

The following document is the minutes of the Council Meeting held on Thursday, 26 February 2015. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 12 March 2015 and therefore subject to change. Please refer to the minutes of the meeting of 12 March 2015 for confirmation.



COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR

26 FEBRUARY 2015

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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

26 FEBRUARY 2015

Present: Councillors D Knight (Mayor), J Arkan, N Cowling, R Degens, G Innes, B Palmer, K Rhoades, M Sultana and S Townley.

Staff: Acting General Manager (Director Business Services), Director Sustainable Infrastructure, Director Sustainable Communities and Executive Assistant.

The meeting commenced at 5.00pm with the Mayor, Cr D Knight in the chair.

We respectfully acknowledge the Gumbaynggirr Country and the Gumbaynggirr 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.

DISCLOSURE OF INTEREST

No disclosures of interest tabled.

APOLOGY

No apologies.

PUBLIC ADDRESS

Time	Speaker	Item
5.00pm	Fran Stephenson, Bunker Cartoon Gallery Inc	SC15/2 Proposal from Bunker Cartoon Gallery Inc to Manage the Bunker Cartoon Gallery and Collection.

Councillor Arkan arrived, the time being 5.08pm.

CONFIRMATION OF MINUTES

- 16 **RESOLVED** (Palmer/Innes) that the minutes of the Ordinary meeting and Closed Session held on 12 February 2015 be confirmed as a true and correct record of proceedings.

SUSTAINABLE COMMUNITIES DEPARTMENT REPORT

**SC15/2 PROPOSAL FROM BUNKER CARTOON GALLERY INC TO
MANAGE THE BUNKER CARTOON GALLERY AND COLLECTION**

EXECUTIVE SUMMARY

A proposal has been received from the Bunker Cartoon Gallery Inc. (BCGI) to take over the management of the Bunker Cartoon Gallery and operate it as a community and cultural asset on behalf of Coffs Harbour City Council. This proposal is, however, conditional on Council providing ongoing financial and building maintenance support for the next 5 years.

This report outlines the history of the Bunker Cartoon Gallery and the Cartoon Collection, the issues surrounding both the operational and strategic management of the facility and collection.

It is recommended that Council endorses in principle to hand over management of the Bunker Cartoon Gallery to BCGI. If this endorsement is forthcoming from Council, a further report can then be prepared which further addresses the financial, copyright, branding, accessibility and asset management issues.

MOVED (Degens/Innes) that Council defer this matter subject to consultation with the community and cultural stakeholders in order to ensure that further options and potential models are sought and evaluated to optimise the potential of the Bunker Cartoon Gallery

SC15/2 - Proposal from Bunker Cartoon Gallery Inc to Manage the Bunker Cartoon Gallery and Collection (Cont'd)

AMENDMENT

- 17 **RESOLVED** (Arkan/Cowling) that:
1. Council endorses in principle to handover the management of the Bunker Cartoon Gallery to the Bunker Cartoon Gallery Inc. and the collection back to the Rotary Club of Coffs Harbour City.
 2. Council continues to have further discussions and negotiations with representatives from the Bunker Cartoon Gallery Inc. on the level of resourcing and operational issues and that this be included in a future report for consideration by Council by May 2015.
 3. Council discuss with other interested parties with regards to art and culture concepts to be included in the area of the City Hill.

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 Motion was carried unanimously.

RESCISSION MOTION

RM15/1 LEGAL APPEAL - APPLICATION TO REVIEW DETERMINATION OF MODIFICATION APPLICATION 43/14DM (955/12DA) - LOT 5 DP 876129, NO. 81D OLD BUCCA ROAD, MOONEE BEACH - ANIVAL ESTABLISHMENT (DOG BOARDING FACILITY) - RESCISSION MOTION

- 18 **RESOLVED** (Knight/Innes) that RM15/1 Legal Appeal - Application to Review Determination of Modification Application 43/14DM (955/12DA) - Lot 5 DP 876129, No. 81D Old Bucca Road, Moonee Beach - Animal Establishment (Dog Boarding Facility) - Rescission Motion be referred to Confidential Session at the conclusion of the meeting.

GENERAL MANAGER'S REPORTS

GM15/2 - CONDUCT OF THE 2016 ORDINARY LOCAL GOVERNMENT ELECTIONS

- 19 **RESOLVED** (Knight/Sultana) that item GM15/2 - Conduct of the 2016 Ordinary Local Government Elections be referred to the Closed Session at the conclusion of the meeting.

GM15/3 GUIDEBOOKS FOR S355 COMMUNITY COMMITTEES

EXECUTIVE SUMMARY

The Council's Guidebook for Committees has been developed to support committee members in their role on community committees created by Council. Council community committees are formed for a variety of reasons including management of community facilities, provision of advice and consultation.

This guidebook provides a framework and reference point for information.

- 20 RESOLVED** (Sultana/Degens) that Council endorse the guidebook for S355 Community Committees.

SUSTAINABLE INFRASTRUCTURE DEPARTMENT REPORTS

SI15/3 CONTRACT NO. RFT-691-TO - CONSTRUCTION OF DECORATIVE CONCRETE PATHWAY JORDAN ESPLANADE, COFFS HARBOUR

EXECUTIVE SUMMARY

Section 55 of the Local Government Act 1993 requires, inter alia, councils to tender for contracts if the work is estimated above a threshold value of \$150,000.

Stage 1 of the Jetty Foreshores Project includes the construction of a decorative concrete footway/cycleway to link the Jetty Strip to the Foreshores area. This component of the project is estimated to cost more than the tender threshold value of \$150,000. For that reason tenders for the required concrete works were called through the normal procurement processes of Council. However, no responses were received by the closing date.

In such circumstances, Sect 55 of the Act allows Council to resolve to utilise a non-tender based process to engage a supplier if it is satisfied that such a course of action is warranted.

This report requests that Council consider utilising its power under Sect 55 of the Local Government Act 1993 to begin a non-tender based negotiation process with nominated parties in order to procure a suitable supplier at a suitable cost for the decorative concrete works component of Stage 1 of the Jetty Foreshores Project.

- 21 RESOLVED** (Degens/Arkan) that Council resolve:
1. To re-advertise the original Request for Tender.
 2. To hold an on-site pre-submission Project Information meeting with prospective suppliers prior to the Tender Submission date.

BUSINESS SERVICES DEPARTMENT REPORTS

BS15/8 BANK BALANCES AND INVESTMENTS JANUARY 2015

EXECUTIVE SUMMARY

The purpose is to report on Council's Bank Balances and Investments as at 31 January 2015. Council receives independent advice and invests surplus funds in accordance with Councils Investment Policy to maximise investment income and preserve capital to assist with funding requirements for projects listed under the Coffs Harbour 2030 Community Strategic Plan.

22 RESOLVED (Rhoades/Degens):

1. That 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 forty five million, seven hundred and forty five thousand, four hundred and ten dollars (\$145,745,410) as at 31 January 2015 be noted.
2. That the general fund unrestricted cash and investments totaling two hundred and sixty seven thousand, nine hundred and seventy five dollars (\$267,975) as at 31 January 2015 be noted.

BS15/9 ENVIRONMENTAL LEVY PROJECTS - QUARTERLY REPORT TO 31 DECEMBER 2014

EXECUTIVE SUMMARY

The purpose is to provide Council with a quarterly status report to 31 December 2014 on the projects funded under the Environmental Levy (EL) Program. The Environmental Levy Program funds environmental projects that would not otherwise be undertaken with revenue funding.

- #### **23 RESOLVED (Palmer/Sultana)** that Council notes the status of the Environmental Levy projects as at 31 December 2014.

BS15/10 TENDER T401415MNC PROVISION OF TRAFFIC CONTROL SERVICES

EXECUTIVE SUMMARY

Regional Procurement (a division of Hunter Councils Incorporated) called an open panel tender on behalf of the Mid North Coast Procurement Alliance group of member Councils for the provision of traffic control services.

The contract is for a period of twenty four (24) months commencing 1 April 2015 to 31 March 2017 with a further twelve (12) months extension option based on satisfactory supplier performance. By actively participating in the Regional Procurement Tender T401415MNC Council will not breach the Local Government (General) Regulation 2005- Part 7, for contract expenditure exceeding \$150,000.00.

The process is seen as transparent and accountable on behalf of Coffs Harbour City Council in achieving the most cost effective outcome for the provision of traffic control services. Competition in the marketplace for traffic control services has increased remarkably since the commencement of the current contract (expiring 31 March 2015), and if Council approves the recommendation it is anticipated we can achieve estimated savings of a minimum 11% based on current contract rates.

- 24 RESOLVED** (Palmer/Sultana) that Council approves the Regional Procurement Panel Tender T401415MNC for the provision of traffic control services.

SUSTAINABLE COMMUNITIES DEPARTMENT REPORTS

SC15/1 PLANNING PROPOSAL FOR LOT 113 DP 591220 - COOK DRIVE, COFFS HARBOUR

EXECUTIVE SUMMARY

The objective of this report is to provide Council with a review of the exhibition period for this Planning Proposal (PP) and to recommend progressing the PP in accordance with the delegation of plan making powers under the Environmental Planning and Assessment (EP&A) Act 1979.

The report recommends that Council endorse the final PP (refer to maps, Attachment 1) to rezone part of the subject land from an E2 Environmental Conservation zone to a B5 Business Development zone under Coffs Harbour Local Environmental Plan (LEP) 2013.

SC15/1 - Planning Proposal for Lot 113 DP 591220 - Cook Drive, Coffs Harbour (Cont'd)

Council and the community will benefit from the PP as it will:

- provide additional employment lands in a central location, and
- result in ongoing restoration and protection of adjacent environmentally sensitive lands through the implementation of a Vegetation Management Plan (VMP) which is supported by a Voluntary Planning Agreement (VPA). This will ensure that the recommended actions contained within the Vegetation Management Plan are carried out in perpetuity.

25 RESOLVED (Arkan/Sultana):

1. That Council endorses the Planning Proposal for Lot 13 DP 591220, Cook Drive Coffs Harbour (Attachment 1).
2. That Council delegates to the General Manager the authority issued by the NSW Department of Planning and Environment to exercise the functions of the Minister under Section 59 of the Environmental Planning and Assessment Act 1979 for the purposes of finalising this Planning Proposal.
3. That Council continues to consult with the NSW Department of Planning and Environment on the terms of the Local Environmental Plan, to ensure its consistency with the objectives, outcomes and provisions of the Planning Proposal.
4. That the landowner and their consultant be informed of Council's decision.

The Motion was carried unanimously.

SC15/3 2014/2018 DELIVERY PROGRAM - SIX MONTHLY PROGRESS REPORT

EXECUTIVE SUMMARY

Under the Local Government Act, Council is required to report six-monthly on its progress and performance in implementing strategies to help achieve the objectives of the *Coffs Harbour 2030 Community Strategic Plan*.

The *Six-Monthly Progress Report (for the period 1 July to 31 December 2014) on the Coffs Harbour City Council 2014/2018 Delivery Program* is tabled at this time. The Six-Monthly Progress Report identifies achievements and challenges recorded during the reporting period and provides updates on Council services, projects and key operational activities.

Of Council's 41 Services, 37 are identified as being *On Track* during the reporting period. The remaining four Services – Customer Services, Property, Holiday Parks and Strategic Asset Planning – are recorded as *Needing Attention*, reflecting resourcing issues, open market impacts and continuing pressures for the upgrade of Council systems and processes.

SC15/3 - 2014/2018 Delivery Program - Six Monthly Progress Report (Cont'd)

At the same time, the report represents a considerable record of achievement by Council and its workforce in delivering positive outcomes for the Coffs Harbour community. The reporting period saw many highlights, including the opening of the Brelsford Park skate plaza, the completion of the Museum redevelopment, progress on flood mitigation works and the Jetty4Shores project, extensive road and bridge works, community and sporting programs, and tourism and economic development initiatives.

The Six-Monthly Progress Report for the period 1 July to 31 December 2014 incorporates a number of delegation adjustments arising from changes to Council's operational organisation structure under the Transformation to Sustainability (T2S) project. As a 'step-change' program of continuous improvement, T2S will result in ongoing adjustments in reporting, particularly through a renewed review of actions and measures at Delivery Program level.

- 26 **RESOLVED** (Sultana/Degens) that the *Six-Monthly Progress Report (for the period 1 July to 31 December 2014) on the Coffs Harbour City Council 2014/2018 Delivery Program* be adopted for public release.

REQUESTS FOR LEAVE OF ABSENCE

No requests for leave of absence.

MATTERS OF AN URGENT NATURE

MUN15/1 Intersection of Hogbin Drive/Hi-Tech Drive

Councillor Arkan expressed concern regarding the intersection of Hogbin Drive/Hi-Tech Drive where school children are being dropped off/picked up. Cr Arkan advised that it was very dangerous and asked if the matter could be investigated and sent to the Traffic Committee.

MUN15/2 Brelsford Park

Councillor Rhoades requested an update on Brelsford Park.

The Director Sustainable Infrastructure advised the following:

- This is a new problem.
- There are three drain pits in the area which were inundated in recent events and they have proved sufficient in the past.
- The three drain pits are connected by a single pipe out towards the road system.
- Investigations were still under way but it appeared there was a blockage of this drainage pipe.
- It needs to be assessed whether the pipework has collapsed or been crushed.
- It may have been caused by normal mowing operations, NBN or the Rally event.
- Pipework will be replaced.

Councillor Rhoades questioned whether Council has signed off on the final on the construction of the skate park and whether the potential collapse was anywhere near the skatepark.

The Director Sustainable Infrastructure advised that the skatepark has nothing to do with the issue as it is a significant distance away however he would take the matter on notice.

QUESTIONS ON NOTICE

QON15/1 TRANSPORT FLEET - COSTS AND USE PATTERNS

Answers noted.

CLOSED SESSION – 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 6.20pm.

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

RM15/1 - Legal Appeal - Application to Review Determination of Modification Application 43/14DM (955/12DA) - Lot 5 DP 876129, No. 81D Old Bucca Road, Moonee Beach - Animal Establishment (Dog Boarding Facility) - Rescission Motion.

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 ground of legal professional privilege,

GM15/2 - Conduct of the 2016 Ordinary Local Government Elections.

These reports were confidential for the reason of Section 10A(2):

- (d) Contained commercial information of a confidential nature that would, if disclosed:
- (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council.

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

The press and public vacated the chamber.

RESCISSION MOTION

Councillor Sultana advised that he would like it noted on the minutes that on 22 November 2012 he declared a non-pecuniary significant conflict of interest and left the Chamber in regard to the Carlisle-Sainty DA because he lives less than 600m from the property in question and as the noise from the barking dogs can currently be heard quite clearly he felt it was in his best interest to declare.

As we have since been dealing with the ROC and not the DA as a whole he considers it unnecessary to declare any interest as he has no need to use the ROC.

RM15/1 LEGAL APPEAL - APPLICATION TO REVIEW DETERMINATION OF MODIFICATION APPLICATION 43/14DM (955/12DA) - LOT 5 DP 876129, NO. 81D OLD BUCCA ROAD, MOONEE BEACH - ANIMAL ESTABLISHMENT (DOG BOARDING FACILITY) - RESCISSION MOTION

MOVED (Rhoades/Degens) that Resolution number 15 of the Ordinary Meeting of 12 February 2015 regarding Legal Appeal - Application to Review Determination of Modification Application 43/14DM (955/12DA) - Lot 5 DP 876129, No. 81D Old Bucca Road, Moonee Beach - Animal Establishment (Dog Boarding Facility), be rescinded.

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

DIVISION

MOVED that a division be called, and those members voting for and against the motion were recorded:

VOTED FOR

Cr Degens
Cr Innes
Cr Rhoades

VOTED AGAINST

Cr Cowling
Cr Arkan
Cr Townley
Cr Knight
Cr Sultana
Cr Palmer

GM15/2 CONDUCT OF THE 2016 ORDINARY LOCAL GOVERNMENT ELECTIONS

EXECUTIVE SUMMARY

The next Local Government ordinary election will be held on the 10th of September 2016. The purpose of this report is to allow Council to consider the contractual arrangements for the 2016 elections.

Council has the option of tasking the responsibility for administration of the elections to the General Manager or to enter into an agreement with the NSW Electoral Commissioner to administer the election. The General Manager may administer the election personally or engage an electoral service provider.

In 2012 the General Manager was responsible for the administration of the ordinary local government election and the Australian Election Company was engaged to provide electoral services.

Council is required to make a resolution by 9 March 2015 if it wishes to engage the NSW Electoral Commission.

28 RESOLVED (Townley/Sultana) that Coffs Harbour City Council (“the Council”):

1. pursuant to s. 296(2) and (3) of the *Local Government Act 1993* (NSW) (“the Act”) that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

The Motion was carried unanimously.

OPEN MEETING

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

29 RESOLVED (Innes/Palmer) that the Closed Session now move into Open Meeting.

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

- 30** **RESOLVED** (Innes/Palmer) that the resolutions of the Closed Session be adopted.

This concluded the business and the meeting closed at 7.53 pm.

Confirmed: 12 March 2015.

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Denise Knight
Mayor