

The following document is the minutes of the Council and Committee meeting held on 12 April 2012. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 26 April 2012 and therefore subject to change. Please refer to minutes of 26 April 2012 for confirmation.



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
12 APRIL 2012

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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

12 APRIL 2012

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

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

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 meeting commenced at 5.02 pm with the Mayor, Cr K D Rhoades in the chair.

DISCLOSURES OF INTEREST

There were no Disclosures of Interest tabled.

APOLOGY

Num **RESOLVED** (Graham/Arkan) that an apology received from Councillor Degens for leave of absence be received and accepted.

PUBLIC FORUM

Time	Speaker	Item
5.00 pm	Desnee McCosker	Poisoning of Trees at Jetty Foreshores

The public forum did not occur as the presenter was not present at the meeting.

The Mayor gave an update of the recent government announcement of the review into local government.

CONFIRMATION AND ADOPTION OF MINUTES

- 67** **RESOLVED** (Arkan/Templeton) that the minutes of the Ordinary meeting held on 22 March 2012 be confirmed as a true and correct record of proceedings.

GENERAL MANAGER'S REPORTS

GM12/8 NOTICE OF DRAFT POLICY TO BE PLACED ON PUBLIC EXHIBITION - LIQUID TRADE WASTE POLICY

To advise Council and the community of the public exhibition of the draft Liquid Trade Waste Policy.

- 68** **RESOLVED** (Arkan/Palmer) that:
1. In accordance with Section 160 (2) of the Local Government Act 1993, Council gives public notice of its intention to adopt the Liquid Trade Policy as attached, placing it on public exhibition for a period of 28 days to invite submissions.
 2. Following the exhibition period, Council considers a further report including a summary of any submissions received.

GM12/9 PUBLIC INTEREST DISCLOSURES INTERNAL REPORTING POLICY

For Council to adopt the Public Interest Disclosures Internal Reporting Policy.

- 69** **RESOLVED** (Palmer/Arkan) that Council adopts the Public Interest Disclosures Internal Reporting Policy.

GM12/10 CHANGES TO POLITICAL DONATIONS LAWS

This report is to provide information to Councillors and potential candidates about recent changes to election campaign funding and disclosure laws.

- 70** **RESOLVED** (Arkan/Hines) that the report is noted.

GM12/11 DRAFT 2012/16 DELIVERY PROGRAM AND DRAFT 2012/13 OPERATIONAL PLAN

To present Council's Draft 2012/2016 Delivery Program and Draft 2012/2013 Operational Plan. This report recommends the draft documents be adopted for public exhibition.

71 RESOLVED (Arkan/Templeton) that:

1. Council adopt the Draft 2012/2016 Delivery Program and Draft 2012/2013 Operational Plan for public exhibition for a 28-day period from Monday, 16 April 2012 until close of business on Monday, 14 May 2012.
2. Council consider community submissions on the draft documents prior to adopting the 2012/2016 Delivery Program and Draft 2012/2013 Operational Plan by 31 May 2012.
3. Council note that the Draft 2012/2013 Budget is based on a projected deficit of \$308,365 with an undertaking by Council to work to deliver a balanced result by the end of the period.

CORPORATE BUSINESS DEPARTMENT REPORTS

CB12/24 REQUEST FOR PROPOSAL 23-31 GORDON STREET, COFFS HARBOUR - APPOINTMENT OF EVALUATION PANEL

To appoint an Evaluation Panel for the assessment of proposals for 23-31 Gordon Street, Coffs Harbour.

72 RESOLVED (Palmer/Arkan) that:

The Evaluation Panel for the Request for Proposal for 23-31 Gordon Street, Coffs Harbour be as follows:

General Manager
Director of Corporate Business
Executive Manager, Business Units
Independent expert Property - Mr Greg Incoll
Independent expert Planning - Mr Geoff Smyth

CB12/25 MONTHLY BUDGET REVIEW FOR FEBRUARY 2012

To report on the estimated budget position as at 29 February 2012

73 RESOLVED (Palmer/Arkan) that:

The budget adjustments be approved and the current budget position be noted.

Estimated Budget Position as at 29 February 2012:

	General Account \$	Water Account \$	Sewer Account \$
Original Budget adopted 23 June 2011	182,220 (D)	4,897,205 (D)	3,591,600 (D)
Approved Variations to 31 Jan 2012	(131,796) (S)	73,794 (D)	80,000 (D)
Recommended variations for February 2012	(57,020) (S)	Nil	Nil
Estimated result as at 29 February 2012	<u>(6,596) (S)</u>	<u>4,970,999 (D)</u>	<u>3,671,600 (D)</u>

CB12/26 KEY FINANCIAL INDICATORS - 2010/11

Consideration of the key financial indicators for the financial years ended 30 June 2007 through to 30 June 2011.

74 RESOLVED (Templeton/Hines) that:

1. The proposed 14 key financial indicators, and the designated benchmarks be adopted and monitored on a consolidated fund basis and where appropriate and individual fund basis, at a minimum annually, commencing 30 June 2012.
2. The operational plan/delivery program and long term financial planning process are prepared bearing in mind the achievement of the key financial indicator benchmarks contained in this report.
3. The report on the results achieved as at 30 June 2011 for the key financial indicators be received and noted.

CB12/27 FUNDING STRATEGY FOR EVENTS

To seek Council's endorsement of a proposed funding strategy for future events at BCU International Stadium and other venues across the city.

75 RESOLVED (Palmer/Templeton) that Council approve the Events Funding Proposal outlined in the confidential attachment and build the funding into the 2012/13 budget and future Council budgets.

CB12/28 TENDER: PROVISION OF TRAFFIC CONTROL SERVICES

To report on the tenders received by Regional Procurement Initiative (division of Hunter Council Incorporated) on behalf of the Mid North Coast Procurement Alliance Group of Councils for the provision of traffic control services and to gain Council approval.

76 RESOLVED (Palmer/Arkan) that:

1. Council accepts the top four (4) scoring tender offers from:

- Site Group
- Men At Work
- Workforce Road Services
- Mid Coast Traffic Services.

The recommendation is on the basis that:

- a) The tender offers are the most suitable and advantageous following the application of Regional Procurement's Tender Value Selection System
 - b) By actively participating in this Regional Procurement Tender T91112MNC on behalf of the Mid North Coast Procurement Alliance Group of Councils, Coffs Harbour Council will not breach the Local Government (General) Regulation 2005- Section 7 Tendering, for annual expenditure over \$150,000.00.
 - c) The four (4) Tenderers form a panel of suppliers all available for use by Council staff. This four contract panel supplier choice arrangement, allows Council's operation staff to be selective and cost effective in meeting project budget constraints, whilst simultaneously minimising work delays.
 - d) All four (4) suppliers are local to Coffs Harbour and the Mid North Coast, and have the necessary experience in similar works with three of the four tenderers currently active and proven suppliers to Council.
 - e) With the benchmarking of the current Traffic Control services contract, savings will be achieved as follows:
 - \$0.00 Zone Site Establishment fees
 - Cost reductions of up to 28% on the normal working hours rates(6.00am – 6.00pm)
 - Cost reductions of up to 12% for day work "Overtime Hours" (after an 8 hour shift)
 - \$0.00 Accommodation costs per night in lieu of Establishment fees
2. Provision be allowed for a 12 month extension based on satisfactory Supplier performance which may take this tender through to 30 April 2015.
3. The contract documents be executed under Council's Seal.

CITY SERVICES DEPARTMENT REPORTS

CS12/9 TENDER: CONSTRUCTION OF SLOPE REMEDIATION WORKS, KALANG ROAD, BELLINGEN - CONTRACT NO. RFT-530-TO

To report on tenders received for the supply and installation of soil nails on Kalang Road, Bellingen, NSW, and to gain Council's approval to accept a tender.

77 RESOLVED (Palmer/Hines) that:

1. In accordance with clause 178(1)(a) of the *Local Government (General) Regulation 2005*, Council accept the tender of Sporting Services Pty Ltd T/AS Pan Civil, ABN 37 001 992 963, for Contract No. RFT-530-TO for slope remediation works, Kalang Road, Bellingen, for the lump sum amount of \$260,766 Inc GST on the basis:-
 - 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 their past performance has been satisfactory.
 - c) Council has written authority from Bellingen Shire Council to carry out these works, with a 'cost plus' funding arrangement approved by BSC.

CS12/10 TENDER: ANNUAL CONTRACT FOR SUPPLY OF QUARRY PRODUCTS

To obtain Council approval to accept tenders for inclusion within a panel tender for the supply or supply and delivery of quarry products for a period of 24 months following the awarding of contract.

78 RESOLVED (Templeton/Arkan) that:

1. Council accept the six (6) tenders received
2. Council accepts the tenders received from the above panel of recognised contractors for the products as tendered for Contract RFT-526-TO, Supply of Quarry Products, on the basis that:
 - All contractors have demonstrated experience and capacity in fulfilling the requirements of the contract for the quarry products that they can supply.
 - The rates as tendered are reasonable.
 - It is the most advantageous arrangement for Council to have a panel of suppliers to select from
3. The contract documents be executed under the Common Seal of Council.

CS12/11 TENDER: COFFS HARBOUR TO BOAMBEE CREEK SEWER RISING MAIN REMOVAL AND DISPOSAL OF 250MM AC PIPE

To report on tenders received for the removal and disposal of redundant Asbestos Cement pipe associated with the Coffs Harbour to Boambee Creek Rising Main Project and to obtain Council approval to accept a tender for the work.

79 RESOLVED (Palmer/Arkan) that:

1. Council accept the tender of AADEMEX Pty Ltd (ABN 99 127 883 890) for the lump sum amount of \$253,902 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 experience in similar works and his ability and performance are satisfactory
 - c) The Tenderer has suitable Work Health Safety Systems to carry out the works compliant to Work Health Safety legislation.
 - d) Financial capacity. Works of a similar financial value have recently been successfully completed for the Sapphire to Woolgoolga Pacific Highway Upgrade.
2. The contract documents be executed under the Seal of Council.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

MATTERS OF AN URGENT NATURE

There were no Matters of an Urgent Nature.

QUESTIONS ON NOTICE

QON12/2 Rally Australia - Outstanding Monies

Councillor Mark Graham asked the following questions:

Does Rally Australia owe money to Coffs Harbour City Council?

If it does, how much money is owed to Council?

Staff Comment:

Rally Australia (RA) currently owe Council \$277,678.12.

Council has been actively pursuing this account as seen from the brief outline below.

13 December 2011 – Accounts place phone call to RA seeking follow-up from their meeting and when we should expect to receive payments. They are waiting on a large sum of money to come from Events NSW which they hoped would have been paid last Friday (9 December) and if this comes through they will certainly be paying some of the monies owed. If it does not come through, Events NSW are now on holidays until the New Year and nothing else can be done until 9 January.

16 January 2012 – Accounts place phone call to RA to follow up on overdue payments. It seems that some monies received prior to Christmas have been expended elsewhere. They are now waiting on further major payments from Events NSW however they are still on Christmas/New Year break until next week. RA has advised they are hoping once these monies are received that they can at least clear the 90+ days' debt (which is the majority of what is owed - \$227k) and has requested CHCC touch base again with them in the week after next when RA should know more.

31 January 2012 - Accounts place phone call to RA to follow up on payments. RA advised that no funds have been forthcoming from Events NSW as expected. RA following up when there will be funds available to clear some of the debt.

2 February 2012 - Accounts place phone call and spoke to RA again who advised that it appears they are not expecting further funds until mid-February and RA is unsure whether our accounts can be cleared at that time until she speaks with Ben Rainsford Chairman RA.

16 February 2012 - Accounts place phone call to RA to obtain update on situation with payments. RA advises that Ben Rainsford had a teleconference this morning and advised that he has updated the General Manager. RA Board agreed to pay all small creditors from funds received to date. They are waiting on final payment from Events NSW to finalise all outstanding accounts.

17 February 2012 – Email to RA from Director Corporate Business chasing up the account.

Response from RA: *“we would not be in a position to settle these accounts until we receive the significant sponsorship payment from Destination NSW which we are still waiting on. We are on the case daily with the State Government to try and get these funds ASAP by outlining the embarrassing predicament they have placed us in by not being able to settle outstanding accounts.”*

21 March 2012 – Manager Coffs Coast Marketing met with Events NSW to ascertain when they will release the final report into the event and release funding to Rally Australia.

3 April 2012 – Teleconference with Chairman of Rally Australia. One item on the agenda was seeking payment and clear commitment of when funds will be received. RA confirmed that CAMS as the sole shareholder of RA has committed to covering the RA's outstanding accounts if due to unforeseen circumstances funding from Events NSW does not eventuate.

Cr Graham's raised two further questions as follows:

1. Why is Council planning for another rally when debts are outstanding?
2. What actions is Council taking to recoup the debt?

The Acting General Manager informed that Council has been pursuing as outlined above and that the full account has been paid as of today.

The Mayor received an email from Councillor Graham on 26 March. The contents of which were communicated to the meeting.

The Mayor made a public apology to Councillor Graham stating, if you have taken offence at that, I retract that word dishonesty and apologise if you think that you have been defamed in any way for that particular comment.

Councillor Graham responded with thank you for apologising for defaming me publicly.

This concluded the business and the meeting closed at 5.45pm.

Confirmed: 26 April 2012

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Keith Rhoades AFSM
Mayor