

The following document is the minutes of the Council and Committee meetings held on 15 November 2007. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 13 December 2007 and therefore subject to change. Please refer to minutes of 13 December 2007 for confirmation.



**COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
15 NOVEMBER 2007**

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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

15 NOVEMBER 2007

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

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

Leave of Absence: J C Bonfield and W R Palmer

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

CONFIRMATION AND ADOPTION OF MINUTES

- 145 **RESOLVED** (Joass/Smithers) that the minutes of the Land Use, Health & Development Committee meeting held on 1 November 2007 be confirmed as a true and correct record of proceedings.
- 146 **RESOLVED** (McKelvey/Smithers) that the minutes of the City Services Committee meeting held on 1 November 2007 be confirmed as a true and correct record of proceedings.

GENERAL MANAGER'S REPORTS

25 **2006/2007 ANNUAL REPORT AND 2006/2007 SUPPLEMENTARY STATE OF THE ENVIRONMENT REPORT**

To provide Council with the Annual Report and Supplementary State of the Environment Report for the 2006/2007 financial year. This report recommends that the 2006/2007 Annual Report and 2006/2007 Supplementary State of the Environment Report be adopted.

- 147 **RESOLVED** (Smithers/McKelvey) that Council adopts the 2006/2007 Annual Report and 2006/2007 Supplementary State of the Environment Report.

26 QUARTERLY PERFORMANCE REPORTING FOR THE QUARTER ENDED 30 SEPTEMBER 2007

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

148 RESOLVED (McKelvey/Hogbin) that:

1. Council adopt the revised strategies and performance indicators in the 2007-2010 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 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 July to September 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 July to September 2007.
6. Council continues to monitor its performance with a view to improving service delivery.

CORPORATE BUSINESS COMMITTEE

149 RESOLVED (McKelvey/Smithers) that the Ordinary Meeting of Council be adjourned and Council now resolve into the Corporate Business Committee meeting, the time being 6.08pm.

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

CORPORATE BUSINESS DEPARTMENT REPORTS

C78 COFFS COAST TOURISM STRATEGY

To advise Council of the outcome of placing the Coffs Coast Tourism Strategy on public exhibition.

CB100 RECOMMENDED (McKelvey/Smithers) that:

1. Council adopts the Coffs Coast Tourism Strategy.
 2. The General Manager proceeds with negotiations with Bellingen and Nambucca Councils to formalise a Memorandum of Understanding for implementing the Coffs Coast Tourism Strategy.
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C79 SALE OF COUNCIL LAND - SURPLUS LAND CREATED BY HOGBIN DRIVE EXTENSION - PART LOT 14 SEC 77 DP 758258

To obtain Council approval for the sale of part Lot 14 Sec 77 DP 758258, Hogbin Drive, Coffs Harbour.

CB101 RECOMMENDED (Joass/Rhoades) that:

1. Council dispose of Part Lot 14 Section 77 DP 758258 as described in this report on the terms and conditions outlined in this report to the owners of Lot 12 Section 77 DP 758258 Harbour Drive, Coffs Harbour.
 2. Council execute under seal any required documents to process the sale of the land.
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C80 ENCROACHMENTS ONTO LANEWAY AT CORAMBA - NO 3

Determination of applications to close and purchase parts of the laneway affected by the encroachments.

CB102 RECOMMENDED (McKelvey/Rhoades) that the report be deferred in order to clarify a legal issue relating to adverse possession, which may affect current consideration. The General Manager to provide a response following this investigation, to the next Council meeting.

C81 TOTAL DEMOLITIONS NSW PTY LTD - WRITE OFF RECOMMENDATION

To write off a debt of \$31,293.85, for garbage tipping fees in the name of Total Demolitions NSW Pty Ltd.

CB103 RECOMMENDED (Rhoades/Joass) that:

1. The tipping fees totalling \$31,293.85, due from Total Demolitions NSW Pty Ltd, be written off, with funding from Waste Management Operations.
2. A report be provided to Council within four months following a review of sundry debtor processes, including recovery.

C82 LOAN BORROWING PROGRAM - 2007/08 AND 2008/09

To seek Council approval to obtain new loans totalling \$102.0m in 2007/08 and to consider locking in borrowings for 2008/09.

CB104 RECOMMENDED (Ovens/McKelvey) that:

1. Approval be given to raising loans totalling \$102.0m, in 2007/08, related to water supply (\$45.7m) and sewerage (\$56.3m), which are allowed for in the 2007/08 Management Plan.
2. Approval be given to fixing the \$82.3m in loans proposed for 2008/09 (or part thereof), as allowed in the 2007/08 Management Plan (water supply \$40.5m and sewerage \$41.8m), if considered advantageous when firm quotations are called for.
3. Offers for loans be sought from appropriate lending institutions in relation to selected options from the responses received to the Expressions of Interest.
4. Delegated approval be given to the General Manager to accept the most suitable offers in relation to the 2007/08 borrowings.
5. Delegated approval be given to the General Manager to fix the proposed 2008/09 borrowings, or part thereof.
6. The Mayor and General Manager be authorised to execute all documents associated with the loans under common seal of Council.

C83 FINANCIAL REPORTS - 2006/2007

Consideration of the audited financial reports for the year ended 30 June 2007.

CB105 RECOMMENDED (Rhoades/Ovens) that:

1. The Statement By Councillors and Management for the Annual Financial Statements and the Special Purpose Financial Statements be signed by the designated signatories.
2. The audited financial reports be received and adopted.
3. The report on the audited financial reports be received and noted.

C84 OUTSTANDING REPORTS AND RESOLUTIONS AWAITING IMPLEMENTATION

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

CB106 RECOMMENDED (McKelvey/Joass) that the report be noted.

C85 BANK BALANCES AND INVESTMENTS FOR SEPTEMBER 2007

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

CB107 RECOMMENDED (Featherstone/Ovens) that:

1. The bank balances and investments totalling one hundred and forty three million, two hundred and ninety one thousand, three hundred and sixty five dollars (\$143,291,365) as at 30 September 2007 be noted.
2. A report be brought back to Council for the December 2007 Corporate Business meeting giving a complete review of Council's investments in Collateralised Debt Obligations (CDO's) with specific reference to any potential losses from write-downs of these investments.

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT

L39 COFFS HARBOUR CITY STANDARD LOCAL ENVIRONMENTAL PLAN

The purpose of this report is to provide an update on the new Coffs Harbour City Standard Local Environmental Plan (LEP) process, in terms of budget and project timing. Completion of the new comprehensive LEP in the timeframe proposed by Council will require commitment of additional funds to the project. This report recommends that additional funds be sourced from within Council's 2007-2010 Management Plan to allow for the project to be completed ready to send to the Department of Planning for gazettal by mid 2009.

CB108 RECOMMENDED (McKelvey/Rhoades) that:

1. Council note the Coffs Harbour City Standard Local Environmental Plan project plan as submitted.
2. Council authorise a budget variation of \$120,000 to ensure sufficient funding is provided to allow for completion of the Coffs Harbour City Standard Local Environmental Plan program within the 2009 timeframe.
3. The \$120,000 be funded from the proceeds of the granting of an easement to Centro on land adjacent to the Toormina Shopping Centre and that the use of the remaining nett proceeds be considered by Council as part of the budget review process.

L40 ADMINISTRATIVE AMENDMENT TO VARIOUS DEVELOPMENT CONTROL PLANS

The purpose of this report is to advise Council that it is necessary to amend a number of Development Control Plans (DCPs) due to recent changes to the Off Street Car Parking DCP. The report recommends that Council place on exhibition the amended DCPs. The amended pages of the DCPs are provided as separate attachments to this report.

CB109 RECOMMENDED (McKelvey/Smithers) that:

1. Council note that the proposed amendments to the subject Development Control Plans are for administrative purposes only and to ensure consistency and transparency in its planning documents.
2. Council exhibit the following Draft Development Control Plans (provided as separate documents to Councillors) for at least 28 days in accordance with the provisions of Division 2, Clause 18 of the Environmental Planning and Assessment Regulations 2000:

**L40 Administrative Amendment To Various Development Control Plans
...(Cont'd)**

- Low Density Housing Development Control Plan;
 - Medium Density Housing Development Control Plan;
 - Medium High Density Housing Development Control Plan;
 - Draft Complying Development Development Control Plan;
 - Park Beach Development Control Plan;
 - Hearnese Lake/Sandy Beach Development Control Plan;
 - Industrial Lands Development Control Plan;
 - Nana Glen/Bucca Development Control Plan;
 - Draft Coastal and Hinterland Rural Lands Development Control Plan;
 - Coramba-Karangie-Upper Orara Development Control Plan.
3. If no submissions are received during the exhibition period that the subject Development Control Plans will come into force after completion of the exhibition process.
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**L41 UPDATE ON DRAFT LOCAL ENVIRONMENTAL PLAN AMENDMENT NO.
17 - SOUTH COFFS URBAN RELEASE AREA - DEFERRED AREA**

Cr Ovens declared a pecuniary interest in the matter as he is a land owner in the area being discussed, vacated the chamber at 5.47pm and took no part in the discussion or voting.

The purpose of this report is to provide an update on the current status of Draft Local Environmental Plan (LEP) Amendment No. 17 – South Coffs. The report recommends Council adopt the amended Draft LEP (see Attachment 1) and forward it to the Department of Planning for gazettal.

CB110 RECOMMENDED (Smithers/Rhoades) that Council adopt the changes made to Coffs Harbour City Local Environmental Plan (Amendment No. 17) as attached to this report and forward it to the Department of Planning for gazettal.

Cr Ovens returned to the meeting, the time being 5.49pm.

L42 TENDERS FOR LANDFILL GAS EXTRACTION AND UTILISATION AT COFFS HARBOUR CITY COUNCIL'S ENGLANDS ROAD WASTE MANAGEMENT FACILITY.

To consider tenders received in respect to the Coffs Harbour Landfill Gas Extraction & Utilisation project.

CB111 RECOMMENDED (Rhoades/McKelvey) that:

1. Council having not received any tenders that it could accept, enter into negotiations with:
 - LMS Generation Pty Ltd,
 - AGL Energy Services Pty Ltdwith a view to negotiating a suitable contract in relation to the landfill gas project.
2. The reasons for Council declining to invite fresh tenders or applications, and for entering into negotiation are:
 - Council has followed tender procedures without yielding a tender that it can accept.
 - Landfill gas extraction and utilization is a specialized field with only limited potential proponents.
 - The non-conforming tender submission by LMS Generation provides a basis upon which a viable Contract could likely be negotiated.
 - LMS Generation Pty Ltd has outlined a proposed variation to the contract, put forward by Council, that would appear to be economically viable, generate income to council via profit sharing, and would markedly reduce the environmental impact of fugitive emissions at the Englands Road Landfill.
 - AGL, though not submitting a tender, has outlined matters which it would like to see addressed in a negotiated contract, has wide experience in landfill gas projects, including negotiated contracts, and has expressed the wish to be party to a negotiated solution with Council.
 - Council has not received details from the other tenderer or other persons that would provide a sound basis for a negotiated solution.
3. Once negotiations have been concluded, a report be referred back to Council on the outcomes of those negotiations with more detailed financial analysis prior to Council entering into any contract.

CONCLUSION OF MEETING

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

The Mayor resumed chairmanship of the meeting at 5.50pm.

OPEN COUNCIL

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

CB112 RECOMMENDED (McKelvey/Smithers) that the Committee now move into Open Council.

ADOPTION OF CORPORATE BUSINESS COMMITTEE REPORTS

150 RESOLVED (Joass/Smithers) that the recommendations of the Corporate Business Committee meeting be received and adopted.

QUESTIONS WITHOUT NOTICE

1. Coffs Harbour City Centre Development Control Plan Review

Cr Hogbin expressed concern that the document currently on exhibition does not adequately express the intent of Council's resolution on 1 November 2007, with regard to the timing of the sale of 218 Harbour Drive and the funding of short term works.

The Director of Land Use, Health & Development advised that it was not proposed to sell 218 Harbour Drive until additional carparking is provided in Harbour Drive and the Brelsford Park precinct. The work would be funded from S94 contributions.

The General Manager advised that minor modifications would be made to the information on the website, to clarify the intent of Council's resolution.

GENERAL BUSINESS

1. Vegetation Strategy

Cr Featherstone requested a Councillors workshop be organised to progress the vegetation strategy once Councillors are:

- a. Provided with a copy of the Memorandum of Understanding (MOU) between Council and the Northern Rivers Catchment Management; or
- b. Advised of the ramifications of the (MOU).

The General Manager undertook to distribute copies of the MOU to Councillors and schedule a Briefing to discuss matters including the Vegetation Strategy.

2. Highway Signage

Cr McKelvey advised that new highway signage erected near the new Sapphire development hinders the visibility of directional signage to Sapphire.

The Director of City Services advised that the RTA is responsible for highway signage, and will be notified once the matter is investigated.

3. Dredging the Harbour

Cr Smithers asked for confirmation that the Department of Environment & Conservation have allocated \$175,000 to dredge the Harbour, and if so have the Department of Lands been asked to match this funding dollar for dollar?

The General Manager confirmed this funding of \$175,000, which is based on dollar for dollar funding by Council, was announced at the Coastal Conference under the Coastal and Estuary Management Policy, to dredge the Harbour and use the sand to replenish Park Beach. The Department of Lands will be requested to contribute towards Stage 2 of the project, which may include a Review of Environmental Factors (REF), an Environmental Impact Statement (EIS) or additional dredging.

4. Cultural Committees Review

Cr Hogbin made note that the Bunker Cartoon Gallery Advisory Board is currently appointing new members and urged the General Manager to continue to progress the restructure of Cultural Committees.

The Director of City Services advised that a further meeting will be scheduled with community representatives, prior to a report being brought back to Council.

This concluded the business and the meeting closed at 6.12 pm.

Confirmed: 13 December 2007

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Keith Rhoades AFSM
Mayor