

The following document is the minutes of the Council and Committee meetings held on 19 August 2004. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 2 September 2004 and therefore subject to change. Please refer to minutes of 2 September 2004 for confirmation.



## COFFS HARBOUR CITY COUNCIL

### ORDINARY MEETING

19 AUGUST 2004

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## COFFS HARBOUR CITY COUNCIL

### ORDINARY MEETING

19 AUGUST 2004

**Present:** Councillors K D Rhoades (Mayor), J C Bonfield, C O Joass, R W McKelvey, I J Ovens, W R Palmer, G R Smithers.

**Staff:** General Manager, Director of City Business Units, Director of Planning, Environment and Development, Director of Corporate Services, Director of City Services, City Treasurer, Administration Manager and Executive Assistant.

**Leave of Absence:** Crs I D Hogbin and W D Featherstone

**The Mayor welcomed three exchange students and their teacher from Sasebo, Japan and thanked the families who are hosting them for their seven day visit in Coffs Harbour.**

The meeting commenced at 5.05pm with the Mayor, Cr K D Rhoades in the chair.

#### PUBLIC ADDRESS

<b>Speaker</b>	<b>Item</b>
Mr Gordon Jockell	PED30 - Development Application No. 1063/04 - Subdivision of Land into three lots: Lot 22, DP 853824, No. 590, Coramba Road, Karangi

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#### CONFIRMATION AND ADOPTION OF MINUTES

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**136 RESOLVED** (Bonfield/McKelvey) that the minutes of the Special Meeting held on 8 July 2004 be confirmed as a true and correct record of proceedings.

**cont'd**

## Confirmation and Adoption of Minutes (cont'd)

- 137 **RESOLVED** (McKelvey/Bonfield) that the minutes of the Planning Environment and Development Committee Meeting held on 22 July 2004 be confirmed as a true and correct record of proceedings.
- 138 **RESOLVED** (Palmer/McKelvey) that the minutes of the City Services Committee Meeting held on 22 July 2004 be confirmed as a true and correct record of proceedings.

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## COMMITTEE OF THE WHOLE

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- 139 **RESOLVED** (McKelvey/Palmer) that the Ordinary Meeting of Council be adjourned and Council now resolve into a Committee of the Whole, the time being 5.06pm.

## PLANNING, ENVIRONMENT AND DEVELOPMENT DEPARTMENT REPORTS

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**PED30 DEVELOPMENT APPLICATION NO 1063/04 - SUDIVISION OF LAND INTO THREE LOTS: LOT 22, DP 853824, NO 590, CORAMBA ROAD, KARANGI**

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Report appraising Council in relation to the determination of Development Application No 1063/04, following a request by the owner to have the matter brought to Council's attention.

- CW1 RECOMMENDED** (Bonfield/Palmer) that the applicant for DA No 1063/04 be advised that Council has no power to approve of the application without the concurrence of the Director General of the Department of Infrastructure Planning and Natural Resources.

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**PED28 RURAL LANDS STRATEGIC PLAN - NON-STATUTORY PUBLIC ASSESSMENT**

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Report seeking Council's endorsement to a process for resolving the settlement pattern issues dealt within the Rural Lands Strategic Plan and Public Assessment by the Commissioners of Inquiry into that Plan.

The report recommends that a new working group be established to resolve the settlement pattern issues. The report also recommends that Council endorse the Commissioners' recommendations for a two-year moratorium on subdivision within the Rural 1A Zone.

**Cr Ovens declared an interest in the Rural Lands Strategic Plan east of the Pacific Highway, vacated the Chamber and took no part in the discussion or voting, the reason being he has interests in the area.**

**CW2 RECOMMENDED (Palmer/McKelvey):**

1. That Council establish a new Working Group with representatives from the rural community, Department of Agriculture and Department of Infrastructure Planning and Natural Resources to prepare a settlement policy for the Rural 1A Zoned Lands **EAST** of the Pacific Highway.
2. That the Findings and Recommendations of the Commissioners of Inquiry for Environment and Planning on the Proposed Subdivision Provisions of Coffs Harbour City Local Environmental Plan (Amendment No 15) be the basis for the development of a new policy by the Working Group.
3. That a moratorium on subdivision of lands zoned Rural 1A apply from 1 September 2004 until Council has developed a new settlement policy.
4. That a report be brought back to Council prior to May 2005 on the establishment of the Working Group referred to above and the resource needs for preparing a new settlement policy for the Rural 1A Zoned Lands.

**Cr Ovens returned to the Chamber.**

**Crs Palmer and McKelvey declared an interest in the Rural Lands Strategic Plan, west of the Pacific Highway, vacated the Chamber and took no part in the discussion or voting, the reason being they have interests in the area.**

**CW3 RECOMMENDED (Bonfield/Smithers):**

1. That Council establish a new Working Group with representatives from the rural community, Department of Agriculture and Department of Infrastructure Planning and Natural Resources to prepare a settlement policy for the Rural 1A Zoned Lands **WEST** of the Pacific Highway.

**cont'd**

**PED28 - Rural Lands Strategic Plan - Non-Statutory Public Assessment (cont'd)**

2. That the Findings and Recommendations of the Commissioners of Inquiry for Environment and Planning on the Proposed Subdivision Provisions of Coffs Harbour City Local Environmental Plan (Amendment No 15) be the basis for the development of a new policy by the Working Group.
3. That a moratorium on subdivision of lands zoned Rural 1A apply from 1 September 2004 until Council has developed a new settlement policy.
4. That a report be brought back to Council prior to May 2005 on the establishment of the Working Group referred to above and the resource needs for preparing a new settlement policy for the Rural 1A Zoned Lands.

**Crs McKelvey and Palmer returned to the Chamber**

**GENERAL MANAGER'S REPORT**

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**14 QUARTERLY PERFORMANCE REPORTING FOR QUARTER ENDED 30 JUNE 2004**

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To report on the achievement of customer service guarantees and performance targets for the April to June 2004 quarter.

**CW4 RECOMMENDED (Ovens/Bonfield):**

1. That Council notes the issues surrounding those measures that have not been achieved for the period ending 30 June 2004 as listed in the body of the report.
2. That Council note the achievements of customer service guarantees, as outlined in Attachment 1 of the General Manager's Report, for the April to June 2004.
3. That Council note the organisation's significant achievements, as outlined in Attachment 2 of the General Manager's Report, for the April to June 2004 quarter.
4. That Council note the achievement of performance targets, as outlined in a separate booklet, which is available in the Councillors' Room, for the April to June 2004 quarter.
5. That Council continues to monitor its performance with a view to improving service delivery.

## PLANNING, ENVIRONMENT AND DEVELOPMENT DEPARTMENT REPORTS

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### **PED29 DEVELOPMENT APPLICATION NO 1401/04 - RESIDENTIAL SUBDIVISION - LOT 3, DP 1011765, LINDEN AVENUE, BOAMBEE EAST**

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Development application 1401/04 is for residential subdivision creating 13 residential lots and a public reserve. A number of objections to the application have been received and the purpose of this report is to present the application to Council for consideration. A number of the concerns with the application can be addressed and conditional approval of the application is recommended.

**CW5 RECOMMENDED** (Ovens/McKelvey) that Development Application No. 1401/04 for residential subdivision, Lot 3, DP011765, Linden Avenue, Boambee East be approved subject to technical conditions as appended to the report (Appendix B).

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### **PED31 INTERNATIONAL AWARDS FOR LIVEABLE COMMUNITIES**

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To advise Council that the City of Coffs Harbour has been selected as a finalist in the International Awards for Liveable Communities and to seek approval for a delegation of three people to go to Niagara, Canada to make a final presentation for the competition.

**CW6 RECOMMENDED** (Bonfield/Palmer) that Council approve:

1. A delegation of three (3) people to go to Niagara, Canada to make a final presentation to the International Awards for Liveable Communities Competition.
2. The delegation consist of the Mayor or nominee and General Manager or nominee plus another representative/s to be determined by the Mayor and General Manager.
3. That a public presentation be made available as soon as practicable before the delegation leaves for Canada so that the community understands what is being presented to the awards ceremony.
4. That Council approach a travel agent to provide group bookings for members of the community who may wish to accompany the delegation to Canada.

## CITY SERVICES DEPARTMENT REPORTS

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### S48 WORKS BRANCH REPORT

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To advise Council of the progress of construction and maintenance programs undertaken by Works Branch up to 31<sup>st</sup> July, 2004.

**CW7 RECOMMENDED** (Palmer/Joass) that:

1. Council notes the progress report on construction and maintenance works undertaken by Works Branch up to 31 July, 2004.
2. Council notes that individual program expenditures are being monitored to ensure that the total program costs for 2004/2005 will be contained within the approved budget.

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### S49 WATER EFFICIENCY PLANS

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Report on water charging and update Council on the past, present and future strategies of the proactive Coffs Harbour Water *Water Efficiency Program* (WEP).

**CW8 RECOMMENDED** (Palmer/Bonfield) that the progress, present operation and future initiatives of the current Water Efficiency Program be noted.

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### S50 REVIEW OF FEES AND CHARGES - JETTY MEMORIAL THEATRE

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To obtain Council approval to implement a new range of fees and charges for the Jetty Memorial Theatre.

**CW9 RECOMMENDED** (Ovens/Bonfield) that Council adopt the revised fees and charges for the Jetty Memorial Theatre as shown in Attachment A to the report.



## **CITY BUSINESS UNITS DEPARTMENT REPORTS**

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### **B23 SPORTS UNIT STRATEGIC PLAN**

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To obtain council's approval to put the sports unit strategic plan on 28 day public exhibition.

**CW10 RECOMMENDED** (Ovens/Smithers):

1. That the Sports Unit Strategic Plan be placed on public exhibition for 28 days.
2. That after the public display period, the plan be brought back to Council for adoption, taking into account submissions made by public and community groups.

## **CORPORATE SERVICES DEPARTMENT REPORTS**

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### **F38 COUNCILLOR PROFESSIONAL DEVELOPMENT PROGRAM - REPORT BY CR JOASS**

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To provide a report to Council by Cr C Joass on his attendance at the Councillor Professional Development Program.

**CW11 RECOMMENDED** (Smithers/McKelvey) that Council note the report and information provided by Cr Joass on his attendance at the Councillor Professional Development Program.

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### **F39 DONATIONS PROGRAM 2004/2005**

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Determination of the Donations Program for 2004/2005 and review of the current Donations Policy.

**CW12 RECOMMENDED** (McKelvey/Joass) that:

1. The "Donations" and "Rates Subsidy" programs for 2004/2005 as set out in the report, totalling \$58,756 be adopted.
2. The current Donations Policy be confirmed.
3. The "Donations" and "Rates Subsidy" votes for 2005/2006 be adjusted to reflect CPI increases from 2004/2005.
4. That the donation for the Mid North Coast Rural Financial Counselling Service be increased from \$350 to \$500 for this year.

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**F40 GRANT APPLICATIONS AND APPROVALS FOR THE PERIOD 1 JULY 2003 TO 30 JUNE 2004**

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To provide Council with the current status of grant applications and approvals.

**CW13 RECOMMENDED** (Ovens/Palmer) that the report on the status of grant applications be received and noted.

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**F41 OUTSTANDING REPORTS AND RESOLUTIONS AWAITING IMPLEMENTATION**

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To provide Council with an update of requests for reports and previous resolutions to Council awaiting implementation.

**CW14 RECOMMENDED** (Ovens/Smithers) that the reported be noted.

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**F42 BANK BALANCES AND INVESTMENTS AS AT 30 JUNE 2004**

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To list Council's Bank Balances and Investments as at 30 June 2004.

**CW15 RECOMMENDED** (Ovens/Joass) that the Bank Balances and Investments totalling one hundred and eleven million, two hundred and fifty-two thousand and nine hundred and forty-seven dollars (\$111,252,947) as at 30 June 2004 be noted.

## CITY SERVICES REPORTS

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### **S51 TENDERS: SUPPLY OF ELECTRONIC AND ELECTRICAL HARDWARE FOR THE CONSTRUCTION OF PUMP STATION CONTROL BOARDS**

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To report on tenders received for the supply of a comprehensive kit of parts for the manufacture of pumping station electrical control switchboards. These switchboards will conform to Council requirements, standardise design and use improved technology. To gain Council approval to accept a conforming tender.

#### **CW16 RECOMMENDED (Bonfield/McKelvey):**

1. That the Council accept the tender of L & H Hagemeyer Pty Ltd, ABN 19 730 781 473, for the contract No. 04/05-174-TO, Supply of Hardware for the Construction of DOL Control Switchboards for the sewerage and re-use water system, for the lump sum of \$122,435.00 excluding GST.
2. That the Council accept the tender of TLE Electrical Pty Ltd, ACN 003 762 641, for the contract No. 04/05-174-TO, Supply of Hardware for the Construction of VSD Control Switchboards for the sewerage and re-use water system, for the lump sum of \$36,362.00 excluding GST,  
on the basis that: -
  - a) The tenders are conforming, and were the most appropriate tenders received.
  - b) The tenderers have the necessary experience in the supply of similar components, and their referees have confirmed their ability, and satisfactory corporate and customer performance.
  - c) The Tenderer's financial references are satisfactory.
3. That the contract documents be completed under Seal of Council.

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**S52 TENDERS: SUPPLY OF SEWAGE PUMPS FOR ARRAWARRA & MULLAWAY SEWERAGE**

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To report on tenders received for the supply and delivery of sixteen submersible sewage pumps, for the eight Sewage Pumping Stations proposed at Arrawarra and Mullaway

**CW17 RECOMMENDED (Bonfield/Ovens):**

1. That Council accept the tender of ITT Flygt Ltd, ACN 000 832 922, for Contract No. 04/05-173-TO, Supply of Sewage Pumps for Arrawarra and Mullaway Sewerage, for the lump sum amount of \$160,052.20 including GST, on the basis that:-
  - a) The tender is the highest scoring tender following the application of Council's Tender Value Selection System
  - b) The Tenderer has the necessary experience in similar works and his referees have confirmed their ability and satisfactory performance
  - c) The Tenderer's financial references are satisfactory
2. That the contract documents be completed under Seal of Council

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**S53 TENDER: COFFS HARBOUR CENTRAL BUSINESS DISTRICT MINOR MAINTENANCE, STREET & FACILITIES CLEANING CONTRACT 2004/2006 - CONTRACT NO 04/05-175-TO**

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Report on tenders received for the Coffs Harbour Central Business District - Minor Maintenance, Street & Facilities Cleaning Contract 2004/2006 - Contract No. 04/05-175-TO and to obtain Council approval to accept a conforming tender.

**CW18 RECOMMENDED (Bonfield/Ovens):**

1. That Council accept the tender of Harvent Pty Ltd trading as Total Building Maintenance ACN 057 669 173 for Contract No. 04/05-175-TO, Coffs Harbour Central Business District - Minor Maintenance, Street & Facilities Cleaning Contract 2004/2006 for Area 1 and Area 2 in the lump sum amount of \$95,795 including GST, on the basis that: -
  - a) The tender is conforming and 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 his referees have confirmed his ability and satisfactory performance.
  - c) The Tenderer's financial references are satisfactory.
2. That the contract documents be completed under Seal of Council.

## CITY BUSINESS UNITS REPORTS

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### **B24 ACQUISITION OF EASEMENT FOR RE-USE WATER PIPELINE AND WATER PIPELINE, LOT 211 DP 1044292, PACIFIC HIGHWAY, MOONEE**

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Report seeking Council approval for the acquisition of an easement for a re-use pipeline and water main pipeline through privately owned property on the Pacific Highway, Moonee.

#### **CW19 RECOMMENDED (Bonfield/Ovens):**

1. That Council proceed to acquire an easement 5 metres wide for a reuse water main and a water main over Lot 221 DP 1044292, Pacific Highway, Moonee as shown approximately on the plan attached to this report.
2. That Council pay the amount and agree to the terms as stated in the confidential attachment as compensation to the owner of the property for the easement acquisition.
3. That all necessary documents associated with the acquisition of the easement be executed under the Common Seal of Council.

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### **CONCLUSION OF COMMITTEE OF THE WHOLE MEETING**

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The Chairman advised that the business of the Committee of the Whole was concluded.

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### **OPEN COUNCIL**

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The Mayor requested a motion to close the Committee of the Whole and move into Open Council.

#### **CW20 RECOMMENDED (Joass/Palmer) that the Committee now move into Open Council.**

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## ADOPTION OF COMMITTEE OF THE WHOLE REPORT

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- 140 **RESOLVED** (Bonfield/Ovens) that the recommendations of the Committee of the Whole be received and adopted.

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## REQUESTS FOR LEAVE OF ABSENCE

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- 141 **RESOLVED** (Ovens/Smithers) that Cr Palmer be granted leave of absence for Council meetings on 2 September and 16 September as he will be out of the city.

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## QUESTIONS WITHOUT NOTICE

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### 1. Volume of Heavy Vehicles using Pacific Highway

Cr Ovens requested current statistics on heavy vehicle traffic movements on the Pacific Highway through Coffs Harbour.

*The Director of City Services will provide figures to Councillors.*

### 2. Nose in Parking

Cr Ovens requested clarification of traffic rules in relation to who has right of way, a motorist reversing from a nose in parking space or a motorist proceeding along the road. Cr Ovens suggested using Council's road safety program through the Advocate newspaper to educate motorists and clarify the situation with roundabouts and nose in parking.

*The Director of City Services advised that motorists must, at all times, exercise due care under the law and the Driving Licence requirements. If a motorist reversing out from a nose in parking space exercises due care, that motorist is better protected by the law than a motorist proceeding along the road not exercising due care.*

### 3. Noise Abatement Measures taken on Pacific Highway

Cr Ovens requested figures on the funding provided for noise abatement measures on the Pacific Highway.

*The Director of City Services advised that \$2.5m was provided for noise abatement road surface treatment for the highway from Korora to Sapphire.*

## Questions Without Notice (cont'd)

### 4. Roundabout - Intersection of Collingwood Street and Marine Parade, Coffs Harbour

Cr Palmer requested an update on construction progress of the roundabout.

*The Director of City Services responded that the roundabout would be completed in approximately three weeks.*

### 5. Environmental Program for Street Lighting

Cr Palmer enquired on the progress of the environmental street lighting program as he had received complaints from residents that the new lighting was inadequate.

*The Director of City Services advised a trial had been carried out and it was found that the new lighting was brighter than the previous lighting. Council staff will address the residents' concerns.*

Cr Bonfield requested that extra lights be installed using funds saved by switching to the more energy efficient lighting.

### 6. Enforcement of Referendum Outcome

The Mayor requested clarification of referendums and enquired if a referendum is taken on a matter and an issue decided by the community, what makes that process null and void.

*The General Manager advised that Local Government does not hold referendums but has Polls of Electors and the poll result is not binding on the council but is used by council as a guide in making a decision subsequent to the poll.*

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## ADJOURNMENT OF MEETING

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The Mayor adjourned the meeting to allow the Public Forum to be held. The time was 6.08pm.

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## PUBLIC FORUM

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Speaker	Subject
Geoff Leaver	Development Consents
Jennifer Bonfield	Site Management Plan for Coffs Creek Flying Fox Camp

**Cr Bonfield vacated her chair to address Council in the Public Forum, as a resident.**

**Cr Bonfield resumed her chair**

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## **RESUMPTION OF MEETING**

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The meeting resumed at 6.33pm.

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## **GENERAL BUSINESS**

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### **1. Resignation of Cr Bonfield as Chairperson of the Planning Environment and Development Committee**

Cr Bonfield announced her resignation as Chairperson of the Planning Environment and Development Committee effective immediately as she has accepted a position with real estate agents, L J Hooker.

*The Mayor thanked Cr Bonfield for her service as Chairperson of the Planning Environment and Development Committee and advised that Cr McKelvey, as Deputy Chairperson, will take over the role of Chairperson until such time as the matter of a new Chairperson is considered.*

### **2. Removal of Water Sensitive Urban Design from West Coffs DCP**

Cr McKelvey expressed concerned that the Water Sensitive Urban Design was removed from the West Coffs Development Control Plan and recommended Councillors and staff take a bus trip to examine other areas.

*The Mayor advised that arrangements have been made for both a bus trip and workshop to be held to educate Councillors on the effects and benefits of Water Sensitive Urban Design.*

### **3. Matters raised at Council Meetings in the Public Forum, General Business etc**

Cr Smithers enquired if there is a formal process for dealing with matters raised at Council meetings.

*The General Manager advised that the Councillors are briefed on the circumstances after the matter has been raised in a Council meeting, and if necessary, Councillors can raised the matter at the next meeting of Council.*



## **General Business (cont'd)**

### **4. Speed Limit on the Pacific Highway in the City Area**

Cr Smithers gave notice of his intention to move at the next meeting of Council on 2 September 2004:

- "1. That Council request the RTA to reduce the speed limit to 80kph on the Pacific Highway from Double Crossing Creek at Woolgoolga to the dual carriageway south of Moonee.*
- 2. That Council request the RTA to review the adequacy of all major intersections with the Pacific Highway in the proposed 80kph zone with a view to safety upgrades as soon as possible."*

### **5. Proposed addition of Fluoride to Water Supply - Public Consultation**

Cr Smithers gave notice of his intention to move at the next meeting of Council on 16 September 2004:

*"That Council request the State Government to suspend the direction to add fluoride to our water supply pending full consultation of the public, as has been granted to Bellingen."*

### **6. Dust Diseases and Asbestos Products - James Hardie Industries**

Cr Smithers expressed concern that James Hardie Industries, a major asbestos producer, has attempted to reduce its liabilities for victims of its products. A number of councils voted to avoid using James Hardie products where other products are available. Cr Smithers gave notice of his intention to raise the matter at a future meeting of Council.

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## **CLOSED MEETING – SECTION 10(A)**

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The Mayor requested a motion to close the meeting to consider a confidential report as outlined in the meeting agenda.

- 142** **MOVED** (Ovens/Joass) that the meeting be closed to the press and public during consideration of the following items for the reason as stated:

### **B25 - Direct Melbourne/Coffs Harbour Air Service Proposal**

This report was confidential for the reason of Section 10A(2):  
(d)(i) Contained commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

**The motion on being put to the meeting was carried.  
The press and public vacated the chamber.**

## CITY BUSINESS UNITS DEPARTMENT REPORT

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### **B25 DIRECT MELBOURNE/COFFS HARBOUR AIR SERVICE PROPOSAL**

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Report seeking approval to enter into a commercial agreement with a major Australian airline for a risk sharing arrangement for the introduction of air services between Melbourne and Coffs Harbour.

**144 RESOLVED** (Ovens/Joass) that Council enters into an agreement with the nominated airline for a single weekly (weekend) direct Melbourne-Coffs Harbour-Melbourne airline service to operate during prime time but subject to:

1. An appropriate legal agreement being executed.
2. Any necessary documents be executed under the Common Seal of Council

**The resolution was a unanimous decision of Council.**

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### **OPEN MEETING**

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The Mayor requested an appropriate motion to enable the meeting to resolve into Open Meeting.

The General Manager read to the meeting the resolution of the Closed Meeting.

This concluded the business and the meeting closed at 6.55pm.

Confirmed: 2 September 2004

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Cr K D Rhoades  
Mayor