

The following document is the minutes of the Council and Committee meetings held on 16 August 2007. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 6 September 2007 and therefore subject to change. Please refer to minutes of 6 September 2007 for confirmation.



COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

(CORPORATE BUSINESS COMMITTEE)

COUNCIL CHAMBERS

COUNCIL ADMINISTRATION BUILDING

COFF AND CASTLE STREETS, COFFS HARBOUR

16 AUGUST 2007

Contents

ITEM	DESCRIPTION	PAGE
GENERAL MANAGERS REPORT		
14	QUARTERLY PERFORMANCE REPORTING FOR THE QUARTER ENDED 30 JUNE 2007	2
15	CODE OF MEETING PRACTICE	3
CORPORATE BUSINESS DEPARTMENT REPORTS		
C54	TOURISM STRATEGY	4
C55	DONATIONS PROGRAM 2007/2008	4
C56	HEALTH, AGED & COMMUNITY SERVICES SECTOR ECONOMIC DEVELOPMENT PLAN	5
C57	PROPOSAL TO EXTEND ALCOHOL FREE ZONE FOR COFFS HARBOUR CBD	5

ITEM	DESCRIPTION	PAGE
C58	COASTAL CINEMAS OUTDOOR MOVIES	6
C59	OUTSTANDING REPORTS AND RESOLUTIONS AWAITING IMPLEMENTATION	6
C60	BANK BALANCES AND INVESTMENTS FOR JUNE 2007	6
CITY SERVICES DEPARTMENT REPORTS		
S47	ROLLING WORKS PROGRAM	7
S48	HOGBIN DRIVE EXTENSION - PROJECT UPDATE	7
S49	BOTANIC GARDEN AUSTRALIA & NEW ZEALAND BI- ANNUAL CONFERENCE - 11-13 OCTOBER 2007	8
S50	TENDERS: BITUMEN EMULSION BULK STORAGE FACILITY AND EMULSION SUPPLY CONTRACT	8
S51	TENDER: ANNUAL CONTRACT FOR SUPPLY & DELIVERY OF AGGREGATE	9
S52	TENDER: SAWTELL PARK ESTATE SEWER TRUNK MAIN EXTENSION	9
S53	TENDER: SUPPLY, DELIVERY & COMMISSIONING OF THREE DIESEL GENERATORS	10
LAND USE, HEALTH & DEVELOPMENT DEPARTMENT REPORT		
LUHD31	JETTY AREA DEVELOPMENT CONTROL PLAN (DCP) & JETTY AREA CAR PARKING DEVELOPER CONTRIBUTIONS PLAN (CP)	11



COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

(CORPORATE BUSINESS COMMITTEE)

16 AUGUST 2007

Present: Councillors K D Rhoades (Mayor), I J Ovens (Deputy Mayor), J C Bonfield, W D Featherstone (part meeting), I D Hogbin, R W McKelvey and W R Palmer.

Staff: General Manager, Assistant General Manager/ Director Corporate Business, Director Land Use, Health and Development, Director of City Services and Executive Assistant.

Leave of Absence: Councillor G R Smithers

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

APOLOGY

- 96 **RESOLVED** (McKelvey/Palmer) that an apology received from Councillor C O Joass for unavoidable absence be received and leave be granted for the current meeting of Council, and an apology for part of this meeting be granted for Councillor W D Featherstone.

PUBLIC FORUM

Time	Speaker	Item
5.00pm	Susan Kerridge	Re-Use Water
5.05pm	Joan Duncan	U3A Meeting Rooms & Retirement Village

CONFIRMATION AND ADOPTION OF MINUTES

- 97** **RESOLVED** (Palmer/McKelvey) that the minutes of the Corporate Business Committee meeting held on 19 July 2007 be confirmed as a true and correct record of proceedings.

GENERAL MANAGERS REPORT

14 QUARTERLY PERFORMANCE REPORTING FOR THE QUARTER ENDED 30 JUNE 2007

To report on the achievement of customer service guarantees and performance targets for the April to June 2007 quarter.

- 98** **RESOLVED** (Hogbin/Ovens) 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 June 2007, 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 April to June 2007 quarter.
4. Council note the organisation's significant achievements, as outlined in Attachment 2 of the General Manager's Report for the April to June 2007 quarter.
5. Council note the achievement of performance targets, as outlined in a separate booklet which is available in the Councillors' Room for the April to June 2007.
6. Council continues to monitor its performance with a view to improving service delivery.

15 CODE OF MEETING PRACTICE

To propose a strengthening of Council's Code of Meeting Practice to formalise community participation at meetings.

99 RESOLVED (McKelvey/Hogbin) that:

1. The power of expulsion from a meeting of Council, or from a meeting of a Committee of Council of which all members are Councillors, may be exercised by any person presiding at that meeting.
2. Council resolve that the definition of "disorder" or "disorderly conduct" for the purpose of the Act and Regulation will be that of "behaviour which causes disturbance or annoyance to others present or any breach of decorum which tends to disturb the peace or interfere with the comfort of the people".
3. Persons "duly authorised" to enforce a decision of expulsion will mean "the Rangers, private security guards, General Manager or his delegate" and that all of these persons will be authorised to remove a person subject to an expulsion decision from the meeting, without prior consultation or delegation by Council or the person presiding at that meeting.
4. To assist in the enforcement of expulsion powers as may be exercised by duly authorised persons, professional security personnel will attend Council meetings as deemed necessary by, and at the discretion of, the General Manager.
5. The meeting space of the Council Chamber be physically divided from the Public Gallery by the erection of an appropriate barrier and the installation of a "No Public Access" sign on the barrier.
6. Security cameras and any necessary signage be installed in the Council Chamber and activated as deemed necessary by the General Manager.
7. A sign be installed at the Council Chambers prohibiting unauthorised recording of Council meetings in accordance with clause 273 of the Regulation.
8. A report be provided to Council on a revised Draft Code of Meeting Practice.

CORPORATE BUSINESS COMMITTEE

- 100** **RESOLVED** (Palmer/Ovens) that the Ordinary Meeting of Council be adjourned and Council now resolve into the Corporate Business Committee meeting, the time being 5.27pm.

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

CORPORATE BUSINESS DEPARTMENT REPORTS

C54 TOURISM STRATEGY

To advise Council of the process undertaken and seek endorsement for the Coffs Coast Tourism Strategy – Final Report, March 2007.

- CB72** **RECOMMENDED** (McKelvey/Palmer) that:

1. Council adopt the report for the purpose of:-
2. Placing on public exhibition for 28 days and calling for public submissions
3. Council proceed with entering into a Memorandum of Understanding with Bellingen and Nambucca Councils as recommended in the Report
4. On completion of the public exhibition period, consideration be given to submissions and amendments (if any) to the report and represented to Council for final endorsement.

C55 DONATIONS PROGRAM 2007/2008

Determination of the Donations Program for 2007/2008 and review of the current Donations Policy.

- CB73** **RECOMMENDED** (Ovens/Palmer) that:

1. The "Donations" and "Rates Subsidy" programs for 2007/2008 as set out in the report, totalling \$79,121 be adopted.
2. The amended Donations Policy be confirmed.
3. The "Donations" and "Rates Subsidy" budget allocations for 2008/2009 be adjusted to reflect CPI increases and changes in rate contribution requirements.

C56 HEALTH, AGED & COMMUNITY SERVICES SECTOR ECONOMIC DEVELOPMENT PLAN

The purpose of this document is to present the report on Health, Aged & Community Services Sector.

CB74 RECOMMENDED (Palmer/McKelvey) that

1. That the Health, Aged & Community Services Sector Economic Development Plan be adopted.
2. That Council support the Enterprise & Training Company in this 12 month period.
3. Once a Health Sector partnership working party has been established Council negotiate with the Enterprise & Training Company to incorporate FoA into that structure.
4. That Coffs Harbour City Council supports this approach through being a strong advocate for a partnership between Local Government & Shires Association and the Department of State & Regional Development to replicate the model across the state. In effect CHCC would be a demonstration LGA, showcasing the successful outcomes achievable from this type of approach to ageing.
5. That the members of the Coffs Harbour Future Development Board and the staff of the Economic Development Unit be thanked for their effort in preparing the Plan.

C57 PROPOSAL TO EXTEND ALCOHOL FREE ZONE FOR COFFS HARBOUR CBD

To report on two proposals received and to consider an extension to the Coffs Harbour CBD Alcohol Free Zone.

CB75 RECOMMENDED (Rhoades/McKelvey) that

1. Council extends the Coffs Harbour CBD Alcohol Free Zone pursuant to the provisions of Section 644 of the Local Government Act along the Pacific Highway, Dalley Street, the adjacent unnamed lane and the remaining portion of Gordon Street as identified in this report; and
2. That in accordance with Section 644B(4), the aforementioned zone operates in line with the existing Alcohol Free Zones in the Coffs Harbour LGA that expires on 30 September 2008.

C58 COASTAL CINEMAS OUTDOOR MOVIES

The purpose of this report is to propose the establishment of a privately run outdoor movie schedule at the Jetty foreshores during the 2008 January holiday period.

CB76 RECOMMENDED (McKelvey/Palmer) that:

1. Council approve the use of the foreshores area as the venue for the program and permit the closing of the path for approximately 100m between the hour's 6.30pm and 6.00am for the duration of the program.
2. Council supports the Outdoor Movie program.
3. The Council and the Proprietor engage on an ongoing basis over any issues.

C59 OUTSTANDING REPORTS AND RESOLUTIONS AWAITING IMPLEMENTATION

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

CB77 RECOMMENDED (Ovens/Palmer) that the report be noted.

C60 BANK BALANCES AND INVESTMENTS FOR JUNE 2007

To list Council's Bank Balances and Investments as at 30 June 2007.

CB78 RECOMMENDED (Ovens/Palmer) that the bank balances and investments totalling one hundred and forty five million, seven hundred and eighty thousand, eight hundred and ten dollars (\$145,780,810) as at 30 June 2007 be noted.

CONCLUSION OF CORPORATE BUSINESS COMMITTEE MEETING

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

CB79 RECOMMENDED (Palmer/Ovens) 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 5.45pm.

ADOPTION OF CORPORATE BUSINESS COMMITTEE REPORT

- 101** **RESOLVED** (Palmer/McKelvey) that the recommendations of the Corporate Business Committee meeting be received and adopted.

CITY SERVICES COMMITTEE

- 102** **RESOLVED** (Palmer/McKelvey) that the Ordinary Meeting of Council be adjourned and Council now resolve into the City Services Committee meeting, the time being 5.46pm. The Mayor invited Councillor Palmer to chair the City Services Committee.

CITY SERVICES DEPARTMENT REPORTS

S47 ROLLING WORKS PROGRAM

To advise Council of the status of a range of infrastructure assets and to present 5-year rolling work programs for the maintenance and upgrading of some of these assets.

- EN47** **RECOMMENDED** (Rhoades/McKelvey) that:
1. Council adopt the 2007/2008 Program of Works component of the 5 Year Rolling Works Program presented in the report.
 2. Council note the program of works presented for 2008/2009 - 2011/2012.
 3. The report be used to assist in the development of a 10 year financial strategy for Council.

S48 HOGBIN DRIVE EXTENSION - PROJECT UPDATE

To inform Council of the current status of the Hogbin Drive Extension Stage 2 and review final predicted costs and project completion date.

- EN48** **RECOMMENDED** (Rhoades/Hogbin) that:
1. That the forecasted funding shortfall of \$1,682,000 be funded on a one third basis between the three levels of government (State, Federal and Local), with State and Federal governments being requested to fund accordingly.
 2. That Council note the progress of the Hogbin Drive extension Stage 2.
 3. That Council continue to monitor their Capital Works Program with a possible extension in relation to completion of capital works projects.

S49 BOTANIC GARDEN AUSTRALIA & NEW ZEALAND BI-ANNUAL CONFERENCE - 11-13 OCTOBER 2007

Seeking approval for Council staff member Ian Corbett to attend the Botanic Garden Australia & New Zealand (BGNAZ) Bi-annual Conference in New Zealand in October 2007.

- EN49 RECOMMENDED** (Hogbin/McKelvey) that Council support Ian Corbett's request to attend the Botanic Garden Australia & New Zealand Bi-annual conference in New Zealand from 11-13 October 2007 at a cost of approximately \$1,286.00 to be met from current votes.

S50 TENDERS: BITUMEN EMULSION BULK STORAGE FACILITY AND EMULSION SUPPLY CONTRACT

To report on tenders received for the supply, installation and maintenance of bitumen emulsion bulk storage facility and supply of bitumen emulsion for a period of two years, and to gain Council approval to award a contract.

- EN50 RECOMMENDED** (McKelvey/Ovens) that:

1. Council accept the conforming tender of Pioneer Road Services Pty Ltd (ACN 000 538 689) for Contract 07/08-313-TO Maintenance of Bitumen Emulsion Bulk Storage Facility and Supply and Delivery of Bitumen Emulsion for the rates as tendered not subject to rise and fall on the basis that:
 - a) The tenderer has the necessary experience in similar works and his ability and performance are satisfactory.
 - b) The tenderer's financial references are satisfactory.
2. The contract documents be completed under Seal of Council.

S51 TENDER: ANNUAL CONTRACT FOR SUPPLY & DELIVERY OF AGGREGATE

To obtain Council approval to accept a tender for Part 2 of Contract 07/08-311-TO the Supply and Delivery of Aggregate for the 2007/08 financial year and to decline to accept any tender for Part 1 and subsequently enter into negotiations with suitable quarries for Part 1 of the same contract.

EN51 RECOMMENDED (McKelvey/Hogbin) that

1. That Council accept the schedule of rates as tendered by Coastal Homesites, ABN 38 000 925 744 for Part 2 of Contract 07/08-311-TO on the basis that it is most advantageous tender.
2. That the contract document for Part 2 of 07/08-311-TO be executed under the Common Seal of Council.
3. That pursuant to Clause 178(1) of the Local Government (General) Regulation 2005, Council decline to accept the tender for Part 1 from Coastal Homesites.
4. The General Manager be delegated authority to negotiate with suitable quarries with a view to entering into a contract for the supply of aggregate, in accordance with Clause 178 (3)(e) & (4). Such negotiations to be on the basis that:
 - a) There is limited time available prior to the commencement of the Reseal Program to allow for fresh tenders.
 - b) The market of available quarries for the supply of suitable aggregate is known.
 - c) There is conflicting demand for quarry materials between Council and Abigroup.

S52 TENDER: SAWTELL PARK ESTATE SEWER TRUNK MAIN EXTENSION

To report on tenders received for the construction of a sewer trunk main to serve the North Bonville Development area and to gain Council approval to accept a tender.

EN52 RECOMMENDED (McKelvey/Ovens) that:

1. That Council accept the tender of Ernie Burnett Plumbing P/L, ABN 69 109 168 630, for Contract No. 06/07-310-TO, Sawtell Park Estate Sewer Trunk Main Extension, for the lump sum amount of \$194,638.40, including GST on the basis that:
 - a) The tender is the most advantageous tender following the application of Council's Tender Value Selection System
 - b) The Tenderer has the necessary experience in similar works and his ability and performance are satisfactory
 - c) The Tenderer's financial capacity is acceptable.
2. That the contract documents be executed under the Seal of Council.

S53 TENDER: SUPPLY, DELIVERY & COMMISSIONING OF THREE DIESEL GENERATORS

To report on tenders received for the Supply, Delivery and Commissioning of Three Diesel Generators (Contract No. 06/07-315-TO) to provide emergency electrical power backup, for the Coffs Harbour Water Reclamation Plant (WRP) located at Howard Street Coffs Harbour, and the Coffs Harbour Water Treatment Plant (WTP) located at Upper Orara Road, Karangi.

EN53 RECOMMENDED (McKelvey/Hogbin) that

1. Pursuant to Clause 178 (1)(b) of the Local Government General Regulations 2005 Council decline to accept any of the tenders.
2. That The General Manager be delegated authority to negotiate with all the tenderers with the view to entering into a contract for Supply, Delivery and Commissioning of Three Diesel Generators, for use at the new Water Reclamation Plant and new Water Treatment Plant, in accordance with Clause 178(3)(e) of the Local Government General Regulations 2005. The terms and conditions of the contract to be the subject of negotiation.
3. In accordance with Clause 178(4)(b) of the Local Government General Regulations 2005, the following reasons for Council declining to invite fresh tenders be noted:
 - a) The tendering process has failed to produce the most advantageous result. A better result will be achieved through negotiation with suppliers who have tendered but based on reduced size of generators. All tenders are conforming but do not represent good value for money.
 - b) The generators are for the Alliance projects and time schedules must be met. There is insufficient time to call for new tenders.
 - c) Retendering is unlikely to attract offers from new suppliers as all known companies have tendered.
 - d) It is in Council's interests to decline to accept any of the generator sets, not invite fresh tenders and negotiate with the tenderers on price for smaller sized generator sets.
4. In accordance with Clause 178 (4)(b) of the Local Government General Regulations 2005 the reasons for entering into the negotiations with the tenderers are that all tenderers have the necessary experience and expertise to supply suitable generators and represent all companies in the market willing to supply.
5. That the negotiated contract documents be completed under Seal of Council.

CONCLUSION OF CITY SERVICES COMMITTEE MEETING

The Chairperson advised that the business of the City Services Committee had concluded and requested a motion to close the Committee meeting and move into Open Council.

- EN54 RECOMMENDED** (McKelvey/Hogbin) 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 6.28pm.

ADOPTION OF CITY SERVICES COMMITTEE REPORT

- 103 RESOLVED** (McKelvey/Hogbin) that the recommendations of the City Services Committee meeting be received and adopted.

LAND USE, HEALTH & DEVELOPMENT COMMITTEE

- 104 RESOLVED** (Palmer/McKelvey) that the Ordinary Meeting of Council be adjourned and Council now resolve into the Land Use, Health & Development Committee meeting, the time being 6.29pm.

The Mayor invited Councillor Featherstone to chair the Land Use, Health & Development Committee.

LAND USE, HEALTH & DEVELOPMENT DEPARTMENT REPORT

LUHD31 JETTY AREA DEVELOPMENT CONTROL PLAN (DCP) & JETTY AREA CAR PARKING DEVELOPER CONTRIBUTIONS PLAN (CP)

Cr Ovens declared a non pecuniary interest in the following item, vacated the chamber at 6.28pm and took no part in the discussion or voting.

To report to Council the outcome of the exhibition of the Draft Plans mentioned above, and subsequent actions taken.

This report recommends adoption of the Draft Plans. The Plans are supplied separately to Councillors.

LUHD31 Jetty Area Development Control Plan (DCP) & Jetty Area Car Parking Developer Contributions Plan (CP)

T33 RECOMMENDED (Rhoades/Palmer) that:

1. Council adopt the attached Jetty Area Development Control Plan.
2. Council adopt the attached Jetty Area Car Parking Developer Contributions Plan.
3. The adoption of the Jetty Area Development Control Plan be notified publicly.
4. The adoption of the Jetty Area Car Parking Developer Contributions Plan be notified publicly.
5. Parties who lodged submissions to the Draft Area Development Control Plan be notified of Council's decision.

Cr Ovens returned to the meeting, the time being 6.30pm

CONCLUSION OF LAND USE, HEALTH & DEVELOPMENT COMMITTEE MEETING

The Chairperson advised that the business of the Land Use, Health & Development Committee had concluded and requested a motion to close the Committee meeting and move into Open Council.

T34 RECOMMENDED (Hogbin/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 6.30pm.

ADOPTION OF LAND USE, HEALTH & DEVELOPMENT COMMITTEE REPORT

105 RESOLVED (Featherstone/Palmer) that the recommendations of the Land Use, Health & Development Committee meeting be received and adopted.

REQUESTS FOR LEAVE OF ABSENCE

106 RESOLVED (Palmer/McKelvey) that Cr Featherstone be granted leave of absence fro Council on 6 & 20 September 2007.

QUESTIONS WITHOUT NOTICE

1. Vehicles on Beaches

Cr McKelvey again raised concerns about vehicles travelling on beaches at 50km/hr, particularly when people and animals are present. It was suggested that a speed limit of 10km/hr be introduced on beaches, similar to the shared zone speed limits in the City Centre.

The Director of Land Use, Health & Development indicated that a report has been drafted for the Council meeting of 6 September 2007, and Cr McKelvey's concerns will be considered before the report is finalised.

2. Collateralised Debt Obligations

Cr Featherstone asked if Councillors can be held liable for the way staff invest the \$145m of funds managed by Council?

The Director Corporate Business advised that Councillors can not be held liable provided that Council invests in products rated above the Government guideline of 'A' rating. Council's policy is to only invest in products with a minimum rating of 'AA'. Workshops will be held to discuss this matter further.

GENERAL BUSINESS

1. Annual Local Government Planning & Environment Conference

Cr Ovens provided a brief report on the annual Local Government Planning & Environment Conference which he attended in late July.

2. Soccer - Matilda's v's Chinese Taipei

Cr Palmer reported on his attendance at the Matilda's v's Chinese Taipei soccer match held at the BCU International Stadium on Sunday 12 August 2007.

3. Waste Collection

Cr Palmer advised that orange lidded bins labelled for 'aluminium cans only' are being used at Council sporting facilities. It was requested that Council adjust the waste collection regime at sporting facilities to conform with the current waste collection program to ensure uniformity throughout the Local Government Area.

4. Intensive Development on Rural Blocks

Cr Featherstone expressed concern about the impact that intensive development on small rural blocks, eg. hot houses & netting, is having on neighbouring properties, and suggested that D/A's may be required in these circumstances to give neighbours some ambience.

The Director of Land Use, Health & Development advised that netting, and the like, are components of agricultural activity, and under Council's LEP development consent is not required. This issue, however, will be taken into consideration in the future, particularly with regards to the extended LEP.

5. 2007 Local Government Association Conference

Cr Rhoades requested that the closing date for submission of motions for inclusion in the 2007 Local Government Association Conference Business Paper be confirmed, and asked that all Councillors forward their suggested motions as a matter of urgency.

The General Manager indicated that he will obtain the information for the Councillors.

6. Naming of Bridge

Cr Rhoades reported that Council has received 186 nominations for suggested names for the new Hogbin Drive bridge over Coffs Creek. A committee will consider these submissions and a recommendation is expected to be submitted to the Council meeting of 20 September 2007.

7. Local Government Yearly Awards for NSW

Cr Rhoades reported that he attended the recent Local Government Yearly Awards for NSW, and accepted the R H Doherty Award for Excellence in Communication on behalf of Coffs Harbour, Bellingen and Nambucca Shire Councils, which were the three Councils who worked collaborately on the communication strategy for the new waste management processes.

This concluded the business and the meeting closed at 6.55pm.

Confirmed 6 September 2007

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Keith Rhoades AFSM
Mayor