

The following document is the minutes of the Council and Committee meetings held on 21 February 2008. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 6 March 2008 and therefore subject to change. Please refer to minutes of 6 March 2008 for confirmation.



**COFFS HARBOUR CITY COUNCIL**  
**ORDINARY MEETING**  
**COUNCIL CHAMBERS**  
**COUNCIL ADMINISTRATION BUILDING**  
**COFF AND CASTLE STREETS, COFFS HARBOUR**  
**21 FEBRUARY 2008**

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## COFFS HARBOUR CITY COUNCIL

### ORDINARY MEETING

**21 FEBRUARY 2008**

**Present:** Councillors K Rhoades (Mayor), D Featherstone, I Hogbin, R McKelvey, I Ovens, W Palmer and G Smithers.

**Staff:** General Manager, Acting Director Corporate Business, Director of City Services, Director Land Use, Health & Development, Executive Manager – Business Units, Economic Development Unit Manager, Program Support Co-ordinator, Developer Contributions Co-ordinator and Executive Assistant.

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

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#### APOLOGY

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- 9 **RESOLVED** (Palmer/Smithers) that apologies received from Cr Bonfield and Cr Joass for absence be received and leave be granted for the current meeting of Council.

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#### CONFIRMATION AND ADOPTION OF MINUTES

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- 10 **RESOLVED** (Palmer/Smithers) that the minutes of the Land Use, Health & Development Committee meeting held on 7 February 2008 be confirmed as a true and correct record of proceedings.
- 11 **RESOLVED** (Palmer/Smithers) that the minutes of the City Services Committee meeting held on 7 February 2008 be confirmed as a true and correct record of proceedings.

## **GENERAL MANAGER'S REPORT**

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### **1 QUARTERLY PERFORMANCE REPORTING FOR QUARTER ENDED 31 DECEMBER 2007**

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

#### **12 RESOLVED** (Ovens/Palmer) 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 31 December 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 October to December 2007 quarter.
4. Council note the organisation's significant achievements, as outlined in Attachment 2 of the General Manager's Report for the October to December 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 October to December 2007 quarter.
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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- 13 RESOLVED** (McKelvey/Smithers) that the Ordinary Meeting of Council be adjourned and Council now resolve into the Corporate Business Committee meeting, the time being 5.08pm.

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

## CORPORATE BUSINESS DEPARTMENT REPORTS

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### C1 COUNCILLORS' FEES, EXPENSES AND FACILITIES POLICY

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To propose changes to this policy as a result of a ruling issued by the Australian Taxation Office (ATO ID 2007/205) regarding superannuation contributions.

#### CB1 RECOMMENDED (Smithers/Ovens) that:

1. In accordance with Section 253(3) of the Local Government Act, Council determines that the change to the 'Policy for Payment of Expenses incurred by, and Provision of Facilities to, The Mayor and Councillors' as amended by the addition of Section 17 is not of a substantial nature therefore not subject to public consultation.
2. Council approve the inclusion of the following clause as a new Cl.17 in the CHCC policy titled 'Policy for payment of Expenses Incurred by, and Provision of Facilities to, the Mayor and Councillors.

*"Sacrificing Annual Councillors Fees to complying superannuation funds.*

*In accordance with the Australian Taxation Office Interpretative Decision 2007/205, Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf."*

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### C2 COUNCILLORS' EXPENSES JULY - DECEMBER 2007

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To report to Council on those expenses of Councillors for the period July to December 2007.

#### CB2 RECOMMENDED (Smithers/McKelvey) that the information be noted.

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### **C3 QUARTERLY BUDGET REVIEW FOR DECEMBER 2007**

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To report on the estimated budget position as at 31 December 2007.

**CB3 RECOMMENDED** (Ovens/Featherstone) that:

1. The variations in the attached exception report be approved.
2. The revised Budget position as at 31 December 2007 be noted:

	<b>General Account \$</b>	<b>Water Account \$</b>	<b>Sewer Account \$</b>
Original Budget adopted 21st June 2007	Nil	2,514,877 (D)	2,900,460 (D)
Approved variations to 31 Oct 2007	97,675 (D)	Nil	10,000 (D)
Recommended variations for November & December per attached exception report	36,929 (D)	38,135 (D)	38,135 (D)
Estimated result 2007/08 as at 31 December 2007	<u>134,604</u> (D)	<u>2,553,012</u> (D)	<u>2,948,595</u> (D)

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### **C4 CLASSIFICATION OF LAND DEDICATED TO COUNCIL**

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Report seeking Council's approval to classify a parcel of land as operational land under the Local Government Act, 1993, which was recently dedicated to Council as part of a subdivision.

**Cr McKelvey declared a non pecuniary interest in the following item, vacated the chamber and took no part in the discussion or voting.**

**CB4 RECOMMENDED** (Palmer/Smithers) that Lot 144 DP 1118502, North Sapphire Road, Sapphire Beach be classified as operational land under the Local Government Act, 1993.

**Cr McKelvey returned to the chamber.**

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## **C5 DEVELOPER CONTRIBUTIONS PLANS REVIEW**

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To present to Council various draft amended Developer Contributions Plans as listed in the body of this report, which are available in the Councillor's room. This report recommends that the draft Plans be placed on public exhibition for a period of 28 days.

- CB5 RECOMMENDED** (Smithers/McKelvey) that in accordance with clauses 18 & 26(4) of the Environmental Planning and Assessment and Regulation 2000, Council's Developer Contributions Plans and Developer Services Plans as listed in the body of this report be placed on public exhibition for a period of 28 days and submissions be invited.

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## **C6 NORTH BONVILLE COLLECTOR ROAD CONSTRUCTION - FUNDING AGREEMENT**

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To seek councils agreement to enter into a deed of agreement with the owners of Lot 112 DP 1073791 relating to the forward funding of part of the costs of the North Bonville release Area Collector road and Lyons Road Intersection.

- CB6 RECOMMENDED** (Palmer/Ovens) that:
1. Council enter a deed of agreement with M & T & Z Borsato, the owners of Lot 112 DP 1073791, for the forward funding of the proposed construction of the North Bonville collector road and Lyons Road intersection on the terms as outlined in this report.
  2. All necessary documents be executed under the common seal of Council.

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## **C7 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.

- CB7 RECOMMENDED** (Ovens/McKelvey) that the report be noted.

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**C8 BANK BALANCES AND INVESTMENTS FOR NOVEMBER AND DECEMBER 2007**

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To list Council's Bank Balances and Investments as at 30 November and 31 December 2007.

- CB8 RECOMMENDED** (Featherstone/Smithers) that the bank balances and investments totalling one hundred and twenty five million, nine hundred and five thousand, six hundred and eighty five dollars (\$125,905,685) as at 30 November 2007 be noted and the bank balances and investments totalling two hundred and eighteen million, nine hundred and fifty three thousand, one hundred and thirty dollars (\$218,953,130) as at 31 December 2007 be noted.

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**CONCLUSION OF 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.

The Mayor resumed chairmanship of the meeting at 5.22pm.

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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.

- CB9 RECOMMENDED** (Smithers/Palmer) that the Committee now move into Open Council.

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**ADOPTION OF CORPORATE BUSINESS COMMITTEE REPORT**

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- 14 RESOLVED** (McKelvey/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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- 15 **RESOLVED** by consent that Cr Hogbin be granted leave of absence from Council on 6 March 2008.

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## GENERAL BUSINESS

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### 1. Shannon Creek Dam

Cr Palmer attended a site inspection of the Shannon Creek Dam project with Council's Director of City Services and Coffs Harbour Water's Operations Manager to undertake a regular assessment of the contractors performance, and reported on the incredible progress that is being made at the site despite the lengthy period of wet weather.

### 2. Nana Glen Equestrian Centre

Cr Rhoades asked if Council could help the Equestrian Centre at Nana Glen to replace essential infrastructure prior to the Police & Emergency Services Games in September, following damage due to recent flooding in the area.

### 3. Kerbside Cleanups

Cr Rhoades requested the timeframe for kerbside cleanups be reviewed so rubbish is not left out over the weekend, and therefore not available to be used in acts of vandalism and violence.

### 4. Cavanbah Hall

Cr Rhoades requested consideration be given to an appropriate name for the new building scheduled to be constructed on the current Cavanbah Hall site, and a report be brought back to Council.

### 5. Condolences

The Mayor expressed his condolences at the passing of Jim Lacey. Jim was involved in Council's Economic Development Unit in the very early days.



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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 5.31 pm.

- 16 RESOLVED** by consent that the meeting be closed to the press and public during consideration of the following items for the reasons as stated:

This report was confidential for the reason of Section 10A(2):

- (d) Contained commercial information of a confidential nature that would, if disclosed:
- (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council.

The motion on being put to the meeting was carried.

The press and public vacated the chamber.

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**2 COMMERCIAL NEGOTIATIONS**

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To report to Council on the opportunity to form a 3-year Corporate Partnership with the South Sydney Football Club.

- 17 RESOLVED** (Hogbin/Palmer)

1. That Council approve the commercial arrangements detailed in the report and that the General Manager be authorised to execute any legal documents.
2. That appropriate details be released at the time the Agreement is executed.

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**OPEN MEETING**

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- 18 RESOLVED** by consent that the Committee now move into Open Meeting.

The Mayor read to the meeting the resolution of the Closed Meeting.

This concluded the business and the meeting closed at 6.10 pm.

**Confirmed:** 6 March 2008

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K D Rhoades, AFSM  
**Mayor**