



RICHMOND VALLEY COUNCIL

Minutes

Reserve Trust Meeting

Tuesday, 2 March 2010

Table of Contents

PRESENT	1
1 APOLOGIES	1
2 DECLARATION OF INTERESTS.....	1
3 REPORTS	1
3.1 Management of Crown Reserves.....	1
3.2 Council Swimming Pool Facilities - Proposed Contracts on Crown Reserves	3
3.3 Summary of the Coraki Public Recreation Reserve Board Meeting held on 15 February 2010	6
4 MATTERS REFERRED TO CLOSED MEETING.....	7
4.1 Mid Richmond Residents Village - Proposed Lease	8
5 RESOLUTIONS OF CLOSED MEETING.....	10

MINUTES OF THE RESERVE TRUST MEETING OF RICHMOND VALLEY COUNCIL, HELD IN THE COUNCIL CHAMBERS, CNR WALKER STREET AND GRAHAM PLACE, CASINO, ON TUESDAY, 2 MARCH 2010 AT 1.00 P.M.

PRESENT

Crs. C.J. Sullivan (Mayor), C.J. Cox, O. Crawford, S.A. George, D.A. Kinnish, S.E. Morrissey, R.A. Mustow and S.N. Wheatley.

The General Manager, Director Works, Manager Finance, Silver Sands Holiday Park Co-ordinator (Tim Gooley) and Executive Assistant (Annette Phelps) were also in attendance.

1 APOLOGIES

An apology was tendered on behalf of Cr. Jeffery.

RT020310/ 1 RESOLVED (Cr. Mustow/Cr. Morrissey)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Council members voted unanimously.
ABSENT. DID NOT VOTE - Cr. Jeffery

2 DECLARATION OF INTERESTS

Nil.

3 REPORTS

3.1 MANAGEMENT OF CROWN RESERVES

Reference: Parks and Reserves - Planning, Service Provision, Trusts, Usage; P1001587

Prepared by: General Manager

Background

Correspondence has been received from the Land and Property Management Authority (DWS 421348) inviting Council to consider resigning as Trust Manager for Part Reserve 82910 - Silver Sands Holiday Park. The correspondence indicates that should Council agree to resign, then an alternate Reserve Trust (North Coast Accommodation Trust - [NCAT]) would be appointed.

Report

Issues

The correspondence received states the following:

"To ensure that as Trust Manager Council is not disadvantaged by this proposal, an annual payment from the NCAT will be negotiated. Funds provided by NCAT would be available to Council as Reserve Trust Manager, for ongoing reserve maintenance and improvement works on Crown Reserves under its control."

The correspondence advises that the proposal could be explored further without any obligation by either organisation. In that regard, arrangements have been made for representatives of Land and Property Management Authority to meet informally with Council on 2 March 2010.

Conclusion

It is considered that the opportunity to explore the proposal should be taken prior to a final decision being made.

RECOMMENDATION

Recommended that Council advise the Land and Property Management Authority that it wishes to explore the proposal in more detail on the basis that there is no obligation on either organisation.

The General Manager advised that it was his understanding from recent discussions that the Coraki Caravan Park could be included in the proposed discussions/negotiations.

RT020310/ 2 RESOLVED (Cr. Kinnish/Cr. Morrissey)

That the above recommendation be adopted.

FOR VOTE - Cr. Sullivan, Cr. Cox, Cr. Crawford, Cr. George, Cr. Kinnish, Cr. Morrissey, Cr. Wheatley

AGAINST VOTE - Cr. Mustow

ABSENT. DID NOT VOTE - Cr. Jeffery

3.2 COUNCIL SWIMMING POOL FACILITIES - PROPOSED CONTRACTS ON CROWN RESERVES

Reference: Parks and Reserves - Contracting; Council Properties - Contracting; Corporate Management - Tendering; Recreation and Cultural Services - Service Provision; P3333, P40630, P70706; DA2008/188

Prepared by: Water and Sewer Support Engineer

Background

As the construction of the new Evans Head Aquatic Centre is due for completion in June 2010, there is a requirement to formulate an operation and management arrangement for this facility, in line with Council's existing swimming pool facilities. The preferred management method is to contract out the operation and management of the Evans Head Facility to an external Contractor. As the contracts for the existing facilities are due for termination this year, it is also a good time to review and amend current operational and management procedures associated with Council owned swimming pool facilities.

This process involves participation with the Land and Property Management Authority as two of the facilities are located on Crown Reserves and therefore technically owned by the State Government. Of Council's four Swimming Pool Facilities, Casino Memorial Baths, and the new Evans Head Aquatic Centre are on Crown Reserves. Woodburn and Coraki Pools are currently located on Council Land but will also be included as options within the upcoming contract arrangements.

Report

Issues

In developing a concept for the contract arrangement for the Evans Head Aquatic Centre, there is an opportunity to change the way in which Council owned Swimming Pool Facilities are managed and operated. It is envisioned that the proposed changes within the contractual arrangements for all Council owned Swimming Pool Facilities will see more responsibility placed onto the Contractor(s). Some of the proposed arrangements anticipated subject to the finalisation of Draft Contract Documents, are as follows:

Operational/Management

Within the new contractual arrangements, it is envisioned that the Contractor(s) will be responsible for ensuring that cleaning (including lawns and gardens upkeep), reactive and programmed maintenance and servicing of all plant, facilities and assets are carried out to a high standard. The intent here is that the Contractor will be responsible for daily operation and basic maintenance of the plant and equipment in order for the pool to function correctly.

Within the new contractual arrangements, it is envisioned that Council will be responsible for repair and maintenance of all external building fabric, structural

and load bearing parts and roof of the facility, external landscape and car parks. To remove any doubt, Council will retain ultimate responsibility for costs of major repair and reactive and preventative maintenance of the pool plant and filtration systems.

Obligations of Council

Under the new proposed arrangements, it is anticipated that Council will:

- pay for Building and other associated insurances (excluding Workers Compensation and Public Liability Insurance)
- provide garbage receptacles.

Obligations of the Contractor

Under the new arrangements, it is anticipated that the Contractor(s) will:

- pay all charges for electricity and gas
- pay all charges associated with phone line rental and usage
- pay all charges for pool chemicals
- pay for all consumables
- pay for all water and sewer charges as well as general rate charges, including kerbside collection
- pay for all costs associated with the upkeep of the facility/facilities including provision of lawn keeping and cleaning equipment
- pay for all costs associated with the fitout of any kiosk or Gymnasium. At this stage only Casino Memorial Baths and Evans Head Aquatic Centre will have Gymnasiums
- arrange and maintain public liability (\$10m minimum) and Workers Compensation Insurance.

Season Lengths and Opening Times

As part of the tender process, the tenderers will be required to submit proposed season lengths and opening times for their preferred facility/facilities. Council Officers will be assessing these proposals along with other tender evaluation criteria.

Traditionally the pools have only opened a certain amount of months during the year. The new contractual arrangements will hopefully enable facilities to be run all year round, as long as the facilities are used for the purpose in which they are provided and constructed.

Contract Lengths

The proposed contract(s) will be offered as a five (5) year term with five (5) year option for the management and operation of multiple or singular facilities.

Admission Charges

During the tender process, each tenderer will be required to submit a proposal for fees and charges as well as a maximum percentage increase that may apply

each anniversary throughout the contract term. In receiving the incoming entry fee proposals, the tender evaluation team will be required to assess whether proposed fees will maximise usage of each facility, while providing a high quality and affordable service. All admission charges will continue to be retained by the Contractor.

Tender Evaluation Criteria

The tenders called will be under an open tender arrangement, with the option for the management and operation of singular or multiple facilities. The tender evaluation team will use a weighting system to evaluate both non-price and price criteria to ensure that the preferred Contractor(s) are going to provide a high quality and affordable service for the Community and User Groups alike. The weightings of the tender criteria are yet to be determined.

Legal

Under the Department of Lands Act 1989, it is requirement that any sub lease on Crown Land is first approved by the Minister. However, as the proposed arrangements are on a contractual basis with Council retaining ultimate responsibility for the care, control and management of each parcel of land, approval is not required from the Minister.

Asset

As previously advised, two of Council's four Swimming Pool Facilities are located on Crown Reserves and are technically owned by the State Government. Any future operation and management contract(s) will not change this status.

Consultation

As part of the tender process it is proposed to hold pre-tender meetings with interested parties to enable potential Contractors to gauge the nature of the subject facilities and any subsequent contractual arrangement. Council Officers have been in contact with the North Coast Branch of the Crown Lands Division of the Land and Property Management Authority who have advised that the proposed contract arrangements will not require Minister's Approval.

Conclusion

With the construction of the Evans Head Aquatic Centre due for completion in June, the operational and management arrangements for all pools will be amended subject to the finalisation of draft contract documents. As any subsequent Contracts following the tender process will be for the operation and management of either singular or multiple facilities only, Council will retain ultimate responsibility for the care, control and management of the site(s) in its capacity as Trust Manager.

RECOMMENDATION

Recommended that Council call tenders for the operation and maintenance of swimming pools on Crown Reserves, under the conditions outlined in the report.

RT020310/ 3 RESOLVED (Cr. Crawford/Cr. Wheatley)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

ABSENT. DID NOT VOTE - Cr. Jeffery

3.3 SUMMARY OF THE CORAKI PUBLIC RECREATION RESERVE BOARD MEETING HELD ON 15 FEBRUARY 2010

Reference: Parks and Reserves - Design and Construction, Service Provision, Trusts; Laws and Enforcement - Standards; P42846

Prepared by: Governance Officer

Background

The Coraki Public Recreation Reserve Board met on 15 February 2010.

The Board has the function of care, control and management of Coraki Caravan Park and to provide input to the Reserve Trust in respect of the Caravan Park and other Public Recreation Reserves in Coraki.

Report**Issues**

The Coraki Public Recreation Reserve Board considered the following matters at its meeting held on 15 February 2010:

- Unisex Disabled Toilet Block – almost complete – entry modified
- Review of Park Rules and Fees – will be implemented on 1 March 2010 as approved by the Reserve Trust Board.
- Signage – awaiting inspection by Manager Environment, Health and Regulatory Control for advice on any improvements needed.
- Security Lights Ladies Toilets – still awaiting second quote.
- Keys in General – concerns about distribution of keys being acted on – all Board members (past and present) to surrender all keys – only two sets to be distributed (one to Caretakers, spare to Graham Brown at Mid Richmond River Plumbing Supplies for emergency use) and key register to be established and maintained.
- Keys to Washing Machines – concerns about access to coin operated washing machines and collection of revenue from them being acted on – Caretakers to have a key to the washing machines, collect and bank the monies and arrange repairs of the washing machines – Governance Officer to follow up past collection of monies and other keys.
- Petty Cash Float – Caretakers petty cash float increased from \$100 to \$120 to allow them to hold sufficient small change to service the patrons' use of the coin operated washing machines.

- Management Plan Review – Council's Administration Engineer presented the revised Management Plan for the Coraki Reserves. Board members noted a number of amendments that need to be made to ensure the report is accurate and consistent with other environmental planning instruments, policies and strategies of Council.
- Clothes line purchase - approved.
- Boom gate – deferred - awaiting inspection by Manager Environment, Health and Regulatory Control.
- Problems with littering and cars damaging the park – discussed deferred along with consideration of Boom Gates- awaiting inspection by Manager Environmental Health and Regulatory Control.
- Treasurers Report – delay in reporting on January 2010 due to Commonwealth Bank failing to provide a monthly statement. Treasurer to set up electronic access to the account so he can print statements as and when required. Account balance as at 31 December 2009 \$49,949.84 (note un-presented cheques total \$3,653.00). Treasurers Report accepted as presented and accounts totalling \$7,336.16 approved for payment.

A copy of the Minutes of the Coraki Public Recreation Reserve Board Meeting held on 15 February 2010 had been circulated separately to each Councillor.

Conclusion

Consideration of the recommendations by the Trust will satisfy the Trust's obligations.

RECOMMENDATION

Recommended that the information be received and noted.

RT020310/ 4 RESOLVED (Cr. Kinnish/Cr. Wheatley)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.
ABSENT. DID NOT VOTE - Cr. Jeffery

4 MATTERS REFERRED TO CLOSED MEETING

Set out below is section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in a closed part of a meeting.

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer

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- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret
 - (e) information that would, if disclosed, prejudice the maintenance of law
 - (f) matters affecting the security of the council, councillors, council staff or council property
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

In accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

4.1 MID RICHMOND RESIDENTS VILLAGE - PROPOSED LEASE

Reason for Confidentiality

This matter is classified CONFIDENTIAL under section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

As part of the Reserve Trust's future planning it is necessary from time to time to acquire or lease land/property. Such negotiations need to be undertaken on a confidential basis so that the trust does not lose any commercial advantage. Disclosure of information in this report would effectively place the Reserve Trust at a "business" disadvantage.

RECOMMENDATION

Recommended that:

1. The Reserve Trust resolve into Closed Meeting to consider business identified, together with any late reports tabled at the meeting.

2. Pursuant to section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

Section 10A(4) of the Local Government Act 1993 provides that members of the public be allowed to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

- *Motion to close meeting - moved and seconded.*
- *Any written representations to be read by the General Manager. (Details to be recorded in minutes.)*
- *Verbal representations made in accordance with the Supplementary provisions of the Code of Meeting Practice. (Acknowledgement of process [and time, etc.] to be recorded in minutes.)*

Pursuant to section 10A(4), the public invited to make representations to the council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

The General Manager reported that no written representations had been received in respect to the items listed for consideration in Closed Council.

The Mayor called for verbal representations from the gallery.

There were no representations from the gallery.

RT020310/ 5 RESOLVED (Cr. Morrissey/Cr. Wheatley)

That:

1. The Reserve Trust resolve into Closed Meeting to consider business identified, together with any late reports tabled at the meeting.
2. Pursuant to section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

FOR VOTE - All Council members voted unanimously.
ABSENT. DID NOT VOTE - Cr. Jeffery

Council closed its meeting at 1.13 p.m. The public and media left the Chamber.

Open Council resumed at 1.19 p.m.

5 RESOLUTIONS OF CLOSED MEETING

The following resolution of the Reserve Trust, while the meeting was closed to the public, was read to the meeting by the General Manager.

MID RICHMOND RESIDENTS VILLAGE - PROPOSED LEASE

That the report be received and noted and that the General Manager be authorised to enter into a Transfer Agreement in accordance with the contents of the report.

The Meeting closed at 1.21 p.m.

CONFIRMED - 16 March 2010

CHAIRMAN