Cr Graham again requested that a complete transcript of what was stated in regard to MUN10/2 be included in the minutes.

## GENERAL MANAGER'S REPORT

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### GM10/8 LOCAL GOVERNMENT REMUNERATION TRIBUNAL

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To advise Council of a determination by the Local Government Remuneration Tribunal of fees for Councillors and Mayors for 2010/11.

**68 RESOLVED** (Palmer/Bonfield) that:

1. Pursuant to the provisions of Sections 248 and 249 of the Local Government Act 1993, the annual fee for Councillors be fixed at \$15,970 for the 2010/11 financial year.
2. An additional annual fee for the position of Mayor be set at \$34,860 for the 2010/11 financial year.

### LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT

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#### L10/7 DEVELOPMENT APPLICATION 889/10 – SUBDIVISION (BOUNDARY ADJUSTMENT) – LOT 1 DP 557175 AND LOT 2 DP 1100068, HUNTER CLOSE, KORORA

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This report describes Development Application 889/10 for Subdivision (boundary adjustment).

The proposed development site is Lot 1 DP 557175 and Lot 2 DP 1100068, Hunter Close, Korora. A variation to planning development standards for the boundary alteration is recommended as is conditional approval of the application.

**69 RESOLVED** (Arkan/Knight) that:

1. The request for the variation to development standards, Clause 18 (5A) (c) be supported in this particular case.
2. Development Application 889/10 for Subdivision (Boundary Adjustment) of Lots 1 DP 557175 and 2 DP 1100068, Hunter Close, Korora be approved subject to conditions appended to this report (Appendix C).

#### VOTED FOR

Templeton  
Hines  
Knight  
Bonfield  
Rhoades  
Palmer  
Arkan  
Degens  
Graham

#### VOTED AGAINST

Nil

## **CORPORATE BUSINESS DEPARTMENT REPORTS**

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### **CB10/26 CORAMBA SPORTS GROUND - PROPOSED TRANSFER OF LEASE**

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To obtain Council approval for a proposed transfer of lease held by Orara Valley Axemen Rugby League Football Club, over the Coramba Sports Ground, to Orara Valley Progress Association.

**70 RESOLVED** (Arkan/Knight) that:

1. Council, in its deliberation relating to the 2010-2011 Budget (as well as future budgets), consider making an allocation of \$25,000 per annum toward the cost of general maintenance of the Coramba Sports Ground.
  2. Council consent to assignment of the Lease Agreement held by the Orara Valley Axemen Rugby League Football Club in respect of the Coramba Sports Ground (Crown Reserve R.87204) to the Orara Valley Progress Association (an incorporated body) on the general terms as set out in the current Agreement and subject to variation as indicated in the report.
  3. Any necessary documents related to the assignment of the lease from the Orara Valley Axemen Rugby League Football Club to the Orara Valley Progress Association be executed under the Common Seal of Council.
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### **CB10/27 BANK BALANCES AND INVESTMENTS FOR APRIL 2010**

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To list Council's Bank Balances and Investments as at 30 April 2010.

**71 RESOLVED** (Palmer/Templeton) that:

1. 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 forty four million, three hundred and ninety eight thousand, and eight hundred and ten dollars (\$144,398,810) as at 30 April 2010 be noted.
2. The general fund unrestricted cash and investments totalling one million, three hundred and eighty eight thousand, nine hundred and fifty eight dollars (\$1,388,958) as at 30 April 2010 be noted.

## **CITY SERVICES DEPARTMENT REPORTS**

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### **CS10/15 DEVELOPER PLANS FOR WATER & WASTEWATER**

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To report on the exhibition of the proposed Development Servicing Plans (DSP) for water and wastewater and to seek Council adoption of the Plans.

**72 RESOLVED** (Palmer/Arkan) that:

1. Council adopt the Development Servicing Plans for water and wastewater incorporating the recommended charges of Water \$8,761 and Wastewater \$8,378 per ET (lot).
2. The new charges be implemented on 1 July 2010.
3. The charges be indexed to quarterly CPI movements.

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### **CS10/16 COFFS COAST CULTURE - COMMUNITY CONSULTATION REPORT**

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To recommend the Coffs Coast Culture Community Consultation Report to Council for endorsement.

**73 RESOLVED** (Arkan/Knight) that:

1. Council adopt the Coffs Coast Culture Community Consultation Report.
2. Council pursue Federal and/or State Government grants for funding towards an Entertainment/Performing Arts Centre for Coffs Harbour.
3. Council staff prepare a report within three months that:
  - Identifies possible sites for an Entertainment/Performing Arts Centre to enable Council to select a preferred site
  - Provides indicative construction costs for facilities seating 850 people
  - Provides an estimate for Council's consideration to allocate funds for the preparation of detailed concept plans and construction costs at the preferred site

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**CS10/17 QUOTATION: DESIGN & COST COFFS HARBOUR FLOOD WARNING SYSTEM - CONTRACT NO. 09/10-419-QO**

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To report to Council on quotations received for the design and costing a Coffs Harbour Flood Warning System, Contract No: 09/10-419-QO and to gain Council approval to accept a quotation.

**MOTION**

- 74** **MOVED** (Palmer/Templeton) that Council accept the quotation from Greenspan Technology Pty Ltd, ABN 16 984 767 684 for the Coffs Harbour Flood Warning System, Contract No. 09/10-419-QO for the sum of \$70,900 excluding GST.

**AMENDMENT**

**MOVED** (Graham/Arkan) that Council invest the funds proposed to be spent upon the Coffs Harbour Flood Warning System upon staff to provide community education and materials and resources to assist neighbourhoods respond to major flood events.

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

**FORESHADOWED AMENDMENT**

**MOVED** (Degens/Graham) that this item be deferred to allow a full briefing on the system for Councillors to discuss further options that ensure greater certainty that the required outcomes be achieved prior to returning to Council.

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

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

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**CS10/18 TENDER: CONSTRUCTION OF SPORTZ CENTRAL'S NEW FOYER, MANAGER'S OFFICE & KIOSK - CONTRACT NO. 10/11-427-TO**

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To report to Council on tenders received for the construction of Sportz Central's new foyer, Manager's office and kiosk, Bray Street, Coffs Harbour - Contract No 10/11-427-TO.

- 75** **RESOLVED** (Arkan/Knight) that:
1. Council accept the tender of FM Glenn Pty Ltd, ABN 17 082 609 701 as the recommended tender for Contract 10/11-427-TO for the construction of Sportz Central's new foyer, manager's office and kiosk for the lump sum amount of \$480,066 including GST, on the basis that:
    - (a) The tender is the most advantageous tender following the application of Council's Tender Value Selection System.

**Cont'd**

**CS10/18 Tender: Construction of Sportz Central's New Foyer, Manager's Office & Kiosk - Contract No. 10/11-427-TO ...(Cont'd)**

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- (b) The Tenderer has the necessary experience in similar works and with ability and performance which are seen as satisfactory.
  - (c) The Tenderer's financial capacity is acceptable.
- 2. The contract documents be executed under the Seal of Council.
  - 3. Council increase its current contribution of \$43,000 by a further \$35,000 to total \$78,000 plus GST in its 2010/2011 Operation Plan towards the project.

**CORPORATE BUSINESS DEPARTMENT REPORTS**

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**CB10/28 TENDER: SUPPLY OF CONTESTABLE ELECTRICITY FOR METERED SITES, STREET LIGHTING AND GREEN POWER OPTIONS**

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To report on the Reverse Auction tender undertaken by Regional Procurement Initiative (division of Hunter Council Incorporated) on behalf of Coffs Harbour City Council for the Supply of Contestable Electricity for Metered Sites (greater than 160MWH), Street Lighting and Green Power Options and to gain Council approval.

**76 RESOLVED** (Bonfield/Arkan) that:

- 1. Council accepts the tender offer of TRUenergy outlined in Table 2 for the Supply of Electricity for unmetered Street Lighting for a period of 37 months commencing 1 June 2011 to the 30 June 2014.
- 2. Council accepts the tender offer of TRUenergy outlined in Table 4 for the Supply of Contestable Electricity for thirty (30) of our Metered Sites for a period of 36 Months commencing 1 July 2011 to the 30 June 2014.
- 3. Council accepts to enter into a new Meter Reading Agreement with "Testing & Certification Australia" (TCA) for a period of five (5) years for the period 1 July 2011 to 30 June 2014.
- 4. This Reverse Auction contract was for the supply of black energy only and it is recommended that Council negotiates with Energy Companies for the supply of a minimum of 10% Green Energy as soon as possible.

The recommendation is based on the following information:

- a) In respect of Street Lighting the panel unanimously agreed that Council accept the offer of TRUenergy for a 37 months period instead of 25 months, because of the volatility of future coal prices and the subsequent expected increases for the supply of electricity in the coming years. The offered contract price is fixed for the full 37 month period and will allow Council the luxury of budgeting effectively for this period.

**Cont'd**

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**CB10/28 Tender: Supply of Contestable Electricity for Metered Sites, Street Lighting and Green Power Options ...(Cont'd)**

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The Reverse Auction for Street lighting opening auction amount was \$353,405 and founded on estimated current market prices (researched by EnergyAction) for a projected 37 month consumption of 6,144,254.997 KWh. The final auction bid from TRUenergy was for an amount of \$273,807 which based on the starting auction price, realised a savings of approximately 29% over the term of the contract.

- b) In respect of Contestable Metered Sites the panel again unanimously agreed that Council accept the offer of TRUenergy for a 36 months period instead of 24 months, because of the volatility of future coal prices and the subsequent expected increases for the supply of electricity in the coming years. The offered contract price is fixed for the full 36 month period and will allow Council the luxury of budgeting effectively for this period.
- The Reverse Auction for Contestable Metered Sites opening auction amount was \$2,831,672 and founded on estimated current market prices (researched by EnergyAction) for a projected 37 month consumption of 41,556,190.918 KWh. The final auction bid from TRUenergy was for an amount of \$2,340,546 which based on the starting auction price, realised a savings of approximately 21% over the term of the contract.
  - It is also to be noted that the rates achieved by Council are better than the current NSW Government #777 Electricity Contract which expires on the 30 June 2011. Based on current Cents/kWh for the #777 contract the total value of the contract for the 36 month contract term would have been \$2,427,758.

The TRUenergy offer has not only surpassed the current #777 NSW State Contract rates, but will provide Council with a saving of \$87,175 over the contract term which is three (3) years beyond the expiring June 2011 NSW Government Contract.

- c) It is recommended that Council sign-off on a new meter reading agreement with Testing & Certification Australia (TCA) locking in service rates for a five (5) year period. TCA is a reputable and recognised meter reading company who are the current service providers of the NSW Government #777 contract for Electricity. The cost to Council will be a flat \$3.1233 plus GST per meter each day. Currently Council does NOT have a contract with Country Energy for Meter Reading of our Contestable Sites and the rates at times have exceeded \$5.00 per meter each day.
- d) The tender submissions by TRUenergy are conformed to IPART Regulations.
- e) By actively participating in this Regional Procurement Reverse Auction Tender RA11011CHCC Coffs Harbour Council will not breach the Local Government (General) Regulation 2005 - Section 7 Tendering, for annual expenditure over \$150,000.
5. The contract documents be executed under Council's Seal.

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## MATTERS OF AN URGENT NATURE

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### MUN10/4 Questions Without Notice

Cr Palmer requests that Council ignore the directive from the Department of Local Government that we do not have Questions Without Notice or items of General Business.

*The General Manager advised the matter will be taken on notice and the appropriate staff will respond.*

### MUN10/5 State Government Changes to Infrastructure Contributions

Cr Rhoades raised the issue of the State Government changes to infrastructure contributions, the Local Government and Shires Association is requesting that all Councils in NSW supply the Association with the effect that this will have on their Council, this information is required by Friday 18 June 2010. It was requested that the document supplied to the Association also be distributed to the Councillors.

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## MOTION

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77 **MOVED** (Rhoades/Graham) that:

1. Council reply to the Local Government and Shires Association circular dated 10 June 2010 regarding state government changes to infrastructure contributions and reply prior to 18 June 2010
2. This Council strongly opposes the changes implemented by the NSW state government with respect to Section 94 Contributions which became effective 7 June 2010.

This **MOTION** was passed unanimously.

This concluded the business and the meeting closed at 6.11 pm.

Confirmed: 24 June 2010

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Keith Rhoades AFSM  
Mayor