

The following document is the minutes of the Council and Committee Meetings held on Thursday, 26 April 2012. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 10 May 2012 and therefore subject to change. Please refer to the minutes of the meeting of 10 May 2012 for confirmation.



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
26 APRIL 2012

Contents

ITEM	DESCRIPTION	PAGE
NOTICE OF MOTION		3
NOM12/1	ANTIMONY MINING EXPLORATION	3
CS12/15	HARBOUR DRIVE - GORDON STREET REDEVELOPMENT	3
GENERAL MANAGER'S REPORT		4
GM12/12	PROCUREMENT ROADMAP PROGRAM	4
CITY SERVICES DEPARTMENT REPORTS		4
CS12/12	COMMITTEE MEMBERSHIP	4
CS12/13	ROAD MAINTENANCE BUDGET 2011/2012	4
CS12/14	SUBMISSION TO THE DRAFT NSW LONG TERM TRANSPORT PLAN	5

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT		6
L12/12	LIFEGUARD SERVICE - CONTINUATION OF 12 MONTH SERVICE LEVEL AT PARK BEACH AND INTRODUCTION OF EXTENDED SERVICE AT WOOLGOOLGA BEACH	6
L12/13	NOTICE OF DRAFT POLICY TO BE PLACED ON PUBLIC EXHIBITION - ENFORCEMENT OF PARKING RESTRICTIONS	6
CORPORATE BUSINESS DEPARTMENT REPORTS		7
CB12/29	RURAL FIRE DISTRICT SERVICE AGREEMENT	7
CB12/30	LAND ACQUISITIONS - DETENTION BASINS AT BENNETTS ROAD, COFFS HARBOUR AND WEST COFFS	7
CB12/31	TENDER: AMENITY HOT WATER UPGRADE - PARK BEACH HOLIDAY PARK AND SAWTELL BEACH HOLIDAY PARK - CONTRACT NO. RFT-485-TO	8
MATTER OF AN URGENT NATURE		
MUN12/4	Curryfest at Woolgoolga	8
MUN12/5	Establishment of One Association.	9
CB12/32	NOUBIA PTY LTD AND COFFS HARBOUR CITY COUNCIL - RESOLUTION OF DISPUTE THROUGH MEDIATION	10



COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

26 APRIL 2012

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

Staff: Acting General Manager/Director Corporate Business, Director of City Services, Director Land Use, Health & Development 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 Mayor reminded the Chamber that the meeting was to be recorded, and that no other recordings of the meeting would be permitted.

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

DISCLOSURE OF INTEREST

80 **RESOLVED** (Palmer/Knight) that the following disclosure be received and noted as follows:

Councillor	Item	Type of Interest
Cr M Graham	Item CB12/29 - Rural Fire District Service Agreement	Non-pecuniary - less than significant conflict.
Cr K Rhoades	Item GM12/12 - Procurement Roadmap Program	Non-pecuniary - significant conflict.

APOLOGY

- 81 **RESOLVED** (Knight/Hines) that an apology received from Councillors J Bonfield and J Arkan for unavoidable absence be received accepted.
-

PUBLIC ADDRESS

Time	Speaker	Item
5.00pm	Garth Grundy, Gowings Bros Limited	CS12/15 - Harbour Drive - Gordon Street Redevelopment

MAYORAL ACTIONS UNDER DELEGATED AUTHORITY

Councillor Palmer attended the Mid North Coast Local Health District Governing Board AGM on behalf of the Mayor and gave an outline of issues raised as follows:

- The tasks of the Board are, firstly, to provide health services on the Mid North Coast focusing mainly on patient care.
 - Financial management is the Board's responsibility.
 - The Board answers to the Ministry of Health.
 - The make-up of the Board is an impressive line up of citizens residing on the coast between Port Macquarie and Coffs Harbour and is chaired by our own Warren Grimshaw.
 - In the past 12 months 61,000 people have been treated as in-patients at the area's hospitals.
 - Coffs Harbour Hospital treated 27,400 patients.
 - Health care contributes over \$1 billion to the income of the communities each year.
 - This suggests that health care is not only a service but also an industry.
 - It was interesting to hear that the two major hospitals, Port Macquarie and Coffs Harbour, have similar problems with car parking and the need for a second entrance.
-

CONFIRMATION OF MINUTES

- 82 **RESOLVED** (Hines/Knight) that the minutes of the Ordinary meeting held on 12 April 2012 be confirmed as a true and correct record of proceedings.
-

NOTICE OF MOTION

NOM12/1 ANTIMONY MINING EXPLORATION

83 **RESOLVED** (Degens/Graham) that Council:

1. Adopt as a matter of policy strong concerns with regard to any proposal to mine toxic materials within the regional water supply catchment area in light of the potential impacts on the health and wellbeing of the Coffs Harbour community; and
2. Correspond with the relevant authorities to inform them of Council's policy position outlined in 1) above such as Ministers responsible for minerals, resources and water also Minister for Planning and Minister for the Environment and Commonwealth Ministers, particularly the Commonwealth Minister for the Environment.

CORPORATE BUSINESS DEPARTMENT REPORT

CS12/15 HARBOUR DRIVE - GORDON STREET REDEVELOPMENT

Consider a proposal to investigate traffic management and flood mitigation works at the Harbour Drive – Gordon Street intersection in conjunction with the Palm Centre redevelopment.

84 **RESOLVED** (Palmer/Hines):

1. That Council undertake cost estimates, flood assessment and traffic modeling for the Harbour Drive – Gordon Street intersection reconstruction proposal.
2. That Council commence negotiation with the Coffs Harbour Palm Centre Owners (Gowings) on cost share arrangements for the Harbour Drive – Gordon Street intersection reconstruction proposal.

The Mayor left the Chamber and took no part in the discussion or voting of the following item. The Deputy Mayor assumed the chair, time being 5.38pm.

GENERAL MANAGER'S REPORT

GM12/12 PROCUREMENT ROADMAP PROGRAM

To advise Council of the receipt of the Procurement Roadmap Program report and inform Council of the implementation process.

- 85** **RESOLVED** (Palmer/Hines) that Council note this implementation program.

The Mayor returned to the Chamber at 5.41 and resumed the Chair.

CITY SERVICES DEPARTMENT REPORTS

CS12/12 COMMITTEE MEMBERSHIP

To recommend to Council appointments of a number of community members to management and advisory committees.

- 86** **RESOLVED** (Knight/Hines) that the following committee member nominations be appointed to their relevant committees:
- Sportz Central Management Committee
Ms Cherie Walker
 - Lowanna Community Hall Management Committee
Ms Melissa Glasson and Ms Niomi Melbourne

CS12/13 ROAD MAINTENANCE BUDGET 2011/2012

To inform Council of the status of road maintenance activities and gain approval to reallocate existing local road funds to the 2011/12 roads maintenance budgets.

- 87** **RESOLVED** (Palmer/Templeton) that Council reallocates \$100,000 from the 2011/12 Dust Sealing Programme to Roads Maintenance within the Local Roads Programme (535).

CS12/14 SUBMISSION TO THE DRAFT NSW LONG TERM TRANSPORT PLAN

To consider Coffs Harbour City Council's submission to the draft NSW Long Term Transport Plan.

88 RESOLVED (Degens/Palmer) that:

1. Council approves the matters outlined in the Coffs Harbour City Council Transport Plan issues paper for the Coffs Harbour City Council submission to the NSW Long Term Transport Master Plan.
2. Change to "*access to an effective public transport system*" (dot point 4 on page 18, circle 3) as follows:
 - o Clear long term plan for investment in public transport clarifying feasibility of rail travel and more investment in the public bus system.

AMENDMENT

MOVED (Graham/Degens):

1. Council approves the matters outlined in the Coffs Harbour City Council Transport Plan issues paper for the Coffs Harbour City Council submission to the NSW Long Term Transport Master Plan.
2. Change to access to an effective public transport system (dot point 4 on page 18, circle 3) Clear long term plan for investment in public transport clarifying feasibility of rail travel and more investment in the public bus system.
3. Add to heavy vehicle routes (dot point 3 on page 17): that Council make submission that more policing of heavy vehicles is required to ensure the safety of our residents and visitors.
4. That a letter be sent to the State Government for an additional review at some point in the future for a 40 year review.

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

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT

L12/12 LIFEGUARD SERVICE - CONTINUATION OF 12 MONTH SERVICE LEVEL AT PARK BEACH AND INTRODUCTION OF EXTENDED SERVICE AT WOOLGOOLGA BEACH

To identify service level issues associated with Council's Lifeguard Service to adapt to growing population growth and usage patterns and help in eliminating drowning within the Council area.

Secondly to identify a possible additional cost recovery option to offset current budgeted services.

89 RESOLVED (Palmer/Knight):

1. That Council approves the permanent extension of winter services at Park Beach to ensure a 12-month Lifeguard Service at this location.
2. That Council considers during its final consideration of the 2012/13 Operational Plan, the permanent extension of Lifeguard Services at Woolgoolga Beach for the entire surf season (7-months).
3. That formal consultation be undertaken with the owners of the Darlington and Lorikeet Caravan Parks with the view to implement full cost recovery for Council providing a Lifeguard Service on the adjoining Arrawarra / Corindi Beach during the Christmas and other holiday periods.

L12/13 NOTICE OF DRAFT POLICY TO BE PLACED ON PUBLIC EXHIBITION - ENFORCEMENT OF PARKING RESTRICTIONS

To advise Council and the community of the public exhibition of the Draft Enforcement of Parking Restrictions Policy.

90 RESOLVED (Palmer/Knight) that:

1. In accordance with Section 160 (2) of the *Local Government Act 1993*, Council gives public notice of its intention to adopt the Enforcement of Parking Restrictions Policy as attached, placing it on public exhibition for a period of 28 days to invite submissions.
2. Following the exhibition period, Council considers a further report including a summary of any submissions received.

CORPORATE BUSINESS DEPARTMENT REPORTS

CB12/29 RURAL FIRE DISTRICT SERVICE AGREEMENT

To authorise the General Manager to sign the Rural Fire District Service Agreement with the Commissioner of the NSW Rural Fire Service and to appoint two Councillors to the Rural Fire Service Liaison Committee.

91 RESOLVED (Palmer/Templeton):

1. That Council authorises the General Manager to sign the Rural Fire Service Agreement on behalf of Council.
2. That Council appoints two (2) Councillors to be members of the Rural Fire Service Liaison Committee with re-appointment annually in conjunction with the appointment of Councillors to Council committees.

SUPPLEMENTARY MOTION

- 92 RESOLVED** (Degens/Templeton) that Councillors W Palmer and R Degens be Council's members of the Rural Fire Service Liaison Committee with re-appointment annually in conjunction with the appointment of Councillors to Council committees

CB12/30 LAND ACQUISITIONS - DETENTION BASINS AT BENNETTS ROAD, COFFS HARBOUR AND WEST COFFS

To update Council on the progress of land and easement acquisitions required at Bennetts Road and West Coffs and to seek Council approval to proceed with compulsory acquisition of easements over three of the properties at Bennetts Road, Coffs Harbour.

93 RESOLVED (Hines/Knight):

1. That Council notes the status of land acquisition matters associated with the Detention Basins in the West Coffs locality.
2. That Mr Hay be informed that Council withdraws its offer of purchasing the whole of his property for market value at 38 Bennetts Road, Coffs Harbour, and that Council will be proceeding with an application to the Minister for acquisition of the inundation easement rights that it requires over his property.
3. That Council make the necessary application to the Minister for Local Government to gain the approval of both the Minister and the Governor to the acquisition of inundation easement rights it requires over those properties detailed in this report, being 38 Bennetts Road, 391 and 395 Coramba Road at Coffs Harbour, using the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991.
4. That Council execute under seal all required documents in connection with these matters.

**CB12/31 TENDER: AMENITY HOT WATER UPGRADE - PARK BEACH
HOLIDAY PARK AND SAWTELL BEACH HOLIDAY PARK -
CONTRACT NO. RFT-485-TO**

To report on tenders received for the Amenity Hot Water Upgrade for Park Beach Holiday Park and Sawtell Beach Holiday Park and to gain Council approval to appoint a single contractor to carry out the proposed works.

94 RESOLVED (Palmer/Hines):

1. That Council accepts the panel tender of Rinnai P/L – STC (ABN 74005138769). The tender is conforming and is the most advantageous tender offer following the application of Council's Tender Value Selection System.
 - (a) The tenderer has the necessary experience in similar works and their ability and performance is more than satisfactory
 - (b) The tenderer provided a thorough breakdown on the system tendered with the design being more efficient and cost effective.
 - (c) The Tenderer's financial capacity is acceptable
2. That the contract documents be executed under the Seal of Council.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

MATTERS OF AN URGENT NATURE

MUN12/4 Curryfest at Woolgoolga

Councillor Hines requested an update or briefing regarding the situation with Curryfest.

Mayor gave a brief update on the staging of Curryfest this coming weekend.

Councillor Templeton vacated the Chamber, the time being 6.32pm and returned at 6.34pm.

Councillor Hines and Councillor Knight vacated the Chamber at 6.35pm and returned 6.39pm.

MUN12/5 Establishment of One Association.

Councillor Graham asked why the Mayor, as President of the Local Government Association, is trying to establish One Association that will result in fundamentally undemocratic outcomes for country and regional councils, for example, under the proposed One Association structure Marrickville Council with 79,000 people will have 6 votes, Coffs Harbour with 72,000 people will have 4 votes, Lake Macquarie with 200,000 will have 7 votes and Fairfield with 194,000 people will get 11 votes, Ashfield with 42,000 people will get 4 votes and Ballina also with 42,000 people will get 3 votes.

The Mayor ruled the matter was not a matter of an urgent nature and advised that the matter will be the subject of a report back to the next meeting of Council.

QUESTIONS ON NOTICE

There were no questions 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 6.38 pm.

- 95** **MOVED** (Templeton/Hines) that the meeting be closed to the press and public during consideration of the following items for the reasons as stated:

CB12/32 - Noubia Pty Ltd and Coffs Harbour City Council - Resolution of Dispute through Mediation

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposed to conduct) business.
- (e) information that would, if disclosed, prejudice the maintenance of law.

The motion on being put to the meeting was carried.

The press and public vacated the chamber.

**CB12/32 NOUBIA PTY LTD AND COFFS HARBOUR CITY COUNCIL -
RESOLUTION OF DISPUTE THROUGH MEDIATION**

To advise Council of the current position regarding negotiations with the developers of the Lakes Estate, North Boambee Valley in relation to a dispute over items constructed by the developer that it considers to be material public benefits and therefore to be funded by Council, and to authorise the General Manager to negotiate a satisfactory settlement of the outstanding matters.

Confidentiality

The report has been prepared as a confidential report to Council on the basis that disclosure of the contents of the report having regard to those negotiations may confer a commercial advantage on the developer with respect to the financial aspects of the dispute with Council.

96 RESOLVED (Palmer/Hines):

1. That Council notes the current status of the dispute
2. That Council authorises the General Manager to attempt to negotiate a satisfactory resolution to the dispute through the mediation process having regard to the advices of Council's legal advisors

DIVISION

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

FOR

Cr Degens
Cr Hines
Cr Knight
Cr Palmer
Cr Rhoades
Cr Templeton

AGAINST

Cr Graham

OPEN MEETING

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

- 97** **RESOLVED** (Templeton/Degens) 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 7.17 pm.

Confirmed: 10 May 2012.

.....
K D Rhoades, AFSM
Mayor