

The following document is the minutes of the Council and Committee meetings held on 12 February 2009. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 26 February 2009 and therefore subject to change. Please refer to minutes of 26 February 2009 for confirmation.



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
(LAND USE, HEALTH & DEVELOPMENT COMMITTEE)
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
12 FEBRUARY 2009

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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING (LAND USE, HEALTH & DEVELOPMENT COMMITTEE)

12 FEBRUARY 2009

Present: Councillors K Rhoades (Mayor), J Arkan, R Degens, M Graham, K Hines, W Palmer and P Templeton.

Staff: General Manager, Director Corporate Business, Acting Director City Services, Director Land Use, Health & Development, Manager Land Use Planning and Executive Assistant.

Leave of Absence: Councillor Knight

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

DISCLOSURES OF INTEREST

There were no disclosures of interest tabled by Councillors.

APOLOGY

- 8 **RESOLVED** (Palmer/Templeton) that an apology received from Councillor Bonfield for unavoidable absence be received and leave be granted for the current meeting of Council.
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PUBLIC FORUM

Time	Speaker	Item
5.00pm	Scott Amon	Utilising the grounds at the end of Bakker Drive, Bonville
5.05pm (10 mins)	Richard Holloway – Arts Mid North Coast Inc	Presentation to newly elected Councillors on Arts Mid North Coast outcomes and strategic directions.

PUBLIC ADDRESS

Time	Speaker	Item
5.15pm	Rick Reid	L4 Coffs Harbour City Local Environmental Plan 2000 - Amendment No. 32 - to Consolidate Former Pristine Waters (Corindi and Red Rock) Localities

MAYORAL MINUTE

COFFS HARBOUR CITY COUNCIL TO ARRANGE DONATION OF \$10K TO VICTORIAN BUSHFIRE DISASTER RELIEF PROGRAMMES

"I strongly urge Councils on the Mid North Coast and North Coast of NSW and all those Councils that experience high rainfall which lessens the impact of such fire risk as seen in Victoria, to consider supporting these stricken communities.

I together with the rest of our community am devastated and saddened for our fellow Australians in Victoria suffering such loss of life and property. I therefore move that Coffs Harbour City Council donate the sum of \$10k towards the Victorian Disaster relief programmes."

9 RESOLVED (Rhoades) that:

Coffs Harbour City Council on behalf of the community donate the sum of \$10k towards the Victorian Disaster relief programmes.

The Motion on being put to the meeting was carried unanimously.

CONFIRMATION AND ADOPTION OF MINUTES

10 RESOLVED (Templeton/Hines) that the minutes of the Extraordinary meeting held on 22 January 2009 be confirmed as a true and correct record of proceedings.

GENERAL MANAGER'S REPORTS

1 NOTIFICATION IN ACCORDANCE WITH CLAUSE 240(2) OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005

A Notice of Rescission Motion was lodged with Council on 27 January 2009. Council sought legal advice on the proposed Motion and has been advised that the Motion is unlawful. Under clause 240(2) of the *Local Government (General) Regulation 2005*, it is not permissible to include an item on the agenda of a Council meeting, the business or implementation of which is, or would be, unlawful. Therefore the Rescission Motion of 27 January 2009 has been excluded from this agenda, and this exclusion is now duly reported in accordance with clause 240(2) of the *Local Government (General) Regulation 2005*.

2 2009/2012 MANAGEMENT PLAN - PROJECT SCHEDULE

To seek approval for a project schedule to develop Council's 2009/2012 Management Plan. This report recommends that a Draft Management Plan be scheduled for public exhibition in April 2009.

11 RESOLVED (Palmer/Templeton) that:

1. The following project schedule for developing Council's 2009/2012 Management Plan be adopted.

Meeting/Activity	Date	Councillor Participation
Senior Staff/Managers consultations	Feb/Mar 09	N/A
Councillor budget workshops	From 11 February 2009	Yes
Council to consider Draft Management Plan for adoption for public exhibition	9 Apr 2009	Yes
28-day public exhibition period (includes public meeting, information sessions, displays, media activities, etc)	Tues, 14 April to Mon, 11 May 2009	As required
Consideration of Submissions / Review of Draft Plan	From 12 May 2009	As required
Council to consider adoption of final Management Plan	11 June 2009	Yes
Lodge Management Plan with Department of Local Government	By 30 June 2009	N/A

Cont'd

2 2009/2012 Management Plan - Project Schedule ...(Cont'd)

2. Councillors note their participation is requested at the meetings, as indicated in the schedule contained within this report, to develop Council's 2009/2012 Management Plan.
 3. The Environmental Working Group's recommended list of projects (to be funded from the 2009/2010 Environmental Levy) to be submitted for inclusion in the Draft Management Plan for consideration by Council.
-

3 PECUNIARY DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS

To table the Register of Returns received from Councillors and Designated Persons including those of the newly elected Councillors appointed to Council on the 24 September 2008.

- 12 RESOLVED** (Arkan/Templeton) that the Register of Disclosures by Councillors and designated persons including the returns of Councillors appointed on the 24 September 2008, as tabled, be noted.

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT

L4 COFFS HARBOUR CITY LOCAL ENVIRONMENTAL PLAN 2000 - AMENDMENT NO. 32 - TO CONSOLIDATE FORMER PRISTINE WATERS (CORINDI AND RED ROCK) LOCALITIES

To report to Council the outcome of public exhibition process undertaken.

This report seeks Council's endorsement/adoption of the draft Local Environmental Plan (LEP) Amendment No. 32 – Corindi/Red Rock.

This report also seeks Council's resolution to forward the LEP to the Department of Planning (DoP) to gazette the Plan.

- 13 RESOLVED** (Palmer/Templeton) that:

1. Council adopt the changes made to the Coffs Harbour Local Environmental Plan Amendment No. 32 as a result of public exhibition as attached to this report and forward it to the Department of Planning for gazettal.
2. People who made submissions to the draft Local Environmental Plan Amendment No. 32 be notified of Council's decision.

Cont'd

L4 Coffs Harbour City Local Environmental Plan 2000 - Amendment No. 32 - to Consolidate Former Pristine Waters (Corindi and Red Rock) Localities ... (Cont'd)

3. Council endorse the draft amendments to the Low Density Housing Development Control Plan (as attached to this report).
4. The Draft Low Density Housing Development Control Plan be placed on public exhibition for twenty eight (28) days.
5. Should no submissions be received during exhibition of the Draft Low Density Housing Development Control Plan then the plan shall become operational upon gazettal of Local Environmental Plan Amendment No. 32.
6. Should submissions be received to the Draft Low Density Housing Development Control Plan a further report will be prepared for Council's consideration.

VOTED FOR

Templeton
Rhoades
Palmer
Arkan
Degens
Graham

VOTED AGAINST

Hines

CITY SERVICES DEPARTMENT REPORTS

S2 TENDER: ALTERATIONS AND ADDITIONS TO SPORTZ CENTRAL BUILDING, COFFS HARBOUR - CONTRACT NO 08/09-380-TO

To report to Council on tenders received for the alterations and additions to Sportz Central Building, Coffs Harbour - Contract No 08/09-380-TO.

14 RESOLVED (Palmer/Graham) that:

1. Council accept the tender of Robin Snow Constructions Pty Ltd, ABN 54 115 791 501, as the recommended tender for Contract 08/09-380-TO for the alterations and additions to Sportz Central building, Coffs Harbour for the lump sum amount of \$437,250 including GST, on the basis that:
 - (a) The tender is the only tender following the application of Council's Tendering Procedures.
 - (b) The Tenderer has the necessary experience in similar works and with ability and performance which are seen as satisfactory.
 - (c) The Tenderer's financial capacity is acceptable.
2. Council approve the \$30,000 plus GST cash contribution from the Sportz Central Management Committee funds towards the project.
3. The Sportz Central Management Committee be given an additional loan of up to \$64,250 towards the project in addition to the current loan outstanding as at 3 March 2009 of \$122,257 on the terms and conditions as outlined in the report.
4. The contract documents be executed under the Seal of Council.

S3 TENDER: DESIGN AND CONSTRUCTION OF EVES CREEK BRIDGE - CONTRACT NO. 08/09-385-TO

To report on tenders received for the design and construction of Eves Creek Bridge, Brooklana, and to gain Council's approval to decline to accept any tenders with the view of carrying out the works utilising Council day labour staff.

15 RESOLVED (Palmer/Hines) that:

1. That in accordance with clause 178(1)(b) of the *Local Government (General) Regulation 2005*, Council decline to accept any of the tenders submitted for Contract No. 08/09-385-TO.
2. That in accordance with clause 178(3)(f) of the *Local Government (General) Regulation 2005*, Council carry out the requirements of the proposed contract itself.
3. That Council negotiate with Richmond Valley Council with a view to entering into a contract for the design and supply of the bridge components.
4. In accordance with Clause 178(4) of the *Local Government (General) Regulations 2005*, the following reasons for Council declining to invite fresh tenders be noted:
 - (i) Utilising Council staff to carry out the specified tender works, would result in a significant lower cost to Council and the community.
 - (ii) Council has procured bridge components from Richmond Valley Council on numerous past bridge replacements and has proved to be an economical source of bridge design and components.
5. The General Manager be delegated authority to negotiate with Richmond Valley Council with a view to entering into a Contract for the design, manufacture and supply of bridge components. Such negotiations to be on the basis of the design, manufacture and delivery responsibilities specified in tender No. 08/09-385-TO.
6. That Council reallocate the 2008/09 budget for Eves Creek Bridge replacement to the 2009/10 financial year.

S4 TENDER: CONSTRUCTION OF NEW RURAL FIRE SERVICE CONTROL CENTRE - CONTRACT NO. 08/09-382-TO

To report to Council on tenders received for the construction of a new Rural Fire Service Control Centre building - Contract No 08/09-382-TO.

16 RESOLVED (Palmer/Hines) that:

1. Council accept the tender of Bilas Knight Pty Ltd, ACN 111 199 163, as the recommended tender for Contract 08/09-382-TO for the construction of a new Rural Fire Service Control Centre building for the lump sum amount of \$1,504,778 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 with ability and performance which are seen as satisfactory.
 - (c) The Tenderer's financial capacity is acceptable.
2. The contract documents be executed under the Seal of Council.

QUESTIONS WITHOUT NOTICE

1. Fire Risks in the City Area

Cr Palmer raised the issue of fire risk coming up from Beacon Hill to Victoria Street, there is probably examples of this all over the city area. Does Council have a plan or can a plan be formulated in cooperation with Rural Fire Service and local fire brigades to do control burning in the city area to avoid the risk.

The General Manager responded Victoria Street has been under investigation for some years, the next step is to undertake a review of the management plan for the reserve which an application was made to the Environmental Levy - not aware of the outcome at this stage. The second part of this question will be taken on notice.

2. Fluoride in Water Supply - Addition of Alum

Cr Degens questioned when fluoride is added to the water supply whether alum is going to be part of the mixture, *alum is another chemical that he believes is a by product of the aluminium industry which is used apparently for clarification of the water, the reason for the question is that this chemical has been shown when combined with fluoride to create a compound which then can be absorbed by the brain and potentially produce Alzheimer disease.*

The General Manager responded that alum is to be added to remove suspended matter from the water supply. It has been planned into the treatment plant, it is a standard practice.

3. Extraordinary Meetings - DA Application Numbers

Cr Arkan requested that the Councillors be provided with a list of development applications of significant nature that have been heard at an Extraordinary Meeting and development applications that have been considered over the Christmas period over the last term of Council.

The Mayor responded the reason for calling the Extraordinary meeting was there was a request from Woolgoolga Surf Club for Council to determine an application by them to make a submission to Surf Life Saving NSW to have the NSW Surf Life Saving Championships in Woolgoolga for a 3 year period. NSW Surf Life Saving required an answer from Woolgoolga Surf Club before the conclusion of the last day of January. That required the calling of a meeting for Council to determine financial support for the Woolgoolga Surf Club. At the same time staff were requested to bring forward any matters that were waiting for determination by Council.

The Director of Land Use, Health & Development responded: to clarify your question is how many significant development applications were considered at Extraordinary meetings over a Christmas period in the last term of Council, the answer is nil.

4. Anti Social Behaviour in Park Beach Area

Cr Palmer raised that all Councillors had received an email regarding anti social behaviour in Park Beach area and asked the question of what can be done about vandalism, it is an expense to the city and the rate payers and how the problem can be approached.

The General Manager responded that Council cannot run forums on all issues and has requested that the Mayor raise the issue at the next Police Accountability Community Team meeting and has also raised the issue with the local member.

Cr Palmer questioned further can Council find extra funds in the Management for street lighting in the area and also talk to the licensing police to restrict the hours of bottle sales.

The General Manager responded the Council is in a budget process and requesting Councillors priorities be submitted for community purposes. Hours of operation of bottle shops will be investigated.

5. Recreational Vehicles

Cr Templeton questioned whether Council could investigate the following:

1. an area or areas to accommodate overnight stay or longer for recreational vehicles that qualify for the "leave no trace scheme".
2. the provision of dump point for recreational vehicles.
3. possibility of qualifying for the Recreational Vehicle Friendly Town Scheme.

The General Manager responded that Council does have those provisions in caravan parks, an unrestricted access to the sewer could be problematic but will have the matter investigated.

6. Environmental Levy Funding

Cr Graham questioned whether the proposed provision of \$7,000 from this year's environmental levy funding for a motor vehicle is eligible for funding under Council's Environment Levy programme and could staff explore opportunities to provide the vehicle from core funding.

The General Manager responded that it has been included in the environmental levy in the past as tasks being completed by staff funded from the environmental levy such as Biodiversity Officer require transport which is not able to be funded via the General Budget. The vehicle can be added to the budget priority list by Councillors.

7. Woolgoolga Youth Club

Cr Arkan attended a meeting at Woolgoolga to reestablish the Youth Club, a large group of people attended with fantastic community support. When Council receives requests for assistance from the Youth Club that Council look at it favourably.

The General Manager took the matter on notice.

8. Mitigation Works

Cr Rhoades asked when Council does flood mitigation works, is there a follow up Management Plan to keep those flood mitigation works free of regrowing vegetation that impedes the flow of water, specifically Coffs Creek. Cr Hines added the creek between Busy Bee and Centro Toormina.

The General Manager took the matter on notice.

This concluded the business and the meeting closed at 6.15 pm.

Confirmed: 26 February 2009

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Keith Rhoades AFSM
Mayor