

The following document is the minutes of the Council and Committee meeting held on 10 February 2011. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 24 February 2011 and therefore subject to change. Please refer to minutes of 24 February 2011 for confirmation.



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
10 FEBRUARY 2011

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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

10 FEBRUARY 2011

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

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

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

DISCLOSURES OF INTEREST

No disclosures of interest were tabled.

CONFIRMATION AND ADOPTION OF MINUTES

- 1 **RESOLVED** (Templeton/Palmer) that the minutes of the Ordinary meeting held on 16 December 2010 be confirmed as a true and correct record of proceedings.

GENERAL MANAGER'S REPORTS

GM11/1 CONDUCT REVIEWER REPORT INTO ALLEGATIONS AGAINST THE MAYOR, COUNCILLOR KEITH RHOADES

To present a report from the Sole Conduct Reviewer following the Reviewer's investigations into alleged breaches of the Code of Conduct by the Mayor, Cr Keith Rhoades.

MOTION

MOTION (Graham/) that Council refer these matters back to the General Manager and request of him that the Coffs Harbour City Council conduct review committee be requested to investigate these allegations.

The Mayor ruled the **MOTION** out of order.

MOTION

- 2 **MOVED** (Templeton/Hines) that the report of the Sole Reviewer be received and noted.

AMENDMENT

MOVED (Degens/Graham) that:

1. Council refer this matter back to the General Manager and/or the Conduct Review Committee.
2. The matter for review is the interpretation of the process as described by the General Manager regarding the quoted resolution in terms of process.

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

DIVISION

A division was duly demanded, and those members voting for and against the motion were recorded:

VOTED FOR

Graham
Degens

VOTED AGAINST

Arkan
Bonfield
Hines
Knight
Palmer
Rhoades
Templeton

Cont'd

GM11/1 Conduct Reviewer Report into Allegations Against the Mayor, Councillor Keith Rhoades ...(Cont'd)

The **MOTION** on being put to the meeting was declared **CARRIED**.

DIVISION

A division was duly demanded, and those members voting for and against the motion were recorded:

VOTED FOR

Arkan
Bonfield
Hines
Knight
Palmer
Rhoades
Templeton

VOTED AGAINST

Graham
Degens

GM11/2 CONDUCT REVIEWER REPORT INTO ALLEGATIONS AGAINST COUNCILLOR BILL PALMER

To present a report from the Sole Conduct Reviewer following the Reviewer's investigations into alleged breaches of the Code of Conduct by Cr Bill Palmer.

3 RESOLVED (Templeton/Arkan) that:

1. The report of the Sole Reviewer be received and noted.
2. Cr Bill Palmer apologise for his breach of the Coffs Harbour City Council Code of Conduct in particular, section 6 – General Conduct Obligations, and in particular, the provision which states: "*You must treat others with respect at all times*" for inappropriate comments made in reference to some members of the community, on ABC Mid North Coast Radio on 3 August 2010.

Cr Palmer commented that he made a remark to a fellow Councillor which was inappropriate and apologised to Cr Graham for his outburst.

On the other matter on 3 August 2010 during an interview by ABC radio when Cr Palmer referred to a section of the gallery in an inappropriate manner and now recognises that his conduct at that time was not appropriate and apologised to those people of the gallery.

GM11/3 DIVISION OF LOCAL GOVERNMENT REVIEW - INTEGRATED PLANNING AND REPORTING DOCUMENTATION

To report on the Division of Local Government review of Council's Integrated Planning and Reporting documentation. This report recommends the Division's findings be used to inform Council's own, ongoing reviews of these planning documents.

4 RESOLVED (Arkan/Templeton) that:

1. Council notes the findings from the Division of Local Government review of Council's Integrated Planning and Reporting documentation.
2. Council notes the operational action plan to implement the Division's recommendations as part of Council's ongoing development and review of the Integrated Planning and Reporting framework.

GM11/4 2011/2012 OPERATIONAL PLAN - PROJECT SCHEDULE

To seek approval for a project schedule to develop Council's 2011/2012 Operational Plan. This report recommends the schedule be implemented to enable the Draft Operational Plan to be prepared for adoption for public exhibition in May 2011.

5 RESOLVED (Palmer/Hines) that:

1. The following project schedule for developing Council's 2011/2012 Operational Plan be adopted.

Meeting/Activity	Date	Councillor Participation
Senior Staff/Managers consultations	Feb/Mar 2011	N/A
Councillor workshops	From February 2011	Yes
Council to consider Draft Operational Plan for adoption for public exhibition	28 April 2011	Yes
29-day public exhibition period (includes information sessions, displays, media activities, etc)	Mon, 2 May to Mon, 30 May 2011	As required
Consideration of Submissions / Review of Draft Plan	From 31 May 2011	As required
Council to consider adoption of final Operational Plan	23 June 2011	Yes
Lodge adopted Operational Plan with Department of Local Government	By 30 June 2011	N/A

Cont'd

GM11/4 2011/2012 Operational 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 2011/2012 Operational Plan.

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORTS

L11/1 DEVELOPMENT APPLICATION 484/11 – SUBDIVISION (BOUNDARY ADJUSTMENT) – LOT 2 DP 858934 AND LOT 125 DP 752817, MASTONS ROAD, KARANGI

This report describes Development Application 484/11 for a boundary adjustment.

6 RESOLVED (Arkan/Hines) that:

1. The request for the variation to development standard, Clause 18 (5A)(c) be supported in this particular case.
2. Development Application 484/11 for Boundary Adjustment of Lot 2, DP 858934 and Lot 125, DP 752817, Mastons Road, Karangi be approved subject to conditions appended to this report (Appendix C).

VOTED FOR

Templeton
Hines
Knight
Bonfield
Rhoades
Palmer
Arkan
Degens

VOTED AGAINST

Graham

L11/2 HERITAGE STRATEGIC PLAN 2011 - 2014

This report outlines the heritage strategy proposed for the three year period 2011 - 2014.

7 RESOLVED (Palmer/Templeton) that:

1. Council endorse the Heritage Strategic Plan 2011 – 2014 for public exhibition purposes, and
2. Provided that no significant submissions are received endorse the adoption of the Heritage Strategic Plan 2011 – 2014.

Cont'd

L11/2 Heritage Strategic Plan 2011 - 2014 ...(Cont'd)

VOTED FOR

Templeton
Hines
Knight
Bonfield
Rhoades
Palmer
Arkan
Degens
Graham

VOTED AGAINST

Nil

**L11/3 COFFS HARBOUR 2030 COMMUNITY STRATEGIC PLAN -
COMMUNITY ADVISORY GROUP**

Council at its meeting of 16 December 2010 considered a report concerning membership of the 2030 Community Advisory Group and the Terms of Reference. This report seeks to nominate the particular Councillor who will be a member of the Advisory Group.

MOTION

MOVED (Graham/Arkan) that Councillors Bonfield, Degens and Graham be appointed as members of the 2030 Community Advisory Group.

AMENDMENT

- 8** **MOVED** (Rhoades/Palmer) that Councillor Bonfield be appointed as a member of the 2030 Community Advisory Group and the alternate Councillor representative be Councillor Graham.

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

CORPORATE BUSINESS DEPARTMENT REPORTS

CB11/1 MONTHLY BUDGET REVIEW FOR NOVEMBER AND DECEMBER 2010

To report on the estimated budget position as at 31 December 2010.

9 RESOLVED (Palmer/Hines) that:

1. The budget adjustments be approved and the current budget position be noted.

Estimated Budget Position as at 31 December 2010:

	General Account \$	Water Account \$	Sewer Account \$
Original Budget adopted 30 June 2010	667,506 (D)	5,257,469 (D)	4,124,558 (D)
Approved Variations to 31 October 2010	(285,543) (S)	(37,587) (S)	(199,342) (S)
Recommended variations for November and December 2010	65,518 (D)	Nil	(18,700) (S)
Estimated result 2010/11 as at 31 December 2010	<u>447,481</u> (D)	<u>5,219,882</u> (D)	<u>3,906,516</u> (D)

2. In relation to the compulsory purchase of the land along Hogbin Drive, any interest due as part of these negotiations be authorised by Council for payment. Funding will be provided by community facilities reserve.

CB11/2 POLICIES

To review and update the following:

- Enforcement Policy
- Privacy Management Plan

10 RESOLVED (Palmer/Degens) that Council adopts the Enforcement Policy and Privacy Management Plan.

CB11/3 TENDER: SUPPLY AND DELIVERY OF 20MM AND 25MM DOMESTIC WATER METERS

To report on the tenders received by Regional Procurement Initiative (division of Hunter Council Incorporated) on behalf of the Mid North Coast Procurement Alliance Group of Councils for the Supply and Delivery of 20mm and 25mm Domestic Water Meters and to gain Council approval.

11 RESOLVED (Arkan/Knight) that:

1. Council accepts the tender offer of Elster Metering Pty Ltd. 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) By actively participating in this Regional Procurement Tender T51011MNC on behalf of the Mid North Coast Procurement Alliance Group of Councils, Coffs Harbour Council will not breach the Local Government (General) Regulation 2005 - Section 7 Tendering, for annual expenditure over \$150,000.00.
2. The contract documents be executed under Council's Seal.

CITY SERVICES DEPARTMENT REPORTS

CS11/1 COMMUNITY FACILITIES MANAGEMENT AND ADVISORY COMMITTEES UPDATE 2011

To provide a report on the current operational status of Council's community facility management and advisory committees.

12 RESOLVED (Graham/Palmer) that:

1. Council note the valuable assistance, advice and good management of Council's community facilities and advisory committees by volunteer members.
2. A letter under the signatures of the Mayor and General Manager be sent to each committee congratulating them on their achievements over the last 12 months.

CS11/2 COASTAL ESTUARY MANAGEMENT ADVISORY COMMITTEE

To report minutes of the Coastal Estuary Management Advisory Committee Meeting held on 30 November 2010.

MOTION

MOVED (Graham/Degens) that:

1. Council note the minutes of the Coastal Estuary Management Advisory Committee held 30 November 2010.
2. Council acts to release the Coffs Harbour Coastal Process Hazard Definition Study as soon as possible to avoid the risk of litigation.

AMENDMENT

13 **MOVED** (Bonfield/Arkan) that:

1. Council note the minutes of the Coastal Estuary Management Advisory Committee held 30 November 2010.
2. A workshop be conducted regarding the Coastal Process Hazard Definition Study prior to this matter be presented to Council.

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

CS11/3 TENDER: DESIGN & CONSTRUCTION OF 5ML WATER SERVICE RESERVOIR - CONTRACT NO. 09/10-429-TO

To report on tenders received for the design and construction of a new concrete water service reservoir at Maccues Road, Moonee Beach and to gain Council approval to accept a tender for the contract works.

14 **RESOLVED** (Templeton/Palmer) that:

1. Council accept the tender of Hornick Constructions Pty Ltd (ABN 41 009 668 179) for the lump sum amount of \$2,133,120 inclusive of 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 experience in similar works and his ability and performance are satisfactory
 - c) The Tenderer's financial capacity is acceptable.
2. The contract documents be executed under the Seal of Council.

REQUESTS FOR LEAVE OF ABSENCE

- 15 **RESOLVED** (Templeton/Hines) that Councillors Arkan, Hines and Palmer be granted leave of absence from Council from 24 February 2011.
-

MATTERS OF AN URGENT NATURE

MUN11/1 South Moonee Forest and North Emerald Beach Part 3A Applications

Cr Graham requested that Council dedicate all available corporate resources to opposing these proposals so as to represent the public interest, specifically to protect these important wetland and habitat areas and to protect the quality of life of residents of the northern beaches.

MUN11/2 North Bonville Development Control Plan Matters

1. Lot 19, DP 1126372, particularly the native vegetation in that area which abuts Bongil Bongil National Park, seeking assurance of no development.
2. Lyons Road, it is noted that a retaining wall has been built from timber on a subdivision, will that infrastructure become Council's responsibility over time?

This concluded the business and the meeting closed at 6.31 pm.

Confirmed: 24 February 2011

.....
Keith Rhoades AFSM
Mayor