

The following document is the minutes of the Council and Committee meeting held on 10 April 2014. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 8 May 2014 and therefore subject to change. Please refer to minutes of 8 May 2014 for confirmation.



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
10 APRIL 2014

Contents

ITEM	DESCRIPTION	PAGE
COMMUNITY DEVELOPMENT DEPARTMENT REPORT		
CD14/6	ENTERTAINMENT/PERFORMING ARTS FACILITY - COMMUNITY ENGAGEMENT PLAN	3
CITY INFRASTRUCTURE SERVICES DEPARTMENT REPORT		
CIS14/13	395 CORAMBA ROAD, COFFS HARBOUR - BENNETTS ROAD DETENTION BASIN	4
CORPORATE BUSINESS DEPARTMENT REPORT		
CB14/20	TENDER RFT-606-TO - ADVERTISING SERVICES AT COFFS HARBOUR REGIONAL AIRPORT	5
MAYORAL MINUTE		
MM14/1	GENERAL MANAGER'S CONTRACT RENEWAL	6
GENERAL MANAGER'S REPORTS		
GM14/12	GOVERNANCE AND AUDIT COMMITTEE - ANNUAL REPORT TO COUNCIL 2013	8
GM14/13	DRAFT 2014/2018 DELIVERY PROGRAM AND DRAFT 2014/2015 OPERATIONAL PLAN	8

ITEM	DESCRIPTION	PAGE
CORPORATE BUSINESS DEPARTMENT REPORTS		
CB14/17	MONTHLY BUDGET REVIEW FOR FEBRUARY 2014	9
CB14/18	DEVELOPER CONTRIBUTION PLAN REVIEW	9
CB14/19	PROPOSED LEASE TO AIR SERVICES AUSTRALIA TO ESTABLISH AIRPORT RESCUE AND FIRE FIGHTING SERVICES	10
COMMUNITY DEVELOPMENT DEPARTMENT REPORT		
CD14/7	MANAGEMENT OF SPORTZ CENTRAL, BRAY STREET, COFFS HARBOUR - UPDATE AND OPTIONS	11
CITY INFRASTRUCTURE SERVICES DEPARTMENT REPORTS		
CIS14/14	ACQUISITION OF LAND FOR RECONSTRUCTION OF SECOMBS BRIDGE, DAIRYVILLE ROAD, UPPER ORARA	11
CIS14/15	UPDATE ON BOAT RAMP AND BROADER ISSUES WITH SAND INFILLING OF COFFS HARBOUR	12
MATTERS OF AN URGENT NATURE		
MUN14/4	Roads to Recovery	12
MUN14/5	Curry Fest Signage	12
MUN14/6	Curry Fest Funding	13



COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

10 APRIL 2014

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

Staff: General Manager, Director City Infrastructure Services, Director City Planning, Director Community Development, Director Corporate Business and Executive Assistant

Leave of Absence: Councillor Townley

The meeting commenced at 5.02 pm with the Mayor, Cr D Knight in the chair.

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 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	CIS14/15 - Update on Boat Ramp and Broader Issues with Sand Infilling of Coffs Harbour	Non Pecuniary Less Than Significant Conflict as her husband uses the boat ramp
Cr Palmer	CB14/20 - Tender RFT-606-TO - Advertising Services at Coffs Harbour Regional Airport	Non Pecuniary Less Than Significant Conflict as a member of an industry association who submitted a tender.
General Manager	MM14/1 - General Manager's Contract Renewal	Pecuniary as the report deals with his future employment.

APOLOGY

No apologies

PUBLIC ADDRESS

Time	Speaker	Item
5.00pm	Jo Sutherland	CD14/6 Entertainment/Performing Arts Facility – Community Engagement Plan
5.05pm	Cathy Mackay	CIS14/13 395 Coramba Road, Coffs Harbour – Bennetts Road Detention Basin
Cr Palmer left the meeting, the time being 5.18pm		
5.10pm	Barry Lee	CB14/20 Tender RFT-606-TO – Advertising Services at the Coffs Harbour Regional Airport
Cr Palmer returned to the meeting, the time being 5.27pm.		

CONFIRMATION AND ADOPTION OF MINUTES

- 90** **RESOLVED** (Palmer/Arkan) that the minutes of the Ordinary meeting held on 27 March 2014 be confirmed as a true and correct record of proceedings.

Cr Palmer requested that the minutes be amended as Cr Rhoades was on a leave of absence however was recorded as voting in a Division for CIS14/12.

COMMUNITY DEVELOPMENT DEPARTMENT REPORT

CD14/6 ENTERTAINMENT/PERFORMING ARTS FACILITY - COMMUNITY ENGAGEMENT PLAN

The purpose of this report is to establish Council's commitment to undertake a comprehensive community engagement program to assess the community's interest and willingness to pay for the provision and operation of a cultural facility/ies.

91 RESOLVED (Degens/Arkan) that:

1. Council undertakes a clear comprehensive community engagement process regarding the provision of an Entertainment Centre, Central Library and Regional Art Gallery.
2. A draft engagement strategy be developed and reported to Council for adoption.

AMENDMENT

MOVED (Cowling/Sultana) that:

1. A media campaign be commenced immediately with sufficient detail for an informed comment.
2. That the results of this campaign for a comprehensive consultation in the latter half of 2014 preferably not over the December / January period.
3. That a briefing be held with Councillors before a draft plan for the engagement strategy is reported to Council.

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

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

DIVISION

92 MOVED (Rhoades/Arkan) that a division be called, and those members voting for and against the motion were recorded:

VOTED FOR

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

VOTED AGAINST

Cr Cowling

CITY INFRASTRUCTURE SERVICES DEPARTMENT REPORT

**CIS14/13 395 CORAMBA ROAD, COFFS HARBOUR - BENNETTS ROAD
DETENTION BASIN**

To update Council on the progress of property acquisition issues at 395 Coramba Road, Coffs Harbour.

MOTION

- 93 RESOLVED** (Arkan/Sultana) that negotiations continue for a further period of 4 months with the landowners of Lot 1, DP 134234 with the intention of purchasing that part of the property affected by the easement for inundation shown on DP 1177880 until a satisfactory fair and just compensation be awarded.

AMENDMENT

MOVED (Rhoades/Innes) that Council adopt the recommendation in the confidential attachment to this report.

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

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

DIVISION

- 94 MOVED** (Palmer/Rhoades) that a division be called, and those members voting for and against the motion were recorded:

VOTED FOR	VOTED AGAINST
Cr Arkan	Cr Palmer
Cr Cowling	Cr Innes
Cr Knight	Cr Rhoades
Cr Degens	
Cr Sultana	

The Mayor noted that she was disappointed that the speaker addressing Council was aware of what was within the confidential recommendation.

CORPORATE BUSINESS DEPARTMENT REPORT

Cr Palmer declared an interest in the following item, vacated the chamber and took no part in the discussion or voting, the time being 6.21pm.

CB14/20 TENDER RFT-606-TO - ADVERTISING SERVICES AT COFFS HARBOUR REGIONAL AIRPORT

To report back to Council on options for the advertising at Coffs Harbour Regional Airport and recommend a way forward.

95 RESOLVED (Rhoades/Innes) that:

1. Council accept the tender of Interspace Airport Advertising Australia Pty Ltd ABN for Contract No. RFT-606-TO, Provision of Advertising Services at Coffs Harbour Regional Airport, for the lump sum of \$212,334.00 on the basis that:
 - 1.1 The tender is the most advantageous tender following the application of Council's Tender Value Selection System.
 - 1.2 The Tenderer has the necessary experience in similar works and its ability and performance are satisfactory.
 - 1.3 The Tenderer's financial capacity is acceptable.
2. The contract documents be executed under the Seal of Council.

AMENDMENT

MOVED (Cowling/Sultana) that this matter be deferred until a decision has been reached on this matter both at ICAC and Department of Local Government enquiry into the advertising tender at Coffs Harbour regional airport in 2008.

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

AMENDMENT

MOVED (Degens/) that following the provision and consideration of the additional information on options for Provision of Advertising Services at Coffs Harbour Regional Airport, Contract No RFT-606-TO, Council now resolves to manage this function within the airport operation or another service area of Council.

The Amendment lapsed in the absence of a seconder.

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

Cont'd

CB14/20 Tender RFT-606-TO - Advertising Services at Coffs Harbour Regional Airport ...(Cont'd)

DIVISION

- 96** **MOVED** (Sultana/Rhoades) that a division be called, and those members voting for and against the motion were recorded:

VOTED FOR	VOTED AGAINST
Cr Arkan	Cr Cowling
Cr Knight	Cr Degens
Cr Innes	Cr Sultana
Cr Rhoades	

Cr Palmer returned to the meeting, the time being 7.01pm.

The General Manager declared a pecuniary interest in the following item, vacated the chamber and took no part in the discussion, the time being 7.02pm.

MAYORAL MINUTE

MM14/1 GENERAL MANAGER'S CONTRACT RENEWAL

For Councillors endorsement for the Mayor to sign the renewal of the contract of employment for the current General Manager in accordance with Councils discretion.

- 97** **RESOLVED** (Knight/Rhoades) that:
1. In accordance with Clause 5 of the Standard Contract of Employment for General Managers of Local Councils in New South Wales, that Council re-appoint Stephen Charles McGrath to the position of General Manager subject to:
 - 1.1 The contract being the Standard Contract of Employment for General Managers of Local Councils in New South Wales and under the existing terms and conditions.
 - 1.2 That the term be for a period of four (4) years.

Cont'd

MM14/1 General Manager's Contract Renewal ...(Cont'd)

AMENDMENT

MOVED (Cowling/) that:

1. That the General Manager's contract be put out to open market.
2. That this process be handled, in house, with all Councillors that wish to be involved, participate in the whole recruitment and selection process.

The Amendment lapsed in the absence of a seconder.

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

DIVISION

- 98** **MOVED** (Cowling/Rhoades) that a division be called, and those members voting for and against the motion were recorded:

VOTED FOR	VOTED AGAINST
Cr Arkan	Cr Cowling
Cr Palmer	
Cr Knight	
Cr Degens	
Cr Sultana	
Cr Innes	
Cr Rhoades	

SUPPLEMENTARY MOTION

- 99** **RESOLVED** (Rhoades/Innes) that Cr Cowling be given to the rising of the next meeting of Council to apologise publicly for comments made regarding the integrity of the General Manager.

The **MOTION** on being put to the meeting resulted in a tied vote. The Mayor used her casting vote and the **MOTION** was declared **CARRIED**.

DIVISION

- 100** **MOVED** (Rhoades/Innes) that a division be called, and those members voting for and against the motion were recorded:

VOTED FOR	VOTED AGAINST
Cr Knight	Cr Arkan
Cr Palmer	Cr Degens
Cr Innes	Cr Cowling
Cr Rhoades	Cr Sultana

The General Manager returned to the meeting, the time being 7.32pm.

GENERAL MANAGER'S REPORTS

GM14/12 GOVERNANCE AND AUDIT COMMITTEE - ANNUAL REPORT TO COUNCIL 2013

The purpose of this report is to inform Council on the activities of the Governance and Audit Committee for the calendar year 2013. The report of the committee is attached to this business paper.

- 101 RESOLVED** (Arkan/Palmer) that Council notes the activities of the Governance and Audit Committee for 2013 as outlined in the attachment.

GM14/13 DRAFT 2014/2018 DELIVERY PROGRAM AND DRAFT 2014/2015 OPERATIONAL PLAN

The Draft 2014/2018 Delivery Program and Draft 2014/2015 Operational Plan are presented for Council's consideration. The documents include the Draft 2014/2018 Budgets and the Draft Fees and Charges 2014/2015.

- 102 RESOLVED** (Palmer/Arkan) that:
1. Council adopt the following documents for public exhibition:
 - 1.1. Draft 2014/2018 Delivery Program;
 - 1.2. Draft 2014/2015 Operational Plan;
 - 1.3. Draft Division Budgets 2014/2018; and
 - 1.4. Draft Fees and Charges 2014/2015.
 2. Council note that the draft documents will be placed on public exhibition for a 28-day period from Friday 11 April 2014 until close of business on Friday, 9 May 2014, and that the community will be encouraged to provide feedback on the documents during that time.
 3. Council consider community submissions prior to adopting the final Delivery Program, Operational Plan, Division Budgets and Fees and Charges documents by 30 June 2014.
 4. Council note that the Draft 2014/2015 General Fund Budget will deliver a projected surplus of \$1,557, which includes Council's proposed Special Rate Variation (SRV), and preliminary investments and savings from the Transformation to Sustainability (T2S) Project.

CORPORATE BUSINESS DEPARTMENT REPORTS

CB14/17 MONTHLY BUDGET REVIEW FOR FEBRUARY 2014

To report on the estimated budget position as at 28 February 2014.

103 RESOLVED (Palmer/Degens) that:

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

Estimated Budget Position as at 28 February 2014:

	General Account \$	Water Account \$	Sewer Account \$
Original Budget adopted 13 June 2013	426,307 (D)	4,553,442 (D)	3,165,226 (D)
Approved Variations to 31 January 2014	(408,707) (S)	(556,076) (S)	300,000 (S)
Recommended variations February 2014	15,000 (D)	Nil	Nil
Estimated result as at 28 February 2014	<u>32,600 (D)</u>	<u>3,997,366 (D)</u>	<u>2,865,226 (D)</u>

CB14/18 DEVELOPER CONTRIBUTION PLAN REVIEW

To present to Council a draft amended Road Network Developer Contributions Plan 2014. This report recommends that the draft Plan be placed on public exhibition for a period of 28 days.

104 RESOLVED (Palmer/Sultana) that:

1. The Draft Road Network Contributions Plan 2014 be placed on exhibition for a period of 28 days and the community be invited to make submissions.
2. Funds recouped under the Road Network Developer Contributions Plan continue to be accumulated in the Future Road Network Reserve for future funding of Hogbin Drive works.

CB14/19 PROPOSED LEASE TO AIR SERVICES AUSTRALIA TO ESTABLISH AIRPORT RESCUE AND FIRE FIGHTING SERVICES

Seeking authority for the execution of a lease between Coffs Harbour City Council (Lessor) and Air Services Australia (Lessee) to facilitate the provision of aviation and fire fighting services at Coffs Harbour Regional Airport.

105 RESOLVED (Sultana/Palmer) that:

1. The Council as registered proprietor Lot 146 in DP 1131927 (the demised premises) authorises the lease at a commencing rent of \$1.00 per annum an area of approximately 6300m² within the airport perimeter to Airservices Australia ABN 56 698 886 for a period of 20 (twenty) years and an option for two further periods of ten (10) years for the purposes of constructing, establishing and operating an Aerodrome Rescue and Fire Fighting service in accordance with the Civil Aviation Safety Regulation 1998.
2. Any necessary documents required to give effect to the lease of part Lot 146 in DP1131927 to Airservices Australia ABN 56 698 886 be executed under the common seal of Council.
3. All costs associated with the preparation, lodgment and registration of the lease and associated plans be the responsibility of Airservices Australia.

Premises	Part lot 146 in DP 1131927
Lessee:	Airservices Australia
ABN:	56 698 886
Lessee Address:	Tower Road, Tullamarine, Victoria 3043
Guarantor	N/A
Lease Term:	20 years plus 2 x 10 year options. Total lease period 40 years.
Commencement	To be advised
Use:	Provisions of Aviation Rescue and Fire Fighting services.
Rental:	\$1.00 per annum
Bank Guarantee	N/A
GST:	Not included
Outgoings:	Lessee responsible for all outgoings
Insurances:	Public Liability \$20 million
Lease Costs:	All lease costs to be met by the lessee including registration and plan survey lodgment and registration costs.
Maintenance and Repairs	Ground lease only. Lessee responsible for all general and structural M & R to facility
Other:	Other terms and conditions as required by Council's legal representative.

COMMUNITY DEVELOPMENT DEPARTMENT REPORT

CD14/7 **MANAGEMENT OF SPORTZ CENTRAL, BRAY STREET, COFFS HARBOUR - UPDATE AND OPTIONS**

To provide Council with further information regarding investigations into options for the ongoing management of Sportz Central.

106 RESOLVED (Innes/Sultana) that:

1. Council calls for Expressions of Interest from interested parties for the operation of Sportz Central using an exclusive licencing instrument.
2. Council continue to provide the current financial contribution of \$55,000 to Sportz Central of which \$30,000 be provided to the operator for internal maintenance and the remainder used to offset the existing loan commitment for the facility.
3. Upon commencement of the licence the Section 355/377 Management Committee delegations be amended and the Committee continue to operate as an advisory committee for the facility.

CITY INFRASTRUCTURE SERVICES DEPARTMENT REPORTS

CIS14/14 **ACQUISITION OF LAND FOR RECONSTRUCTION OF SECOMBS BRIDGE, DAIRYVILLE ROAD, UPPER ORARA**

Report seeking Council approval for the acquisition of land required for the reconstruction of Secombs Bridge on Dairyville Road at Upper Orara.

107 RESOLVED (Arkan/Palmer) that:

1. Council proceed to acquire the land as described in the report on the terms contained within the confidential attachment.
2. All necessary documents associated with the acquisition of the land be executed under the common seal of Council.
3. The land acquired by Council be dedicated as public road.

CIS14/15 UPDATE ON BOAT RAMP AND BROADER ISSUES WITH SAND INFILLING OF COFFS HARBOUR

To inform Council of the current status of actions to upgrade the Coffs Harbour Boat Ramp, and to discuss the broader issue of sand infilling that will continue to impact on the long term sustainable operation of the facility.

108 RESOLVED (Arkan/Degens) that:

1. Council note progress with the boat ramp upgrade.
2. Council note that a further \$40,000 will be sought for Boat Ramp Dredging in the monthly budget review when it next reported to Council.
3. Council note the broader issues associated with sand infilling in the harbour.
4. Council receive a further report regarding outcomes of the feasibility study into the option of a sand dredging / local sand placement program for the northern breakwater project.
5. Council endorse the submission of a grant application to the Reclaiming Our Waterways program for a \$500,000 dredging campaign with a funding commitment of \$100,000 from Council.
6. Council note the Crown Lands temporary closure, site remediation and interim emergency management proposal for the Coffs Harbour Slipway.
7. That Council acknowledges and commends the Coffs Harbour Deep Sea Fishing Club and its members for their part in assisting to secure the funds for the boat ramp.

REQUESTS FOR LEAVE OF ABSENCE

No requests for leave of absence.

MATTERS OF AN URGENT NATURE

MUN14/4 Roads to Recovery

Cr Rhoades advised that the Australian Local Government Association have received assurance from the Federal Government that the funding is secure for the Roads to Recovery.

MUN14/5 Curry Fest Signage

Cr Arkan requested RMS to provide temporary signage advising of the Curry Fest event.

MUN14/6 Curry Fest Funding

Cr Arkan requested consideration be given for extra funding for the Curry Fest event under Council's existing policy.

QUESTIONS ON NOTICE

No questions on notice.

This concluded the business and the meeting closed at 7.55 pm.

Confirmed: 8 May 2014

.....
Denise Knight
Mayor