

The following document is the minutes of the Council and Committee meeting held on 9 February 2012. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 23 February 2012 and therefore subject to change. Please refer to minutes of 23 February 2012 for confirmation.



**COFFS HARBOUR CITY COUNCIL**  
**ORDINARY MEETING**  
**COUNCIL CHAMBERS**  
**COUNCIL ADMINISTRATION BUILDING**  
**COFF AND CASTLE STREETS, COFFS HARBOUR**  
**9 FEBRUARY 2012**

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## COFFS HARBOUR CITY COUNCIL

### ORDINARY MEETING

**9 FEBRUARY 2012**

Present: Councillors K Rhoades (Mayor), J Arkan, J Bonfield, R Degens, 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.

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 5.00 pm with the Mayor, Cr K D Rhoades in the chair.

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#### DISCLOSURES OF INTEREST

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

Councillor	Item	Type of Interest
Cr Bonfield	CB12/8 - Land Acquisition Update - Detention Basin and Flood Mitigation at West Coffs	Pecuniary

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#### APOLOGY

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- 3** **RESOLVED** (Hines/Knight) that an apology received from Councillor Graham for unavoidable absence be received and accepted.

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## PUBLIC FORUM

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Time	Speaker	Item
5.00 pm	Gary Dew Orara Valley River Care Group Management Committee	Orara Valley River Care Groups Rehabilitation Project

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## PUBLIC ADDRESS

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Time	Speaker	Item
5.05pm	Margaret Murphy Woolgoolga Retail Group	L12/5 - Planning Proposal – Rezoning of Lot 1 DP579511 and Lot 500 DP776362 Corner of Clarence and Pullen Streets, Woolgoolga - to Allow a Supermarket
5.10pm	Mark Daniels Builddev Development (NSW) Pty Ltd	L12/5 - Planning Proposal – Rezoning of Lot 1 DP579511 and Lot 500 DP776362 Corner of Clarence and Pullen Streets, Woolgoolga - to Allow a Supermarket
5.15pm	Ron Lewis, President Coffs Harbour Over 50's Table Tennis Club	CB12/1 - 189B Harbour Drive, Coffs Harbour (Old Museum)
5.20pm	Russ Atkinson Coffs Harbour Racing Club	GM12/2 - Coffs Harbour Half Day Race Day Public Holiday
5.25pm	Tony Benfield <i>(on behalf of Paul Hay)</i>	CB12/8 - Land Acquisition Update – Detention Basin and Flood Mitigation at West Coffs
5.30pm	Alex Tarasenko Village Building Company	L12/3 - Coffs Harbour City LEP 2000, Amendment No 34, North Coffs DCP and Draft North Coffs Developer Contributions Plan

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## CONFIRMATION AND ADOPTION OF MINUTES

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- 4 **RESOLVED** (Arkan/Hines) that the minutes of the Ordinary meeting held on 15 December 2011 be confirmed as a true and correct record of proceedings.

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## CONFIRMATION AND ADOPTION OF MINUTES

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- 5 **RESOLVED** (Palmer/Knight) that the minutes of the Ordinary meeting held on 16 January 2012 be confirmed as a true and correct record of proceedings.

## LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT

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**L12/5 PLANNING PROPOSAL – REZONING OF LOT 1 DP579511 AND LOT 500 DP776362 CORNER OF CLARENCE AND PULLEN STREETS, WOOLGOOLGA - TO ALLOW A SUPERMARKET**

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The purpose of this report is to inform Council of the response to the statutory public exhibition of the planning proposal and to seek Council's endorsement of the planning proposal to progress the matter to NSW Planning and Infrastructure (P&I) to enable the redevelopment of the former Raj Mahal site at 39-41 Clarence Street, Woolgoolga (Lot 1 DP579511 and Lot 500 DP776362) for a supermarket.

- 6 **RESOLVED** (Templeton/Palmer) that:
1. Council endorse the final planning proposal by amending Clause 24 of Coffs Harbour Local Environmental Plan (LEP) 2000 and including at Lot 1, DP 579511 and Lot 500 DP 776362, corner Clarence Street and Pullen Street, Woolgoolga limiting development to a supermarket only with a total floorspace of 3,850m<sup>2</sup> and a floor space ratio of 0.33:1.
  2. The planning proposal be forwarded to NSW Planning and Infrastructure to coordinate the legal drafting of the LEP instrument and the making of the LEP.
  3. Upon completion of the legal instrument being drafted, that the Minister for Planning be requested to make a LEP.
  4. Council inform the landowner and all submission authors of Council's decision.
  5. Under Section 57(5) of the Environmental Planning and Assessment Act, 1979, Council considers that the issues raised in the public submissions are not of significance to warrant a hearing. This decision is based on the numerous investigations and supporting consultation that has occurred within the Woolgoolga locality on commercial and business strategy development since the late 1990s.
  6. Council consider in the 2012/2013 Operational Plan, a review of the Woolgoolga Master Plan including undertaking a Business Retention and Expansion survey.

**VOTED FOR**

Cr Templeton  
Cr Bonfield  
Cr Rhoades  
Cr Palmer  
Cr Arkan  
Cr Degens

**VOTED AGAINST**

Cr Hines  
Cr Knight

## CORPORATE BUSINESS DEPARTMENT REPORT

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### CB12/1 189B HARBOUR DRIVE, COFFS HARBOUR (OLD MUSEUM)

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To report to Council on the use of the community premises at 189B Harbour Drive, Coffs Harbour.

**7 RESOLVED** (Arkan/Hines) that:

1. The premises known as 189B Harbour Drive, Coffs Harbour continue to be managed as part of the Community Village.
2. The two local Table Tennis Clubs be allowed to continue to hire the venue.
3. The other organisations that submitted an expression of interest in using the premises be contacted and encouraged to book times and dates that are available.

**Cr Hines left the meeting, the time being 6.25pm.**

## GENERAL MANAGER'S REPORT

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### GM12/2 COFFS HARBOUR HALF DAY RACE DAY PUBLIC HOLIDAY

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For Council to make a determination on the continuation of the Coffs Harbour Race Day half day local public holiday every August for the City of Coffs Harbour.

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

1. Under the *Public Holidays Act 2010* Council makes application to the Minister for the first Thursday in August 2012 to be declared a half day public holiday for the Coffs Harbour area.
2. As a matter of policy, Council makes application to the Minister in subsequent years for the first Thursday in August to be declared a half day public holiday.

**Cr Hines returned to the meeting, the time being 6.27pm.**

## LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT

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### **L12/3 COFFS HARBOUR CITY LOCAL ENVIRONMENTAL PLAN (LEP) 2000 AMENDMENT NO. 34 (PP\_2010\_COFFS\_001\_00); NORTH COFFS DEVELOPMENT CONTROL PLAN; AND DRAFT NORTH COFFS DEVELOPER CONTRIBUTIONS PLAN**

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The purpose of this report is to:

- inform Council of the outcome of the exhibition of draft Coffs Harbour City Local Environmental Plan (LEP) 2000 (Amendment No. 34);
- present to Council the North Coffs Development Control Plan (DCP); and
- present to Council the draft North Coffs Developer Contributions Plan.

#### **9 RESOLVED** (Arkan/Palmer) that:

1. Council adopt Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 34).
2. In accordance with Section 58 of the Environmental Planning and Assessment Act 1979, Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 34) (as amended) be submitted to the Minister (Planning and Infrastructure) to make the plan.
3. Council include that part of Lot 3 DP 270533 above the 55 metre AHD contour as a deferred matter of Coffs Harbour City Local Environmental Plan 2000 (Amendment No 34). This deferral will provide further opportunity to address planning issues associated with access, bushfire control and servicing of this land.
4. Council be provided with a future report presenting the outcome of addressing planning issues within the deferred areas of the Coffs Harbour City LEP 2000 (Amendment No. 34).
5. Council adopt the North Coffs Development Control Plan with an amendment to Part 4 providing for residential building with a maximum height of 17.5 metres.
6. That as a matter of policy Council consider a height review across the City as part of the City Wide planning controls.
7. Parties who made a submission to the Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 34) and to the North Coffs Development Control Plan be informed of Council's decision.
8. Council adopt the draft North Coffs Developer Contributions Plan for exhibition purposes.
9. Council be provided with a future report, presenting the outcome of the exhibition of the draft North Coffs Developer Contributions Plan.

#### **VOTED FOR**

Cr Templeton  
Cr Hines  
Cr Knight  
Cr Bonfield  
Cr Rhoades  
Cr Palmer  
Cr Arkan  
Cr Degens

#### **VOTED AGAINST**

Nil

**MOTION**

- 10 **MOVED** (Arkan/Degens) that report L12/8 be brought forward.

**LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT**

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**L12/8      FUNDING      FOR      BONVILLE      RURAL      RESIDENTIAL  
                 ENVIRONMENTAL STUDIES**

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The purpose of this report is to provide Council with further information on the progress of the Bonville Rural Residential investigation area.

- 11 **RESOLVED** (Degens/Templeton) that:

1. Council allocate \$300,000 from the 2012/13 budget to provide funds for the relevant environmental studies to enable the appropriate lands within the Bonville Rural Residential Candidate area to be rezoned for rural residential purposes.
2. The allocation of \$300,000 in the 2012/13 budget, mentioned above, be expended on the basis of forward funding the relevant environmental studies, with the resultant Developer Contribution Plan for the Bonville Rural Residential area being framed in a manner to recover this investment.
3. The landholders within the Bonville Rural Residential Candidate area be advised of Council's decision in this matter.
4. That Council expedite this matter.

**VOTED FOR**

Cr Templeton  
Cr Hines  
Cr Knight  
Cr Bonfield  
Cr Rhoades  
Cr Palmer  
Cr Arkan  
Cr Degens

**VOTED AGAINST**

Nil



## **MOTION**

- 12 **MOVED** (Arkan/Templeton) that report CS12/2 be brought forward.

## **CORPORATE BUSINESS DEPARTMENT REPORT**

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### **CS12/2 FUTURE DIRECTIONS OF THE BUNKER CARTOON GALLERY**

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To make recommendations to Council regarding options for the ongoing operation of the Bunker Cartoon Gallery.

- 13 **RESOLVED** (Arkan/Degens) that:
1. The Bunker Cartoon Gallery Business Plan be noted by Council.
  2. Council agree to addressing the issues raised in the Business Plan and that a further report be provided to Council outlining specific actions, following further consultation with the stakeholders.

**The meeting adjourned for a short recess, the time being 6.52pm and reconvened at 6.57pm.**

## **GENERAL MANAGER'S REPORT**

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### **GM12/1 DESTINATION 2036 - DRAFT ACTION PLAN**

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To summarise the draft Destination 2036 Action Plan and suggest Council make a submission to the NSW Division of Local Government.

- 14 **RESOLVED** (Arkan/Knight) that Council indicates its support in general for the draft Destination 2036 Action Plan and authorise the submission contained in the Attachment to this report.

## **LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORTS**

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### **L12/1 ALTERNATIVE LANDFILL COVER TRIAL**

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To report on and obtain a resolution of Council to not call tenders for the supply of an alternative to daily soil cover at the Englands Road Resource Recovery Park landfill.

- 15 **RESOLVED** (Arkan/Palmer) that In accordance with Section 55(3) of the Local Government Act 1993, Council resolve not to call tenders for the supply of 'Landfill Lids' due to the unavailability of competitive tenderers resulting from the landfill's Environmental Protection Licence requiring the use of a specific product.

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**L12/2      DEVELOPMENT APPLICATION 0206/12 – SUBDIVISION (FIVE LOTS, INCLUDING NEW ROAD) – LOT 13 DP 855740, ORARA STREET, NANA GLEN**

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This report describes Development Application 0206/12 for a five lot Torrens Title subdivision, including public road at Lot 13, DP 855740, Orara Street, Nana Glen. Conditional approval of the application is recommended.

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

1. The objections under SEPP No. 1 - Development Standards for the variation to the minimum allotment size under Clause 18(4) of Coffs Harbour Local Environmental Plan 2000 be supported in this particular case.
2. Development Application 0206/12 for Subdivision (five lots, including new road) of Lot 13, DP 855740, Orara Street, Nana Glen be approved subject to conditions appended to this report (Appendix C).
3. Parties who made a submission to this application are informed of Council's decision.

**VOTED FOR**

Cr Templeton  
Cr Hines  
Cr Knight  
Cr Bonfield  
Cr Rhoades  
Cr Palmer  
Cr Arkan  
Cr Degens

**VOTED AGAINST**

Nil

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**L12/4 COFFS HARBOUR CITY LOCAL ENVIRONMENTAL PLAN (LEP)  
2000 AMENDMENT NO. 38 (PP\_2101\_COFFS\_002\_00) THAKRAL  
LANDS IN NORTH COFFS**

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The purpose of this report is to inform Council of the outcome of the public exhibition of the draft Coffs Harbour City Local Environmental Plan (LEP) 2000 (Amendment No. 38). The report recommends that Council adopt a final Coffs Harbour City LEP 2000 (Amendment No. 38). Coffs Harbour City LEP 2000 (Amendment No. 38) is attached to this report.

**17 RESOLVED** (Arkan/Palmer) that

1. That Council adopt Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 38);
2. In accordance with Section 58 of the Environmental Planning and Assessment Act 1979, Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 38) (as attached to this report) be submitted to the Minister (Planning and Infrastructure) to make the plan.
3. That parties who made a submission to Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 38) be informed of Council's decision.
4. That should this Local Environmental Plan be made prior to the North Coffs Local Environmental Plan 2000 (Amendment No. 34), that the North Coffs Development Control Plan (as circulated separately) would be enforced for the land subject to Local Environmental Plan 2000 (Amendment No. 38).

**VOTED FOR**

Cr Templeton  
Cr Hines  
Cr Knight  
Cr Bonfield  
Cr Rhoades  
Cr Palmer  
Cr Arkan  
Cr Degens

**VOTED AGAINST**

Nil

The purpose of this report is to seek Council's endorsement of recommended modifications to draft Coffs Harbour Local Environmental Plan 2012 (draft LEP 2012) in order to:

1. implement appropriate recommendations from the Review of the Business Centres Hierarchy (BCH) Final Report, as reported to Council on 15 December 2011; and
2. undertake minor additional amendments as outlined in this report.

The draft Plan, once gazetted, will apply to the entire local government area (LGA) and will repeal the provisions of both Coffs Harbour Local Environmental Plan 2000 (LEP 2000) and Coffs Harbour City Centre Local Environmental Plan 2011.

The draft Plan was last reported to Council for endorsement on 23 June 2011 (under the name of draft Coffs Harbour Local Environmental Plan 2011). The subject report details alterations which have been made to the draft LEP since it was last reported to Council. If items are not mentioned in the report, it means there is no change made to the LEP in relation to that item since previously reported.

**MOVED** (Arkan/Degens) that:

1. Council endorse draft Coffs Harbour Local Environmental Plan 2012.
2. Council seek authority from NSW Planning and Infrastructure to issue a certificate under Section 65 of the Environmental Planning and Assessment Act, 1979 to allow draft Coffs Harbour Local Environmental Plan 2012 to be exhibited.
3. Upon complying with all conditions established at Section 65 certification, draft Coffs Harbour City Local Environmental Plan 2012 be exhibited for a period of six weeks (or such other period to be advised by NSW Planning and Infrastructure) in accordance with NSW Planning and Infrastructure's project timeframe.
4. Council seek a suitable split lot subdivision clause from NSW Planning and Infrastructure for insertion into draft Coffs Harbour Local Environmental Plan 2012 (and any modification of the Lot Size Maps to suit the intention of the clause), as a condition of the certificate under Section 65 of the Environmental Planning and Assessment Act, 1979, should such a clause become available prior to the exhibition of draft Coffs Harbour Local Environmental Plan 2012.
5. All persons directly affected by the draft Plan be advised of Council's decision by notification in relevant newspapers at the time the draft Plan is placed on exhibition.
6. Item 10, Subclause 2 of Schedule 1 of draft Coffs Harbour Local Environmental Plan 2012 be amended to read:
  - (2) Development for the purpose of retail premises (supermarket only not exceeding 3850 square metres gross floor area and floor space ratio of 0.33:1) is permitted with consent.
7. That draft clause 7.4 'Commercial premises in certain business zones' of draft Coffs Harbour LEP 2012 be amended to removed Subclause (2), thus removing the requirement that development consent must not be granted to development for business, office and retail premises if they exceed 750 square metres per premise in the B4 Mixed Use Zone.

**Cont'd**

**AMENDMENT**

- 18 MOVED** (Palmer/Hines) that the matter be deferred to the meeting of 23 February 2012 and a briefing to be held prior to the meeting.

**VOTED FOR**

Cr Templeton  
Cr Hines  
Cr Knight  
Cr Bonfield  
Cr Rhoades  
Cr Palmer  
Cr Arkan  
Cr Degens

**VOTED AGAINST**

Nil

The **AMENDMENT** on being put to the meeting was **CARRIED**, it then became the **MOTION**.

**VOTING ON THE MOTION**

**VOTED FOR**

Cr Templeton  
Cr Hines  
Cr Knight  
Cr Bonfield  
Cr Rhoades  
Cr Palmer  
Cr Arkan  
Cr Degens

**VOTED AGAINST**

Nil

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**L12/7 NSW PLANNING SYSTEM REVIEW – ISSUES PAPER**

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The purpose of this report is to:

1. Provide Council with an update on the NSW Government's NSW Planning System Review and Issues Paper.
2. Seek Council's endorsement of the attached submission to the review.

- 19 RESOLVED** (Bonfield/Arkan) that:

1. Council note the information provided in this report giving an update on the NSW Government's NSW Planning System Review and Issues Paper.
2. Council endorse the attachment of this report as a submission to the NSW Government's NSW Planning System Review and Issues Paper; for lodgment to the NSW Government's NSW Planning System Review Panel before the 17 February 2012.

## CITY SERVICES DEPARTMENT REPORTS

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### CS12/3 NSW LONG TERM TRANSPORT MASTER PLAN

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To report on response from NSW Department of Transport in relation to the development of a Regional Transport Plan and the inclusion of a local rail feasibility study.

**20 RESOLVED** (Hines/Arkan) that:

Council note the terms of reference for the NSW Long Term Transport Master Plan and continue discussion through the Local Government Advisory Group on future Transport needs for the Coffs Harbour region including rail, road, buses, cycling, and walking.

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### CS12/4 TENDER: NORTHERN AMENITIES BLOCK UPGRADE - COFFS HARBOUR JETTY FORESHORES TENDER (CONTRACT NO. RFT-509-TO)

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To report on tenders received for Contract RFT-509-TO for the upgrading of the Northern Amenities Block on Jordan Esplanade at the Jetty Foreshores, and to gain Council approval to accept a tender.

**21 RESOLVED** (Palmer/Hines) that:

1. Council accept the tender of Robert Shone Constructions P/L, ABN 84 056 803 439, for the Lump Sum amount of \$117,240, 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 Tenderer's financial capacity is acceptable
2. The contract documents be executed under the Seal of Council.

## CORPORATE BUSINESS DEPARTMENT REPORTS

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### CB12/2 EVENT FUNDING PROPOSAL

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To gain Council's support of the 2012 – 2014 CoastOut Festival.

**22 RESOLVED** (Palmer/Degens) that Council give consideration in its budget preparation to support the proposal to host the 2012, 2013 and 2014 CoastOut Festival and provide sponsorship funding of \$20,000 (2012), \$10,000 (2013) and \$10,000 (2014) toward the event operation.

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**CB12/3 ENTERTAINMENT / PERFORMANCE CENTRE PROPOSAL**

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Report on the availability of grant funds, likely cost of loan funds and an estimate of net operating costs.

**23 RESOLVED** (Arkan/Hines) that:

1. The report on the costs of financing the construction and operation of an Entertainment / Performance Centre be noted.
2. The information contained in the report be retained and used to inform future strategic planning and possible funding of an Entertainment / Performance Centre.

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**CB12/4 ENVIRONMENTAL LEVY PROJECTS REPORT 2010/11**

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To provide Council with a status report on the projects funded under the Environmental Levy (EL) Program.

**24 RESOLVED** (Palmer/Degens) that:

1. Council notes the status of Environmental Levy Projects as at 30 June 2011 as outline in attachment "A".
2. The following projects' over-expenditures be allocated from existing Environmental Levy projects  
Project Deficit Funds  
\$  
Bushland Regeneration \$2,033.89  
Environmental Weed Control – Camphor Laurel Removal (\$2,033.89)
3. The following projects' surplus funds be returned to the funding pool for allocation to future projects.  
Project Surplus Funds  
\$  
Green School Sustainability Fund \$ 18,262.10  
Impact on Freshwater Ecosystems \$ 4,688.35  
Adaptation for Climate Change in Coffs Harbour \$ 4,890.74  
Coffs Ambassadors Interpretive Tours \$ 3,176.35  
Repair Creek Banks Surrounding Edward Sharpe Bridge \$ 2,054.55  
Pine / Celtis / Pepper Tree \$ 21,419.83  
Total \$ 54,491.92
4. The Emergency Opening Arrawarra Creek surplus funds of \$3,917.68 be returned to the Reserve pool for re-allocation.
5. Coffs Ambassadors Interpretive Tours \$3,000 from 2010/11 savings be revoted to allow for Advanced Training of Coffs Ambassadors by NPWS Discovery Rangers on 4 December 2011.
6. Beacon Hill Regeneration / Assessment Project  
It is recommended the remaining funds of \$9,490.00 be transferred to the EL Pool pending allocation to Marine Rescue CCTV. It is subject to Marine Rescue sourcing remaining funds required to implement CCTV to service the Beacon Hill Marine Rescue facility.
7. It be noted the report to this meeting "Financial Result for Year Ended 30 June 2011" incorporates the Environmental Levy Revotes as recommended in this Report.
8. Council continues to monitor the Environmental Levy Program to ensure the earliest completion of projects.

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**CB12/5 COFFS HARBOUR REGIONAL AIRPORT RUNWAY UPGRADE FUNDING**

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To seek Council approval to raise a loan and apply for a 4% interest subsidy under the NSW Local Infrastructure Renewal Scheme in regards to the Coffs Harbour Regional Airport runway upgrade.

**25 RESOLVED** (Bonfield/Hines) that:

1. Council approves the raising of a loan to fund the Coffs Harbour Regional Airport Runway upgrade estimated to cost \$5 million, to be repaid by funds generated from the airport.
2. Council gives approval to apply for an interest subsidy under the NSW Government's Local Infrastructure Renewal Scheme (LIRS) in respect of the loan for the airport runway resurfacing project.
3. Offers for an estimated loan of \$5 million be sought from appropriate lending institutions.
4. Delegated authority be given to the General Manager to accept the most suitable loan offer.
5. The Mayor and General Manager be authorised to execute all documents associated with the loan under Common Seal of Council.

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**CB12/6 COFFS HARBOUR JETTY FORESHORE PROJECT**

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To present to Council recommendations in relation to the next steps for the Coffs Harbour Jetty Foreshore Project.

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

1. Council write to the Minister for Crown Lands, Katrina Hodgkinson, requesting an opportunity to brief her on the project preferably in Coffs Harbour and on site, otherwise in her offices in Sydney, at a convenient time to her within the next two months. That the Minister be requested to also invite other relevant ministers, including the Minister for Regional Development, the Minister for the North Coast, the Minister for Tourism and the Local Member for Coffs Harbour.
2. Council endorse in principle the Memorandum of Understanding and continue to develop the agreement in consultation with the Department of Primary Industries (Crown Lands) and the Minister.
3. Council endorse the concept of signing an agreement along the lines of the Gosford City Centre Protocol and that a further report come back to Council containing the final documentation for this.



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**CB12/7 MONTHLY BUDGET REVIEW FOR NOVEMBER 2011**

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To report on the estimated budget position as at 30 November 2011

**27 RESOLVED** (Degens/Hines) that:

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

Estimated Budget Position as at 30 November 2011:

	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 October 2011	(160,770) (S)	Nil	Nil
Recommended variations for November 2011	(35,256) (S)	Nil	Nil
Estimated result as at 30 November 2011	<u>(13,806) (S)</u>	<u>4,897,205 (D)</u>	<u>3,591,600 (D)</u>

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**CB12/8 LAND ACQUISITION UPDATE - DETENTION BASIN AND FLOOD  
MITIGATION AT WEST COFFS**

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**Cr Bonfield declared an interest in the following item, vacated the chamber and took no part in the discussion or voting, the time being 7.56pm.**

To update Council on the progress of land acquisitions required at West Coffs for flood mitigation and detention basin purposes.

**28 RESOLVED** (Templeton/Hines) that:

1. Council notes the status of land acquisition matters associated with the detention basins in the West Coffs locality.
2. Mr Hay be informed that Council will not pay in excess of market value for the property known as 38 Bennetts Road, Coffs Harbour.

**Cr Bonfield returned to the meeting, the time being 8.06pm.**

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**CB12/9 TENDER: PROVISION OF SECURITY AND MONITORING SERVICES**

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To report on the tenders received for the provision of security and monitoring services and to gain Council approval.

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

1. Council accepts the tender offer of SNP Security for the Provision of Security and Monitoring Services contract number- RFT-510-TO from a local Coffs Harbour premises for an estimated annual tender value of \$321,609.00 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) SNP Security is Council's current contractor for the provision of security and monitoring services and has successfully carried out tendered work on behalf of Coffs Harbour City Council since 2004.
  - c) Whilst the acceptance of SNP Security as Council's contractor will result in an estimated total annual increase of 33% (some services will only increase by 9%), Council have demonstrated due diligence in going out to tender and testing the marketplace. Council administrators of this contract have long been aware that the current tender rates are well below the real commercial value to carry out these services, and were not sustainable.
  - d) There are some possible communication risks to Council in monitoring these extremely important after hour monitoring services (telephone, telemetry and two-way radio) from a remote location, eg Lismore. Also identified was the reality of ongoing training and maintenance costs (eg travel, accommodation, labour etc) of Council owned equipment for staff to attend at a remote location.
  - e) SNP Security was the only tenderer who offered a sustainable contract price for after hours monitoring services (telephone, telemetry and two-way radio) from a local Coffs Harbour premise.
  - f) 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.
2. Provision be allowed for a 12 (twelve) month extension based on satisfactory supplier performance which may take this tender through to 31 March 2015.
  3. The contract documents be executed under Council's Seal.

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**REQUESTS FOR LEAVE OF ABSENCE**

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- 30 RESOLVED** (Arkan/Templeton) that Cr Bonfield be granted leave of absence from Council from 23 February and 8 March 2012.

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**MATTERS OF AN URGENT NATURE**

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**MUN12/1 Coffs Harbour City Council v Minister for Planning and Infrastructure & Ors;  
Land and Environment Court Proceedings No. 11/40219  
Concept Plan Approval 05\_0083**

1. As Council is aware our challenge in the Local Environment Court (LEC) regarding the validity of the Part 3A approval of a concept plan for development at Hearn's Lake was not successful.
2. To enable Council to form a position with regard to the LEC judgement, we are presently seeking a legal opinion (Senior Counsel) with regard:
  - View as to the adequateness of the judgement
  - Potential areas of the judgement which may be the subject of further appeal
  - Likelihood of success in any appeal
  - Likely costs associated with any appeal.
3. A report to Council is planned for 23 February, a good portion of which is likely to be in closed session for reasons of legal privilege.

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**QUESTION ON NOTICE**

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**QON12/1 Old Museum - Update**

Councillor Denise Knight asked the following question:

What has happened with the Old Museum and is there a new \$40,000 floor?

Staff Comment:

A report has been prepared for Council's consideration at the meeting to be held on 9 February 2012. The floor coverings were replaced as part of renovations following the 2009 flood, paid for by insurance monies. The cost was approximately \$30,000.

This concluded the business and the meeting closed at 8.11 pm.

Confirmed: 23 February 2012

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Keith Rhoades AFSM  
Mayor