

Minutes for this meeting will be confirmed at the Planning, Environment & Development Committee Meeting to be held in the Council Chambers, Council Administration Building, on 16 September 2004 commencing 5pm.



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
(CITY BUSINESS UNITS COMMITTEE)
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
2 September 2004
Commencing At 5.00pm

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COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
(CITY BUSINESS UNITS COMMITTEE)
2 September 2004

Mayor and Councillors

NOTICE OF MOTION

SPEED LIMIT ON PACIFIC HIGHWAY

Purpose:

Cr Smithers has given notice of his intention to move:

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

General Manager's comment:

The Roads and Traffic Authority has recently released results of a road safety audit of the Pacific Highway from Hexham to the Queensland border. The "Pacific Highway Safety Review Report" includes detailed assessment of speed zones and intersection safety on the Sapphire to Woolgoolga section of the Pacific Highway.

The issues raised in the Notice of Motion should be included in a meeting to be arranged with the Roads and Traffic Authority to examine with Council the recommendations from the Pacific Highway Safety Review Report.

This meeting is to be arranged as soon as practicable.

GENERAL MANAGER'S REPORT

15 PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE - VACANCY OF CHAIR

Purpose:

To propose the election of a Councillor to the vacant position of Chairperson - Planning Environment and Development Committee.

Description of Item:

Councillor J Bonfield advised Council of her resignation from the position of Chairperson of the Planning Environment and Development Committee at Council's last meeting.

Legislation:

Council can by resolution establish Committees, appoint members and delegate its functions (S355, 377 Local Government Act; Clause 33 Local Government (Meetings) Regulations).

Related Policy and / or Precedents:

Council's policy has been to establish four (4) standing committees of the whole Council but appoint both a Chairperson and Deputy Chairperson. Council at its meeting held on the 15 April 2004 resolved to appoint the Chairperson and Deputy Chairperson for a 12 month period. This appointment would be for the balance of the 12 month term.

Issues:

With the vacancy occurring with the resignation of Councillor Bonfield it would be appropriate to fill the vacancy in accordance with policy.

Council's policy is silent on the issue of filling vacancies midterm but it would seem appropriate to fill the vacancy to lead the deliberations of the Committee.

Implementation Date / Priority:

Council should now appoint a Chairperson.

Recommendation:

That the Chairperson of the Planning Environment and Development Committee be determined.

CITY BUSINESS UNITS DEPARTMENT REPORTS

B26 APPOINTMENT OF COUNCILLOR TO NORTH COAST WEEDS ADVISORY COMMITTEE

Purpose:

To appoint an elected member to represent Council on the North Coast Weeds Advisory Committee (NCWAC).

Description of Item:

The NCWAC is the leading organisation for weeds in the North Coast Region. This committee comprises all key stakeholders involved in weed management for coastal councils from Nambucca Shire to the Queensland border.

Stakeholder membership is very wide and represents many different interests throughout the region. They include all local councils, NSW Agriculture, farmer organisations, State Forests, National Parks and Wildlife Service, Roads and Traffic Authority, EPA, Landcare / Coastcare, conservation groups and several other state government departments.

The NCWAC began as a single weed awareness committee in 1980 when its original name was the North Coast Giant Parramatta Grass Committee. Since then this committee has expanded and developed into a more wide ranging organisation not only dealing with noxious weeds but environmental and potential weed threats. The main objectives of the NCWAC are to:

- Promote the awareness of noxious and environmental weeds within the community
- Promote the coordination of weed management with all relevant stakeholders on a regional basis
- Advise the Noxious Weeds Advisory Committee on weed matters relating to new declarations, planning and funding for the region
- Recommend weed policy, planning matters, declaration, control and promotional issues to member organisations
- Provide a forum for the interchange of information
- Map weed distributions across the region to allow for better strategic planning and management
- Educate, train and encourage persons and organisations in all matters relating to noxious and environmental weeds
- Develop and implement regional weed control plans and strategies
- Coordinate and report on regional funding applications
- Identify emerging weed problems

Sustainability Assessment:

- **Environment**

The impact of weeds on the environment is well known and well documented. Weeds threaten native plant species and a number of native animals. They threaten biodiversity, particularly on the NSW North Coast where the warm moist climate and relatively fertile soils make it ideal for the establishment and growth of weeds.

Weeds can also increase soil erosion while aquatic weeds such as Salvinia block water courses and affect water quality and marine life.

cont'd

B26 Appointment Of Councillor To North Coast Weeds Advisory Committee (cont'd)

- **Social**

The social impact of weeds can be seen in reduced standards of living of those earning their living from the land. This is reflected in lower crop and pasture yields and the higher costs incurred in implementing weed control programmes.

Many weeds also have negative impacts on human health ie Privet and Broad Leaved Pepper Trees.

- **Economic**

Broader Economic Implications

Weeds are estimated to cost Australia over \$4b in lost agricultural productivity pa.

In 2003-04 the NSW Government allocated \$7.2m to assist councils with their weed control activities. Of this, the NCWAC received \$106,400 for the control of high priority weeds in this region. In the last financial year the NCWAC successfully secured \$171,000 in funding from the Department of Infrastructure, Planning and Natural Resources for the control of major environmental weeds.

Management Plan Implications

Council's budget for noxious weed control in 2003-04 was \$321,200 with a further \$133,200 being provided from the Environmental Levy. There is no effect on Council's Management Plan from this appointment.

Consultation:

The following people were consulted during the preparation of the report:

Ian Turnbull, Secretary NCWAC

Rod Ensbey, Regional Weed Control Coordinator, NSW Agriculture, Grafton

Related Policy and / or Precedents:

The Chief Weeds Officer has been Council's representative on the NCWAC since its inception.

Statutory Requirements:

All activities of the NCWAC are conducted under the Noxious Weed Act 1993, Pesticide Act 1999 and OH&S Act 2000.

Issues:

The NCWAC has evolved to play a very important role in regional weed management and will continue to do so, not only with regard to noxious weeds but also significant environmental weeds that require a unified regional approach for their effective control.

Council spends considerable funds on many aspects of environmental management of which weed control is one. It would further enhance Council's reputation in this area by having a Councillor on the Committee.

cont'd

B26 Appointment Of Councillor To North Coast Weeds Advisory Committee (cont'd)

Recommendation:

- 1. That Council appoint an elected representative to the North Coast Weeds Advisory Committee.**
- 2. That Council now determine its Councillor representative.**

B27 TRANSFER OF LAND AND SEWER PUMP STATION

Purpose:

To obtain approval for the transfer of Lot 11 DP 880464 Trond Close North Bonville, and waiver of rates.

Description of Item:

The subject land is situated in the Palm Trees residential estate on the southern side of Lyons Road (see attached plan). Upon the land is a sewer pump station completed in August 1998 that services the estate.

It was originally intended that the land and pump station were to be transferred to council upon registration of the linen plan of subdivision on 14 September 1998. This did not happen, but council has been responsible for the operation and maintenance of the pump station since registration of the plan.

The current owner (not the original developer) was recently issued with a rates notice for Lot 11 indicating that in excess of \$6,000 was owing in rates for the period from September 1998 to the present.

The current owner has offered to transfer the land and pump station to council for \$1 subject to Council waiving the outstanding rates.

This appears to be a reasonable request in the circumstances.

Sustainability Assessment:

- **Environment**

There will be no environmental impacts caused by the transfer of the land.

- **Social**

It is Council policy that all major infrastructure should be under the ownership and control of the Council for the benefit of the community.

- **Economic**

Broader Economic Implications

There could be economic implications for the area the pump station serves if not brought under Council ownership.

Management Plan Implications

There will be a minor impact on the finalization of the 2003/04 Management Plan. The waiving of the rates will be written off as a bad debt.

cont'd

B27 Transfer Of Land And Sewer Pump Station (cont'd)

Consultation:

Other Council departments were consulted in the preparation of the report and agree with the recommendation.

Issues:

The only issue is whether in the circumstances it is reasonable to accept transfer of the land in return for the waiver of the outstanding rates. In the current situation this is thought to be the fairest, best and easiest solution.

Implementation Date / Priority:

The matter will be dealt with immediately.

Recommendation:

- 1. That Council accept the transfer of Lot 11 DP 880464 Trond Close North Bonville for a nominal \$1.**
- 2. That any costs associated with the transfer be at the owners expense.**
- 3. That all outstanding rates on the land be waived.**
- 4. That the land be classified as operational land under the Local Government Act 1993 (as amended).**
- 5. That any necessary documents be executed under the Common Seal of Council.**

**Pat Littler
Director of City Business Units**

CITY SERVICES DEPARTMENT REPORTS

S51 HARBOUR PLAN: REPORT ON SUBMISSIONS

Purpose:

This report presents a summary of the submissions received on the Harbour Plan from its public exhibition. It discusses the issues from the submissions and recommends further consultation and refinement before the Plan is recommended for adoption.

Description of Item:

Display Period

Council resolved on 30 October 2003 to place the Harbour Plan on exhibition for three months. It resolved on 29 January 2004 to extend the exhibition period to 29 February 2004 and on 19 February to extend it to 30 April 2004.

Council received 764 written submissions on the Plan, 117 of which were anonymously submitted, 164 objected to all aspects of the plan and 134 supported all aspects of it. All the submissions have been summarised in a separate document "Harbour Plan: Report on Submissions, August 04".

Issues from Submissions

Issues raised in the submissions are discussed in the separate "The Harbour Plan: Report on Submissions; August 04". They include:

- **Vegetation modification**

The responses ranged from no vegetation modification through to opening the whole foreshore up. There was a range of responses that said pathways, viewing platforms and line of site modification could be incorporated in this area in an environmentally sensitive manner.
- **Accommodation**

There was a major concern that residential accommodation was planned east of the railway. There was a concern that public space would be lost to local residents.
- **Employment generation and economic activity projections**

Many submissions expressed doubts about the employment generation and increase in economic activity projections in the Harbour Plan. They also pointed to a downturn in the fishing industry.
- **Over commercialisation**

There was concern that the proposed commercial/retail developments could be unviable particularly during quieter times and that they would impact on existing outlets.
- **Traffic and parking**

Some submissions expressed doubt about the impact of extra traffic around Camperdown Street and about potential delays at the railway crossing. There was also concern about whether sufficient parking is to be provided.

cont'd

S51 Harbour Plan: Report On Submissions (cont'd)

- Aboriginal culture
There was a call for greater recognition of Aboriginal culture in the Plan.
- The slipway
- Mixing of fishing and recreation fleet
- Flooding and storm surge
- Recreational facilities
- Security
- Naval Cadets building
- State Rail land development potential
- Design of the southern marina
- Loss of harbour water area
- The boat ramp
- Corambirra Point
- Water quality
- Harbour infilling
- Funding better spent on other areas

State Government Issues

Several of the key State Government departments did not make written submissions. They did however raise the following issues in a meeting between Council staff and senior officials from the Lands Department, Department of State and Regional Development, Premiers Department, Department of Commerce and Tourism NSW:

- Crown Reserves management by local councils
- Strategic direction and content of concept plan including whether Council has sufficiently explored the extent of private sector development.
- Economic feasibility
- Position of Aboriginal Lands Council
- Various operational issues.

The implementation of the Harbour Plan required a contribution from the State Government of \$15M. The State Government has indicated that it is not in a position to provide a one-off financial commitment to the Plan at this stage but have indicated a willingness to be involved in the project and consideration of future funding on a needs basis in accordance with their program. The Department of Lands are required to approve the exhibition of the Harbour Plan as a Plan of Management under the Crown Lands Act 1989. At this stage this approval has not been forthcoming.

In view of the issues raised in the public submissions and the response of the State Government, the Plan needs to be re-examined.

cont'd

S51 Harbour Plan: Report On Submissions (cont'd)

This report recommends this be done through Council's Harbour Plan Strategic Planning Group and workshopping the issues with the key stakeholder groups. The outcome of this process will be to identify desired project parameters that will be used to develop a revised Plan. A flow chart on the recommended process is attached.

Sustainability Assessment:

The Plan was developed using the triple bottom line approach. This approach will also be used in refining the Plan. All of the issues raised touch on the economic, social and environmental sustainability of the Plan.

Consultation:

The public consultation during the exhibition period was extensive.

A supplement on the Harbour was included in the Advocate on Saturday, 1 November 2003 and the Plan was placed on Council's web site. Displays were set up in the main Council building, the three Council libraries, in regional stores and at major shopping centres. A display and model was set up in the City Resources building (the old library) as well. Harbour Plan brochures were available at all these sites.

Consultation and information sessions were held with Jetty resident groups, business operators with interests in the harbour area, government agencies, the Coffs Harbour Aboriginal Land Council and various community groups. Many of these groups made submissions on the Plan.

The Plan generated a great deal of interest. There were 764 written submissions, around 6900 downloads from the web and around 150 letters to the editor on aspects of the Plan.

The report on the submissions and the basic thrust of the recommendations in this report to Council have been discussed in the Harbour Plan Strategic Planning Group.

Statutory Requirements:

For the Plan to be a Plan of Management under the provisions of the Crown Lands Act 1989, the approval of the Department of Lands will be required.

Issues:

Issues for Councillors consideration regarding the Harbour Plan are:

- Scale and extent of development in the harbour.
- State Government issues and sign-off.
- Reconciling issues raised during public consultation process.

Scale and extent of development

There are current development pressures in the harbour foreshore area. Existing harbour businesses want to expand and increase their building heights. There are also issues of parking, traffic management, aboriginal heritage and urban design to be dealt with and the ongoing maintenance of the jetty and boat ramp needs to be addressed. As well, the competing demands from waterways users needs to be managed. A Harbour Masterplan would assist Council in the current and future planning of the area.

cont'd

S51 Harbour Plan: Report On Submissions (cont'd)

Various development scenarios were considered during the early stages of the Plan development. These were high, medium and low level development. The one adopted was for low level because, given the traffic constraints and the environmental sensitivity of the area, it was the option that best met the objectives for sustainable developments.

State Government Issues and Sign-off

Stage Government owns the land on which the Harbour Plan will operate. Their agreement and co-operation is required to put the Harbour Plan in place and establish and implement the management systems to operate it.

As mentioned previously, the State Government authorities have a number of issues that need to be addressed. Their co-operation during the refinement process will be necessary.

Reconciling issues raised in the public consultation process

There have been numerous issues raised during the consultation process. They provide a basis for the ongoing consultation with stakeholders and refinement of the Plan.

Plan Refinement

Community feedback would suggest that the Plan that was put on exhibition requires refinement and further consultation.

Issues and key stakeholders have been more clearly identified through the consultation process.

The issues raised would be workshopped with the stakeholders and a revised plan (or options for plans) developed.

The suggested model for doing this is set out earlier in the report. Broadly it involves:

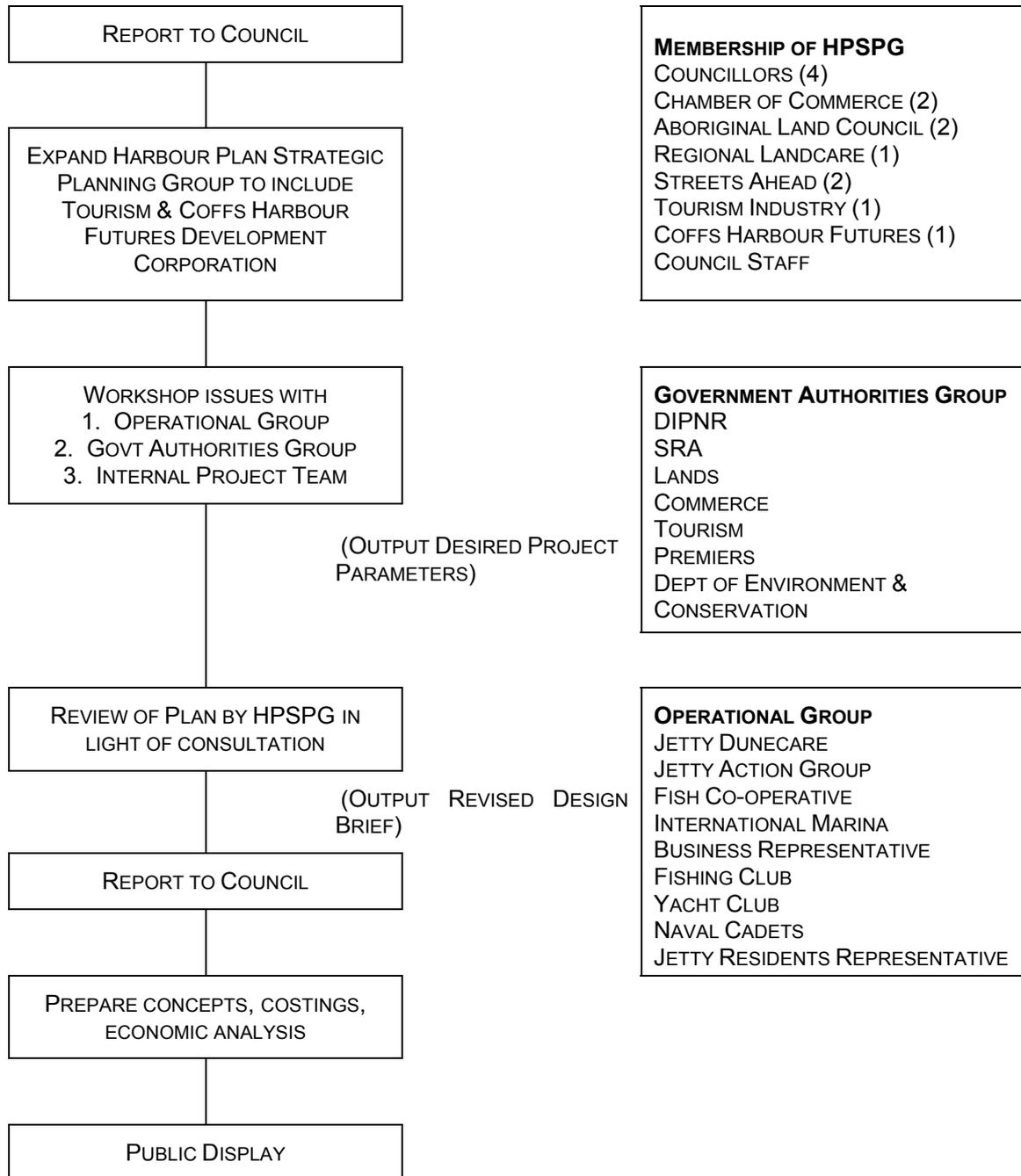
1. Expanding the Harbour Plan Strategic Planning Group to include representatives from the tourism industry and Coffs Harbour Futures.
2. Workshopping issues raised during the public exhibition with key stakeholder groups.
3. Issues from the stakeholder workshops would be considered by the Harbour Plan Strategic Planning Group when developing options.
4. Developing a new option (or options) for public exhibition.

Recommendation:

1. **That the existing Harbour Plan Strategic Planning Group be expanded to include senior representatives from the local tourism industry and Coffs Harbour Futures.**
2. **That a workshop be conducted with key stakeholders to address the issues raised during the public exhibition.**
3. **That Council proceed to develop a revised Harbour Plan taking into consideration the views of the key stakeholders and the need to develop a triple bottom line outcome.**

Attachments:

Harbour Plan: Concept Refinement Process Flowchart



Purpose:

Seeking Council's approval to vary the Tender Value Selection System for the assessment of Tenders for Mullaway/Ararawarra Sewerage contract.

Description of Item:

Council Tender Value Selection System (TVSS) requires that a tenderer's business address be taken into consideration when assessing tenders. The system prescribes a methodology for applying a preference for local contractors. Specifically the Policy prescribes:

1. The tenderer's business address is to be one assessment criteria which will be given a weighting of 10%. A local business would receive the maximum score for this criterion. A local business is defined as one that is operating within the City of Coffs Harbour and which maintains a locally staffed company office within the City of Coffs Harbour.
2. That in the case a non local supplier/contractor using local subcontractors, the score for the local business address criterion be on a pro-rata basis in proportion to the tender cost which relates to local subcontractors.
3. That this policy applies to tenders, quotations and consultant proposals for works and services above \$20,000 in value.

The local content provisions in the TVSS are considered to be inappropriate for the Mullaway/Ararawarra Sewerage Scheme on the following grounds:

1. The proposed contract will likely have a contract value in excess of \$5,000,000. Thus the application of the business address criterion could result in a very large premium being paid for a local contractor.
2. Mullaway/Ararawarra Sewerage is part of the Coffs Harbour Sewerage Strategy which attracts NSW Government subsidy. The NSW Government has expressed opposition to local preference being applied to tenders so any extra cost associated with applying local preference is unlikely to attract subsidy.
3. The sums of money involved are such that tenderers may establish a local business address purely for the purpose of gaining advantage in the tender process, with all profits still going out of town. This would not likely result in any genuine advantage to the local economy.

It is considered that the business address criteria in the TVSS should be waived in this instance as it was for the Regional Waste Processing Project for the same reasons (Council's Planning Meeting of 17 July 2004).

Sustainability Assessment:

- **Environment**

The Mullaway/Ararawarra Sewerage Scheme has been included in the Sewerage Strategy Environmental Impact Statement as well as Reviews of Environmental Factors for design variations.

cont'd

S52 Mullaway/Arwarra Sewerage (cont'd)

The scheme has been identified as essential for the environmental safety of the local waterways and the local environment as a whole. The work will eliminate the existing on-site and pump out methods of sewage disposal, which are prone to failure, and are inappropriate for residential areas.

The decision of whether or not to include the business address criterion has no effect on the sustainability of the environment. A Tenderer's ability to manage the environmental impact of the construction works will be taken into consideration under other assessment criteria.

- **Social**

A project as large as Mullaway/Arwarra Sewerage Scheme will involve considerable use of local subcontractors to supply materials, plant and labour irrespective of who the successful Tenders is. The project will bring social benefits from the creation of local employment opportunities and recycle sewerage funds back into the local economy.

- **Economic**

The proposed variation of the Tender Value Selection System with respect to the business address criterion should result in more competitive tender prices. Assessing and scoring the Tenderer's business address could result in a significant increase in the cost of the project which will not attract Government subsidy.

Legislative Requirements:

The Local Government (Tendering) Regulations 1999 are applicable for all contracts in excess of \$100K inclusive of GST.

Policy:

Council's Tender Value Selection system has worked very successfully for Council. It is reviewed regularly to ensure currency. The system has also been a model for other Councils.

Council recently resolved to bring matters of expenditure in excess of \$100K to Council at least three months in advance of resolution.

It was unclear whether Council's resolution was intended to include all projects that had been included in the Management Plan as these projects had already been through a consultation, reporting and adoption process with the results published and communicated to the community.

The implementation of the Management Plan is reported quarterly to Council in accordance with the legislation which in future will include commentary on the intent and application of this policy.

Council's resolution was interpreted to include only those projects that it was unaware of, ie projects not already included in the Management Plan. The recommendation further clarifies the policy.

cont'd

S52 Mullaway/Arwarra Sewerage (cont'd)

Issues:

The TVSS has been working successfully for the seven years of its operation. It has undergone one review in November 2001 to correct an anomaly in the formula used to calculate the score for the tender price and to consider the possibility of increasing, or decreasing, the weighting to be applied to the business address criterion. Council resolved to amend the price scoring formula but to leave the local preference component unchanged (Finance and Administration report of 22 November 2001).

The effect of considering the tenderer's business address has not had a significant financial impact until a series of tenders were recently called for the effluent reuse main from Bucca Road, Moonee to Orlando Street, Coffs Harbour. The financial impact of the application of local preference was an unsubsidised cost premium of \$635,660 exclusive of GST. The potential of local preference to increase tender prices has thus been realised and therefore Council's policy needs to be again reviewed. This will be the subject of a future report to Council.

Recommendation:

- 1. That the local business criterion and weighting in the Tender Value Selection System be waived for the purpose of the Mullaway/Arwarra Sewerage Scheme.**
- 2. That projects in excess of \$100K not already adopted in the Management Plan be reported to Council in its quarterly performance report three months prior to formal resolution for projects.**

S Sawtell
Director of City Services