

The following document is the minutes of the Council Meeting held on Thursday, 28 April 2016. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 12 May 2016 and therefore subject to change.
Please refer to the minutes of the meeting of 12 May 2016 for confirmation.



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

28 APRIL 2016

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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

28 APRIL 2016

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

Staff: General Manager, Director Business Services, Director Sustainable Infrastructure, Director Sustainable Communities and Executive Assistant.

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

We respectfully acknowledge the Gumbaynggirr Country and the Gumbaynggirr 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.

DISCLOSURES OF INTEREST

The General Manager read the following disclosure of interest to inform the meeting:

Councillor	Item	Type of Interest
Cr Knight	SC16/21 DA929/15 - Shop Top Housing (2 shops and 15 residential units) and Subdivision (Strata - 17 lots) - Lot 2 and Lot 1 DP1209133, 69 and 59-67 First Avenue, Sawtell.	Non Pecuniary - Less than significant conflict - owns a property nearby, rented for commercial use. The two part owners are my neighbours.

Cr Sultana	T16/5 Closure of Public Swimming Pools when School Carnivals are taking place	Non Pecuniary - Less Than significant - School teacher of a local high school
General Manager	NOM16/12 Rally Australia Events 2016 and 2017	Non Pecuniary - Less Than Significant Conflict as has a non-remunerated role on the Board of Rally Australia representing CHCC.

The General Manager advised that the lodgement of this Disclosure of Interest is done so acknowledging past practice, practice that is above the requirements of the Code of Meeting Practice and the Code of Conduct. Advice received recently indicates that as the General Manager does not participate in the making of decisions in the Council Chamber, the lodgement of Disclosures by the General Manager, or other staff for that matter, whilst adding value, is not a requirement of the relevant Codes or legislation.

APOLOGY

There were no apologies.

PUBLIC ADDRESS

Time	Speaker	Item
5.05pm	Ian Hogbin	T16/5 - Closure of Public Swimming Pools When School Carnivals are Taking Place

CONFIRMATION OF MINUTES

- 75** **RESOLVED** (Townley/Arkan) that the minutes of the Ordinary meeting held on 14 April 2016 be confirmed as a true and correct record of proceedings.

TRUST REPORT

T16/5 CLOSURE OF PUBLIC SWIMMING POOLS WHEN SCHOOL CARNIVALS ARE TAKING PLACE

Executive Summary

This report addresses the following resolution of Council at its Ordinary meeting on 25 February 2016 being:

“That a report be brought back to Council regarding the enforcement of a new policy whereby Coffs Harbour War Memorial Olympic Swimming Pool and other public pools in the LGA will advertise closure during periods when school swimming carnivals have been scheduled to take place. The new policy if implemented will also need to be structured to ensure there isn’t a significant increase in fees for schools which will ultimately be passed onto families who are the users of the facility.”

The report provides information to Council to make an informed decision on whether or not public swimming pools should be available to the public during school swimming carnivals. The recommendation is that the status quo remains.

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

1. Council authorise pool management to negotiate with large schools (800+ enrolments) an outcome resulting in no more than 4 days of the calendar year where it will close the Coffs Harbour War Memorial Olympic Pool to the general public from 9.30am-2.30pm to allow schools with large populations the opportunity to book the entire venue. However, all 'learn to swim' and other swimming classes will operate as normal in the heated pool until 11am. Schools will then be given full use of this pool from 11am through to 2.30pm.
2. Days of closure must be advertised by way of notice boards etc with ample time i.e 2 weeks to allow regular patrons the opportunity to plan ahead.

VOTED FOR

Cr Arkan
Cr Degens
Cr Townley
Cr Sultana
Cr Cowling

VOTED AGAINST

Cr Rhoades
Cr Innes
Cr Knight

SUSTAINABLE INFRASTRUCTURE DEPARTMENT REPORT

SI16/23 DUKE STREET EXTENSION PROJECT

Executive Summary

At Council's Meeting of 24th September 2015 a concept plan for a permanent roadway and park enhancement on the site of the Duke Street temporary extension was considered by Council, which resolved as follows:

“that Council correspond with Gowings and the CBD Masterplan Committee with an invitation to bring forward the total completion of the road construction and park facility as suggested in the concept plan.”

Following that Resolution both the CBD Masterplan Committee and the development proponent accepted Council's issued invitation to bring forward the total completion of the concept plan. The Resolution of 24th September 2015, and the concurrence by both invited parties, is now properly read as a formal Council instruction to proceed with the execution of the permanent road/enhanced park project.

In considering a further report on the matter at its meeting of 25 February 2016 Council resolved to place information related to the Project on exhibition for public comment. As a result, a set of concept plans and projections were placed on exhibition and sixty-one (61) submissions were received and a summary is attached (Attachment 5) for reference.

The submissions, in total, provide valuable input that have informed some modifications and validated other intentions of the final project design.

MOTION (Innes/Degens) that Council:

1. Note that the diverse community views submitted during the consultation period have been assessed and design and methodology changes to the project have been made where appropriate.
2. Note the staff responses to the principle issues raised by respondents as contained in the body of this report.
3. Advise respondents of Council's receipt of their submissions.

AMENDMENT

MOVED (Townley/Cowling) that Council:

1. Notes the previous resolution of Council that endorsed the construction of a temporary road and that consent remains valid.
2. Undertake holistic planning and viability analysis (including timeframes and costings) for a whole of CBD traffic plan, including a 'ring road' concept
3. Identify possible financing options for this work

SI16/23 - Duke Street Extension Project (Cont'd)

77 RESOLVED (Cowling/Rhoades) that the motion be put.

The Motion on being put to the meeting was carried unanimously.

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

VOTED FOR

Cr Sultana
Cr Townley
Cr Cowling

VOTED AGAINST

Cr Rhoades
Cr Arkan
Cr Degens
Cr Innes
Cr Knight

78 RESOLVED: The **MOTION** (Innes/Degens), that Council:

1. Note that the diverse community views submitted during the consultation period have been assessed and design and methodology changes to the project have been made where appropriate.
2. Note the staff responses to the principle issues raised by respondents as contained in the body of this report.
3. Advise respondents of Council's receipt of their submissions.

on being put the meeting was declared **CARRIED**.

VOTED FOR

Cr Rhoades
Cr Arkan
Cr Degens
Cr Innes
Cr Knight

VOTED AGAINST

Cr Townley
Cr Cowling
Cr Sultana

NOTICES OF MOTION SUSTAINABLE COMMUNITIES

NOM16/12 RALLY AUSTRALIA EVENTS 2016 AND 2017

Councillors Rhoades, Knight and Sultana have given notice of their intention in accordance with Clause 12.10.4 of Council's Code of Meeting Practice to move the following:

MOTION (Sultana/Innes) that Council:

1. Approve the sponsorship arrangements contained in the confidential attachment with funding to be allocated in the 2016/17 Operational Plan and Budget; and
2. Delegate authority to the General Manager to execute the Sponsorship and Hire Agreement for 2016 between Coffs Harbour City Council and Rally Australia Pty Ltd.
3. Delegate authority to the General Manager to execute a Sponsorship and Hire Agreement for 2017 between Coffs Harbour City Council and Rally Australia Pty Ltd with a sponsorship package value no greater than the value for 2016 indexed by the ordinary general rate peg.

AMENDMENT

MOVED (Arkan/Degens) that Council:

1. Approve the sponsorship arrangements contained in the confidential attachment with funding to be allocated in the 2016/17 Operational Plan and Budget; and
2. That Council execute forthwith the sponsorship and hire agreement for 2016 and 2017 between CHCC and Rally Australia Pty Ltd. With a sponsorship package for 2017 being no greater than the value of 2016 indexed by the ordinary general rate peg; and
3. That staff organise the delivery of the above at the appropriate time and budgetary measures.

Cr Townley gave notice of a **FORESHADOWED AMENDMENT**

79 RESOLVED (Arkan/Degens) that the motion be put.

VOTED FOR

Cr Rhoades
Cr Arkan
Cr Degens
Cr Innes
Cr Knight
Cr Sultana
Cr Cowling

VOTED AGAINST

Cr Townley

NOM16/12 - Rally Australia Events 2016 and 2017 (Cont'd)

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

VOTED FOR

Cr Arkan

VOTED AGAINST

Cr Rhoades
Cr Degens
Cr Townley
Cr Innes
Cr Knight
Cr Sultana
Cr Cowling

The **FORESHADOWED AMENDMENT** was then brought forward and became an **AMENDMENT**

AMENDMENT

MOVED (Townley/Arkan) that Council:

1. Approve the sponsorship arrangements contained in the confidential attachment with funding to be allocated in the 2016/17 Operational Plan and Budget; and
2. Delegate authority to the General Manager to execute the Sponsorship and Hire Agreement for 2016 between Coffs Harbour City Council and Rally Australia Pty Ltd.
3. Council write to Rally Australia and the Coffs Harbour Business Advisory Group which informs Rally planning to request all available material relating to post-Rally surveys and economic analyses pertaining to all Coffs Harbour WRC events
4. That discussions be held prior to the 2016 event to explore possible alternative ways of arranging governance around CHCC sponsorship (including cash and in in-kind) to provide the greatest integrity and information flow in our mutual dealings.

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

VOTED FOR

Cr Townley
Cr Arkan
Cr Cowling

VOTED AGAINST

Cr Rhoades
Cr Degens
Cr Innes
Cr Knight
Cr Sultana

NOM16/12 - Rally Australia Events 2016 and 2017 (Cont'd)

80 RESOLVED: The **MOTION** (Sultana/Innes), that Council:

1. Approve the sponsorship arrangements contained in the confidential attachment with funding to be allocated in the 2016/17 Operational Plan and Budget; and
2. Delegate authority to the General Manager to execute the Sponsorship and Hire Agreement for 2016 between Coffs Harbour City Council and Rally Australia Pty Ltd.
3. Delegate authority to the General Manager to execute a Sponsorship and Hire Agreement for 2017 between Coffs Harbour City Council and Rally Australia Pty Ltd with a sponsorship package value no greater than the value for 2016 indexed by the ordinary general rate peg.

on being put to the meeting was declared CARRIED.

VOTED FOR

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

VOTED AGAINST

Cr Townley
Cr Cowling

The meeting adjourned for a short recess, the time being 7.20pm and reconvened at 7.28pm.

SUSTAINABLE COMMUNITIES DEPARTMENT REPORT

SC16/20 INVESTIGATION INTO AN ALTERNATIVE CONCEPT PROPOSAL FOR THE ENTRANCE TO THE WOOLGOOLGA BEACH HOLIDAY PARK

Executive Summary

At its Ordinary Meeting of 14 April 2016, Council considered a report on the outcomes of community engagement processes undertaken in relation to a concept proposal to relocate the entrance to the Woolgoolga Beach Holiday Park from Beach Street to Wharf Street.

The subsequent resolution made by Council on this matter includes a requirement for an investigation to be undertaken in relation to an alternative concept proposal for an entry only into the Woolgoolga Beach Holiday Park from Wharf Street and the use of part of Wharf Street for a turning bay to enable vehicles to turn left into the Holiday Park.

The purpose of this report is to inform Council of the details and timeframes of the investigation currently being undertaken by Council staff in relation to the alternative concept proposal for the entrance to the Woolgoolga Beach Holiday Park.

81 **RESOLVED** (Rhoades/Innes) that Council:

1. Notes the information provided within this report.
2. Considers a report at the meeting of 26 May 2016 in relation to options for alternative entries to the Woolgoolga Beach Holiday Park based on the following:
 - Access comprising a turning bay on Wharf Street; left turn into the holiday park; exit via Beach Street and compensatory parking.
 - Access comprising a turning bay on Wharf Street; left turn entry and exit for the holiday park and compensatory parking.
3. That the Council undertake at the earliest possible time the placement of an advertisement outlining the proposal and seeking comment on Council's pathway forward for a period of 14 days.

AMENDMENT

MOVED (Arkan/Sultana) that Council:

1. Notes the information provided within this report relating to the investigation currently being undertaken by Council Staff in relation to an alternative entry into the Woolgoolga Beach Holiday Park comprising a turning bay on Wharf Street, a left turn into the Holiday Park and compensatory parking.
2. Considers a report at the meeting of 26 May 2016 in relation to recommendation 1 above.
3. Consider leaving the entry/exit in its current position.

SC16/20 - Investigation into an Alternative Concept Proposal for the Entrance to the Woolgoolga Beach Holiday Park (Cont'd)

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

VOTED FOR

Cr Arkan
Cr Sultana

VOTED AGAINST

Cr Rhoades
Cr Degens
Cr Townley
Cr Innes
Cr Knight
Cr Cowling

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

The Motion on being put to the meeting was carried unanimously.

GENERAL MANAGER'S REPORTS

GM16/4 VACANCY IN CIVIC OFFICE - RESIGNATION OF COUNCILLOR ROBERT PALMER

Executive Summary

Councillor Robert Palmer has tendered his resignation to the General Manager, with an effective date of 19 April 2016.

The next ordinary election of Council is due to occur on 10 September 2016 and as the resignation has been received within the 18 month timeframe preceding this election; there are now two courses of action that can be taken by Council, being:

- 2 (a) order that the vacancy not be filled, or*
- (b) order the holding on a stated day of a by-election to fill the vacancy and revoke any earlier order made under paragraph (a) Section 294 Local Government Act 1993*

Accordingly Council is to now apply to the Minister for Local Government to consider either of these orders.

82 RESOLVED (Rhoades/Arkan) that Council:

1. Seeks Ministerial consent to dispense with the holding of a by-election.
2. Recognises the contribution of Councillor Bob Palmer during his term of office and write to him and thank him for his community service.

The Motion on being put to the meeting was carried unanimously.

GM16/5 DELEGATIONS FOR NOXIOUS WEEDS

Executive Summary

The *Noxious Weeds Act 1993* (NWA) requires that the Local Control Authority (Council) delegate directly to the positions that have the duties and functions under this Act. This report presents those delegation documents.

- 83** **RESOLVED** (Rhoades/Innes) that Council as a Local Control Authority under the Noxious Weeds Act delegates the powers, duties and functions as set out in the attached delegation instruments (and as may be varied by legislation from time to time) to the Council officers holding the following positions:

- Weeds Officer
- Inspector Weeds Services
- Maintenance Coordinator Horticulture

The Motion on being put to the meeting was carried unanimously.

**GM16/6 CONTRACT NO. RFT-749-TO PROVISION OF LEGAL SERVICES
2016 - 2018**

Executive Summary

To report to Council on tenders received for Contract No RFT-749-TO for the provision of legal services and to recommend firms to be appointed to the panel.

- 84** **RESOLVED** (Rhoades/Innes) that Council accept the tenders of Wilshire Webb Staunton Beattie Lawyers ABN 61 849 174 739, Marsdens Law Group ABN 59 874 202 316, HWL Ebsworth Lawyers ABN 37 246 549 189, Sparke Helmore Lawyers ABN 78 848 387 938, Maddocks 63 478 951 337 and Fishburn Watson O'Brien ABN 70 163 802 319, for Contract No. RFT-749-TO, Provision of Legal Services for the rates and sums tendered on the basis that:

1. The tenders are the most advantageous tenders following application of Council's Tender Value Selection System.
2. The tenderers have the necessary experience in a broad range of legal services.

The Motion on being put to the meeting was carried unanimously.

NOTICE OF MOTION SUSTAINABLE COMMUNITIES

NOM16/10 ENVIRONMENTAL LEVY FOR 2016/17 - LAND VALUE INVESTIGATION

- 85 **RESOLVED** (Degens/Townley) that an application be made to the Environment Levy for 2017/18 for a project that investigates what is the most economically best value land in terms of habitat, environmental value and size, for future purchase from future environmental levy funds, for biodiversity purposes.

The Motion on being put to the meeting was carried unanimously.

SUSTAINABLE COMMUNITIES DEPARTMENT REPORTS

SC16/21 DEVELOPMENT APPLICATION NO. 0929/15 - SHOP TOP HOUSING (2 SHOPS AND 15 RESIDENTIAL UNITS) AND SUBDIVISION (STRATA - 17 Lots) - LOT 2 AND LOT 1 DP1209133, 69 AND 59-67 FIRST AVENUE, SAWTELL

Executive Summary

This report provides an assessment of Development Application 929/15 for the construction of a mixed use (residential/retail) development and strata subdivision at No. 69 and 59 - 67 First Avenue Sawtell. The subject land is located within the Sawtell Heritage Conservation Area and a heritage item (shops & dwellings) exists on the development site. The development proposes variation to the height and floor space ratio controls specified under Coffs Harbour Local Environmental Plan 2013. The application was advertised and notified to adjoining land owners. Two submissions were received. It is recommended that the application be approved subject to a number of conditions.

In November 2008, the Department of Planning issued a Planning Circular outlining new requirements in relation to the determination and reporting of development applications involving variations to development standards. The circular specifies that all applications which propose a variation greater than 10% of the development standard must be determined by full Council rather than by staff under delegated authority.

Accordingly, this matter is reported to Council for determination as the proposal incorporates a variation greater than 10% to the specified height and floor space ratio standards.

RESOLVED (Innes/Rhoades) that Council:

1. Approve the request made under Development Application No. 0929/15 to vary a development standard made pursuant to Clause 4.6 of Coffs Harbour Local Environmental Plan 2013 for the variation to the maximum building height under Clause 4.3(2) of Coffs Harbour Local Environmental Plan 2013.
2. Approve the request made under Development Application No. 0929/15 to vary a development standard made pursuant to Clause 4.6 of Coffs Harbour Local Environmental Plan 2013 for the variation to the maximum floor space ratio under Clause 4.4(2) of Coffs Harbour Local Environmental Plan 2013.
3. Approve Development Application No. 0929/15 for shop top housing and strata subdivision at No. 69 First Avenue (Lot 2 DP1209133) and 59-67 First Avenue (Lot 1 DP1209133), Sawtell, subject to the conditions provided in Attachment 3.
4. Advise persons who made a submission on Development Application No. 0929/15 of Council's decision.

The Motion on being put to the meeting was carried unanimously.

SC16/22 DRAFT 2016-2020 DELIVERY PROGRAM AND DRAFT OPERATIONAL PLAN 2016/17

Executive Summary

Council is required to prepare and adopt a Delivery Program (to cover a four-year period) and an Operational Plan for each financial year. These documents detail the principal activities and budgets that Council proposes to pursue to help implement the strategies and achieve the objectives set out in the *Coffs Harbour 2030* Community Strategic Plan.

The Draft 2016-2020 Delivery Program and Draft 2016/17 Operational Plan are presented at this time for consideration. The documents incorporate Council's Draft Division Budgets 2016-2020; and Draft Fees and Charges 2016/17.

The Draft 2016-2020 Delivery Program incorporates the second year of a Special Rate Variation (SRV) approved in 2015 by the Independent Pricing and Regulatory Tribunal. This rate rise includes the 'rate-pegging' allowance of 1.8% announced for 2016/17. The SRV supports Council's long-term budget strategy to address a funding shortfall for the maintenance and renewal of city infrastructure to provide the levels of service expected by the Coffs Harbour community.

Council is also implementing the Transformation to Sustainability (T2S) Project, pursuing savings, efficiency, productivity and revenue options, to further assist the organisation to secure financial sustainability.

SC16/22 - Draft 2016-2020 Delivery Program and Draft Operational Plan 2016/17 (Cont'd)

The draft budget for 2016/17 results in an estimated underlying deficit, that is; before capital revenue, of \$5.777 million. This is comprised of estimated results of \$0.937 million surplus for the General Fund, \$3.118 million deficit for the Water Fund and \$3.596 million deficit for the Sewer Fund.

This report recommends that the draft documents be placed on public exhibition for community feedback.

87 RESOLVED (Degens/Townley) that Council:

1. Adopt the following documents for public exhibition:
 - 1.1 Draft 2016-2020 Delivery Program;
 - 1.2 Draft 2016/17 Operational Plan;
 - 1.3 Draft Delivery Program Budgets 2016-2020; and
 - 1.4 Draft Fees and Charges 2016/17.
2. Note that the draft documents will be placed on public exhibition for a 28-day period from Monday, 2 May until close of business on Monday, 30 May 2016, and that the community will be encouraged to provide feedback on the documents during that time.
3. Consider community submissions prior to adopting the final Delivery Program, Operational Plan, Delivery Program Budgets and Fees and Charges documents by 30 June 2016.

The Motion on being put to the meeting was carried unanimously.

BUSINESS SERVICES DEPARTMENT REPORTS

BS16/9 CONTRACT NO. RFT-747-TO PROVISION OF ELECTRICAL MAINTENANCE AND REPAIR SERVICES

Executive Summary

Council called tenders for the Provision of Electrical Maintenance & Repair Services Contract No-RFT-747-TO that closed on Tuesday 22 March 2016.

The tender was advertised for a two (2) year period commencing 17 May 2016 to 16 May 2018 with a further twelve (12) months option based on satisfactory supplier performance.

Prospective tenderers were advised that it was Council's preference to award the tender as a single source supplier or alternatively as a panel supplier contract, but Council simultaneously reserved the right to award sections of the contract to individual tenderers.

BS16/9 - Contract No. RFT-747-TO Provision of Electrical Maintenance and Repair Services (Cont'd)

88 RESOLVED (Rhoades/Sultana) that Council:

1. Accepts the panel tender offers of Grant Franklin Electrical, Ray Smith Electrical and Wardman Electrical and Data for the Provision of Electrical Maintenance and Repair of Council Buildings contract number- RFT-747-TO on the basis that:
 - a) The tender offers are the most suitable and advantageous following the application of Council's Tender Value Selection System.
 - b) The tenderer's have the necessary experience in similar works and their ability and performance are satisfactory
 - c) The three (3) tenderers will form a panel of suppliers who will be available on-call for use by Council staff. This three panel supplier choice arrangement will allow Council staff the flexibility in achieving the most cost effective outcome.
 - d) The tenderer's financial capacity is acceptable.
2. Approves the inclusion of a provision for a 12 month extension based on satisfactory supplier performance which may take this tender through to 16 May 2019.
3. Authorises the execution of the contract documents under Council's Seal.

The Motion on being put to the meeting was carried unanimously.

SUSTAINABLE INFRASTRUCTURE DEPARTMENT REPORTS

SI16/21 GARAGE SALE TRAIL 2016

Executive Summary

On 9 July 2015 Council resolved to investigate further involvement with Garage Sale Trail.

This included inviting Garage Sale Trail Pty Ltd to brief Councillors. This briefing was arranged for the 26 April 2016.

Staff investigations have revealed that it is more advantageous for Council to continue local reuse/waste avoidance/recycling programs in conjunction with Midwaste, than to continue involvement with Garage Sale Trail.

SI16/21 - Garage Sale Trail 2016 (Cont'd)

89 RESOLVED (Degens/Arkan) that Council:

1. Notes the contents of this report, and not participate in the Garage Sale Trail program.
2. Continue to support local reuse/waste avoidance/recycling programs in conjunction with Midwaste and other organisations.

The Motion on being put to the meeting was carried unanimously.

SI16/22 DRAFT BOAMBEE EAST COMMUNITY RESERVE PLAN OF MANAGEMENT

Executive Summary

The purpose of this report is to:

- seek Council approval to place the draft Boambee East Community Reserve Plan of Management on public exhibition for a period six weeks and,
- seek council approval to advertise a proposed license for the establishment of a Community Garden on the Boambee East Community Reserve

Boambee East Community Reserve is classified as Community land and is subject to the requirements of Division 2 of the Local Government Act 1993. The Reserve is situated on Bruce King Drive, approximately 7km south of the Coffs Harbour CBD.

In accordance with the requirements of Division 2, Council has prepared a Draft Plan of Management to guide current and future use and to meet the needs and expectations of the local community. The draft plan replaces the 1998 Dutton's Estate PoM, which is now inconsistent with the current provisions of the Act, as amended in 2000.

Council has been approached by members of the South Coffs Community Garden seeking land to establish a community garden within the southern area of the LGA. An assessment of sites determined that the Boambee East Community Reserve was the preferred location to establish the garden within the Boambee/Toormina/Sawtell locality, due to ease of access and nexus to the Boambee East Community Centre. The draft plan proposes use of the site to establish the garden, under license.

The draft Plan of Management will provide management direction for Council and give clarity to the community in terms of how the reserve is to be managed and the range of activities and development that will be supported on the reserve. The Plan of Management will also provide clarity and direction to current and future tenants. A Plan of Management will assist in seeking funding opportunities for the reserve as it sets out a clear path for development and establishes overall management intent.

SI16/22 Draft Boambee East Community Reserve Plan of Management (Cont'd)

90 RESOLVED (Arkan/Cowling) that Council:

1. Approve the advertisement of the Draft Boambee East Community Reserve Plan of Management Plan, in accord with Division 2 of the Local Government Act 1993, for a period of no less than 42 days;
2. Make a provisional offer to the South Coffs Community Garden Association (SCCGA) to use part of the Boambee East Community Reserve for the establishment of South Coffs Community Garden,
3. Approve the advertisement of the proposed license to the SCCGA for the purpose of establishing the Community Garden within the Boambee East Community Reserve, for a period of no less than 28 days.

The Motion on being put to the meeting was carried unanimously.

SI16/24 CONTRACT NO. RFT-716-TO - GORDON STREET-HARBOUR DRIVE INTERSECTION ROAD RECONSTRUCTION, TRAFFIC SIGNALS & DRAINAGE CONSTRUCTION

Executive Summary

Tenders were called for the Gordon Street-Harbour Drive intersection works in August 2015.

No conforming tenders were received. One non-conforming Tender was received from Ryan Earthmoving.

The nature of the non-conformance was in the timing of the works.

At its meeting of 27 August 2015 Council resolved to;

1. *Decline to accept any tender received for the Road reconstruction, traffic signals and drainage construction, Gordon Street-Harbour Drive intersection, Coffs Harbour; in accordance with S178(1)(b) of the Local Government Regulations;*
2. *Not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable contractors over and above those that have responded to this tender and will delay the project;*
3. *in accordance with S178(3)(e) of the Local Government Regulations, delegate authority for the General Manager to enter into negotiations with contractors that are suitably qualified and demonstrate a capability to undertake the scope of works with a view to entering into a contract in relation to the subject matter of the tender;*

Contract No. RFT-716-TO - Gordon St-Harbour Dr Intersection Road Reconstruction, Traffic Signals & Drainage Construction (Cont'd)

4. *Receive a further briefing regarding the process and pathway forward on this project;*
5. *Receive a report back on the result of negotiations.*

Following completion of additional design work to better define pavement construction works and electrical services works required, negotiations with two local contractors have resulted in a favorable outcome for the project as detailed in the confidential attachment to this report.

91 RESOLVED (Arkan/Innes) that Council:

1. Note the results of negotiations with a suitable contractor for the delivery of Road reconstruction, traffic signals and drainage construction, Gordon Street-Harbour Drive intersection, Coffs Harbour.
2. Note the recommended Contract for the work will be with Bob Chambers Pty Ltd for a lump sum price of \$1,710,372.00 to be paid by Council and Gowing Bros.
3. Note that Gowings Bros will be the signatory to the Contract.
4. Note the program for completion of the Works under Contract will limit the road closure to ten weeks (subject to weather) and will utilise night time work where practicable.
5. Note the amount of \$1,128,845.52 as the extent of Council's funding obligations for the contract (66% of the total lump sum cost) with Bob Chalmers Pty Ltd under the previously agreed Voluntary Planning Agreement with Gowings Bros.

VOTED FOR

Cr Rhoades
Cr Arkan
Cr Degens
Cr Townley
Cr Innes
Cr Knight
Cr Sultana

VOTED AGAINST

Cr Cowling

REQUESTS FOR LEAVE OF ABSENCE

No requests for leave of absence.

QUESTIONS ON NOTICE

QON16/2 COASTAL WORKS

Noted.

MATTERS OF AN URGENT NATURE

No matters of an urgent nature

This concluded the business and the meeting closed at 8.28 pm.

Confirmed: 12 May 2016.

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Denise Knight
Mayor