

The following document is the minutes of the Council and Committee Meetings held on Thursday, 24 November 2011. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 15 December 2011 and therefore subject to change. Please refer to the minutes of the meeting of 15 December 2011 for confirmation.



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
24 NOVEMBER 2011

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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

24 NOVEMBER 2011

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

Staff: General Manager, Director Corporate Business, Director of City Services, Director Land Use, Health & Development, Executive Manager Finance, Manager Health, Manager - Strategic Infrastructure and Executive Assistant

We respectfully acknowledge the Gumbayngirr Country and the Gumbayngirr Aboriginal peoples who are traditional custodians of the land on which we meet and their Elders both past and present.

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

DISCLOSURE OF INTEREST

There were no disclosures of interest tabled.

APOLOGY

252 RESOLVED (Palmer/Arkan) that apologies received from Cr J Bonfield and Cr D Knight for absence be received and leave be granted for the current meeting of Council.

PUBLIC ADDRESS

Time	Speaker	Item
5.00pm	Ian Hogbin	CS11/45 - RDA Funding Application for a "Community Space" at Brelsford Park
5.05pm	Darran Singh, Thomas Noble Russell	GM11/28 - Financial Statements 2010/2011

CONFIRMATION OF MINUTES

- 253** **RESOLVED** (Hines/Templeton) that the minutes of the Ordinary meeting held on 10 November 2011 be confirmed as a true and correct record of proceedings.

CS11/45 RDA FUNDING APPLICATION FOR A "COMMUNITY SPACE" AT BRELSFORD PARK

To discuss the economic and community benefits of building a 'community space' at Brelsford Park and Council's opportunity to leverage its own funds to strengthen an application under the Regional Development Australia Fund.

- 254** **RESOLVED** (Palmer/Hines) that Council:
1. Note that the proposed RDA fund application would, if Council is successful, require Council to take out a loan and commit other funds as discussed in the report (or elect to withdraw the application).
 2. Provide in-principle support to the proposal and endorse the submission of the grant application.

SUPPLEMENTARY MOTION

MOVED (Arkan/Palmer)

3. That Council facilitate a master planning process, inclusive of the community, that will plan for the civic building needs necessary to service the community into the future.

The **SUPPLEMENTARY MOTION** on being put to the meeting was **LOST**.

GENERAL MANAGER'S REPORT

GM11/28 FINANCIAL STATEMENTS 2010/2011

Statements by Councillors and Management are to be signed, to meet legislative requirements, in relation to the completion of the Annual Financial Statements, for 2010/11.

- 255 RESOLVED** (Palmer/Degens) that the "General Purpose Financial Statements – Statement by Councillors and Management" and "Special Purpose Financial Statements – Statement by Councillors and Management" forms for 2010/2011 be approved for completion by the designated signatories.

GM11/27 2010/2011 ANNUAL REPORT

To provide Council with the Annual Report for the 2010/2011 financial year. This report recommends that the 2010/2011 Annual Report be adopted.

- 256 RESOLVED** (Arkan/Hines) that Council adopts the 2010/2011 Annual Report.

GM11/29 COUNCILLOR EXPENSES AND FACILITIES POLICY

In accordance with Section 252 of the Local Government Act 1993, (the Act) Council is required within five (5) months after the end of each financial year to adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor and Councillors in relation to discharging the functions of civic office.

- 257 RESOLVED** (Hines/Templeton) that Council adopt the attached 'Councillor Expenses and Facilities Policy'

CITY SERVICES DEPARTMENT REPORTS

CS11/46 LGMA INTERNATIONAL EXCHANGE PROGRAM - CALIFORNIA LEAGUE OF CITIES

To inform Council that a member of staff has been awarded a position on the Local Government Manager's Association International Exchange Program.

- 258 RESOLVED** (Palmer/Arkan) that Council note the Community Development Manager's inclusion in the LGMA International Exchange Program to California in 2012.

CS11/47 WATER & WASTEWATER DEVELOPMENT SERVICING PLANS

To recommend Council approve a qualification to the Water and Wastewater Development Servicing Plans.

- 259 RESOLVED** (Arkan/Hines) that Council approve the clarification changes to the Water and Wastewater Development Servicing Plans 2010.

CS11/48 DRAFT PIPE CLAY LAKE ESTUARY MANAGEMENT PLAN

The purpose of this report is to have the draft Pipe Clay Lake Estuary Management Plan adopted by Council.

- 260 RESOLVED** (Palmer/Arkan) that Council adopts the draft Pipe Clay Lake Estuary Management Plan.

CS11/49 TENDERS: INTERNAL PAINTING AND MISCELLANEOUS WORKS AT CORINDI RESERVOIR (TENDER RFT-500-TO)

To report on tenders received for contract RFT-500-TO for the internal painting and replacement of pipework and sundry items at Corindi reservoir and to gain Council approval to accept a tender.

261 RESOLVED (Arkan/Templeton):

1. That Council accept the tender of Ray's Machinery Painting P/L ABN 43 003 763 639 and trading as RMP Abrasive Blasting for the lump sum amount of \$210,475.10, 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 the necessary experience in similar works and his ability and performance are satisfactory
 - c) The Tenderer's financial capacity is acceptable
2. That the contract documents be executed under the Seal of Council.

CORPORATE BUSINESS DEPARTMENT REPORTS

CB11/78 QUARTERLY BUDGET REVIEW STATEMENT FOR SEPTEMBER 2011

To provide the quarterly budget review statement and report on the estimated budget position as at 30 September 2011.

262 RESOLVED (Hines/Arkan) that:

1. The Quarterly Budget Review Statements be noted.
2. That the budget adjustments be approved and the current budget position be noted.

Estimated Budget Position as at 30 September 2011:

	General Account \$	Water Account \$	Sewer Account \$
Original Budget adopted 23 June 2011	182,220 (D)	4,897,205 (D)	3,591,600 (D)
Recommended variations for Sept 2011	(118,364) (S)	Nil	Nil
Estimated result 2011/12 as at 30 September 2011	<u>63,856 (D)</u>	<u>4,897,205 (D)</u>	<u>3,591,600 (D)</u>

CB11/79 LEASE AGREEMENT - SILCAR PTY LTD & THIESS SERVICES PTY LTD (T/AS SILCAR COMMUNICATIONS) - EXECUTION UNDER COMMON SEAL OF COUNCIL

Seeking authority for execution of Lease documents, related to the grant of a lease between Council and Silcar Pty Ltd & Thiess Services Pty Ltd (t/as Silcar Communications), under the Common Seal of Council.

- 263 RESOLVED** (Arkan/Palmer) that the lease agreement in respect of the leasing of Part Lot 5 DP 90246 (being the office premises known as 'ex-Laboratory building' at Howard Street Coffs Harbour) to Silcar Pty Ltd & Thiess Services Pty Ltd (t/as Silcar Communications) ABN 56 598 384 882 be executed under the Common Seal of Council.

CB11/80 LEASE RENEWAL - COFFS HARBOUR & DISTRICT AERO CLUB LIMITED - EXECUTION UNDER COMMON SEAL OF COUNCIL

Seeking authority for execution of Lease documents, related to the renewal of lease between Council and Coffs Harbour & District Aero Club Limited (ACN 000 436 046), under the Common Seal of Council.

- 264 RESOLVED** (Palmer/Arkan) that the lease renewal in respect of the leasing of Lot 9 DP 790102 (being the premises known as 'Coffs Harbour & District Aero Club' at 63 Aviation Drive Coffs Harbour Regional Airport) to Coffs Harbour & District Aero Club Limited (ACN 000 436 046) be executed under the Common Seal of Council.

CB11/81 RELEASE OF EASEMENTS FOR RISING MAIN AFFECTING LOT 2 DP 800836 AND LOT 101 DP 629555, SAPPHIRE BEACHFRONT ESTATE, SAPPHIRE BEACH

Report on the proposal to release two easements for rising main over Lot 2 DP 800837 and Lot 101 DP 629555, Sapphire Beachfront Estate, Sapphire Beach.

- 265 RESOLVED** (Arkan/Palmer) that
1. That Council consent to the release of the easements for rising main two wide and variable created by DP 800836 over Lot 2 DP 800836 and the easement for rising main two wide created by DP 643141 over Lot 101 DP 629555.
 2. That all costs associated with this matter be the responsibility of the applicant.
 3. That all necessary documents associated with this matter be executed under the common seal of Council.

CB11/82 PROPOSED ROAD CLOSURE OF PART OF AN UNFORMED ROAD RESERVE, CORAMBA

Report seeking Council's consent to the closure of a Council road.

266 RESOLVED (Templeton/Arkan) that the matter be withdrawn.

CB11/83 LONG TERM FINANCIAL PLAN (INTERIM)

Consideration of Council's Interim Long Term Financial Plans (based on the Morrison Low report) incorporating legislative financial planning requirements and Council's long term financial position, sustainability, planning and strategy.

267 RESOLVED (Degens/Templeton):

1. That this report and the attached First Draft Long Term Financial Plan be received and noted.
2. That further workshops be scheduled with a view to finalizing long term strategy in relation to sustainability issues, for incorporation into a LTFP and related scenarios.

CB11/84 AMENDMENT OF 2011/2012 BUILDING AND DEVELOPMENT FEES AND CHARGES

To seek endorsement of changes to Council's 2011-2012 Fees and Charges Schedule, with amendment of an existing fee and the introduction of a new fee.

268 RESOLVED (Hines/Degens) that

1. That Council's Current Fees and Charges Schedule be amended by adding:
 - 'Variation under Clause 96 (1A) of the Development Consent involving minimal environmental assessment determined at Discretion of Manager - Land Use Management.'
 - A new fee titled 'Building Advisory Service (SEPP - Exempt and Complying Development Codes)'. The fee is \$130 (inclusive of GST) and that should the applicant lodge a CDC application within 30 days of Council's written response, that a reduction of \$40 be applied to the CDC application.
2. That Council advertises the proposed changes for a period of 28 days.

CB11/85 2012 LOCAL GOVERNMENT ELECTIONS

To provide councillors with information and recommendations in relation to the conduct of the 2012 Local Government Election to be held on 8 September 2012.

269 RESOLVED (Degens/Hines) that in line with the "Provision of Local Government Election Services Tender" REGPRO11112 conducted by Regional Procurement, Council resolve

1. That the Australian Election Company be awarded this tender as the Single Source supplier for the period 1 February 2012 to 31 January 2015; and
2. That a provision be allowed for a 2 year extension based on satisfactory supplier performance which may take this tender through to 31 January 2017.
3. That the NSW Electoral Commission be advised that their services will not be required for the conduct of Coffs Harbour City Council's 2012 ordinary election.
4. That Council seek written assurances that the Australian Election Company will deliver upon the statutory requirements for conducting an election.

CB11/86 TENDER: SUPPLY AND DELIVERY OF READY MIXED CONCRETE

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 & Delivery of Ready Mixed Concrete and to gain Council approval.

270 RESOLVED (Arkan/Templeton):

1. That Council accepts the tender offers for all five (5) Tenderers for the period 1 January 2012 to 31 December 2013 from:
 - Boral Country Resources
 - Coffs Mini Mix
 - Hanson Construction
 - High Quality
 - Holcim

The recommendation is on the basis that:

- a) The tender offers are the most suitable and advantageous following the application of Regional Procurement's Tender Value Selection System
- b) All five (5) Tenderers form a panel of suppliers all available for use by Council staff. This five panel supplier choice arrangement, allows Council's operation and construction staff to be selective and cost effective in meeting project budget constraints, whilst simultaneously minimising work delays.

CB11/86 - Tender: Supply and Delivery of Ready Mixed Concrete (Cont'd)

- c) All five (5) suppliers are local to Coffs Harbour and the Mid North Coast, and have the necessary experience in similar works as well as currently being active and proven suppliers to Council.
 - d) Whilst no savings were achieved based on the current ready mixed concrete contract pricing, Council have demonstrated due diligence in going out to tender and testing the marketplace. It is to be noted that a number of economic factors have contributed to these increases but the two most successful evaluated tenders that of Holcim and Boral have the smallest price additions at an average of only 3%.
 - e) By actively participating in this Regional Procurement Tender T81112MNC 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. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 31 December 2014.
 3. That the contract documents be executed under Council's Seal.

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT

L11/30 WASTE AND SUSTAINABILITY IMPROVEMENT PAYMENT PROGRAM - 2011/12

The purpose of this report is to inform Council of the projects that will be forwarded to the Office of Environment and Heritage (OEH) in relation to the 2011/12 Waste and Sustainability Improvement Payment (WaSIP) Program.

- 271 RESOLVED** (Arkan/Palmer) that the proposed 2011/12 Waste and Sustainability Improvement Program Payment projects be noted as per attachment A.

L11/31 NSW PLANNING AND INFRASTRUCTURE - MAJOR PROJECT 08_0003 - RESIDENTIAL SUBDIVISION (FOUR TORRENS TITLE LOTS AND 32 COMMUNITY TITLE LOTS) AND ERECTION OF 31 DWELLINGS AT LOT 1, DP262300 AND LOT 211, DP1044292, 1206D PACIFIC HIGHWAY, MOONEE BEACH

The development proposal outlined in the appended report is a "Major Project", as identified by Part 3A of the Environmental Planning and Assessment (EP&A) Act 1979.

NSW Planning and Infrastructure (P&I), who would normally undertake the primary assessment of this kind of Major Project, have delegated the assessment functions for this particular Major Project to Council. The Minister is the determining/consent authority for the proposal.

The site containing the development proposal is located within Lot 1, DP262300 and Lot 211, DP1044292, 1206D Pacific Highway, Moonee Beach. The development proposal includes the creation of four Torrens Title lots, 32 Community Title Lots and the construction of 31 Dwellings.

The purpose of this report is to inform the Councillors of the outcomes of the assessment undertaken by Council staff which will be put forward for the for P&I's consideration.

The separately attached assessment report has been prepared by Council's officers under the instrument of delegation from the Director General of the Department who has delegated the environmental assessment of the project to be undertaken by Council. The final assessment report has not however been referred to the Department for determination of the Minister, or his delegate/s. The attached assessment report therefore may or may not represent the final views of the Department and/or Director General, nor the final determination of the project by the Minister, or his delegate/s.

- 272 RESOLVED** (Arkan/Hines) that Council notes the appended Environmental Assessment Report under Section 75I of the Environmental Planning and Assessment Act, 1979 for Major Project 08_0003, which is to be forwarded to NSW Planning and Infrastructure.

QUESTIONS ON NOTICE

QON11/7 WOOLGOOLGA BEACH RESERVE CHILDREN'S PLAYGROUND - LACK OF SHADE CLOTH

Councillor John Arkan asked the following questions:

1. Are there any plans to place shade cloth (or similar) over the abovementioned playground?
2. What is the timeline for this?

Staff Comment:

Whilst shade sails have been identified as important at this district level play space there is no budget available. The estimated cost would be in the order of \$50,000. The matter could be listed for consideration in future budgets.

QON11/8 SENIORS' PLAYGROUND

Councillor Rodney Degens asked the following question:

Could Council give some indication as to when or how the Seniors Playground be added to the already existing Children's playground at Bresford Park?

Staff Comments

This matter is addressed in the report to Council in relation to application for funding under the Regional Development Australia Fund (round two) being considered at today's meeting.

REQUESTS FOR LEAVE OF ABSENCE

- 273 RESOLVED** (Palmer/Arkan) that Cr P Templeton and Cr R Degens be granted leave of absence from Council for the 15 December 2011 meeting.

MATTERS OF AN URGENT NATURE

1. Rail Feasibility Study

Councillor Degens questioned whether his Notice of Motion regarding the Rail Feasibility Study could be held over to next year as he is unable to attend the Council meeting in December.

The General Manager advised that this would be done.

2. Clearance of Littoral Rainforest at Beacon Hill

Councillor Graham asked how much is it proposed to cost to clear the critically endangered rainforest on Beacon Hill.

The General Manager took the matter on notice.

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 6.45 pm.

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

L11/32 - Deeds of Agreement - Noubia Pty Ltd - Outstanding Matters -
Development Application 575/03 and Subdivision Certificate Application 6/12
This report was confidential for the reason of Section 10A(2):

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

The motion on being put to the meeting was carried.

The press and public vacated the chamber.

L11/32 DEEDS OF AGREEMENT - NOUBIA PTY LTD - OUTSTANDING MATTERS - DEVELOPMENT APPLICATION 575/03 AND SUBDIVISION CERTIFICATE APPLICATION 6/12

This report describes the nature and purpose of two separate Deeds of Agreement proposed for execution between Noubia Pty Ltd and Council to facilitate the release of the final Subdivision Certificate for "The Lakes Estate" residential subdivision at North Boambee Valley under Development Consent 575/03.

Confidentiality

The report has been prepared as a confidential report to Council on the basis that:

- It relates to legal advice to Council and deeds prepared on legal advice arising from negotiations with the developer which advice would be privileged from production in legal proceedings on the ground of legal professional privilege and
- Disclosure of the contents of the report having regard to those negotiations would confer a commercial advantage on the developer with respect to the financial aspects of the dispute with Council.

275 RESOLVED (Arkan/Degens):

1. That this report be considered by Council in closed session in accordance with Section 10A(2)(c) and (g) of the Local Government Act 1993.
2. That all necessary documents related to the Deeds of Agreement as provided in Appendices A and B to this report between Noubia Pty Ltd and Coffs Harbour City Council be executed under the common seal of Council.
3. That following execution of both Deeds and following the completion of all outstanding matters in relation to Development Consent 575/03, Stage 3 Subdivision Certificate (No 6/12) be released by Council.

The Mayor asked that it be noted that Councillor Graham refused to return the confidential pages relating to item L11/32. All other Councillors present returned their papers.

OPEN MEETING

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

276 RESOLVED (Arkan/Hines) that the Committee now move into Open Meeting.

The General Manager read to the meeting the resolution of the Closed Meeting.

This concluded the business and the meeting closed at 7.07pm.

Confirmed: 15 December 2011.

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K D Rhoades, AFSM
Mayor