

The following document is the minutes of the Council and Committee Meetings held on Thursday, 24 June 2010. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 8 July 2010 and therefore subject to change. Please refer to the minutes of the meeting of 24 June 2010 for confirmation.



COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

COUNCIL CHAMBERS COUNCIL ADMINISTRATION BUILDING COFF AND CASTLE STREETS, COFFS HARBOUR

24 JUNE 2010

Contents

ITEM	DESCRIPTION	PAGE
GENERAL MANAGER'S REPORT		2
GM10/9	2010/2014 DELIVERY PROGRAM AND 2010/2011 OPERATIONAL PLAN	2
LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT		3
L10/8	ADMINISTRATIVE MATTERS TO ALLOW FOR COMPLETION OF DRAFT COFFS HARBOUR CITY LOCAL ENVIRONMENTAL PLAN 2010	3
CITY SERVICES DEPARTMENT REPORTS		5
CS10/19	CITY WIDE FLOOD MITIGATION, STORMWATER & DRAINAGE WORKS PROGRAM	5
CORPORATE BUSINESS DEPARTMENT REPORTS		5
CB10/29	MONTHLY BUDGET REVIEW FOR APRIL 2010	5
LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT		6
L10/9	LOCAL FOOD FUTURES ALLIANCE	6
CB10/30	TENDER: SUPPLY OF NON-CONTESTABLE ELECTRICITY "SMALL MASS SITES"	7



COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

24 JUNE 2010

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

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

The meeting commenced at 5.02pm with the Mayor, Cr K Rhoades in the chair.

DISCLOSURE OF INTEREST

No disclosure of interest tabled

APOLOGY

- 78 **RESOLVED** (Arkan/Hines) that apologies received from Councillors D Knight and P Templeton for absence be received and leave be granted for the current meeting of Council.

PUBLIC ADDRESS

Time	Speaker	Item
5.05pm	Zachary Hawke, Woolgoolga & Northern Beaches Chamber of Commerce	L10/8 - Administrative matters to allow for completion of Draft Coffs Harbour City Local Environmental Plan 2010.

CONFIRMATION OF MINUTES

- 79** **RESOLVED** (Arkan/Hines) that the minutes of the Ordinary meeting held on 10 June 2010 be confirmed as a true and correct record of proceedings.

GENERAL MANAGER'S REPORT

GM10/9 2010/2014 DELIVERY PROGRAM AND 2010/2011 OPERATIONAL PLAN

To present the revised draft 2010/2014 Delivery Program and revised draft 2010/2011 Operational Plan. These documents incorporate amendments arising from the consideration of submissions to the drafts that were placed on public exhibition. This report recommends the revised drafts be adopted as Coffs Harbour City Council's 2010/2014 Delivery Program and 2010/2011 Operational Plan.

- 80** **RESOLVED** (Bonfield/Hines) that Council:
1. Note that it has yet to be advised of the NSW Government's determination in relation to Council's Application for a Special Variation to General Income in 2010/2011.
 2. Include additional expenditure totalling \$178,000 (as detailed in the Issues section of this report) in the 2010/2011 budget, offset by funding from the Councillors' discretionary "Future Community Works" fund.
 3. Note that the 2010/2011 Budget is based on a projected General Fund deficit of \$667,506 with an undertaking by Council to work to deliver a balanced result by the end of the period.
 4. Note that the following estimated budget results are also forecast in 2010/2011:
 - Water Account: - \$5,257,469 (Deficit)
 - Sewer Account: - \$4,124,558 (Deficit)

GM10/9 - 2010/2014 Delivery Program and 2010/2011 Operational Plan (Cont'd)

5. Adopt the 2010/2014 Delivery Program and 2010/2011 Operational Plan (incorporating Program Budgets 2010/2014, Fees and Charges 2010/2011 and Work Programs 2010/2014) – including amendments - with two budget options (as outlined in the Options section of this report):
 - a. *Budget Option 1 based on a 4.4% Special Variation to General Income in addition to the 2.6% 'rate pegging' allowance approved for 2010/2011.*
 - b. *Budget Option 2 based only on the 2.6% 'rate pegging' allowance approved for 2010/2011.*
6. After being advised of the Minister's determination (of Council's Application for Special Variation to General Income in 2010/2011), meet to rescind whichever Budget Option has been ruled out by the Minister's decision.
7. Continue to lobby the NSW and Federal Government for assistance in funding additional works and services in the local government sector.
8. Provide written responses to all those who made community submissions to the Draft 2010/2014 Delivery Program and Draft 2010/2011 Operational Plan, thanking them for their participation and advising them of the outcomes of their submissions.

Councillor Graham asked that his vote against this item be recorded.

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT

L10/8 ADMINISTRATIVE MATTERS TO ALLOW FOR COMPLETION OF DRAFT COFFS HARBOUR CITY LOCAL ENVIRONMENTAL PLAN 2010

The purpose of this report is to seek Council's endorsement for a variation of Council's adopted Local Growth Management Strategy (Employment Lands Component), to allow for finalisation of zonings of land in draft Coffs Harbour Local Environmental Plan 2010 (draft LEP 2010).

The report recommends that Council endorse minor variations to components of the Local Growth Management Strategy, which can be reflected in zones in draft LEP 2010, when it is reported to Council in July. This is an administrative requirement to allow the draft LEP 2010 to be finalised.

MOVED (Degens/Palmer):

1. That Council endorse zones contained within Map 1 and Map 2 of this report.
2. That Council update the Employment Lands Strategy to reflect these changes.
3. That the revised Employment Lands Strategy be progressed to the Department of Planning.
4. That the revised Employment Lands Strategy be used to inform draft Local Environmental Plan 2010.
5. That all persons directly affected by the draft Plan be advised of Council's decision by notification in relevant newspapers.

L10/8 - Administrative matters to allow for completion of Draft Coffs Harbour City Local Environmental Plan 2010 (Cont'd)

AMENDMENT

81 RESOLVED (Bonfield/Graham):

1. That Council endorse Map 2 of this report and Map 1, Lot 500, DP 776362, (approx 6,500 m²) 39 Clarence Street, Woolgoolga be zoned B4 and Lot 1, DP 579511 (approx 3,900 m²) 41 Clarence Street, Woolgoolga, be zoned B6.
2. That Council update the Employment Lands Strategy to reflect these changes.
3. That the revised Employment Lands Strategy be progressed to the Department of Planning.
4. That the revised Employment Lands Strategy be used to inform draft Local Environmental Plan 2010.
5. That all persons directly affected by the draft Plan be advised of Council's decision by notification in relevant newspapers.

The **AMENDMENT** on being put to the meeting was **CARRIED**.

VOTED FOR

Hines
Bonfield
Degens
Graham

VOTED AGAINST

Rhoades
Palmer
Arkan

It then became the **MOTION** and on being put to the meeting was declared **CARRIED**.

VOTED FOR

Hines
Bonfield
Rhoades
Palmer
Arkan
Degens
Graham

VOTED AGAINST

CITY SERVICES DEPARTMENT REPORTS

CS10/19 CITY WIDE FLOOD MITIGATION, STORMWATER & DRAINAGE WORKS PROGRAM

To advise Council on progress of the City wide flood mitigation, stormwater and drainage works program.

- 82 **RESOLVED** (Palmer/Arkan) that Council note the progress on the City Wide Flood Mitigation, Stormwater and Drainage Works Program.

CORPORATE BUSINESS DEPARTMENT REPORTS

CB10/29 MONTHLY BUDGET REVIEW FOR APRIL 2010

To report on the estimated budget position as at 30 April 2010.

- 83 **RESOLVED** (Bonfield/Hines) that the revised Budget position as at 30 April 2010 be noted:

	General Account \$	Water Account \$	Sewer Account \$
Original Budget adopted 30 June 2009	1,113,139 (D)	6,796,677 (D)	5,226,126 (D)
Approved Variations to 31 March 2010	(1,102,839) (S)	(1,036,700)(S)	(1,680,500) (S)
Recommended variations for April 2010	10,000 (D)	Nil	Nil
Estimated result 2009/10 as at 30 April 2010	<u>20,300</u> (D)	<u>5,759,977</u> (D)	<u>3,545,626</u> (D)

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT

L10/9 LOCAL FOOD FUTURES ALLIANCE

The purpose of this report is to outline progress of the grant funded Local Food Futures Alliance program. Council's endorsement is sought to make a provisional offer to the Coffs Regional Community Garden Association (CRCGA) to use part of the Combine Street Reserve for the Coffs Regional Community Garden.

84 RESOLVED (Arkan/Graham):

1. That Council make a provisional offer to the Coffs Regional Community Garden Association (CRCGA) to use part of the Combine Street Reserve for the Coffs Regional Community Garden, subject to the following:
 - a) CRCGA to submit plans and details of the proposed garden for consideration and approval.
 - b) CRCGA consult with neighbouring residents regarding the proposed garden.
 - c) Satisfactory terms of agreement be negotiated between the CRCGA and Council concerning the governance structures, grant budget provisions, and operational aspects of the garden.
 - d) Relevant approvals be obtained for the proposed garden structures and works.
 - e) An Environmental Management Plan be prepared in respect to the garden construction and operation.
 - f) A satisfactory proposed licence arrangement be reached between Council and the CRCGA, on the basis of a peppercorn rental, and a minimum 5 year term.
 - g) That for the purposes of the above the proposed licence be subject to community consultation for a period of no less than 28 days.
2. That following public consultation, a report be referred back to Council for determination of the proposed licence.

REQUESTS FOR LEAVE OF ABSENCE

- 85 RESOLVED** (Bonfield/Hines)) that Cr Arkan be granted leave of absence from Council from 22 July 2010 and 12 August 2010.

The Mayor granted a five minute break from 6.12pm, the meeting resumed at 6.17pm.

CLOSED MEETING – SECTION 10(A)

The Mayor requested a motion to close the meeting to consider a confidential report as outlined in the meeting agenda, the time was 6.18 pm.

- 86 RESOLVED** (Rhoades/Palmer) that the meeting be closed to the press and public during consideration of the following items for the reasons as stated:

CB10/30 - Tender: Supply of Non-Contestable Electricity "Small Mass Sites"

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.

Members of the press and public were excluded from consideration of the above item, the reason being that it contained commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

The press and public vacated the Chamber.

CB10/30 TENDER: SUPPLY OF NON-CONTESTABLE ELECTRICITY "SMALL MASS SITES"

To report on the tenders received by Regional Procurement Initiative (division of Hunter Council Incorporated) on behalf of Coffs Harbour City Council for the Supply of Non-Contestable Electricity "Small Mass Sites" (less than 160MWH) T21011CHCC and to gain Council approval.

- 87 RESOLVED** (Bonfield/Hines):

1. That Council accept the offer of Powerdirect for the supply of "black" only Non-Contestable Electricity for a 36 month period as outlined in Table 1 and effective from the date of acceptance.
2. That Council purchase 50% of renewable green energy.
3. The recommendation is on the basis that:
 - a) The tender offer is the most suitable and advantageous following the application of Regional Procurement's Tender Value Selection System.
 - b) Country Energy's current regulated pricing "All KWh Business Electricity fees" arrangement with Council, will increase from 22.47 cents/KWh (Ex GST) to 25.335 cents/KWh on 1 July 2010. The Powerdirect offer of 22.33 cents/KWh and fixed for 36 months (from date of acceptance) will realise a savings of 3.005 cents per KWh.

CB10/30 - Tender: Supply of Non-Contestable Electricity "Small Mass Sites"
(Cont'd)

This in effect represents a 13.45% reduction in comparison to Country Energy's Regulated pricing, and will achieve an estimated saving of \$63,516.53 for Council over the next 12 months. It is also to be noted that Powerdirect's offer includes Consolidated Electronic Billing, of which Country Energy currently does not provide.

- c) The tender submission by Powerdirect is conformed to IPART Regulations.
 - d) By actively participating in this Regional Procurement Tender T21011CHCC Council will not breach the Local Government (General) Regulation 2005- Section 7 Tendering, for annual expenditure over \$150,000.00 (annual expenditure based on Annual Consumption figures is expected to exceed \$200,000.00).
 - e) Powerdirect have made an offer for 100% renewable Green Energy at an additional 6.2 cents per KWh. This can be pro-rated to 10%, 20%, 50% or 75% but we must purchase a minimum of 10% to display the "GreenPower" logo.
4. That the contract documents be executed under Council's Seal.

OPEN MEETING

The Mayor requested an appropriate motion to enable the meeting to resolve into Open Meeting.

88 RESOLVED (Bonfield/Hines) 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 6.33pm.

Confirmed: 8 July 2010.

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K D Rhoades, AFSM
Mayor