

The following document is the minutes of the Council and Committee meetings held on 2 June 2005. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 16 June 2005 and therefore subject to change. Please refer to minutes of 16 June 2005 for confirmation.



# **COFFS HARBOUR CITY COUNCIL**

## **ORDINARY MEETING**

### **(CORPORATE SERVICES COMMITTEE)**

#### **COUNCIL CHAMBERS**

#### **COUNCIL ADMINISTRATION BUILDING**

#### **COFF AND CASTLE STREETS, COFFS HARBOUR**

**2 June 2005**

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# COFFS HARBOUR CITY COUNCIL

## ORDINARY MEETING

### (CORPORATE SERVICES COMMITTEE)

2 JUNE 2005

**Present:** Councillors K D Rhoades (Mayor), I D Hogbin (Deputy Mayor), J C Bonfield, W D Featherstone, 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, Administration Manager, City Treasurer, Program Support Coordinator, Management Accountant and Executive Assistant.

The meeting commenced at 5.10pm with the Mayor, Cr K D Rhoades in the chair.

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#### APOLOGY

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- 77 **RESOLVED** (Hogbin/Ovens) that an apology received from Cr Joass for unavoidable absence be received and leave be granted for the current meeting of Council.
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#### CORPORATE SERVICES COMMITTEE

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- 78 **RESOLVED** (Ovens/Palmer) that the Ordinary Meeting of Council be adjourned and Council now resolve into the Corporate Services Committee meeting, the time being 5.10pm.

The Mayor invited Councillor Hogbin to chair the Corporate Services Committee.

## CORPORATE SERVICES DEPARTMENT REPORTS

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### F35 MARINE PARKS AUTHORITY - BEACH NAMING PROPOSALS

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To advise Council of a package of proposals to formally name several beaches in the Coffs Harbour Local Government Area.

#### MOTION

**MOVED** (Ovens/McKelvey):

1. Council acknowledge the proposal as submitted by the Marine Parks Authority for the naming of the beaches as specified in the report.
2. The Council refers this report to the Geographical Names Board for their endorsement and seek community consultation in accordance with their standard procedures as set out in the Act.

#### AMENDMENT

**C29 MOVED** (Cr Rhoades/Palmer):

1. That Council advise that it concurs with the following names of beaches included in the package of proposals submitted by the Marine Parks Authority.
  - Woolgoolga Back Beach
  - Emerald Beach
  - Station Creek Beach
  - Pipe Clay Lake
  - Arrawarra Beach
  - Hearn's Lake Beach
2. That Council submit a proposal to the Geographical Names Board to name the following beaches.
  - Red Rock Beach
  - Pipe Clay Beach
  - Cabins Beach
  - Darkum Beach
  - North Wall Beach
  - Jetty Beach
  - Sawtell Beach
  - Bonville Beach
3. The proposed names for the unnamed beaches be advertised in the local press and call for written submissions to the proposals.
4. Subject to no substantial objections to the names, the proposal be submitted to the Geographical Names Board.

The **AMENDMENT** on being put to the meeting was **CARRIED**. It then became the **MOTION** and on being put to the meeting was declared **CARRIED**.

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**F36 BOUNDARY ADJUSTMENT - PROPOSAL BY CLARENCE VALLEY COUNCIL**

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To formally advise Council of the Minister's decision on the proposal by Clarence Valley Council to adjust the boundary to include Red Rock, Corindi and Upper Corindi in the Clarence Valley Council Local Government area.

**C30 RECOMMENDED (Ovens/McKelvey):**

1. That the decision of the Hon. Tony Kelly MLC Minister for Local Government to make no alteration to the Coffs Harbour Local Government boundary as a result of a proposal by Clarence Valley Council be noted and applauded.
2. That a letter of thanks be forwarded to the Minister.
3. Council staff endeavour to ensure that all Section 94 Contributions, grants and other related assets, including Corindi Beach Crown Reserve and Caravan Park which relate to this boundary realignment are transferred to CHCC as per the agreement.

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**F37 DECLARATIONS LODGED BY CANDIDATES - 27 MARCH 2004 LOCAL GOVERNMENT GENERAL ELECTION**

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

**C31 RECOMMENDED (Palmer/Smithers):**

1. That the declaration of election expenditure, as tabled, be noted.
2. That it also be noted that the Councillors sitting on the current Council have furnished their declarations.

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**F38 LOCAL GOVERNMENT REMUNERATION TRIBUNAL**

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To inform Council of a decision advised by the Minister for Local Government and the Local Government and Shires Association on the determination of fees for Councillors and Mayors for 2005/06 by the Local Government Remuneration Tribunal.

**C32 RECOMMENDED (Ovens/Palmer):**

1. That Council notes that the annual fees for Councillors as recommended by the Local Government Remuneration Tribunal are to remain unchanged from 2004/05 to 2005/06.
2. That pursuant to the provisions of s.248 of the Local Government Act '93, the annual fee for Councillors be fixed at \$12,925 for the 2005-06 financial year.

3. That pursuant to the provisions of s.249 of the Local Government Authority, an additional annual fee for the position of Mayor be set at \$28,215 for the ensuing financial year.

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**F39 FOOD ACT 2003**

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To provide advice from NSW Food Authority with respect to delegations to the General Manager.

**C33 RECOMMENDED** (Featherstone/Rhoades):

1. Pursuant to Section 377(1) of the Local Government Act 1993 Council resolve to delegate to the General Manager the power to appoint authorised officers under Section 114 of the Food Act 2003.
2. Pursuant to Section 377(1) of the Local Government Act 1993 Council resolve to delegate to the General Manager the power to serve Prohibition Orders under Section 60 of the Food Act 2003.
3. Pursuant to Section 378(2) of the Local Government Act 1993, and conditional upon advice from the NSW Food Authority, Council resolve to approve the General Manager to sub-delegate the power to serve Prohibition Orders under Section 60 of the Food Act 2003 to the Manager of Environmental Services.
4. Pursuant to Section 381(3) of the Local Government Act 1993 Council resolve to approve the NSW Food Authority's delegation to the General Manager to provide written approvals for dispensations and alternative methods of compliance in regard to the Food Standards Code's Standard 3.2.2 (clauses 15 and 17) and Standard 3.2.3 (clauses 10 and 14).
5. Pursuant to Section 109E(3) of the Food Act 2003, and conditional upon approval from the NSW Food Authority Council resolve to approve the General Manager to sub-delegate the power to provide written approvals for dispensations and alternative methods of compliance in regard to the Food Standards Code's Standard 3.2.2 (clauses 15 and 17) and standard 3.2.3 (clauses 10 and 14) to the Manager of Environmental Services.

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**F40 MELBOURNE 2006 XVIII COMMONWEALTH GAMES - QUEENS BATON RELAY**

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To formally advise Council of the arrangements and progress of the relay as it moves through Coffs Harbour

**C34 RECOMMENDED** (Palmer/McKelvey) that the report on the route through Coffs Harbour of the Queens Baton Relay on 29 – 30 January 2006 and arrangements made to date be noted.

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**F41      LEGAL EXPENSES**

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To advise Council on the progress of legal cases and legal advice impacting on Councils 2004/05 budget.

**C35      RECOMMENDED** (McKelvey/Rhoades):

1. That the report on Council's legal expenses be noted along with the confidential information on current cases supplied separately.
2. That Council adopt a budget of \$275,000 for legal expenses for 2004/05.
3. That every effort be undertaken to ensure mitigation of expected legal costs as detailed in the report.

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**F42      QUARTERLY BUDGET REVIEW FOR MARCH 2005**

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To report on the estimated budget position as at 31 March 2005.

**C36      RECOMMENDED** (Palmer/Rhoades):

1. Estimated Budget Position as at 31 March 2005:

	<b>General Account \$</b>	<b>Water Account \$</b>	<b>Sewer Account \$</b>
Original Budget	507,161 (D)	39,600 (D)	380,005 (D)
Approved variations to 28 February 2005	88,749 (S)	23,802 (S)	76,019 (S)
Recommended variations for March 2005	60,350 (D)	2,203,290 (S)	1,970,890 (S)
Estimated result 2004/05 as at 31 March 2005	<u>478,762</u> (D)	<u>2,187,492</u> (S)	<u>1,666,904</u> (S)

2. That a workshop be held with the Councillors on the budgetary reporting process.

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**F43      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.

**C37      RECOMMENDED** (Featherstone/Smithers) that the report be noted.

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**F44 BANK BALANCES AND INVESTMENTS AS AT 30 APRIL 2005**

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To list Council's Bank Balances and Investments as at 30 April 2005

- C38 RECOMMENDED** (Rhoades/McKelvey) that the Bank balances and Investments totalling One hundred and one million, nine thousand, two hundred and seventy three dollars (\$101,009,273) as at 30 April 2005 be noted.

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**S32 PLANT HIRE RATES 2005/06**

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To seek approval of the attached plant hire rates for Council owned plant and equipment effective from 1 July 2005. These rates are unchanged from 2004/2005 and reflect optimum plant management practices.

- C39 RECOMMENDED** (Smithers/Palmer):

1. That Council adopt the Plant Hire Rates as detailed in the attachment to this report, to take effect from 1 July, 2005.
2. That a workshop be held to discuss the desirable minimum reserve levels for the plant replacement reserve and the basis for a calculated dividend to the General Fund.

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**CONCLUSION OF CORPORATE SERVICES COMMITTEE MEETING**

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The Chairman advised that the business of the Corporate Services Committee was concluded and invited the Mayor to resume the chair.

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**OPEN COUNCIL**

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

- C40 RECOMMENDED** (Palmer/McKelvey) that the Committee now move into Open Council.

The Mayor resumed chairmanship of the meeting at 6.15pm.

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**ADOPTION OF CORPORATE SERVICES COMMITTEE REPORT**

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- 79 RESOLVED** (Smithers/McKelvey) that the recommendations of the Corporate Services Committee meeting be received and adopted.

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## MATTERS OF AN URGENT NATURE

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### 1. Shannon Creek Dam

Cr Ovens requested a letter be sent to The Honourable Frank Sartor MP – Minister for Energy and Utilities seeking support for fast-tracking of approvals for Shannon Creek Dam.

*It was decided that Councils representative on North Coast Water be used to facilitate this process and report back to Council where necessary.*

### 2. Environmental Planning & Assessment Act

Cr Smithers questioned Councils approach to the proposed addition of a Part 3a to the Environmental Planning & Assessment Act and the associated implications for Local Government.

*Director of Planning Environment and Development advised that Council will review the proposed changes and make a submission if necessary.*

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## GENERAL BUSINESS

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### 1. Graffiti

Cr Palmer expressed concern with regards to the high level of graffiti still occurring in the Local Government Area, and the presumed level of apathy by the general public to report graffiti activity.

### 2. Management Plan

Cr Hogbin requested a meeting be scheduled soon after the public exhibition period closes to allow Councillors adequate time to fully consider all community input into the process.

*The General Manager undertook to discuss community responses to the Management Plan during the Councillors briefing on Wednesday 9 June 2005.*

### 3. Whaling - Japan

Following a proposal to increase levels of whaling in Japan, Cr Smithers asked if the Mayor of our Sister City, Sasebo, could be provided with Councils concerns and request they be forwarded to the Japanese Government.

*Mayor Rhoades undertook to forward Councils concerns with regards to whaling to the Mayor of Sasebo.*



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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, the time was 6.30pm.

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

PED 16 Tenders for collection services for Coffs Coast Regional Waste Services for Coffs Harbour City Council.

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.

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**PED16 TENDERS FOR COLLECTION SERVICES FOR COFFS COAST REGIONAL WASTE SERVICES FOR COFFS HARBOUR CITY COUNCIL**

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This report recommends that Council accept tenders for Coffs Harbour Regional Waste Services, and Coffs Harbour Waste Services.

The Coffs Harbour Waste Services contracts include Coffs Harbour City Council's litter bin service and waste transfer station service.

The tender for Coffs Harbour Regional Waste Services involves provision of domestic waste services to Coffs Harbour City Council (CHCC), Nambucca Shire Council (NSC) and Bellingen Shire Council (BSC), and effluent pump out and desludgement services to CHCC only, under a joint contract.

- C41** **RECOMMENDED** (Palmer/McKelvey):

1. That, subject to the concurrence of both Nambucca and Bellingen Shire Councils, the tender for collection services for Coffs Coast Regional Waste Services Number 04/05-183-TO, on the basis of the Kerbside Collection Regional 10 year option, be awarded to Handybin (Coffs Harbour) Pty Ltd.
2. That the tender for litter bin services for Coffs Harbour Waste Services Contract Number 04/05-183-TO be awarded to the incumbent contractor, Pinerose Pty Ltd on the basis of option 3.
3. That consideration of the tender for Collection of Mixed Waste and Commercial and Industrial Waste General, Organic Waste (Domestic) and Recyclables from Waste Transfer Stations and transport to Coffs Harbour be deferred pending further investigations.

4. That pursuant to the contract provisions, Council lease the Collection Contractor's Site identified in the tender documents to the successful tenderer in accordance with the draft lease agreement attached to the Tender documents.
5. That the Contract and Lease be executed under Council seal.
6. That Council consider, when it adopts the 2005/2006 Management Plan, that the "Domestic Waste/Recycling Contract" allowance be increased from \$3,162,080 to \$3,570,000.
7. That Council consider, when it adopts the 2005/2006 Management Plan, that the "Waste Processing Contract" allowance be reduced from \$850,000 to \$590,000.
8. That Council consider, when it adopts the 2005/2006 Management Plan, that the "Parks and Street Litter Bins" allowance be increased from \$210,700 to \$245,700, with funding from revenue.

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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 6.38pm.

Confirmed: 16 June 2005

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K D Rhoades  
**Mayor**