

The following document is the minutes of the Council and Committee Meetings held on Thursday, 3 February 2005. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 17 February 2005 and therefore subject to change.
Please refer to the minutes of the meeting of 17 February 2005 for confirmation.



COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

3 FEBRUARY 2005

Contents

ITEM	DESCRIPTION	PAGE
MAYORAL ACTIONS UNDER DELEGATED AUTHORITY		
	CIVIC POWERS - TSUNAMI RELIEF CAMPAIGN	1
PLANNING, ENVIRONMENT AND DEVELOPMENT DEPARTMENT REPORTS		
PED2	DRAFT HEARNS LAKE / SANDY BEACH DEVELOPMENT CONTROL PLAN AND DRAFT HEARNS LAKE / SANDY BEACH DEVELOPER CONTRIBUTIONS PLAN	2
GENERAL MANAGER'S REPORT		
1	2005/2006 MANAGEMENT PLAN - PROJECT SCHEDULE	4
CITY BUSINESS UNITS DEPARTMENT REPORTS		
B1	CORPORATE MANAGEMENT OF WOOLGOOLGA COMMUNITY SPORTS COUNCIL RESERVE TRUST	5
B2	AUSTRALIAN AIRPORTS ASSOCIATION ANNUAL CONFERENCE	5
B3	ACQUISITION OF LAND FOR DRAINAGE PURPOSES - PROPOSED LOT 712 TROND CLOSE, NORTH BONVILLE	6
B4	ACQUISITION OF EASEMENTS FOR NORTHERN BEACHES SEWERAGE SEWER STRATEGY - ARRAWARRA TO MULLAWAY	6
CORPORATE SERVICES DEPARTMENT REPORTS		
F1	DECLARATIONS LODGED BY CANDIDATES - 27 MARCH 2004 LOCAL GOVERNMENT GENERAL ELECTION	7
F2	MONTHLY BUDGET REVIEW FOR DECEMBER 2004	7
F3	DEPARTMENT OF LOCAL GOVERNMENT RESPONSE TO COUNCIL SUBMISSION FOR CHANGES TO RATING LEGISLATION	7

ITEM	DESCRIPTION	PAGE
F4	ROAD NAMING - WEST COFFS DEVELOPMENT AREA	8
F5	REVIEW OF LOCAL GOVERNMENT REGULATIONS	8
F6	AMENDMENT TO THE LOCAL GOVERNMENT ACT 1993 BY THE LOCAL GOVERNMENT AMENDMENT (DISCIPLINE) ACT 2004 - ENHANCED STANDARDS OF BEHAVIOUR BY COUNCIL OFFICIALS	9
F7	OUTSTANDING REPORTS AND RESOLUTIONS AWAITING IMPLEMENTATION	9
F8	BANK BALANCES AND INVESTMENTS AS AT 30 NOVEMBER 2004	9
F9	INVESTMENTS AND BANK BALANCES AS AT 31 DECEMBER 2004	10
CITY SERVICES DEPARTMENT REPORT		
S1	TENDERS: DESIGN & CONSTRUCTION - DARKUM CREEK PEDESTRIAN/CYCLEWAY & SERVICE BRIDGE	10
QUESTIONS WITHOUT NOTICE		
1	Proposed Brothel in the City	12
2	Jetty Dune Care Funding	12
GENERAL BUSINESS		
1	Offer to donate a Clock Tower for the City	13
2	Reduction in Funding under the Town and Country Sewerage and Water Schemes	13
3	Operation of Car Market in Coffs Harbour Showground	13
4	Harbour Boat Ramp	14
5	Gravel on Road and Speeding in Vehicle being driven by P Plate Licence holders	14
CORPORATE SERVICES DEPARTMENT REPORT		
F10	CONTRACTUAL CONDITIONS OF SENIOR STAFF	15



COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

3 FEBRUARY 2005

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

Staff: General Manager, Director of City Services, Director of Planning, Environment & Development, Director of Corporate Services, Director of City Business Unit, and Executive Assistant.

The meeting commenced at 5.00pm with the Mayor, Cr K Rhoades in the chair.

PUBLIC ADDRESS

Speaker	Item
Connie Seaward	PED2 - Draft Hearns Lake/Sandy Beach Development Control Plan and Draft Hearns Lake/Sandy Beach Developer Contributions Plan
Barry Mann	As above
Graham Cooper	As above

MAYORAL ACTIONS UNDER DELEGATED AUTHORITY

CIVIC POWERS - TSUNAMI RELIEF CAMPAIGN

To advise Council of the exercise of its powers to make a donation to the Tsunami Relief Campaign.

- 1 **RESOLVED** (Rhoades/Hogbin) that
1. That the actions of the Mayor to donate \$10,000 to the disaster relief effort be confirmed.
 2. That a further report be submitted to Council once the collective advice from the Australian Local Government Association and Local Government Shires Association is received on the level of additional assistance can be given to the rebuilding program.

CONFIRMATION AND ADOPTION OF MINUTES

- 2 **RESOLVED** (Ovens/Hogbin) that the minutes of the Planning Environment and Development Committee Meeting held on 16 December 2004 be confirmed as a true and correct record of proceedings.
- 3 **RESOLVED** (Palmer/McKelvey) that the minutes of the City Services Committee Meeting held on 16 December 2004 be confirmed as a true and correct record of proceedings.

COMMITTEE OF THE WHOLE

- 4 **RESOLVED** (Hogbin/Palmer) that the Ordinary Meeting of Council be adjourned and Council now resolve into a Committee of the Whole, the time being 5.25pm.

PLANNING, ENVIRONMENT AND DEVELOPMENT DEPARTMENT REPORTS

PED2 DRAFT HEARNS LAKE / SANDY BEACH DEVELOPMENT CONTROL PLAN AND DRAFT HEARNS LAKE / SANDY BEACH DEVELOPER CONTRIBUTIONS PLAN

To present to Council the Draft Hearn Lake/Sandy Beach Development Control Plan (DCP) and Contributions Plan (CP) (supplied separately to Councillors). The report recommends that these plans be placed on public exhibition and to commence rezoning the land within the Hearn Lake/Sandy Beach area to more accurately reflect future planning of the area.

CW1 RECOMMENDED (McKelvey/Joass):

1. That in accordance with Clauses 18 and 26(4) of the Environmental Planning and Assessment Regulations, Council exhibit the Draft Hearn Lake/Sandy Beach Development Control Plan and Draft Hearn Lake/Sandy Beach Developer Contributions Plan.
2. That all landowners in the Hearn Lake/Sandy Beach study area be advised of the exhibition.

cont'd

PED2 - Draft Hearn's Lake / Sandy Beach Development Control Plan and Draft Hearn's Lake / Sandy Beach Developer Contributions Plan (cont'd)

3. That no development application for the Hearn's Lake/Sandy Beach study area be determined until after adoption of the Hearn's Lake/Sandy Beach Development Control Plan and Developer Contributions Plan.
4. That Council request the Department of Environment and Conservation to accept land dedicated to Council through the Development Control Plan to enable extension to the Regional Park.

PED1 DRAFT GATEWAY STRATEGY

To present to Council the Strategy document prepared by Consultants and to seek Council's endorsement to publicly exhibit the document.

CW2 RECOMMENDED (Ovens/McKelvey):

1. That Council note the Draft Gateway Strategy submitted as made available (separately) to all Councillors.
2. That Council endorse the public exhibition of the Draft Gateway Strategy for a period of 60 days.
3. That a further report be prepared for Council to consider any submissions received from the public exhibition of the Draft Gateway Strategy.
4. That Council actively pursue the Roads and Traffic Authority for funding of actions.

GENERAL MANAGER'S REPORT

1 2005/2006 MANAGEMENT PLAN - PROJECT SCHEDULE

To seek approval for a project schedule to develop Council's Management Plan for the 2005/2006 financial year. This report recommends that a Draft Management Plan be scheduled for public exhibition in May/June, 2005.

CW3 RECOMMENDED (Hogbin/Smithers):

1. That the following project schedule for developing Council's 2005/2006 Management Plan be adopted.

Meeting/Activity	Date	Councillor Attendance
Councillor workshop to review strategic priorities	Thursday 10 February 2005	Yes
Staff workshops February 2005	Mon 21 to Thurs 27	As required
Councillor workshop	March	Yes
Adopt 1st Draft for Public Exhibition	5 May 2005	Yes
Public Exhibition Period	7 May – 3 June 2005	N/A
Consultations with facility management committees	May 2005	Yes
Consideration of Submissions	6 – 16 June 2004.	As required
Adopt Final Management Plan	16 June 2004.	Yes

2. That Councillors note their attendance is requested at the meetings, as outlined in the schedule contained within this report, to develop Council's 2005/2006 Management Plan.
3. That directors and senior staff be available, when required, to meet with members of the public to inform them of issues associated with the 2005/2006 Management Plan, during the public exhibition phase of the Draft Plan.
4. That the key issues in the Draft 2005/2006 Management Plan be highlighted in newspaper advertising to be prepared and distributed during the public exhibition phase of the Draft Management Plan.
5. That the Environmental Working Group's recommended list of projects to be funded from the 2005/2006 Environmental Levy be submitted for consideration and adoption by Council by 18 March 2004.

CITY BUSINESS UNITS DEPARTMENT REPORTS

B1 CORPORATE MANAGEMENT OF WOOLGOOLGA COMMUNITY SPORTS COUNCIL RESERVE TRUST

To seek Council approval to assume Corporate Management of the Woolgoolga Community Sports Council Reserve and lease the fields to the Woolgoolga Sports Council Inc.

CW4 RECOMMENDED (Joass/Ovens) that Council:

1. Accept Corporate Management of the Woolgoolga Community Sports Council Reserve Trust.
2. Lease the Woolgoolga Community Sports Council Reserve to the Woolgoolga Sports Council Inc.
3. That all necessary documents related to the lease of the Woolgoolga Community Sports Council Reserve to the Woolgoolga Sports Council Inc be executed under the Common Seal of Council.

Note: Not adopted, see Adoption of Committee of the Whole Recommendations, page 11 of these minutes.

B2 AUSTRALIAN AIRPORTS ASSOCIATION ANNUAL CONFERENCE

To report on Council's involvement in the 2004 Australian Airports Association annual conference held during November 2004.

CW5 RECOMMENDED (Ovens/Hogbin) that Council note the report on Council's participation at the 2004 Australian Airports Association Conference held in Alice Springs during November 2004.

B3 ACQUISITION OF LAND FOR DRAINAGE PURPOSES - PROPOSED LOT 712 TROND CLOSE, NORTH BONVILLE

Report seeking Council approval for the acquisition of land at Trond Close, North Bonville for drainage purposes.

CW6 RECOMMENDED (Smithers/McKelvey):

1. That Council proceed to acquire that part of Lot 71 DP 1041505 shown on the plan attached to this report as proposed Lot 712 for an amount of \$5,000 exclusive of GST.
2. That any costs associated with the matter be the responsibility of Council.
3. That the land acquired be classified as operational land under the Local Government Act, 1993.
4. That all necessary documents be executed under the Common Seal of Council.

B4 ACQUISITION OF EASEMENTS FOR NORTHERN BEACHES SEWERAGE SEWER STRATEGY - ARRAWARRA TO MULLAWAY

Report seeking Council approval for the acquisition of easements associated with the extension of Council's sewer infrastructure over National Parks and Wildlife Service (NPWS) controlled land to service the localities of Arrawarra and Mullaway.

CW7 RECOMMENDED (McKelvey/Ovens):

1. That Council proceed with the acquisition of the easements required for the northern beaches Sewer Strategy over the land owned by National Parks and Wildlife Service on the terms and conditions as outlined within this report.
2. That the General Manager be delegated responsibility for negotiating the final settlements within the parameters set out in this report.
3. That all necessary documents with this matter be executed under the common seal of Council.

CORPORATE SERVICES DEPARTMENT REPORTS

F1 DECLARATIONS LODGED BY CANDIDATES - 27 MARCH 2004 LOCAL GOVERNMENT GENERAL ELECTION

To report on further receipt of declarations from the Election Funding Authority.

CW8 RECOMMENDED (Smithers/McKelvey) that the declarations of election expenditure, as tabled, be noted.

F2 MONTHLY BUDGET REVIEW FOR DECEMBER 2004

To report on the estimated budget position as at 31 December 2004.

CW9 RECOMMENDED (Hogbin/McKelvey) that the estimated budget position as at 31 December 2004, as follows, be noted:

Account	General Account	Water Account	Sewer
\$	\$	\$	
Original Budget	507,161 (D)	39,600 (D)	380,005 (D)
Approved variations to 30 November 2004	164,524 (S)	23,802 (S)	76,019 (S)
Recommended variations for December 2004	40,775 (D)	Nil	Nil
Estimated result 2004/05 as at 31 December 2004	383,412 (D)	15,798 (D)	303,986(D)

F3 DEPARTMENT OF LOCAL GOVERNMENT RESPONSE TO COUNCIL SUBMISSION FOR CHANGES TO RATING LEGISLATION

To report to Council on the response from the Department of Local Government to Council's submission requesting consideration being given to amending certain sections pertaining to rating in the Local Government Act 1993.

CW10 RECOMMENDED (Palmer/Smithers):

1. That the response from the Department of Local Government be noted and copies of the submission and response be provided to the Rating Review Working Party.

cont'd

F3 Department of Local Government Response to Council Submission For Changes to Rating Legislation (cont'd)

2. That Council continue to use opportunities in relevant forums or in any discussions with the Department of Local Government to agitate for reform to the Local Government Act which provides councils with opportunity for creating more flexible and equitable rating structures.

F4 ROAD NAMING - WEST COFFS DEVELOPMENT AREA

To report on submissions received to the naming of a newly constructed section of the western arm of the collector road for the "West Coffs Development Area".

CW11 RECOMMENDED (Palmer/Joass):

1. That Council confirm the naming of the western link of the "West Coffs Development Area" as ROSELANDS DRIVE over its total length from Coramba Road to Shephards Lane.
2. That Council consider further opportunities to perpetuate the name "Spagnolo" as other amenities are developed within the West Coffs Development Area.

F5 REVIEW OF LOCAL GOVERNMENT REGULATIONS

To advise Council of a review of the Local Government Regulations being undertaken by the Department of Local Government and minor updating of the existing regulations.

CW12 RECOMMENDED (McKelvey/Smithers) that the advice from the Department of Local Government be noted and a further report will be provided when the Regulatory Impact Statement and the draft consolidated Regulation is released.

F6 AMENDMENT TO THE LOCAL GOVERNMENT ACT 1993 BY THE LOCAL GOVERNMENT AMENDMENT (DISCIPLINE) ACT 2004 - ENHANCED STANDARDS OF BEHAVIOUR BY COUNCIL OFFICIALS

To advise Council of amendments to the Local Government Act by the assent of the Local Government Amendment (Discipline) Act effective from the 1 January 2005.

CW13 RECOMMENDED (Smithers/Bonfield):

1. That Council note the report and the amendments to the Local Government Act, the Local Government Amendment (Discipline) Act 2004 and the Model Code of Conduct.
2. That a review of Council's Code of Conduct be undertaken and a further report be made on appropriate amendments.

F7 OUTSTANDING REPORTS AND RESOLUTIONS AWAITING IMPLEMENTATION

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

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

F8 BANK BALANCES AND INVESTMENTS AS AT 30 NOVEMBER 2004

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

CW15 RECOMMENDED (Hogbin/Palmer) that the Bank Balances and Investments totalling one hundred and five million, four hundred and fifty seven thousand, four hundred and ninety six dollars (\$105,457,496) as at 30 November 2004, be noted.

F9 INVESTMENTS AND BANK BALANCES AS AT 31 DECEMBER 2004

To list Council's Bank Balances and Investments as at 31 December 2004.

- CW16 RECOMMENDED** (Hogbin/Smithers) that the Bank Balances and Investments totalling one hundred and one million, seven hundred and sixty four thousand, three hundred and twenty two dollars (\$101,764,322) as at 31 December 2004, be noted.

CITY SERVICES DEPARTMENT REPORTS

S1 TENDERS: DESIGN & CONSTRUCTION - DARKUM CREEK PEDESTRIAN/CYCLEWAY & SERVICE BRIDGE

To report on tenders received for the design and construction of a pedestrian/cycleway and service bridge over Darkum Creek, Mullaway and the design and construction of a pedestrian/cycleway bridge over a watercourse adjacent to Seven Lakes Golf Course, Safety Beach.

- CW17 RECOMMENDED** (McKelvey/Palmer) that

1. That Council accept the tender of Waeger Bridges ABN 98 003 814 079, for Design and Construct Contract No. 04/05-168-TO, Darkum Creek Pedestrian/Cycleway and Service Bridge for the lump sum amount of \$398,392.50 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 his ability and satisfactory performance.
 - c) The Tenderer's financial references are satisfactory
2. That the contract documents be completed under Seal Of Council

CONCLUSION OF MEETING

The Mayor advised that the business of the Committee of the Whole was concluded at 6.07pm.

OPEN COUNCIL

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

- CW18 RECOMMENDED** (Palmer/Hogbin) that the Committee now move into Open Council.

ADOPTION OF COMMITTEE OF THE WHOLE RECOMMENDATIONS

- 5 RESOLVED** (Palmer/Hogbin) that the recommendations of the Committee of the Whole be adopted with the exception of Recommendation No. CW4 - Corporate Management of Woolgoolga Community Sports Council Reserve Trust.

CITY BUSINESS UNITS DEPARTMENT REPORT

B1 CORPORATE MANAGEMENT OF WOOLGOOLGA COMMUNITY SPORTS COUNCIL RESERVE TRUST

To seek Council approval to assume Corporate Management of the Woolgoolga Community Sports Council Reserve and lease the fields to the Woolgoolga Sports Council Inc.

Cr Joass declared a non-pecuniary interest during consideration of the following item, vacated the Chamber and took no part in the discussion and voting as he is Chairman of the Management Committee of Woolgoolga Community Sports Council Reserve Trust and the Chairman of the Woolgoolga Community Sports Council.

- 6 RESOLVED** (Hogbin/Palmer) that Council:
1. Accept Corporate Management of the Woolgoolga Community Sports Council Reserve Trust.
 2. Lease the Woolgoolga Community Sports Council Reserve to the Woolgoolga Sports Council Inc.
 3. That all necessary documents related to the lease of the Woolgoolga Community Sports Council Reserve to the Woolgoolga Sports Council Inc be executed under the Common Seal of Council.

Cr Joass returned to the meeting.

SUPPLEMENTARY RESOLUTION

- 7 **RESOLVED** (Bonfield/Smithers) that the matter of non-pecuniary interest be the subject of a workshop with the Councillors in the development of a model code.

REQUESTS FOR LEAVE OF ABSENCE

- 8 **RESOLVED** (Bonfield/Smithers) that Cr Ovens be granted leave of absence from Council from 17 February 2005.

QUESTIONS WITHOUT NOTICE

1. Proposed Brothel in the City

Cr Bonfield enquired if an owner/manager/proprietor of a proposed brothel is required to undergo a probity check.

The General Manager responded that probity issues of the owner/developer of a proposed development are beyond the scope of Council's powers and Council only addresses issues concerning the development approval.

2. Jetty Dune Care Funding

Cr Smithers referred to correspondence to Councillors from Jetty Dune Care requesting Council sign off on a funding application and enquired as to the status of a grant officer in Coffs Harbour to process grants applications in a timely manner.

The General Manager advised that the Corporate Resources Co-ordinator coordinates and sources grant applications and forwards information to staff and governments. Other community organisations can seek advice from him.

GENERAL BUSINESS

1. Offer to Donate a Clock Tower for the City

Cr Bonfield advised she has been approached by a local accountant, Kerry Albert, to donate a clock tower for the corner of Moonee and West High Streets.

The General Manager requested Mr Albert be invited to lodge a submission to Council.

2. Reduction in Funding under the Town and Country Sewerage and Water Schemes

Cr Palmer reported on a meeting he had attended with the Hon Frank Sartor, Minister for Utilities, along with the Chairman and Manager of North Coast Water and the Strategic Manager of Coffs Water. The Minister advised that due to the State Government's lack of funds, under the Town and Country Sewerage and Water Schemes, Council's funding has been cut from a 28.68% subsidy to 11.0%. Cr Palmer commented that this means a shortfall of approximately \$9.4m to the Clarence Valley and Coffs Harbour communities. Minister Sartor has requested figures on what effect the reduction in funding will have on water bills.

Cr Smithers requested a Councillor briefing on the Re-use Program and any reduction in funding.

The General Manager responded that Council is confident that the Sewerage Strategy will not be subjected to the same reduction in funding as the Water Scheme because of the Memorandum of Understanding. A report will be provided to the next meeting of Council.

3. Operation of Car Market in Coffs Harbour Showground

Cr McKelvey advised that he had the pleasure of officially opening a Car Market at Coffs Harbour Showground on Saturday, 29 January. The car market will be operating every Saturday. Cr McKelvey also advised that vehicles for sale are again parked illegally on the roadside adjacent to the Showground and at Sawtell and Boambee and requested the Rangers patrol the area.

General Business (cont'd)

4. Harbour Boat Ramp

Cr Hogbin congratulated staff on their expediency in obtaining an excavator to remove the sand at the boat ramp and raised the matter of the danger to children playing on the sand groyne from boats approaching the boat ramp under speed. Cr Hogbin requested the media become involved in warning the public of the dangers.

The Director of City Services will prepare a press release to advise the public and also contact the Waterways and the Water Police seeking their assistance to avoid a serious accident.

The Director also advised that there is now on site, for three to six months, a drag line to dredge sand from the area when needed.

5. Gravel on Road and Speeding in Vehicle being driven by P Plate Licence holders

Cr Ovens referred to a recent Court Case resulting in a substantial payout being awarded to a P Plate driver who was injured when his vehicle skidded on loose gravel on a road. The driver was exceeding the speed limit at the time of the accident.

CLOSED MEETING – SECTION 10(A)

The Mayor requested a motion to close the meeting to consider a confidential report as outlined in the meeting agenda, the time was 6.30 pm.

- 9** **MOVED** (Hogbin/Palmer) that the meeting be closed to the press and public during consideration of the following item for the reason as stated:

F10 - Contractual Conditions of Senior Staff

This report was confidential for the reason of Section 10A(2):
(a) personnel matters concerning particular individuals.

The motion on being put to the meeting was carried.

The press and public vacated the chamber.

F10 **CONTRACTUAL CONDITIONS OF SENIOR STAFF**

To report to Council on the contractual conditions of senior staff.

10 RESOLVED (Hogbin/McKelvey) that the report be noted.

OPEN MEETING

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

The Mayor read to the meeting the resolution of the Closed Meeting.

This concluded the business and the meeting closed at 6.35 pm.

Confirmed: 17 February 2005.

.....
K D Rhoades
Mayor