

The following document is the minutes of the Council and Committee meetings held on 19 April 2007. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 10 May 2007 and therefore subject to change. Please refer to minutes of 10 May 2007 for confirmation.



# **COFFS HARBOUR CITY COUNCIL**

**ORDINARY MEETING**

**(CORPORATE BUSINESS COMMITTEE)**

**COUNCIL CHAMBERS**

**COUNCIL ADMINISTRATION BUILDING**

**COFF AND CASTLE STREETS, COFFS HARBOUR**

**19 APRIL 2007**

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# COFFS HARBOUR CITY COUNCIL

## ORDINARY MEETING

### (CORPORATE BUSINESS COMMITTEE)

19 APRIL 2007

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 and Executive Assistant.

The meeting commenced at 5.04pm with the Mayor, Cr K D Rhoades in the chair.

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#### PUBLIC ADDRESS

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5.00pm Sarah Gray, Urbis Pty Ltd JHD LUHD13 – Development Application 1213/06 – Alterations and Additions to Shopping Centre (Toormina Gardens) – Lot 20, DP 746896, No. 5 Toormina Road and Lot 1001, DP 711984, No. 46 Minorie Drive, Toormina

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#### CONFIRMATION AND ADOPTION OF MINUTES

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**36 RESOLVED** (McKelvey/Featherstone) that the minutes of the Land Use, Health & Development Committee Meeting held on 5 April 2007 be confirmed as a true and correct record of proceedings.

**37 RESOLVED** (Palmer/Joass) that the minutes of the City Services Committee Meeting held on 5 April 2007 be confirmed as a true and correct record of proceedings.

*LUHD13 was brought forward as a result of the public address. Please refer to page 10 for details of the resolution.*

## GENERAL MANAGER'S REPORTS

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### 3 2007/08 ENVIRONMENTAL LEVY PROGRAM

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To present to council a recommended revised Environmental Levy program, which includes provision in part for funding of the purchase of GreenPower for Council's operations. This report recommends that all Council business units, and Council's Environmental Levy, contribute towards the purchase of GreenPower.

**39 RESOLVED** (McKelvey/Smithers) that:

1. The Draft Environmental Levy program as scheduled in this report, be included in the 2007/08 Draft Management Plan.
2. It be noted funding for the additional cost of GreenPower for 2007/2008 totalling \$136,953 is funded through the 2007/08 Environmental Levy Program
3. The following contributions be made towards the Environmental Levy program:

Contribution from Water	\$68,218
Contribution from Sewer	\$47,525
Contribution from Airport	\$7,119
Contribution from General Account	\$17,031
4. Council endorse the return of \$5,000 from the Bonville Creek Revegetation and Erosion Control Project and reallocation to the GreenPower supply vote within the Environmental Levy Program

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### 4 STORMWATER MANAGEMENT SERVICES

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To report on the inclusion in the 2007/2008 Draft Management Plan of a Stormwater Management Service Charge.

**40 RESOLVED** (Palmer/McKelvey) that a Stormwater Management Service charge be included in the Draft Management Plan to fund the proposed program of works totalling \$630,000, and such charge to be calculated on eligible land in the following manner for 2007/2008 :

1. Residential house or block of flats - \$25.00
2. Residential strata unit - \$12.50
3. Business properties (on land area) :
  - 1 to 10,000m<sup>2</sup> \$25.00 for each 350m<sup>2</sup> or part thereof
  - that part in excess of 10,000m<sup>2</sup> \$25.00 for each 10,000m<sup>2</sup> or part thereof
4. Business strata unit

#### **4. Stormwater Management Services ....(Cont'd)**

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By calculating the charge applicable to the whole property, as in (3) above, and dividing the result by the number of strata units. The minimum charge per business strata unit to be \$5.00.

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#### **5 SEWERAGE PRICING**

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To provide an update on the implementation of best practice sewerage pricing, as prescribed by the State Government, and included in the Sewerage Pricing Strategy adopted as part of the Water Supply, Sewerage and Tradewaste Pricing Strategy on 1 December 2005

- 41 RESOLVED** (Palmer/Smithers) that Council notes that best practice sewerage pricing, as prescribed by the State Government, and adopted by Council on 1 December 2005 and as set out in this report, will be implemented from 1 July 2007.
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#### **6 DRAFT 2007/2010 MANAGEMENT PLAN**

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To present Council with the Draft 2007/2010 Management Plan and Draft 2007/2008 Fees and Charges for consideration and adoption. This report recommends that the Draft Plan and first draft Fees and Charges be adopted as the Draft 2007/2010 Management Plan and Draft 2007/2008 Fees and Charges, to be exhibited for public comment for a period of 28 days, from Saturday, 21 April 2007 to Friday, 18 May 2007.

- 42 RESOLVED** (McKelvey/Hogbin) that:

1. The proposed 2007/2010 Draft Management Plan showing a budget deficit of \$1.348m (including the adopted 2007/2008 Environmental Levy program) and proposed 2007/2008 Draft Fees and Charges, provided as separate attachments to the report, be adopted for public exhibition from Saturday 21 April 2007 to Friday 18 May 2007 and submissions be sought from the community.
2. The consultation program on the 2007/2010 Draft Management Plan and Draft Fees and Charges be as follows:
  - Media briefing at Council on Monday 23 April 2007.
  - Displays at the Council Administration Building foyer, at the three branch libraries, on the Council website, at the Karangi, Coramba, Nana Glen and Red Rock general stores, at the Corindi Beach Post Office, at the Ulong Rural Transaction Centre and at the Coffs Harbour Visitor Information centre.
  - Newspaper advertising (encouraging people to make submissions) in local newspapers during the public exhibition period.
  - Public access to briefings with Council senior staff and/or Councillors during the exhibition period.

## **6 Draft 2007/2010 Management Plan...(Cont'd)**

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3. That both the Federal and State members be requested to assist in sourcing funds for those projects or services that may be threatened if the \$1.348m deficit can not be funded. To enable the Management Plan commitments to be met, the Federal and State members be requested to report back by 30 May 2007. If the additional funding is not forthcoming, then Staff should recommend the necessary reductions to the 2007/2010 Draft Management Plan, taking into consideration the issues raised during the public exhibition period that will deliver a balanced budget to be considered by Council at a meeting to adopt the 2007/2010 Management Plan and the 2007/2008 Fees and Charges on Thursday, 7 June 2006 from 5pm in the Council Chamber.
4. That Council notes that changes to the Draft Fees and Charges may be required should legislative changes occur.

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## **7 CODE OF CONDUCT COMMITTEE FINDINGS & RECOMMENDATIONS**

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**Cr Joass declared a conflict of interest in this matter, vacated the chamber at 6.35pm and took no part in the discussion or voting.**

To report to Council regarding the outcome of the Code of Conduct Committee's inquiry into alleged breaches by Councillor Joass of Council's Code of Conduct.

### **43 RESOLVED (Ovens/Featherstone) that:**

1. Council is satisfied that the complaint has been appropriately investigated and accepts the findings and recommendations of the Code of Conduct Committee.
2. In respect of established breaches of the Code of Conduct, Councillor Joass should make a public apology at a meeting of the Council on or before 17 May 2007, and should also make a personal written apology to the person concerned in regard to allegation 1.
3. In respect of established breaches of the Code of Conduct, Councillor Joass receive counselling from the public officer regarding his obligations and responsibilities under the Code of Conduct.

**Cr Joass returned to the meeting at 6.40pm.**

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## **8 TENDER: PROVISION OF AUDIT SERVICES**

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To report on tenders received for the provision of Audit Services to Coffs Harbour City Council and to gain Council approval to accept a conforming tender.

**44 RESOLVED** (Hogbin/McKelvey) that:

1. Council accept the tender of Thomas Noble & Russell Chartered Accountants, ABN 86 756 387 726, for Contract No. 06/07-261-TO, Provision of Audit Services for the initial annual amount of \$63,600 including GST (and adjusted for future years on the movements and average weekly earnings for the private sector from the ABS), 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
2. The contract documents be completed under Seal of Council

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## **9 COUNCIL MEETING DATES - APRIL/ MAY 2007**

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To propose a change of meeting date for the first meeting in May 2007 and to call a Special Meeting to deal with a report on the progress for holding the Surf Life Saving National Championships 2010 – 2012.

**45 RESOLVED** (Ovens/McKelvey) that:

1. The Ordinary meeting of Council including the Land Use, Health & Development and City Services Committees scheduled for Thursday 3 May 2007 be transferred to Thursday 10 May 2007 commencing at 5pm to allow attendance at and management of the NRL Country/ City of Origin match to be played on 3 May 2007 with gates opening at 4.30pm.
2. A Special Meeting of Council be held on Tuesday 24 April commencing at 5pm to deal with a report on Council's progress with its contractual arrangements to hold the National Surf Life Saving Championships 2010 – 2012.

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**CORPORATE BUSINESS COMMITTEE**

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- 46 RESOLVED** (Palmer/McKelvey) that the Ordinary Meeting of Council be adjourned and Council now resolve into the Corporate Business Committee meeting, the time being 6.43pm.

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

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**CORPORATE BUSINESS DEPARTMENT REPORTS**

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**C20 MONTHLY BUDGET REVIEW FOR FEBRUARY 2007**

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To report on the estimated budget position as at 28 February 2007.

- CB24 RECOMMENDED** (Smithers/Featherstone) that:

1. That with the exception of costs for the Coffs Coast Sport & Leisure Park lighting, the variations as attached to this report be approved.
2. That additional costs to run larger conduit to service lighting at the Coffs Coast Sport & Leisure Park be funded from the Buildings Maintenance Reserve.
3. The revised Budget position as at 28 February 2007 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 31 January 2007	328,229 (D)	1,046,829 (S)	628,408 (S)
Recommended variations for February per attached exception report	9,109 (D)	5,000 (S)	Nil
Estimated result 2006/07 as at 28 February 2007	<u>337,338 (D)</u>	<u>1,002,116 (S)</u>	<u>705,750 (S)</u>



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**C21 COUNCILLORS' EXPENSES JULY - DECEMBER 2006**

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To report to Council on those expenses of Councillors for the period July to December 2006.

**CB25 RECOMMENDED** (Palmer/Joass) that:

1. The report on Councillors expenses for the period July to December 2006 be noted.
2. Future reports exclude Councillor telephone costs.

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**C22 MOONEE RELEASE AREA DEVELOPER CONTRIBUTIONS PLAN**

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To present to Council a Draft amended Moonee Developer Contributions Plans 2007, a copy of which is available in the Councillors room. This report recommends that this draft Plan be adopted.

**CB26 RECOMMENDED** (McKelvey/Palmer) that:

1. In accordance with Clause 94 of the Environmental Planning and Assessment Act and Regulations, the Draft Amended Coffs Harbour Road Network Developer Contributions Plans 2007, a copy of which is available in the Councillors room, be adopted.
2. Formal notification of the adoption of the plan be advertised in the local newspaper.

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**C23 COFFS HARBOUR ROAD NETWORK DEVELOPER CONTRIBUTIONS PLAN**

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To present to Council a Draft amended Coffs Harbour Road Network Developer Contributions Plans 2007, a copy of which is available in the Councillors room. This report recommends that the draft Plan be adopted.

**CB27 RECOMMENDED** (Joass/McKelvey) that:

1. In accordance with Clause 94 of the Environmental Planning and Assessment Act and Regulations, the Draft Amended Coffs Harbour Road Network Developer Contributions Plans 2007, a copy of which is available in the Councillors room, be adopted.
2. Formal notification of the adoption of the plan be advertised in the local newspaper.

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**C24 CORRECTION TO REPORT PRESENTED TO LAND USE, HEALTH AND DEVELOPMENT COMMITTEE ON 1 FEBRUARY 2007**

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To correct an error in the report headed "Dedication of Land for Road Purposes - Part Lot 2 DP 47869 - Hogbin Drive, Toormina".

**CB28 RECOMMENDED** (Joass/Palmer) that Council note the correct description of the land to be dedicated as road is part of Lot 2 DP 251814 for the purposes of Council's report headed "Dedication of Land for Road Purposes - Part Lot 2 DP 47869 - Hogbin Drive, Toormina" which was formally presented to Council on 1 February 2007. The Minutes of this meeting were confirmed at Council's Meeting of 15 February 2007.

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**C25 43 GORDON STREET COFFS HARBOUR - LEASE OF OFFICE SPACE BY COUNCIL**

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Seeking Council authority for execution of lease documents associated with the proposed lease of office accommodation situated at Suite 2, Level 3, 43 Gordon Street Coffs Harbour, by Coffs Harbour City Council.

**CB29 RECOMMENDED** (Bonfield/Joass) that

1. That Council (as an alternative to fitting out 25 Gordon Street, Coffs Harbour) grant its formal approval to the proposed leasing of Suite 2, Level 3, 43 Gordon Street Coffs Harbour, from the property owners Merost Pty Limited and Gembost Pty Limited, for office accommodation purposes on the following terms and conditions:
  - Lease term of two (2) years with a one year option to renew, to commence upon vacant possession being available.
  - Rental of \$85,866 per annum based on a net lettable floor area of 368m<sup>2</sup>, that is a rental rate of \$233.33/m<sup>2</sup> per annum to also include the option of leasing of three carparking spaces;
  - Rental subject to annual CPI increase and review to market upon taking up the option;
  - Council to pay increases in outgoings over and above the base year of 1 July 2007 (based on a percentage of outgoings as determined by a survey of floor space ratios);
  - Council to pay running costs of air-conditioning;
  - Council to pay leasing costs in the matter (including the lessors reasonable legal costs);
  - General terms and conditions as set down in the property owner's lease documentation and as agreed with Council's solicitors.

**C25 43 Gordon Street Coffs Harbour - Lease of Office Space by Council ... (Cont'd)**

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2. That any necessary documents associated with the lease of Suite 2, Level 3, 43 Gordon Street Coffs Harbour from the property owners be executed under the Common Seal of Council.
  3. Funding for the rental and associated relocation costs will be from revenue.
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**C26 BRELSFORD PARK - ULYSSES AGM**

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Seeking Council consent for the short term licensing of part of Brelsford Park (being Pt Lot 100 DP 865320 in Harbour Drive Coffs Harbour) for purposes associated with the Ulysses Club AGM to be held in Coffs Harbour 21-27 May 2007.

**CB30 RECOMMENDED** (Ovens/McKelvey) that

1. That Council consents to the grant of a short-term temporary licence, in respect of that part of Brelsford Park ( being Part Lot 100 DP 865320, Harbour Drive, Coffs Harbour and being as indicated on the plan attached to this report) to the Ulysses Club for purposes associated with the Club's 2007 Ulysses AGM as follows:
  - Period from Friday 18 May through to Monday 28 May 2007;
  - Terms and conditions to be similar (where appropriate) to those contained in the Licence already granted to the Ulysses Club for its short term use of Fitzroy Oval during this same period;
  - Licence fee to be \$300;
  - The turf cricket pitch area to be securely fenced out of the licence area to ensure it is not damaged during use of the park by the Ulysses Club;
  - Ulysses Club to provide temporary transportable/portable amenities facilities for Club members utilising the park area, as well as for members of the public using that part of Brelsford Park not included in the licence area.
2. That any necessary documents associated with grant of the short-term temporary licence to the Ulysses Club in respect of part of Brelsford Park signed by the General Manager on behalf of Council.

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**C27 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.

**CB31 RECOMMENDED** (Ovens/McKelvey) that the report be noted.

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**C28 BANK BALANCES AND INVESTMENTS FOR FEBRUARY 2007**

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To list Council's Bank Balances and Investments as at 28 February 2007.

**CB32 RECOMMENDED** (Ovens/Joass) that the bank balances and investments totalling one hundred and fifty four million, four hundred and two thousand, six hundred and forty four dollars (\$154,402,644) as at 28 February 2007 be noted.

**LAND USE, HEALTH & DEVELOPMENT**

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**LUHD13 DEVELOPMENT APPLICATION 1213/06 - ALTERATIONS AND ADDITIONS TO SHOPPING CENTRE (TOORMINA GARDENS) - LOT 20, DP 746896, NO. 5 TOORMINA ROAD AND LOT 1001, DP 711984, NO. 46 MINORIE DRIVE, TOORMINA**

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This report describes Development Application 1213/06 for alterations and additions to the existing shopping centre at Toormina Gardens. The site of the existing shopping centre is Lot 20, DP 746896, No. 5 Toormina Road, Toormina. This application also involves the adjoining Council (Toormina Library) land, which is Lot 1001, DP 711984, No. 46 Minorie Drive, Toormina. Conditional approval of the application is recommended.

**38 RESOLVED** (Featherstone/Palmer) that:

1. Development Application 1213/06 for a shopping centre on Lot 20, DP 746896, No 5 Toormina Road and Lot 1, DP 711984, No 46 Minorie Drive, Toormina be approved subject to Conditions as appended to this report (Appendix B).
2. Those persons who made submissions on the application be advised of Council's determination.

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## CONCLUSION OF CORPORATE BUSINESS COMMITTEE MEETING

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The Chairperson advised that the business of the Corporate Business Committee was concluded and requested a motion to close the Committee meeting and move into Open Council.

- CB33 RECOMMENDED** (McKelvey/Palmer) that the Committee now move into Open Council.

The Chairperson invited the Mayor to resume the chair. The Mayor resumed chairmanship of the meeting at 7.03pm.

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## ADOPTION OF CORPORATE BUSINESS COMMITTEE REPORT

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The Mayor requested a motion to receive and adopt the recommendations of the Corporate Business Committee.

- 47 RESOLVED** (Ovens/Palmer) 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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- 48 RESOLVED** by consent that Cr Smithers be granted leave of absence from Council on 10 May 2007.

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## QUESTIONS WITHOUT NOTICE

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### 1. Council Business Papers

Cr Palmer asked if the State and Federal members receive copies of Council Business Papers.

*The Director of Corporate Business advised that Business Papers are not supplied to the State and Federal members as all Business Papers are posted on Council's website and available at the libraries.*

*The General Manager undertook to advise the State and Federal members of this information, including the web site details.*

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## GENERAL BUSINESS

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### 1. Public Apology

Cr Joass read out the following public apology as per the recommendation in General Managers Report No.7.

"I acknowledge that:

1. At the Council Community Forum held at the Woolgoolga Bowling Club on the 5<sup>th</sup> September 2006 I made a comment to Rashmere Bhatti that was ill-considered and lacking in respect.
2. That a RTA workshop held in 2004 when identifying the location of my house and the proposed highway I may have given the impression to some people present that I was being given the impression to some people present that I was being influenced by my personal interests.
3. In publishing an article in the "Council Issues" column in the Coffs Advocate in 2006 I may have given the impression to some readers that I was being influenced by my personal interests even though I stated that the views expressed in the column were my "personal opinion".

Insofar as the above comment and actions have been disrespectful and not to a standard expected by the Council's Code of Conduct I apologise to Mrs Bhatti, my fellow Councillors and to all other people involved."

### 2. Carparking Space Allocation

Cr Smithers asked for a report on carparking for Council's Executive Support staff, as there are issues with regards to female staff accessing their vehicles at night on a regular basis and asked if the additional three carparking spaces that Council has recently acquired can be allocated to the Executive Support staff.

*The Mayor suggested that Council needs to deliver a duty of care to these female staff who work late on a regular basis and asked the General Manager to report back to the Councillors with possible solutions to this situation.*

### 3. Proposal to Dam the Clarence

Cr Smithers asked if support can be provided to Clarence Council in opposing the Federal Government's proposal to dam the Clarence River.

*The Mayor suggested Council wait until Clarence Council have determined their position, by way of a Council resolution, prior to offering support.*

**4. Foreshadowed Notice of Proposed Motion - Offstreet Parking DCP**

Cr Hogbin foreshadowed a Notice of Proposed Motion entitled Offstreet Parking DCP.

**5. Hybrid Vehicle Purchase**

Cr Featherstone requested a report be brought back to Council outlining the benefits of purchasing hybrid vehicles.

This concluded the business and the meeting closed at 7.15pm.

Confirmed: 10 May 2007

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Keith Rhoades AFSM  
**Mayor**