

The following document is the minutes of the Council and Committee Meetings held on Thursday, 23 June 2011. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 14 July 2011 and therefore subject to change. Please refer to the minutes of the meeting of 14 July 2011 for confirmation.



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
23 JUNE 2011

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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

23 JUNE 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 Strategy & Sustainability, Manager Land Use Planning, Special Projects Manager, Executive Manager Engineering Services and Executive Assistant.

The meeting commenced at 5.00pm with the Mayor, Cr K Rhoades in the chair.

DISCLOSURE OF INTEREST

No disclosures of interest tabled.

APOLOGY

- 113 **RESOLVED** (Templeton/Hines) that an apology received from Councillors D Knight and J Bonfield for absence be received and leave be granted for the current meeting of Council.

Councillor J Arkan arrived at this point, the time being 5.02pm.

Ms Nan Cowling read a poem and gave an outline of what is proposed for the upcoming Sesquicentennial Year celebrations.

CONFIRMATION OF MINUTES

- 114 **RESOLVED** (Templeton/Hines) that the minutes of the Ordinary meeting held on 9 June 2011 be confirmed as a true and correct record of proceedings with the exception of item CB11/30 Monthly Budget Review for April 2011, on page 5 the Councillor names in the Division under "For" and "Against" should be reversed.

NOTICE OF MOTION

NOM11/14 PROHIBITING ANTIMONY EXPLORATION AND MINING AND PROTECTING WATER QUALITY IN THE HEADWATERS OF THE REGIONAL WATER SUPPLY (NYMBOIDA CATCHMENT)

MOVED (Graham/Degens) that Council:

1. Strongly oppose all exploration for, and mining of, Antimony within the catchment of the Nymboida River because of the unacceptable risks to the Regional Water Supply posed by these activities;
2. Inform all relevant authorities of this opposition including directly contacting relevant Ministers, Directors General and agencies with responsibilities for approval and regulation of such activities;
3. Seek the prohibition of all Antimony exploration and mining activities within the Nymboida Catchment to protect the Regional Water Supply from contamination;
4. Inform residents of the City of the unacceptable risks to drinking water quality posed by Antimony mining in the Nymboida Catchment;
5. Approach Clarence Valley Council to seek a partnership for protecting the Regional Water Supply from Antimony contamination.

AMENDMENT

- 115 **RESOLVED** (Rhoades/Palmer) that the matter be deferred subject to a briefing for Councillors regarding this issue at the earliest possible opportunity with a report back to Council.

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

DIVISION

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

FOR

Cr Hines
Cr Rhoades
Cr Palmer
Cr Arkan

AGAINST

Cr Templeton
Cr Degens
Cr Graham

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

DIVISION

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

FOR

Cr Hines
Cr Rhoades
Cr Palmer
Cr Arkan
Cr Templeton
Cr Degens

AGAINST

Cr Graham

NOM11/15 HEARNES LAKE - NORTHERN BEACHES ALLIANCE STRATEGY

116 **RESOLVED** (Rhoades/Graham) that council endorses and supports the Northern Beaches Alliance Strategy to save Northern Beaches Greenbelt by bringing together existing programs of three government departments to acquire and protect the following four properties on the Northern beaches.

- South Moonee Forest (lot 66 DP 551005 – 102 ha)
- North Emerald Beach (lot 62 DP 1143405 – 29.7 ha)
- North Emerald Beach (lot 63 DP 1143405 – 11.7 ha)
- Hearnese Lake (lot 22 DP 1070182 – 49.5 ha)

NOM11/15 - Hearnese Lake - Northern Beaches Alliance Strategy (Cont'd)

AMENDMENT

MOVED (Palmer/Arkan):

1. That the matter be deferred until an on-site inspection can take place.
2. Can Council ascertain if the four properties mentioned are for sale and if so, how much are they listed for.

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

GENERAL MANAGER'S REPORT

GM11/15 2011/2015 DELIVERY PROGRAM & 2011/2012 OPERATIONAL PLAN

To present Council's final Draft 2011/2015 Delivery Program, 2011/2012 Operational Plan, Program Budgets 2011/2015 and Fees and Charges 2011/2012. This report recommends the reviewed documents be adopted and implemented from 1 July 2011.

MOVED (Arkan/Graham) that Council:

1. Adopt the 2011/2015 Delivery Program, 2011/2012 Operational Plan, Program Budgets 2011/2015 and Fees and Charges 2011/2012.
2. Note that the adopted 2011/2012 Budget is based on a projected deficit of \$182,220 with an undertaking by Council to work to deliver a balanced result by the end of the period.
3. Make provision for iconic buildings which may link Council's readiness requirements eg, a regional performing arts centre and the northern beaches community centre in the 2011/2015 Delivery Program.
4. Respond to all who made community submissions, advising them of the outcome of their requests and thanking them for their input.

AMENDMENT

117 RESOLVED (Templeton/Hines) that Council:

1. Adopt the 2011/2015 Delivery Program, 2011/2012 Operational Plan, Program Budgets 2011/2015 and Fees and Charges 2011/2012.
2. Note that the adopted 2011/2012 Budget is based on a projected deficit of \$182,220 with an undertaking by Council to work to deliver a balanced result by the end of the period.
3. Respond to all who made community submissions, advising them of the outcome of their requests and thanking them for their input.

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

DIVISION

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

FOR

Cr Templeton
Cr Hines
Cr Rhoades
Cr Palmer
Cr Degens

AGAINST

Cr Graham
Cr Arkan

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

GM11/16 CHCC - UPDATE ON PROGRESS - ACTIONS ARISING FROM REVIEW OF REFURBISHMENT & ACCOMMODATION FOR RIGBY HOUSE & ADMINISTRATION OFFICES

A further report on the progress on implementation of improvements identified.

118 RESOLVED (Palmer/Hines):

1. That Council note the current status of the implementation of improvements identified.
2. That a further report be prepared for Council updating the status of the improvement plan implementation following receipt of the Purchasing Review report from Local Government Procurement.

CITY SERVICES DEPARTMENT REPORTS

CS11/25 YARRAWARRA CREEK, ARRAWARRA - NORTHERN FOOTBRIDGE LICENCE TRANSFER

To endorse the transfer of the current northern footbridge licence, Yarrowarra Creek, to Council subject to reconstruction of the footbridge by a private proponent to the relevant Australian Standard for public use and in accordance with Council design requirements.

119 RESOLVED (Arkan/Templeton):

- 1 That Council support the transfer of the northern footbridge licence to Council subject to reconstruction of the structure to Councils specifications, at no cost to Council, by the proponent.
2. That Council seek a new footbridge within the village in conjunction with any residential redevelopment of the Caravan Park or seek public access provisions in conjunction with any reconstruction of the current Caravan Park footbridge.
3. That Council review the matter if works on the new bridge have not been substantially commenced within 12 months.

CS11/26 COFFS COAST REGIONAL PARK - STAGE 2 CHCC LAND ADDITIONS & CAPITAL WORKS PROGRAM

To endorse the transfer of Council owned land, as defined in the attached Table of Lands, from Coffs Harbour City Council (CHCC) to the Coffs Coast Regional Park (CCRP) as the Stage 2 additions to the CCRP.

To acknowledge that there may be further lands added to the CCRP at a later date that fall outside this stage 2 proposal.

To consider request from the CCRP Trust Board for inclusion of high priority CCRP Capital works items within future Council Delivery Plans.

To consider a matching funding (with the CCRP Trust Board) allocation within Council's 2011/12 Delivery Plan for the renewal of the Arrawarra Amenity Block.

120 RESOLVED (Graham/Arkan):

- 1) That Council endorse the transfer of the lands identified in Attachment 2 – Table of lands and shown in Maps 1-6 as Stage 2 additions to the Coffs Coast Regional Park(CCRP) on the basis of the proposed amendment to the Memorandum of Understanding (MOU) in relation to water and sewer matters, and subject to a funding commitment for all costs associated with the transfer from the National Parks and Wildlife Service (NPWS)/CCRP Trust Board.

CS11/26 - Coffs Coast Regional Park - Stage 2 CHCC Land Additions & Capital Works Program (Cont'd)

- 2) That Council endorse and assist where possible, further negotiations between the NSW Office of Environment and Heritage and the NSW Crown Lands Division regarding addition of the Crown holdings identified in Attachment 3.
- 3) That Council/NPWS commence a road closure process for identified unformed roads (Maps 1–2), subject to successful negotiations with CLD regarding transfer at no cost to NPWS.
- 5) That Council advise the CCRP Trust Board that funding is not available in Council's 2011/12 delivery plan for the replacement of the Arrawarra amenity block.
- 6) That Council and NPWS undertake a full review of the CCRP MOU including clarifying joint funding arrangements for Capital Works as soon as practicable.
- 7) That Council consider CCRP Capital Works funding in its long term forward financial plan following adoption of a revised CCRP MOU.
- 8) That Council undertake negotiations to include Green Bluff in the additions to the Coffs Coast Regional Park.

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT

**L11/12 COFFS HARBOUR CITY LOCAL ENVIRONMENTAL PLAN (LEP)
2000 DRAFT AMENDMENT NO. 34 - NORTH COFFS AND DRAFT
NORTH COFFS DEVELOPMENT CONTROL PLAN (DCP)**

The purpose of this report is to present to Council a draft LEP Amendment (refer Attachment 1) and draft DCP for the North Coffs Urban Investigation Area (separately attached). The subject land is identified as a Priority 1 (short term) Urban Investigation Area by Council's "Our Living City" (OLC) Settlement Strategy. A Local Environmental Study (LES) has been prepared for the subject land.

This report recommends that Council request NSW Planning and Infrastructure (P&I) (formerly Department of Planning) to allow the draft Plans to be exhibited under Section 57(1) of the Environmental Planning and Assessment (EP&A) Act 1979. It is also recommended that the draft North Coffs DCP be placed on exhibition concurrently, and that Council is informed of the outcomes of the public exhibition by a future report.

121 RESOLVED (Templeton/Degens) that

1. Council adopt draft Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 34) for exhibition purposes.
2. Council adopt draft North Coffs Development Control Plan for exhibition purposes.
3. Council request the Department of Planning and Infrastructure under Section 57(1) of the Environmental Planning and Assessment Act 1979 to allow draft Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 34) to be publicly exhibited.

L11/12 - Coffs Harbour City Local Environmental Plan (LEP) 2000 Draft Amendment No. 34 - North Coffs and Draft North Coffs Development Control Plan (DCP) (Cont'd)

4. Draft Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 34), draft North Coffs Development Control Plan and supporting documentation be exhibited in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and Regulations.
5. Council is to be provided with a future report providing the outcome of the public exhibition and community consultation.

L11/13 DRAFT COFFS HARBOUR LOCAL ENVIRONMENTAL PLAN 2011

The purpose of this report is to provide a status update to inform Council of changes to the draft Coffs Harbour Local Environmental Plan 2011 (draft LEP 2011) since it was last presented to Council in July 2010. The draft Plan, once gazetted, will apply to the entire local government area (LGA) and repeal the provisions of Coffs Harbour Local Environmental Plan 2000 (LEP 2000).

The report recommends that Council adopt the draft LEP 2011 as presented and refer the necessary documentation to NSW Planning and Infrastructure (P&I) for certification to enable the Plan to be exhibited. It is further recommended that upon complying with all Certificate conditions the Plan be publicly exhibited in accordance with the P&I. A copy of draft LEP 2011 is attached separately and the supporting maps have been made available for perusal by Councillors.

122 RESOLVED (Arkan/Degens):

1. That Council seek authority from NSW Planning and Infrastructure to issue a certificate under Section 65 of the Environmental Planning and Assessment Act, 1979 to allow draft Coffs Harbour Local Environmental Plan 2011 to be exhibited.
2. That upon complying with all conditions established at Section 65 certification, draft Coffs Harbour City Local Environmental Plan 2011 be exhibited for a period of six weeks in accordance with NSW Planning and Infrastructure's project timeframe.

**L11/14 COFFS COAST WASTE SERVICES WASTE PROCESSING AND
RESOURCE RECOVERY OPERATIONS – CONTRACT 03/04-147-TS**

To seek endorsement of Council to proceed with a variation to the Coffs Harbour Regional Resource Recovery Project Contract No. 03/04-147-TS to modify waste processing and resource recovery operations. This is in response to recent amendments to the Protection of the Environment Operations (Waste) Regulation 2005 and Exemption provisions that have introduced more stringent requirements in regard to organic outputs derived from mixed waste.

This report is being presented to Coffs Coast Waste Services partners for consideration, being Nambucca Shire Council, Bellingen Shire Council and Coffs Harbour City Council, to the meetings of 17, 22 and 23 June 2011 respectively.

123 RESOLVED (Palmer/Arkan):

1. That subject to:
 - (a) each of Bellingen Shire Council and Nambucca Shire Council resolving, pursuant to the Deed executed by Council on 7 November 2005 and by Bellingen Shire Council on 2 December 2005 and by Nambucca Shire Council on 21 July 2004, consenting in writing to Council implementing the Resolution; and
 - (b) Westpac Banking Corporation ABN 79 007 457 141 consenting in writing to Council implementing the Resolution; and
 - (c) The Guarantors to Contract No 03/04-147-TS between Council and Biomass Solutions (Coffs Harbour) Pty Limited ABN 37 101 675 165 (WPC) consenting in writing to Council implementing the Resolution;
2. That Council resolve to vary Contract No 03/04-147-TS between Council and the WPC as set out in the confidential document attached to this Report entitled "Outline of provisions to be included in deed varying Contract No 03/04-147-TS Between Coffs Harbour City Council (CHCC) and Biomass Solutions (Coffs Harbour) Pty Limited (WPC)".
3. That Council seek funding assistance from Government via the landfill levy.

CORPORATE BUSINESS DEPARTMENT REPORTS

CB11/35 BANK BALANCES AND INVESTMENTS FOR APRIL 2011

To list Council's Bank Balances and Investments as at 30 April 2011.

124 RESOLVED (Palmer/Hines):

1. That 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 seventy one million, five hundred and forty eight thousand, five hundred and sixty five dollars (\$171,548,565) as at 30 April 2011 be noted.
2. That the general fund unrestricted cash and investments totalling one million, one hundred and twelve thousand, and thirty eight dollars (\$1,112,038) as at 30 April 2011 be noted.

CB11/36 COFFS HARBOUR AIRPORT TERMINAL PRECINCT MASTER PLAN 2011

The purpose of this report is to present to Council for adoption the 2011 Coffs Harbour Regional Airport Terminal Precinct Master Plan (TPMP).

125 RESOLVED (Arkan/Degens):

1. That Council adopt the Coffs Harbour Regional Airport Terminal Precinct Master Plan 2011.
2. The 2007 Airport Master Plan be updated to incorporate any changes identified in the Terminal Precinct Master Plan and the resultant plan be known as the 2011 Airport Master Plan.
3. The 2004/7 Master Plan remain as the primary strategic planning document for the airport as a whole, with the exception of the changes identified in the 2011 Coffs Harbour Regional Airport Terminal Precinct Master Plan.

CB11/37 BCU INTERNATIONAL STADIUM FOCUS GROUP

To approve the terms of reference, community and Councillor nominations for the new BCU International Stadium Focus Group.

126 RESOLVED (Hines/Palmer):

1. To adopt the terms of reference for the BCU International Stadium Focus Group
2. To approve the appointment of the following community members to the BCU International Stadium Focus Group, for a two year term:
 - a. Mr Warren Adler
 - b. Mr Philip Holt
 - c. Mr Peter Wardman
 - d. Mr Jim Woodlock
3. To appoint two Councillors to the BCU International Stadium Focus Group

127 RESOLVED (Templeton/Hines) that Council's representatives on the BCU International Stadium Focus Group be Cr Rhoades and Cr Palmer.

CB11/38 INVESTMENT POLICY AND STRATEGY

To present to Council a revised Investment Policy and Strategy and recommend that they be adopted by Council.

128 RESOLVED (Hines/Degens) that Council adopts the Investment Policy and Strategy.

CB11/39 COFFS COAST DESTINATION MARKETING PLAN 2011 - 2013

The purpose of this report is to present to Council for adoption the 2011 – 2013 Coffs Coast Destination Marketing Plan.

129 RESOLVED (Graham/Degens) that Council adopt the 2011 – 2013 Tourism Marketing Plan.

CB11/40 PUBLIC AMENITIES UPGRADE PROGRAM

To recommend to Council a program for the upgrade of its public amenities.

130 RESOLVED (Hines/Arkan):

1. That Council allocate \$300,000 from the Private Works – General Fund Reserve in 2011/12 and \$300,000 from the Community Facilities Program in 2012/13 and subsequent years for the Public Amenities Upgrade Program
2. That, following the finalisation of the Service Review Project, the Asset Management Plans for buildings be updated to reflect levels of service and priorities for Public Amenities Upgrade Program.
3. That Council review the Community Facilities Program allocation during 2015/16.

CB11/41 TENDER: SUPPLY AND DELIVERY OF STATIONERY AND ANCILLARY ITEMS

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 Stationery and Ancillary Items and to gain Council approval.

131 RESOLVED (Arkan/Hines):

1. That Council accepts the three (3) conforming Tender offers listed below as “Panel Suppliers” for the period 1 July 2011 to 30 June 2013:
 - Corporate Express Australia Pty Ltd
 - COS – Complete Office Supplies
 - Office Max

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) The three (3) Tenderers form a panel of suppliers who are all available for use by Council’s staff. The panel of three supplier choice arrangement allows relative staff to be selective and cost effective on behalf of Council.
 - c) Both Corporate Express and Office Max have offices on the Coffs Coast whilst COS achieved the highest assessment score and will offer Council some major cost savings. All three of the tenderers are leaders in their field with the necessary experience in supply and delivery of stationery items and ancillary items.
 - d) By actively participating in this Regional Procurement Tender T1112MNC 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 the contract documents be executed under Council’s Seal.

Councillor Arkan left the Chamber, the time being 6.51pm.

REQUESTS FOR LEAVE OF ABSENCE

- 132** **RESOLVED** (Hines/Templeton) that Cr Palmer be granted leave of absence from Council from 14 July 2011.

This concluded the business and the meeting closed at 6.53 pm.

Confirmed: 14 July 2011.

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K D Rhoades, AFSM
Mayor