

The following document is the minutes of the Council and Committee meetings held on 16 November 2006. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 14 December 2006 and therefore subject to change. Please refer to minutes of 14 December 2006 for confirmation.



# **COFFS HARBOUR CITY COUNCIL**

**ORDINARY MEETING**

**(CORPORATE BUSINESS COMMITTEE)**

**CORAMBA COMMUNITY HALL**

**DORRIGO STREET**

**CORAMBA NSW 2450**

**16 NOVEMBER 2006**

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# COFFS HARBOUR CITY COUNCIL

## ORDINARY MEETING

### (CORPORATE BUSINESS COMMITTEE)

16 NOVEMBER 2006

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

**Staff:** General Manager, Assistant General Manager/ Director Corporate Business, Director Land Use, Health and Development, Director of City Services (Acting), Executive Manager Governance & Economic Development, Executive Manager Business Units, Manager Land Use Planning, Manager Health (Acting) and Executive Assistant.

In commemoration of 50 yrs of Coffs Harbour Shire (1956 – 2006) the Town Cryer John Kerr cried the abbreviated minutes from the first Coffs Harbour Shire meeting held on 10 December 1956.

In commemoration of the centenary of Dorrigo Shire (1906 – 2006) the Mayor gave a Centenary of Local Government presentation.

The meeting commenced at 5.30pm with the Mayor, Cr K D Rhoades in the chair.

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#### CONFIRMATION AND ADOPTION OF MINUTES

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- 153** **RESOLVED** (Palmer/Smithers) that the minutes of the Land Use, Health & Development Committee Meeting held on 2 November 2006 be confirmed as a true and correct record of proceedings.
- 154** **RESOLVED** (Joass/Ovens) that the minutes of the City Services Committee Meeting held on 2 November 2006 be confirmed as a true and correct record of proceedings.

## GENERAL MANAGER'S REPORT

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### 11 DRAFT 2005/2006 ANNUAL REPORT AND DRAFT 2005/2006 SUPPLEMENTARY STATE OF THE ENVIRONMENT REPORT

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To provide Council with the Draft Annual Report and Draft Supplementary State of the Environment Report for the 2005/2006 financial year. This report recommends that the Draft 2005/2006 Annual Report and Draft 2005/2006 Supplementary State of the Environment Report be adopted.

- 155 **RESOLVED** (Ovens/Hogbin) that Council adopts the 2005/2006 Annual Report and 2005/2006 Supplementary State of the Environment Report as distributed.
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### 12 QUARTERLY PERFORMANCE REPORTING FOR THE QUARTER ENDED 30 SEPTEMBER 2006

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To report on the achievement of customer service guarantees and performance targets for the July to September 2006 quarter.

- 156 **RESOLVED** (Hogbin/McKelvey) that:
1. Council adopt the revised strategies and performance indicators in the 2006-2009 Management Plan as outlined in the Issues section of this report.
  2. Council note the issues surrounding those measures that have not been achieved for the period ending 30 September 2006, as listed in the body of this report.
  3. Council note the achievements of customer service guarantees, as outlined in Attachment 1 of the General Manager's Report for the June to September 2006 quarter.
  4. Council note the organisation's significant achievements, as outlined in Attachment 2 of the General Manager's Report for the June to September 2006 quarter.
  5. Council note the achievement of performance targets, as outlined in a separate booklet which is available in the Councillors' Room for the June to September 2006.
  6. Council continues to monitor its performance with a view to improving service delivery.

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## **CORPORATE BUSINESS COMMITTEE**

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- 157** **RESOLVED** (Palmer/McKelvey) that the Ordinary Meeting of Council be adjourned and Council now resolve into the Corporate Business Committee meeting, the time being 5.34pm.

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

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## **CORPORATE BUSINESS DEPARTMENT REPORTS**

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### **C83 PROPOSED LEASE OF PUBLIC ROAD AT END OF EAST BONVILLE ROAD, BONVILLE**

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Seeking Council consent to lease to the adjoining owners, the public road adjacent to 309 and 309A East Bonville Road, Bonville.

#### **MOTION**

- CB94** **RECOMMENDED** (Palmer/Ovens) that:

1. Council enter into a lease agreement with the owners of 309 and 309A East Bonville Road, Bonville for the section of public road passing through Lot 111 and Lot 112 DP 755536 East Bonville Road, Bonville in line with the following conditions –
  - a) Lessee to be the owners of Lot 111 and Lot 112 DP 755536 who will be jointly and severally liable for the lease of the road.
  - b) Term to be for a maximum period of five years.
  - c) Rent to be the sum of \$950 per annum, payable six monthly in advance.
  - d) Lessee to pay GST which is additional to the above rental amount.
  - e) Lessee to take out and keep current during the term of the lease, a Public Liability insurance policy in a minimum amount of ten million dollars (\$10,000,000) (or such other amount as may be advised by Council from time to time), with such policy to note the respective rights and interests of Council.
  - f) Lessee to maintain the area in a neat and tidy condition at all times during the term of the lease.
  - g) The Lessee may at its expense erect any necessary signage, gates and/or fences to prevent the public from entering the leased area.
  - h) No other signs to be placed on the land without the written approval of Council.

**C83 Proposed Lease Of Public Road At End Of East Bonville Road, Bonville  
...(Cont'd)**

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- i) No other improvement works, including the removal of trees or shrubs, to be undertaken on the land without the written approval of Council.
  - j) Lessee to be responsible for all costs associated with the lease proposal, including Council's solicitor's costs.
  - k) Lessee to be responsible for all costs associated with its use of the land.
  - l) Upon expiry or determination of the lease, the lessee is to be responsible for re-instatement of the land to the condition that existed prior to its occupation and use of the land.
  - m) Lease to include statutory provisions as required by the Roads Act 1993.
  - n) The owner and invitees of the owner of Lot 76 DP 755536 is retain access along the public road to Lot 76 DP 755536 at all times.
  - o) Lessee to provide any necessary emergency services with a key to any gates or security fencing to ensure that emergency access to the public road and Lots 76, 111 and 112 DP 755536 is maintained at all times.
  - p) Lease to include any additional terms and conditions as may be advised or required by Council's solicitors.
2. All necessary documents associated with the lease of public road passing through Lot 111 and Lot 112 DP 755536 East Bonville Road, Bonville be executed under the Common Seal of Council.

**AMENDMENT**

**RECOMMENDED** (Hogbin/McKelvey) that the matter be deferred pending evaluation of the sale option compared to the lease option.

The **AMENDMENT** on being put to the meeting was **LOST**. The **MOTION** on being put to the meeting was **CARRIED**.

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**C84 INTERNAL TRANSFER OF LAND**

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Approval for the transfer to the Sewer Fund of Lot 1 DP 1080285 Christmas Bells Road.

**CB95 RECOMMENDED** (Ovens/Smithers) that Lot 1 DP 1080285 Christmas Bells Road be transferred from the General Fund to the Sewer Fund for an amount of \$1,000,000.

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**C85 CONDUCT OF AUDITS - SECTION 355 FACILITY MANAGEMENT COMMITTEES**

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To provide Council with details of the audit of the financial records of Council's Section 355 facility management committees for the year ended 30 June 2006.

**CB96 RECOMMENDED** (Palmer/Ovens) that the report on the audit of the Section 355 facility management committees be noted.

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**C86 MONTHLY BUDGET REVIEW FOR OCTOBER 2006**

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To report on the estimated budget position as at 31 October 2006.

**CB97 RECOMMENDED** (Palmer/Ovens) that:

1. The variations in the attached exception report be approved.
2. The revised Budget position as at 31 October 2006 be noted:

	<b>General Account \$</b>	<b>Water Account \$</b>	<b>Sewer Account \$</b>
Original Budget adopted 29th June 2006	Nil	49,713 (D)	77,342 (S)
Approved variations to 30 September 2006	4,885 (D)	Nil Nil	
Recommended variations for October per attached exception report	12,008 (S)	Nil Nil	
Estimated result 2006/07 as at 31 October 2006	<u>7,123</u> (S)	<u>49,713</u> (D)	<u>77,342</u> (S)

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**C87 BANK BALANCES AND INVESTMENTS FOR SEPTEMBER 2006**

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To list Council's Bank Balances and Investments as at 30 September 2006.

**CB98 RECOMMENDED** (Joass/Palmer) that the bank balances and investments totalling one hundred and twenty four million, eight hundred and twenty five thousand, eight hundred and twenty five dollars (\$124,825,825) as at 30 September 2006 be noted.

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**C88 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.

**CB99 RECOMMENDED** (Smithers/Ovens) that the report be noted.

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**C89 TENDER - PROVISION OF LEGAL SERVICES**

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**Cr Hogbin declared a pecuniary interest in the following item as he is the accountant for one of the listed law firms and left the meeting at 6.02pm. Cr Joass chaired the meeting during Cr Hogbin's absence.**

To advise Council of outcomes of the tender for the provision of legal services to Council and to propose a panel to render these services.

**CB100 RECOMMENDED** (Ovens/Featherstone) that Council appoint the following firms to its panel to provide legal services:

- Crane Butcher McKinnon Lawyers
- Fishburn Watson O'Brien
- Harris Wheeler Lawyers
- Knowles Lawyers
- Maddocks
- Mallik Rees
- Marsdens Law Group
- MBT Lawyers
- Willshire Webb

**Cr Hogbin returned to the meeting, the time being 6.05pm.**

**LAND USE, HEALTH & DEVELOPMENT DEPARTMENT REPORTS**

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**LUHD40 ARRAWARRA BEACH ACCESS OPTIONS**

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**Cr McKelvey declared a non pecuniary interest in the following item, as he is a land owner at Arrawarra, and that he would remain in the meeting and not vote.**

**Cr Bonfield declared a pecuniary interest in the following item as she is the real estate agent for one of the properties included in the report, and left the meeting at 6.07pm.**



## **LUHD40 Arrawarra Beach Access Options...(Cont'd)**

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The purpose of this report is to advise Council of the issues surrounding public access to Corindi Beach from Arrawarra and to specifically:

- Provide information on the options identified in the Consultant's report on access to Corindi beach
- Advise of the latest offer from the Caravan Park owners regarding public access through the Caravan Park
- Inform on the condition of the existing public walkways including safety concerns
- Provide recommendations towards resolution of the situation

**RECOMMENDED** (Palmer/Joass) that Coffs Harbour City Council:

1. Remove the concrete footpath from the creek access easement and install appropriate signage, thus resolving the immediate safety and liability concerns.
2. Advise the Caravan Park owners that Council is not interested in pursuing a public temporary walkway/easement through the caravan park.
3. Incorporate a review of current and future beach access priorities across the entire Local Government Area (LGA) within the next revision of the Open Space Strategy.
4. Advise the community of the outcome of Council's deliberations in relation to the beach access issue.

### **AMENDMENT**

**CB101 RECOMMENDED** (Rhoades/Joass) that the report be deferred subject to a report being brought back to the next meeting on the costings for Option D.

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**.

**Cr McKelvey abstained from voting.**

**Cr Bonfield returned to the meeting, the time being 6.33pm.**

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## **LUHD41 KOALA PLAN OF MANAGEMENT REVIEW (DRAFT)**

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The basic function of the Koala Plan of Management (KPoM) review is to report on the Plans ability, as a functional planning tool to protect koala habitat in the development process as a requirement under the State Environmental Planning Policy No. 44 (SEPP 44): Koala Habitat. The Department of Planning (DoP) is the State Government Agency responsible for implementing SEPP 44 and therefore is supervising Councils review process.

#### **LUHD41 Koala Plan Of Management Review (Draft)...(Cont'd)**

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The attached Council report and supporting documentation is to provide Council with an overview of the review process, take a broad look at the issues identified in the practical utilisation of the KPoM and suggest amendments to enhance its use.

**CB102 RECOMMENDED** (McKelvey/Smithers) that:

1. Council progress the review of the Koala Plan of Management by referring the review report documents to the Department of Planning.
2. Council progress to amend the Koala Plan of Management in accordance with the findings of the review and as directed by the Department of Planning.

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#### **LUHD42 SUPPLEMENTARY REPORT - DRAFT SETTLEMENT POLICY FOR RURAL 1A ZONED LANDS**

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**Cr Palmer declared an interest in the following item, as he is a rural land owner, and that he would remain in the meeting and not vote.**

This report advises of a request by the Department of Planning to amend the Draft Rural Lands Settlement Policy document to remove references to the Mid North Coast Farmland Mapping Project and recommends an extended period of community consultation.

#### **MOTION**

**CB103 RECOMMENDED** (Rhoades/McKelvey) that:

1. Council endorse the amendment of the draft Settlement Policy for Rural 1A Zoned Lands in accordance with the Department of Planning request.
2. The draft policy be placed on public exhibition commencing 19 November 2006 and conclude at the end of January 2007.

#### **AMENDMENT**

**RECOMMENDED** (Hogbin/Smithers) that the matter be deferred until the next meeting.

The **AMENDMENT** on being put to the meeting was **LOST**. The **MOTION** on being put to the meeting was **CARRIED**.

**Cr Palmer abstained from voting.**

## CITY SERVICES DEPARTMENT REPORTS

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### S70 COFFS HARBOUR INFRASTRUCTURE ALLIANCE

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To update Council on the current status of the Total Outturn Cost (TOC) negotiations with the CIA (Coffs Infrastructure Alliance) relating to Coffs Harbour Reclamation Plant and to recommend that the General Manager be given delegated authority to sign the amended PAA Agreement to incorporate the WRP.

#### **CB104 RECOMMENDED** (Rhoades/Ovens) that:

1. Subject to a satisfactory Total Outturn Cost for the Coffs Harbour Water Reclamation Plant being agreed between the Alliance Contractor and Council, the General Manager be given delegated authority to sign the PAA on behalf of Council.
2. Council seek approval from the Minister of Energy, Utilities and Sustainability to proceed to construct the Coffs Harbour Water Reclamation Plant and finalise subsidy allocated under the Country Towns Water Supply & Sewerage Scheme.
3. The Alliance be authorised to spend \$6.0M in labour, material and fees and commit \$4.75M in orders for mechanical equipment from its final PAA budget to enable design and preconstruction works to continue.

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### S71 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.

#### **CB105 RECOMMENDED** (Ovens/McKelvey) that:

1. The Council accept the tender of TLE Electrical Pty Ltd, ACN 003 762 641, for Contract No. 06/07-279-TO, Supply of Hardware for the Construction of Electrical Control Switchboards for the sewerage and re-use water system, for the lump sum of \$125,533.95 excluding GST, on the basis that: -
  - a) The tender was conforming, and was the most appropriate tender 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.
2. The contract documents be completed under Seal of Council.

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## CONCLUSION OF CORPORATE BUSINESS COMMITTEE MEETING

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The Chairman advised that the business of the Corporate Business 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.

**CB106 RECOMMENDED** (McKelvey/Palmer) that the Committee now move into Open Council.

The Mayor resumed chairmanship of the meeting at 6.57pm.

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## ADOPTION OF CORPORATE BUSINESS COMMITTEE REPORT

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**158 RESOLVED** (Palmer/Joass) that the recommendations of the Corporate Business Committee meeting be received and adopted.

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## REQUESTS FOR LEAVE OF ABSENCE

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**159 RESOLVED** by consensus that Cr W R Palmer be granted leave of absence from Council on 14 December 2006.

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## MATTERS OF AN URGENT NATURE

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### 1. Car Parking

Cr Hogbin advised that unexpected congestion is occurring in some of the carparks as a result of recent changes to carparking limits in the CBD. Cr Hogbin asked if the General Manger is able to make minor changes to the car parking limits in the short term to rectify this matter.

*The General Manager advised that he will investigate the matter and make changes where required.*

## **2. Backflow Installation**

Cr Palmer asked if backflow installation is necessary if you don't have a water tank on site.

*The Director Land Use, Health & Development advised that backflow installation is only required if you have a water tank on site.*

## **3. Cane Toads**

Cr McKelvey suggested local residents be vigilant following the recent capture of two cane toads in Boambee Creek, as the biodiversity of the Local Government Area could change if a cane toad outbreak occurs.

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## **QUESTIONS WITHOUT NOTICE**

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### **1. Environmental Levy**

Cr Smithers advised that applications are now open for the 2007/2008 Environmental Levy Program, and as the State of Environment Supplementary Report indicates Coffs Harbour is not doing well with regards to reducing greenhouse gas emissions, Cr Smithers urged staff to put in applications based on actions from the Greenhouse Action Strategy.

*The General Manager advised that Council are being proactive with regards to reducing greenhouse gas emission by introducing, for example, economical 4-cylinder vehicles to its fleet.*

### **2. Airport Roundabout**

Cr Ovens asked for an update on works at the airport intersection on Hogbin Drive.

*The Director of City Services advised that works are on schedule and the roundabout should be operational by Christmas.*

### **3. Carpark Security**

Cr Hogbin asked when the security cameras are expected to be installed on the top level of the Castle Street carpark.

*The General Manager took the question on notice.*

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## **GENERAL BUSINESS**

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### **1. Jetty Theatre**

Cr Joass requested the Jetty Theatre staff be congratulated on the recent production of 'The Blonde, the Brunette & the Vengeful Redhead' featuring Jackie Weaver .

### **2. Woolgoolga Senior Citizens Centre**

Cr Joass gave an update on the Woolgoolga Senior Citizens Centre including membership numbers and recent events.

### **3. Men's Shed**

Cr Joass advised that a meeting was recently held to discuss plans to build a Men's Shed in Woolgoolga. However due to a number of women attending the meeting it was suggested the building may need a different name.

### **4. Advocate Park**

Cr Joass asked when an assessment of works to be done at Advocate Park would occur.

*The General Manager advised that a meeting would occur prior to Christmas.*

### **5. Council's Nursery**

Cr Rhoades expressed concern at recent advise that Council's Nursery had been operating as a wholesale nursery in competition with local businesses.

*The General Manager indicated that it was not Council's intention to compete with private enterprise and following a full investigation of the circumstances and Council's current policies, a report will be brought back to Council.*

### **6. Waste Recovery**

Cr Ovens raised concern about high levels of contamination in local recycling bins and suggested Council investigate methods used in other areas to both increase the volume of recycling and reduce the incidences of contamination.

*The General Manager advised that contamination audits are currently being undertaken.*

## **7. Solitary Islands Marine Park**

As Council's representative on the Solitary Islands Marine Park Advisory Committee, Cr Smithers asked if the matter of Council entering a Memorandum of Understanding with Marine Parks for the coordinated management of the Park and foreshores, could be placed on the agenda for a meeting scheduled for 30 November 2006.

*The General Manager advised that a Draft Memorandum of Understanding has been prepared and it will be discussed at the meeting.*

## **8. Coastal Conference**

Cr Smithers advised that the Coastal Conference had been held in Coffs Harbour and was successful. Cr Palmer, Cr McKelvey and Cr Smithers attended. One item of note which came from the conference was a resolution to investigate the formation of a lobby group of NSW coastal Councils.

*The General Manager advised that it is the host council's role to follow up on this and that a meeting would be organised at the office of the Sydney Coastal Councils Group.*

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## **PRESENTATION**

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Thy Mayor presented a plaque to Heartstart to express Council's appreciation to their volunteers who prepared the BBQ dinner to celebrate this commemorative Council meeting.

This concluded the business and the meeting closed at 7.16pm.

Confirmed: 14 December 2006

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Keith Rhoades AFSM  
**Mayor**