

The following document is the minutes of the Council and Committee meeting held on 11 March 2010. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 25 March 2010 and therefore subject to change. Please refer to minutes of 25 March 2010 for confirmation.



**COFFS HARBOUR CITY COUNCIL**  
**ORDINARY MEETING**  
**COUNCIL CHAMBERS**  
**COUNCIL ADMINISTRATION BUILDING**  
**COFF AND CASTLE STREETS, COFFS HARBOUR**  
**11 MARCH 2010**

**Contents**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
<b>NOTICE OF MOTION</b>		
NOM10/2	FEASIBILITY STUDY - ESTABLISHMENT OF ONGOING ENTERPRISE AND EDUCATION WITH INDIA	2
<b>GENERAL MANAGER'S REPORTS</b>		
GM10/2	QUARTERLY PERFORMANCE REPORTING FOR QUARTER ENDED 31 DECEMBER 2009	2
GM10/3	PROPOSED APPLICATION FOR A SPECIAL RATE VARIATION TO FUND FLOOD MITIGATION AND DRAINAGE WORKS	3
<b>LAND USE HEALTH &amp; DEVELOPMENT DEPARTMENT REPORT</b>		
L10/1	DEVELOPMENT APPLICATION 656/07 – SUBDIVISION (BOUNDARY ADJUSTMENT) – LOTS 41 AND 42 DP 1052761, SHEPHARDS LANE, COFFS HARBOUR	4
<b>CITY SERVICES DEPARTMENT REPORTS</b>		
CS10/3	ALCOHOL & OTHER PROHIBITIONS - BRAY STREET SKATE PARK, CORINDI BEACH SKATE PARK, TOORMINA SKATE PARK, WOOLGOOLGA SKATE PARK & BRELSFORD PARK PLAYGROUND	4
CS10/4	WATER & WASTEWATER DEVELOPMENT SERVICING PLANS	6

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
<b>CORPORATE BUSINESS DEPARTMENT REPORTS</b>		
CB10/6	DRAFT PLAN OF MANAGEMENT FOR WOOLGOOLGA BEACH RESERVE	6
CB10/7	ACQUISITION OF EASEMENT AT LOT 9 DP 247710 - 23 JANE CIRCUIT, TOORMINA	6
CB10/8	RATES, CHARGES AND FEES - FINANCIAL HARDSHIP POLICY	7
CB10/9	BANK BALANCES AND INVESTMENTS FOR DECEMBER 2009 AND JANUARY 2010	7
CB10/10	COUNCILLORS' TRAVEL EXPENSES JULY - DECEMBER 2009	7
CB10/11	TENDER: COFFS HARBOUR WAR MEMORIAL POOL REDEVELOPMENT	8
<b>QUESTIONS ON NOTICE</b>		
QON10/1	ILLEGAL BROTHELS	8
QON10/2	BIO-CHAR	9



## COFFS HARBOUR CITY COUNCIL

### ORDINARY MEETING

**11 MARCH 2010**

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, Acting Director City Services, Director Land Use, Health & Development and Executive Assistant.

The meeting commenced at 5.01 pm with the Mayor, Cr K D Rhoades in the chair.

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#### DISCLOSURES OF INTEREST

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Disclosures of interest were tabled by Councillors concerning the following items of business:

<b>Councillor</b>	<b>Item</b>	<b>Type of Interest</b>
Cr Templeton	GM10/3 - Proposed Application for a Special Rate Variation to Fund Flood Mitigation and Drainage Works	Non-Pecuniary - Insignificant Conflict had water inundation in the March 31 floods

## NOTICE OF MOTION

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### NOM10/2 FEASIBILITY STUDY - ESTABLISHMENT OF ONGOING ENTERPRISE AND EDUCATION WITH INDIA

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Councillor John Arkan has given notice of his intention to move:

**10 RESOLVED** (Arkan/Degens) that:

1. Coffs Harbour City Council conduct a feasibility study, so as to access the establishment of ongoing enterprise and education and initiatives with international students looking to be educated in Coffs Harbour.
2. Council seek financial/partnership arrangements from State and Federal governments and other stakeholders e.g. Chambers of Commerce, SCU and other interested organisations.
3. Before any major investigation is commenced the General Manager report back to Council the potential cost involved with regards to this study.

## GENERAL MANAGER'S REPORTS

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### GM10/2 QUARTERLY PERFORMANCE REPORTING FOR QUARTER ENDED 31 DECEMBER 2009

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To report on the achievement of customer service guarantees and performance targets for the October to December 2009 quarter.

**11 RESOLVED** (Palmer/Knight) that:

1. Council notes the issues surrounding those measures that have not been achieved for the period ending 31 December 2009, as listed in the body of this report.
2. Council note the achievements of customer service guarantees, as outlined in Attachment 1 of the General Manager's Report for the October to December 2009 quarter.
3. Council notes the organisation's significant achievements, as outlined in Attachment 2 of the General Manager's Report for the October to December 2009 quarter.
4. Council note the achievement of performance targets, as outlined in a separate booklet which is available in the Councillors Room for the October to December 2009 quarter.
5. Council continues to monitor its performance with a view to improving service delivery.

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**GM10/3 PROPOSED APPLICATION FOR A SPECIAL RATE VARIATION TO FUND FLOOD MITIGATION AND DRAINAGE WORKS**

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To seek a formal commitment from Council to apply for a Special Rate Variation for 2010/11 to assist in funding necessary flood mitigation and drainage works.

**12 RESOLVED** (Palmer/Arkan) that:

1. Coffs Harbour City Council apply to the NSW Department of Local Government for a Special Variation to General Income in 2010/2011 of 4.4% (in addition to the 2.6% rate pegging increase) for a 10 year period to fund vital flood mitigation and drainage works.
2. The 2010/2011 application be made pursuant to Section 508(2) of the Local Government Act 1993 and contain a rating structure for 2010/2011 which incorporates a uniform ordinary rate increase across all rating categories.

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**DIVISION**

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

**FOR**

Cr Rhoades  
Cr Arkan  
Cr Bonfield  
Cr Hines  
Cr Palmer  
Cr Knight  
Cr Templeton

**AGAINST**

Cr Degens  
Cr Graham

## LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT

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### **L10/1 DEVELOPMENT APPLICATION 656/07 – SUBDIVISION (BOUNDARY ADJUSTMENT) – LOTS 41 AND 42 DP 1052761, SHEPHARDS LANE, COFFS HARBOUR**

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This report describes Development Application 656/07 for Subdivision (boundary adjustment).

The proposed development site is Lot 41 and Lot 42 DP 1052761, Shephards Lane, Coffs Harbour. A variation to planning development standards for the boundary alteration is recommended as is conditional approval of the application.

#### **13 RESOLVED** (Arkan/Templeton) that:

1. The request for the variation to development standards, Clause 18 (5A) (c) be supported in this particular case.
2. Development Application 656/07 for Subdivision (Boundary Adjustment) of Lots 41 and 42 DP 1052761, Shephards Lane, Coffs Harbour be approved subject to conditions appended to this report (Appendix C).

#### **VOTED FOR**

Cr Templeton  
Cr Hines  
Cr Knight  
Cr Bonfield  
Cr Rhoades  
Cr Palmer  
Cr Arkan  
Cr Degens  
Cr Graham

#### **VOTED AGAINST**

Nil

## **CITY SERVICES DEPARTMENT REPORTS**

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### **CS10/3 ALCOHOL & OTHER PROHIBITIONS - BRAY STREET SKATE PARK, CORINDI BEACH SKATE PARK, TOORMINA SKATE PARK, WOOLGOOLGA SKATE PARK & BRELSFORD PARK PLAYGROUND**

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To:

- Recommend the creation of new Alcohol Prohibited areas (24hours a day, 7 days a week) at Bray Street Skate Park, Corindi Beach Skate Park, Woolgoolga Skate Park and the Brelsford Park Adventure Playground and surrounds- see Maps 1-4.
- Recommend amending the existing 9.00pm till 9.00am alcohol prohibition at the Toormina Skate park to a 24 hour a day 7 days a week ban- see Map 5.

**Cont'd**

**CS10/3 Alcohol & Other Prohibitions - Bray Street Skate Park, Corindi Beach Skate Park, Toormina Skate Park, Woolgoolga Skate Park & Brelsford Park Playground ...(Cont'd)**

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- Recommend that loitering and antisocial behavior be prohibited in conjunction with alcohol signage proposed for Bray Street Skate Park, Corindi Beach Skate Park, Woolgoolga Skate Park, Toormina Skate Park and the Brelsford Park Adventure Playground.
- Recommend banning glass containers at the Bray Street, Toormina, Woolgoolga and Corindi Beach Skate Parks and at the Brelsford Park Adventure Playground and surrounds.
- Recommend banning the riding of skateboards, scooters and bicycles from within the perimeter of the Brelsford Park Adventure Playground. See Map 2.
- Recommend prohibiting smoking from within the Brelsford Park Adventure Playground to a distance of 10 meters beyond its perimeter. See Map 2.

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

1. Council use the powers granted by Section 632(2)(e) of the Local Government Act 1993 to prohibit the taking of and/or consumption of alcohol , the prohibition of glass containers and the prohibition of loitering and antisocial behaviour at all times as follows:
  - Bray Street Skate Park (Lot 1000 DP 871662), alcohol and glass container prohibition at all times; and loitering and antisocial behaviour at all times as identified on the map attached to this report;
  - Corindi Beach Skate Park (within Lot 143 DP 752820), alcohol and glass container prohibition at all times, and loitering and antisocial behaviour at all times as identified on the map attached to this report;
  - Toormina Skate Park (within Lot 274 DP 245938 and Lot 2 DP 879883), alcohol and glass container prohibition at all times, and loitering and antisocial behaviour at all times as identified on the map attached to this report;
  - Woolgoolga Skate Park (Lot 2 DP1073124), alcohol and glass container prohibition at all times, and loitering and antisocial behaviour at all times as identified on the map attached to this report;
  - Brelsford Park Adventure Playground (within Lot 100 DP 865320), alcohol, glass containers, loitering and antisocial behaviour prohibition at all times within the Brelsford Park Adventure Playground perimeter and surrounds (including the car park and amenity block).
2. Council use the powers granted by Section 632(2)(e) of the Local Government Act 1993 to prohibit smoking from within the Brelsford Park Adventure Playground perimeter and to a distance of 10 meters beyond its perimeter at all times; as identified on the map attached to this report;
3. Council use the powers granted by Section 632(2)(e) of the Local Government Act 1993 to prohibit the riding of skateboards, scooters and bicycles at all times as identified on the map attached to this report
4. Notices, to effect all of the above, be installed at appropriate locations.

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**CS10/4 WATER & WASTEWATER DEVELOPMENT SERVICING PLANS**

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To report to Council on the proposed Development Servicing Plans (DSP) for water and wastewater and to seek Council's concurrence to the exhibition of the contribution levels for community consultation.

**15 RESOLVED** (Palmer/Arkan) that:

1. Council exhibit the Development Servicing Plans for water and wastewater incorporating the recommended charges of water \$8,690 and sewer \$8,309 per ET (lot).
2. Council consult with the development industry and the community regarding the contribution levels and implementation of the Developer Servicing Plans.
3. Council note that the recommended charges will be amended to reflect quarterly CPI movements to the date of adoption.

**CORPORATE BUSINESS DEPARTMENT REPORTS**

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**CB10/6 DRAFT PLAN OF MANAGEMENT FOR WOOLGOOLGA BEACH RESERVE**

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Submitting a Draft Plan of Management for Woolgoolga Beach Reserve, recommending that the Draft Plan be referred to the Land and Property Management Authority and requesting approval to place the Draft Plan on Public Exhibition.

**16 RESOLVED** (Arkan/Palmer) that Council, as Corporate Manager of the Woolgoolga Beach Reserve Trust, refer the Draft Plan of Management for Woolgoolga Beach Reserve to the Land and Property Management Authority, requesting approval to place the Draft Plan of Management on Public Exhibition.

**CB10/7 ACQUISITION OF EASEMENT AT LOT 9 DP 247710 - 23 JANE CIRCUIT, TOORMINA**

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Report seeking Council approval for the acquisition of an easement for stormwater over property at Lot 9 DP 247710, 23 Jane Circuit, Toormina.

**17 RESOLVED** (Arkan/Hines) that:

1. Council proceed to acquire an easement 3 metres wide for stormwater drainage over Lot 9 DP 247710, Toormina as shown approximately on the plan attached to this report.
2. Council be responsible for all costs associated with the matter.
3. All necessary documents associated with the acquisition of the easement be executed under the Common Seal of Council.



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**CB10/8 RATES, CHARGES AND FEES - FINANCIAL HARDSHIP POLICY**

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To present to Council a Rates, Charges and Fees - Financial Hardship Policy and recommend that it be adopted by Council.

- 18 RESOLVED** (Graham/Arkan) that Council adopts the Rates, Charges and Fees – Financial Hardship Policy.

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**CB10/9 BANK BALANCES AND INVESTMENTS FOR DECEMBER 2009 AND JANUARY 2010**

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To list Council's Bank Balances and Investments as at 31 December 2009 and January 2010.

- 19 RESOLVED** (Palmer/Degens) that:
1. The bank balances and investments totalling (from loans, Section 94 and other avenues that form the restricted accounts and are committed for future works) one hundred and fifty four million, two hundred and seventy two thousand, and seven hundred and eighty three dollars (\$154,272,783) as at 31 December 2009 be noted.
  2. The general fund unrestricted cash & investments totalling five hundred and thirteen thousand, two hundred and twenty dollars (\$513,220) as at 31 December 2009 be noted.
  3. The bank balances and investments totalling (from loans, Section 94 and other avenues that form the restricted accounts and are committed for future works) one hundred and fifty million, five hundred and forty nine thousand, and nine hundred and twenty nine dollars (\$150,549,929) as at 31 January 2010 be noted.
  4. The general fund unrestricted cash & investments totalling five hundred and thirteen thousand, two hundred and twenty dollars (\$513,220) as at 31 January 2010 be noted.

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**CB10/10 COUNCILLORS' TRAVEL EXPENSES JULY - DECEMBER 2009**

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To report to Council on those expenses of Councillors for the period July to December 2009

- 20 RESOLVED** (Palmer/Arkan) that the information be noted.

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**CB10/11 TENDER: COFFS HARBOUR WAR MEMORIAL POOL  
REDEVELOPMENT**

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To report on tenders received for the redevelopment of Coffs Harbour War Memorial Olympic Pool and to gain Council approval to accept one (1) tender for the supply and delivery of all relevant categories.

**21 RESOLVED** (Bonfield/Templeton) that:

1. Council accept the tender offer of Aquatics Unit Trust (Swimplex Aquatics P/L) ABN 92513840499 in respect of Contract No- 09/10-420-TO for the Redevelopment of Coffs Harbour War Memorial Olympic Pool on the basis that:
  - a. The tender offer is the most suitable and advantageous tender following the application of Council's Tender Value Selection System.
  - b. Aquatics Unit Trust (Swimplex Aquatics P/L) has the necessary experience in similar works.
2. The contract documents be executed under Council's Seal.
3. Council makes provisions in the 2010/11 Budget for the additional loan borrowings to cover the shortfall after cost saving measures and fund raising activities have been undertaken and that this be drawn down when required by the project.

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**QUESTIONS ON NOTICE**

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**QON10/1 Illegal Brothels**

Councillor Arkan asked the following question:

*What are Council rules as to the operation of brothels within Coffs Harbour Local Government Area?*

*Are the illegal operators (as advertised in local newspapers) regulated?*

The General Manager advised that Council has a "Brothels Information Sheet" which clearly outlines the requirements for location and operation of brothels. Staff have investigated complaints regarding illegal brothel operations approximately 10 times in the last few years. A copy of the information sheet will be distributed by email to Councillors.

**QON10/2 Bio-Char**

Councillor Bill Palmer asked the following question:

*Could the question be asked if the low grade compost from Biomass could be turned into bio-char and further, could we investigate if camphor laurel would be suitable for a similar process?*

The General Manager responded that Council's contractor Biomass Solutions (Coffs Harbour) Pty Ltd are investigating the feasibility of utilising organic outputs from the waste processing operations for biochar production. There is also an opinion put that camphor laurel could be easily used for that process. The staff response will be distributed to Councillors.

The Mayor advised that Council's acting Director, City Services, Ms Jenni Eakins, was chosen as one of this years winners of the prestigious NSW Government Women in Local Government Awards, the award reflected her work as the project manager of the \$2.4 million Cavanbah development.

This concluded the business and the meeting closed at 6.40 pm.

Confirmed: 25 March 2010

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Keith Rhoades AFSM  
Mayor