

The following document is the minutes of the Council and Committee meeting held on 14 June 2012. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 28 June 2012 and therefore subject to change. Please refer to minutes of 28 June 2012 for confirmation.



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
14 JUNE 2012

Contents

| ITEM | DESCRIPTION | PAGE |
|--|---|-------------|
| NOTICES OF MOTION | | |
| NOM12/2 | GAME AND FERAL ANIMAL CONTROL | 2 |
| NOM12/3 | OPPOSITION TO PRIVATE SHOOTING IN NATIONAL PARKS | 2 |
| NOM12/4 | NEW RECOMMENDATIONS OF THE EGG CORPORATION | 3 |
| CORPORATE BUSINESS DEPARTMENT REPORT | | |
| CB12/43 | CENTRAL BUSINESS DISTRICT MASTERPLAN COMMITTEE | 3 |
| GENERAL MANAGER'S REPORTS | | |
| GM12/17 | COUNCILLOR END OF TERM - NEW COUNCILLOR PROCESS AND INDUCTION | 4 |
| GM12/18 | FRAUD AND CORRUPTION PREVENTION POLICY AND STRATEGY | 4 |
| LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT | | |
| L12/18 | COFFS HARBOUR CITY CENTRE - DEVELOPMENT CONTROL PLAN REVIEW | 5 |
| CORPORATE BUSINESS DEPARTMENT REPORTS | | |
| CB12/42 | KORORA RURAL RESIDENTIAL RELEASE AREA | 5 |

| ITEM | DESCRIPTION | PAGE |
|---|---|-------------|
| | DEVELOPER CONTRIBUTIONS PLAN | |
| CB12/44 | PROPOSED LICENCE - BAKKER DRIVE RESERVE, BONVILLE | 6 |
| CB12/45 | HEALTH, SAFETY, ENVIRONMENT AND QUALITY POLICY | 6 |
| CB12/46 | ENVIRONMENTAL LEVY PROJECTS QUARTERLY REPORT TO 31 MARCH 2012 | 6 |
| CB12/47 | MONTHLY BUDGET REVIEW FOR APRIL 2012 | 8 |
| CB12/48 | BANK BALANCES AND INVESTMENTS FOR FEBRUARY 2012 AND MARCH 2012 | 9 |
| CITY SERVICES DEPARTMENT REPORTS | | |
| CS12/21 | LIQUID TRADE WASTE POLICY | 9 |
| CS12/22 | STRATEGIC BUSINESS PLANS FOR WATER SUPPLY & SEWERAGE & DROUGHT MANAGEMENT PLAN | 9 |
| MATTER OF AN URGENT NATURE | | |
| MUN12/9 | STATUS OF ACTION REGARDING OPPOSITION TO TOXIC MINING | 10 |
| QUESTIONS ON NOTICE | | |
| QON12/5 | SECTION 94 FUNDS AT CORINDI BEACH | 10 |
| QON12/6 | PLANS REGARDING SALE OF COUNCIL ASSETS | 11 |
| GENERAL MANAGER'S REPORTS | | |
| GM12/19 | COFFS HARBOUR CITY COUNCIL AND NOUBIA PTY LTD - RESOLUTION OF DISPUTE | 12 |



COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

14 JUNE 2012

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

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

Leave of Absence: Councillors Hines and Bonfield

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 5.01 pm with the Mayor, Cr K D Rhoades in the chair.

DISCLOSURES OF INTEREST

There were no Disclosures of Interest tabled.

PUBLIC FORUM

| Time | Speaker | Item |
|---------|------------|---|
| 5.00 pm | Sarah Rose | Submissions made by Community Members and the Barrister regarding the Group Home Development Application at Randalls Road |

PUBLIC ADDRESS

| Time | Speaker | Item |
|---------|-----------------------|--|
| 5.05 pm | John Rafferty C.ex | CB12/43 - Central Business District Masterplan Committee |

CONFIRMATION AND ADOPTION OF MINUTES

- 130 **RESOLVED** (Arkan/Templeton) that the minutes of the Ordinary meeting held on 24 May 2012 be confirmed as a true and correct record of proceedings.

NOTICES OF MOTION

NOM12/2 GAME AND FERAL ANIMAL CONTROL

- 131 **RESOLVED** (Graham/Knight) that:

Council note that:

1. The NSW government has a proposal on the table which would see children as young as 12, with their parents' permission, able to hunt unsupervised on public land in NSW.
2. This would see children able to hunt using bows and arrows, pig dogs, and bowie knives without any adult supervision.
3. Hunting wild pigs using dogs and knives is considered, even for adults, to be dangerous for the hunter and the dogs, and an unnecessarily stressful death for the animal.
4. It is irresponsible for any government to be proposing an activity which will be dangerous for the children involved and others who use public land for recreational purposes.
5. While feral animal control is an important activity, it is best done professionally and as humanely as possible for the animals involved.

Council:

1. Oppose this dangerous proposal by the NSW government; and
2. Make a submission to the Department of Primary Industries voicing that opposition.

NOM12/3 OPPOSITION TO PRIVATE SHOOTING IN NATIONAL PARKS

- 132 **RESOLVED** (Graham/Arkan) that:

Council note:

1. The NSW Government is seeking to allow private shooting in national parks and other conservation reserves.
2. The NSW Government proposes to allow private shooting in conservation reserves in the Coffs Harbour Local Government Area.
3. It is irresponsible for any government to be proposing an activity which will be dangerous to members of the public and others who use conservation reserves for recreational purposes.

Cont'd

NOM12/3 Opposition to Private Shooting in National Parks ...(Cont'd)

4. While feral animal control is an important activity, it is only safe and effective when undertaken professionally and as humanely as possible. This can only be achieved through the resourcing of professional control programs implemented by state conservation agencies.

Council:

1. Oppose this dangerous proposal by the NSW government; and
 2. Write to the Premier and the Environment Minister in opposition to the proposal to allow private shooting in conservation reserves.
-

NOM12/4 NEW RECOMMENDATIONS OF THE EGG CORPORATION

- 133** **RESOLVED** (Arkan/Knight) that CHCC in partnership with our free range egg producers and for the common good, make submission to the ACCC (Australian Competition and Consumer Commission) (as per SMH article 28 May 2012) strongly opposing the new recommendations of the Egg Corporation increasing the generally accepted standard of 1,500 hens per/hectare to up to 20,000 hens per/hectare as designated free range.

CORPORATE BUSINESS DEPARTMENT REPORT

CB12/43 CENTRAL BUSINESS DISTRICT MASTERPLAN COMMITTEE

To seek Council's endorsement to adopt the Terms of Reference for the CBD Masterplan Committee.

- 134** **RESOLVED** (Templeton/Palmer) that:
1. Council establishes the CBD Masterplan Committee as a 355 committee of Council.
 2. Council adopts the attached Terms of Reference as the Terms of Reference for the CBD Masterplan Committee.
 3. Council commences advertising for the positions of the Committee membership under those Terms of Reference.
 4. A further report be presented to Council making recommendations in relation to the appointment of community members for the CBD Masterplan Committee.
 5. The Committee report at least bi-annually to Council on the implementation of the Masterplan and all related income and expenditure and future planned works.

GENERAL MANAGER'S REPORTS

GM12/17 COUNCILLOR END OF TERM - NEW COUNCILLOR PROCESS AND INDUCTION

To outline to Councillors the process at the end of their term for the return and/or purchase of any council equipment they may have.

To advise Council of the induction program planned for any returned and newly elected Councillors.

To advise Council, that due to the elections, there will be no Council meetings through the month of September 2012.

135 RESOLVED (Arkan/Degens) that:

1. The contents of the Councilor end of term – New Councillor Process and Induction report be noted.
2. The Ordinary meetings of Council for the month of September are cancelled due to the ordinary election and advertised accordingly.

GM12/18 FRAUD AND CORRUPTION PREVENTION POLICY AND STRATEGY

For Council to adopt the Fraud and Corruption Prevention Policy and the Fraud and Corruption Prevention Strategy.

136 RESOLVED (Arkan/Knight) that:

1. Council adopts the attached Fraud and Corruption Prevention Policy dated 6 June 2012.
2. Council adopts the attached Fraud and Corruption Prevention Strategy dated 6 June 2012.

137 RESOLVED (Palmer/Arkan) that item GM12/19 - Coffs Harbour City Council and Noubia Pty Ltd - Resolution of Dispute be referred to Confidential session at the end of the meeting.

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT

L12/18 COFFS HARBOUR CITY CENTRE - DEVELOPMENT CONTROL PLAN REVIEW

The purpose of this report is to provide Council with feedback from the public exhibition of an administrative review of the Coffs Harbour City Centre Development Control Plan (DCP) 2011.

The report recommends that Council adopt the amendments to the Coffs Harbour City Centre DCP and to place an advertisement to notify the commencement of enforcement of the document.

138 RESOLVED (Arkan/Knight) that:

1. Council adopt the amended Coffs Harbour City Centre Development Control Plan 2011 (as appended).
2. The amended Development Control Plan be advertised in the local newspaper as taking effect from the date of that advertisement

CORPORATE BUSINESS DEPARTMENT REPORTS

CB12/42 KORORA RURAL RESIDENTIAL RELEASE AREA DEVELOPER CONTRIBUTIONS PLAN

To present to Council a draft revised Section 94 Developer Contributions Plan for the Korora Rural Residential Release Area. This report recommends that the Plan be adopted.

139 RESOLVED (Arkan/Templeton) that the Draft Korora Rural Residential Release Area Developer Contributions Plan 2012 be adopted.

CB12/44 PROPOSED LICENCE - BAKKER DRIVE RESERVE, BONVILLE

Report on the outcome of Trial Licence period for use of part of Bakker Drive Reserve and recommendation to engage in community consultation for a proposed licence period of three years incorporating a further 12 month trial period.

140 RESOLVED (Arkan/Degens) that:

1. Council note that inclement weather over the trial licence period has meant that insufficient data has been gathered to determine the overall impact of the proposed use of the Bakker Drive Reserve and that a further trial licence period is required to enable Council staff to make full and proper determination.
2. Pursuant to section 47 of the Local Government Act Council invite submissions to the proposed grant of a three year licence on the terms and conditions detailed in this report to the Bonville Valley Equestrian Club for the use of the Bakker Drive Reserve on the proviso:
 - a) The second and third year of the licence period will be subject to and conditional upon the determination by Council staff of an assessment of the impact of the proposed use during the first year of the licence period.
 - b) The determination criteria is clearly established as a condition of the licence agreement.
3. A report come back to Council on the submissions received to the proposed licence of the Bakker Drive Reserve to the Bonville Valley Equestrian Club for a term of three years.

CB12/45 HEALTH, SAFETY, ENVIRONMENT AND QUALITY POLICY

For Council to adopt the Health, Safety, Environment and Quality Policy.

141 RESOLVED (Arkan/Templeton) that Council adopts the attached Health, Safety, Environment and Quality Policy dated 16 May 2012.

CB12/46 ENVIRONMENTAL LEVY PROJECTS QUARTERLY REPORT TO 31 MARCH 2012

To provide Council with a quarterly status report to 31 March 2012 on the projects funded under the Environmental Levy (EL) Program.

MOVED (Arkan/Palmer) that:

1. Council notes the status of the Environmental Levy Projects as at 31 March 2012 as outlined in the report.

Cont'd

**CB12/46 Environmental Levy Projects Quarterly Report to 31 March 2012
...(Cont'd)**

2. The balance from the following projects be returned to the Environmental Levy Reserves Pool for future funding:

| | |
|---|-----------|
| | \$ |
| Vegetation Mapping Project - Ground Truth Component | 152.96 |
| On-ground Control of the Indian Myna Bird; and | 52.13 |
| Matching Grant Funding Pool | 21,518.75 |

3. Council continues to monitor the Environmental Levy Program to ensure earliest completion of projects.

AMENDMENT

MOVED (Degens/Templeton) that:

1. Council notes the status of the Environmental Levy Projects as at 31 March 2012 as outlined in the report.
2. The balance from the following projects be returned to the Environmental Levy Reserves Pool for future funding:

| | |
|---|-----------|
| | \$ |
| Vegetation Mapping Project - Ground Truth Component | 152.96 |
| On-ground Control of the Indian Myna Bird; and | 52.13 |
| Matching Grant Funding Pool | 21,518.75 |

3. Council continues to monitor the Environmental Levy Program to ensure earliest completion of projects.
4. That \$50,000 be made available from the Matching Grant Pool for a study on the potential of rail, both passenger and freight, including the harbour and shipping, subject to matching funding.

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

AMENDMENT

142 RESOLVED (Graham/Degens) that:

1. Council notes the status of the Environmental Levy Projects as at 31 March 2012 as outlined in the report.
2. The balance from the following projects be returned to the Environmental Levy Reserves Pool for future funding:

| | |
|---|-----------|
| | \$ |
| Vegetation Mapping Project - Ground Truth Component | 152.96 |
| On-ground Control of the Indian Myna Bird; and | 52.13 |
| Matching Grant Funding Pool | 21,518.75 |

Cont'd

**CB12/46 Environmental Levy Projects Quarterly Report to 31 March 2012
...(Cont'd)**

3. Council continues to monitor the Environmental Levy Program to ensure earliest completion of projects.
4. That \$50,000 be made available for a study into the potential to integrate rail with shipping and truck transport to better serve the needs of our city and to deliver more sustainable transport outcomes subject to matching funding.

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**.

The Chair requested a recording of the voting for and against the motion be recorded:

| | |
|--|---|
| <p>FOR Cr Degens Cr Graham Cr Knight Cr Templeton</p> | <p>AGAINST Cr Palmer Cr Rhoades Cr Arkan</p> |
|--|---|

CB12/47 MONTHLY BUDGET REVIEW FOR APRIL 2012

To report on the estimated budget position as at 30 April 2012

143 RESOLVED (Palmer/Arkan) that:

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

Estimated Budget Position as at 30 April 2012:

| | General Account \$ | Water Account \$ | Sewer Account \$ |
|---------------------------------------|--------------------------|------------------------|------------------------|
| Original Budget adopted 23 June 2011 | 182,220 (D) | 4,897,205 (D) | 3,591,600 (D) |
| Approved Variations to 31 March 2012 | (188,816) (S) | 73,794 (D) | 80,000 (D) |
| Recommended variations for April 2012 | (30,274) (S) | (33,000) (S) | Nil |
| Estimated result as at 30 April 2012 | <u>(36,870) (S)</u> | <u>4,937,999 (D)</u> | <u>3,671,600 (D)</u> |

CB12/48 BANK BALANCES AND INVESTMENTS FOR FEBRUARY 2012 AND MARCH 2012

To list Council's Bank Balances and Investments as at 29 February 2012 and 31 March 2012.

144 RESOLVED (Palmer/Templeton) that:

1. The bank balances and investments totaling (from loans, Section 94 and other avenues that form the restricted accounts and are committed for future works) one hundred and seventy four million, seven hundred and seventy five thousand, three hundred and twenty five dollars (\$174,775,325) as at 29 February 2012 be noted.
2. The general fund unrestricted cash and investments totaling seven hundred and seventy three thousand, three hundred and five dollars (\$773,305) as at 29 February 2012 be noted.
3. The bank balances and investments totaling (from loans, Section 94 and other avenues that form the restricted accounts and are committed for future works) one hundred and seventy one million, six hundred and fifty six thousand, four hundred and fifteen dollars (\$171,656,415) as at 31 March 2012 be noted.
4. The general fund unrestricted cash and investments totaling seven hundred and seventy three thousand, three hundred and five dollars (\$773,305) as at 31 March 2012 be noted.

CITY SERVICES DEPARTMENT REPORTS

CS12/21 LIQUID TRADE WASTE POLICY

The purpose of this report is to review and replace the existing policy.

145 RESOLVED (Templeton/Palmer) that Council adopts the attached Liquid Trade Waste Policy dated 21 March 2012.

CS12/22 STRATEGIC BUSINESS PLANS FOR WATER SUPPLY & SEWERAGE & DROUGHT MANAGEMENT PLAN

To seek Council approval to adopt and exhibit "Coffs Harbour Strategic Business Plans for Water and Sewerage March 2012" and "Drought Management Plan March 2012" (appended).

146 RESOLVED (Arkan/Palmer) that Council adopt the Coffs Harbour City Council Strategic Business Plans for Water and Sewerage, March 2012 and Coffs Harbour City Council Drought Management Plan and that they be exhibited on Council's website.

MATTERS OF AN URGENT NATURE

MUN12/9 Status of Action Regarding Opposition to Toxic Mining

Cr Graham requested the status of the resolution of Council that Council write to the relevant authorities regarding our opposition to toxic mining in our region.

The Manager, Governance Services responded that correspondence is in the process of being prepared.

Cr Graham requested that when correspondence has been issued that Councillors be provided with a copy.

QUESTIONS ON NOTICE

QON12/5 SECTION 94 FUNDS AT CORINDI BEACH

Councillor John Arkan asked the following questions:

Are there any section 94 funds held / available at Corindi Beach?

If there are, are there any plans for these funds to be used on improving the existing playgrounds/parks for the kids?

Staff Comment:

In 2008 Council undertook extensive community consultation to determine what Section 94 funds should be spent on. As a result of this a works program was formulated and the following works carried out:

- Construction of skate park \$200,000
- Construction of playground and landscaping in Niland Street \$141,000
- Footpath/Cycleway constructed along the entire Pacific Street circuit of the village. \$309,000.

Expenditure of approximately \$650,000 on these works exhausted all funds held at that time.

Hence the playground is relatively new. There is also a playground in the foreshore reserve which is on Crown land and not under Council's control.

Subsequent to this the completion of the Corindi Beach Estate development resulted in additional contributions being received and Council is now holding approximately \$370,000 in Section 94 funds for community infrastructure within the Corindi area. The exact nature of this community infrastructure is not specified in the contributions plan.

Further works are being considered in line with the outcomes of the community consultation and also recent discussions with the Corindi Community Group Inc.

Some options being considered are tennis court improvements and additional pathway / cycleway construction.

A works program will be the subject of a Council report in the near future following which the funds will be expended on specific community infrastructure.

QON12/6 PLANS REGARDING SALE OF COUNCIL ASSETS

Councillor John Arkan asked the following questions:

Has Council any plans under consideration with a view to selling some Council assets, for example, Council owned property at Sandy Beach, Morgans Road reuse farm?

Can Council have a report on this?

Staff Comment:

Council staff are currently preparing a subdivision application to realign the boundaries of the existing two lots which comprise Morgans Road Farm into three different lots which align with the current business operations and land uses of the property including a separate lot for the existing reservoir. There is no immediate proposal to sell off all or part of the property. If there was such a proposal in the future, a report would be prepared to obtain Council's approval of any disposal.

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 6.18 pm.

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

GM12/19 - Coffs Harbour City Council and Noubia Pty Ltd - Resolution of Dispute

This report was confidential for the reason of Section 10A(2) of the Local Government Act, 1993:

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

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

The press and public vacated the chamber.

ADJOURNMENT OF MEETING

The Mayor requested a motion to adjourn the meeting for a period of 3 minutes.

- 148 **RESOLVED** (Templeton/Knight) that the meeting be adjourned, the time being 6.18pm.

RESUMPTION OF MEETING

- 149 **RESOLVED** (Templeton/Knight) that the meeting be resumed, the time being 6.22pm.

GM12/19 COFFS HARBOUR CITY COUNCIL AND NOUBIA PTY LTD - RESOLUTION OF DISPUTE

To advise Council of the outcome of the mediation of a dispute between Council and Noubia Pty Ltd, the developers of a 163 lot residential subdivision in North Boambee Valley. The matter has been settled at a negotiated amount of \$2,650,000.

Confidentiality:

The report has been prepared as a confidential report to Council on the basis that the terms and conditions of the mediation agreement require that details of the negotiations between the parties remain confidential under Section 10A (2) (g) of the *Local Government Act 1993*.

- 150 **RESOLVED** (Palmer/Arkan) that:
1. Council note that Noubia had claimed in the order of \$4,553,137.00 for a material public benefit for works undertaken for development consent 575/03 whereas Council had accepted part only of that claim totalling \$2,080,807.00.
 2. Council note that Council and Noubia have agreed that Council accepts that works for a material public benefit have been undertaken for an amount of \$2,650,000.00.

- 151 **RESOLVED** (Templeton/Palmer) that the motion be put.

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

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

All Councillors present voted in favour with the exclusion of Cr Graham.

OPEN MEETING

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

- 152** **RECOMMENDED** (Palmer/Templeton) 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 7.03 pm.

Confirmed: 28 June 2012

.....
Keith Rhoades AFSM
Mayor