

The following document is the minutes of the Council meeting held on 13 August 2015. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 27 August 2015 and therefore subject to change. Please refer to minutes of 27 August 2015 for confirmation.



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
13 AUGUST 2015

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COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
13 AUGUST 2015

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

Staff: General Manager, Director Sustainable Infrastructure, Director Sustainable Communities, Director Business Services and Executive Assistant

The meeting commenced at 5.00 pm 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.

DISCLOSURES OF INTEREST

The General Manager read the following disclosure of interest to inform the meeting:

Councillor	Item	Type of Interest
Cr Innes	SC15/30 Development Application No. 0613/15 - Business Identification Sign - Lot 2, DP801025, 150 Pacific Highway, Coffs Harbour	Pecuniary Interest as his wife owns a business in the same building.
Cr Rhoades	GM15/17 Code of Conduct Investigation - Final Report	Non Pecuniary - Less Than Significant as he is mentioned in the report.

APOLOGY

No apologies.

CONFIRMATION AND ADOPTION OF MINUTES

- 169 **RESOLVED** (Arkan/Townley) that the minutes of the Ordinary meeting held on 23 July 2015 be confirmed as a true and correct record of proceedings.

GENERAL MANAGER'S REPORTS

GM15/15 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2015 - VOTING DELEGATES FROM COFFS HARBOUR CITY COUNCIL

Executive Summary:

To appoint four voting delegates to represent Coffs Harbour City Council at the 2015 Local Government NSW Annual Conference to be held at Rosehill Gardens Racecourse on 11-13 October 2015.

- 170 **RESOLVED** (Arkan/Sultana) that Coffs Harbour City Council resolve the nomination of the Mayor, Councillor Sultana, Councillor Cowling and Councillor Degens as voting delegates for the 2015 LGNSW Conference.

GM15/16 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2015 - MOTIONS

Executive Summary:

Coffs Harbour City Council is able to submit motions to the Local Government New South Wales conference. For a motion to be included in the business paper for the conference it needs to be accompanied by evidence of its support. Such evidence should include an extract of the minutes of the meeting at which the council resolved to submit the motion for consideration by the conference. The minute relating to this report will provide such evidence should Council resolve to adopt the recommendation.

- 171 **RESOLVED** (Palmer/Degens) that:

Coffs Harbour City Council submit the following motions to the Local Government NSW Annual Conference 2015:

1. That LGNSW call on the State Government to initiate processes to review the Industrial Relations arrangements in NSW for Local Governments in particular to more closely resemble that of the Federal System.
2. That LGSW call on the State government to introduce legislation on coin operated trolleys for all commercial business in order to control the trolleys left on streets and waterways.

- 172 **MOVED** (Innes/Townley) that item GM15/17 Code of Conduct Investigation - Final Report be referred to confidential session at the end of the meeting.

SUSTAINABLE INFRASTRUCTURE DEPARTMENT REPORTS

SI15/34 WOOLGOOLGA FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN

Executive Summary:

To seek approval to place the Woolgoolga Floodplain Risk Management Study and Plan on public exhibition, as recommended by Council's Flood Risk Management Committee at their last meeting.

- 173 **RESOLVED** (Arkan/Degens) that:
1. Council approve the public exhibition of the draft Woolgoolga Floodplain Risk Management Study and Plan for a period of 40 days.
 2. A report be brought back to Council after submissions have closed.

SI15/35 PRIVATE SEWER PUMP STATION POLICY

Executive Summary:

Council approved the draft Private Sewer Pump Station Policy for public exhibition at its meeting on 11 June, 2015. Public exhibition period from 17 June 2015 to 17 July 2015 received no submissions from the community.

This report recommends that Council adopt the Private Sewer Pump Station Policy as exhibited.

- 174 **RESOLVED** (Sultana/Palmer) that Council adopt the appended Private Sewer Pump Station Policy.

**SI15/36 TRANSFER OF WATER SUPPLY EASEMENTS FOR REGIONAL
WATER SUPPLY**

Executive Summary:

Report seeking Council approval to execute transfer documents under seal to facilitate the transfer of water pipeline easements from Clarence Valley Council to Coffs Harbour City Council. The infrastructure within the easements which are in the Coffs Harbour Local Government area are currently maintained and operated by Coffs Harbour City Council.

175 RESOLVED (Palmer/Innes) that Council execute under seal Transfer of Easement in Gross documents to enable the transfer of easements described below from Clarence Valley Council to Coffs Harbour City Council in respect of the regional water supply.

Easement Description	Legal Description	Address
Easement for water pipeline 7 wide shown in DP 1065874	35/262732	1502 Orara Way, Nana Glen
	52/585632	1390 Orara Way, Nana Glen
	1/325998	1266 Orara Way, Nana Glen
	136/817177	517 Orara Way, Coramba
Easement for water pipeline variable width shown in DP 1058855	83/747280	246-246A, Upper Orara Road, Karangi
Easement for water pipeline 7 wide shown in DP 1058858	1/964148	Railway Lands, Multiple Localities
	25/1033027	6-10 Gale Street, Coramba
	3/601406	1511 Coramba Road, Coramba
	8/1007418	60 Duncans Bridge Road, Coramba
	118/752834	38 Hartleys Road, Coramba
	1/1017014	15 Hartleys Road, Coramba
	211/844797	131 Hartleys Road, Coramba
	212/844797	146 Hartleys Road, Coramba
Easement for water pipeline 7 wide shown in DP 1058855	2/632590	180 Hartleys Road, Karangi
	2/1083920	140 Upper Orara Road, Karangi
	53/752818	180 Hartleys Road, Karangi
	25/752818	60 Casuarina Lane, Karangi
	6/560766	49 Casuarina Lane, Karangi (Transgrid Substation)
	101/603409	49 Casuarina Lane, Karangi (Transgrid Substation)
	10/733368	146 Upper Orara Road, Karangi
Easement for water pipeline 7 wide shown in DP 1058855	17/250565	186 Upper Orara Road, Karangi
	16/250565	186 Upper Orara Road, Karangi
	83/747280	246-246A Upper Orara Road, Karangi

BUSINESS SERVICES DEPARTMENT REPORTS

BS15/36 WOOLGOOLGA MARINE RESCUE RELOCATION TO ARRAWARRA HEADLAND

Executive Summary:

Council, as Corporate Manager of the Woolgoolga Beach Reserve Trust, has been working with Marine Rescue Woolgoolga (MRW) and Woolgoolga Surf Life Saving Club (WSLSC) to secure suitable bases of operation for each organization. The WSLSC building no longer meets safety and operational requirements and the Trust has been assisting the club to secure an alternate location, within Woolgoolga Beach Reserve, for their clubhouse. Through ongoing discussions with WSLSC and MRW, it has been negotiated that MRW would be willing to vacate their base of operation at Woolgoolga Beach in lieu of being provided an alternate location, at no cost to their organisation, at Arrawarra Headland.

A suitable location for MRW has been found at the Arrawarra Headland Research Station which is a Crown Reserve currently under Corporate Management by the University of New England (UNE). The UNE has agreed in principle to a shared use arrangement with MRW and a Memorandum of Understanding (MOU) is currently being drafted for the shared use arrangement.

Council has consulted with Crown Lands with regards to the most appropriate and beneficial land tenure arrangements and it has been determined that the UNE would notify Crown Lands of its intent to relinquish Corporate Management of the Arrawarra Headland Research Station Trust and that Council request appointment as Corporate Manager of the Trust. The Trust would then be transferred into the Coffs Coast State Park Trust (CCSPT). The CCSPT would then issue a 10 year license to the UNE to facilitate ongoing use for educational purposes. The Crown would issue Marine Rescue NSW with a 34a license over the reserve as part of a state-wide Marine Rescue agreement.

176 **RESOLVED** (Arkan/Innes) that Council:

1. Notes the progress of negotiations with Woolgoolga Surf Life Saving Club, Marine Rescue Woolgoolga, Marine Rescue NSW, the University of New England and Crown Lands.
2. Requests Crown Lands appoint Coffs Harbour City Council as Corporate Manager of the Arrawarra Headland Research Station Trust (R82766).
3. Approves the intent to seek inclusion of the Arrawarra Headland Research Station Trust into the Coffs Coast State Park Trust, dependent upon acceptance by the Coffs Coast State Park Trust.
4. Notes the intent to issue a License to the University of New England to facilitate ongoing use of the reserve for educational purposes.
5. Notes the intent for Crown Lands to issue a License over a portion of the Reserve to Marine Rescue NSW to facilitate their relocation from Woolgoolga Beach Reserve to Arrawarra Headland.

BS15/37 BANK AND INVESTMENT BALANCES FOR JUNE 2015

Executive Summary:

The purpose is to report on Council's Bank Balances and Investments as at 30 June 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.

177 RESOLVED (Palmer/Sultana) that Council:

1. Notes the bank balances and investments (from loans, Section 94 and other avenues that form the restricted accounts and are committed for future works) totaling \$153,551,838 as at 30 June 2015.
2. Notes the General Fund unrestricted cash and investments totaling \$123,772 as at 30 June 2015.

SUSTAINABLE COMMUNITIES DEPARTMENT REPORTS

Cr Innes declared a pecuniary interest in the following item, vacated the chamber and took no part in the discussion or voting, the time being 5.11pm.

SC15/30 DEVELOPMENT APPLICATION NO. 0613/15 - BUSINESS IDENTIFICATION SIGN - LOT 2, DP801025, 150 PACIFIC HIGHWAY, COFFS HARBOUR

Executive Summary:

This report provides an assessment of Development Application 613/15 for the erection of an 11m high free standing business identification sign at Lot 2, DP801025, No. 150 Pacific Highway, Coffs Harbour. The sign is to replace an existing smaller sign in the exact same location. The application was advertised and notified to adjoining land owners. No public submissions were received in response to the public notification process. It is recommended that the application be approved subject to a number of conditions.

At its meeting of 22 August 2013, Council adopted *Development Applications - Consideration by Council Policy* which outlined:

That development applications for approval involving substantial aspects of the following elements be referred to Council for determination:

- *Significant public interest and community input;*
- *Substantial non-compliance with relevant strategic controls;*
- *Significant land use;*
- *Major environmental issue(s);*

Cont'd

SC15/30 Development Application No. 0613/15 - Business Identification Sign - Lot 2, DP801025, 150 Pacific Highway, Coffs Harbour ... (Cont'd)

Accordingly, this matter is reported to Council for determination due to substantial non-compliance with relevant strategic controls (exceeds specified height by 2.5m).

178 RESOLVED (Degens/Arkan) that:

1. The request to vary a development standard made pursuant to Clause 4.6 of Coffs Harbour Local Environmental Plan 2013 for the variation to the maximum building height under Clause 4.3(2) of Coffs Harbour Local Environmental Plan 2013 be supported in this particular case.
2. Development Application No. 0613/15 for an 11m high business identification sign at Lot 2, DP801025, No. 150 Pacific Highway, Coffs Harbour, be approved subject to the conditions provided in Attachment 3.

The **MOTION** on being put to the meeting was carried **UNANIMOUSLY**.

Cr Innes returned to the meeting, the time being 5.11pm.

SC15/31 CERTIFICATION OF THE COFFS HARBOUR BUSH FIRE PRONE LANDS MAPPING

Executive Summary:

Bush fire threat has always been a major challenge for the Coffs Harbour community and although fire has been a natural part of our landscape, it remains a complex management issue and an ever-present threat.

A review of the Bushfire Prone Lands (BFPL) mapping is a legislated requirement for Councils where a Bushfire Risk Management Plan applies in accordance with s146 of the *Environmental Planning & Assessment Act 1979 (EP&A Act)*. The BFPL mapping provides the compliance trigger under s79BA of the EP&A Act in compliance with Planning for Bushfire Protection 2006 and is an essential component of the development assessment framework.

The current BFPL mapping layer utilised by Council was created in 2004 with the additional component for the Corindi/Redrock amalgamation modified in 2008. Therefore the existing utilised BFPL mapping fails to comply with the review framework set under s146 of the EP&A Act.

A review of the BFPL mapping has been undertaken to allow the updated BFPL mapping layer to be certified by the NSW Rural Fire Service, utilising the adopted Fine-Scale Vegetation Mapping for the Coffs Harbour Local Government Area and the reviewed "Guide for BFPL mapping (October 2014) NSW RFS".

This report provides Council with details of the certification process. Certification by NSW Rural Fire Services is imminent. Once certified, the map layer will be implemented within 24 hours into Council's systems.

179 RESOLVED (Townley/Palmer) that Council note the report on the certification process of the Coffs Harbour Bushfire Prone Lands Mapping 2015.

SC15/32 NOMINATION OF AN ALTERNATE DELEGATE TO THE ARTS MID NORTH COAST BOARD

Executive Summary:

Arts Mid North Coast is the peak body for arts and cultural development across the Mid North Coast Region. It is a regional not-for-profit incorporated organisation and part of a statewide network of regional arts Boards that provide a framework for arts and cultural development across regional and rural NSW.

Councils within the Mid North Coast (including Coffs Harbour City Council) contribute financially to Arts Mid North Coast through an annual subsidy in order to have them work with local government and community to promote, plan and encourage arts activity and to explore arts and cultural development funding and opportunities.

As part of this arrangement each Council nominates a senior representative to participate on the Board.

Arts Mid North Coast held its Annual General Meeting in May 2015 with Cr Rodney Degens being successfully re-nominated as the Coffs Harbour City Council representative for the coming term.

This report seeks to nominate an alternate delegate should Cr Degens be unable to attend any meetings.

180 RESOLVED (Degens/Innes) that:

1. Council note Cr Rodney Degens as the current Arts Mid North Coast Board representative for Coffs Harbour City Council; and
2. Council appoint the Group Leader Community and Cultural Services as an alternate delegate to the Arts Mid North Coast Board.

SC15/33 CHANGE OF BUILDING NAME FROM BAYLDON COMMUNITY CENTRE TO TOORMINA COMMUNITY CENTRE

Executive Summary:

To recommend to Council the name change of the Bayldon Community Centre to the new name of Toormina Community Centre.

The Bayldon Community Centre Management Committee at their meeting held on the 24 June 2015 resolved that Council approval be sought to change the existing name of Bayldon Community Centre to Toormina Community Centre. The Management Committee is of the opinion that the name change is reasonable for the following reasons:

1. The previous suburb name of Bayldon has been absorbed into the area now known as Toormina (the suburb of Bayldon no longer exists);

Cont'd

SC15/33 Change of Building Name from Bayldon Community Centre to Toormina Community Centre ...(Cont'd)

2. Hirers and patrons of the Bayldon Community Centre have expressed confusion in locating the Bayldon Community Centre and would prefer the use of Toormina Community Centre, as it is located on Toormina Road at Toormina; and
3. Signage and marketing at the Centre is now considered dated and the Management Committee would take this name change as an opportunity to update and refresh existing signage and marketing.

Bayldon Community Centre is located at 171 Toormina Road, Toormina and provides a large hall with a licensed capacity for 100 persons, including three meeting rooms all fully utilised. The costs associated with the name change are estimated at approximately \$3,000 inclusive of new signage and shall be funded from the Committee's existing reserves.

- 181 RESOLVED** (Innes/Townley) that Council change the name of the existing Bayldon Community Centre to the new name of Toormina Community Centre.

TRUST REPORTS

T15/2 COFFS COAST STATE PARK TRUST INTERIM TRADING UPDATE

Executive Summary:

The Coffs Coast State Park Trust undertakes business operations within the State Park including the operation of Park Beach Holiday Park and Sawtell Beach Holiday Park. The report provides an update on the interim trading results for the holiday park business operations including capital expenditure for the financial year. The results are pre-audit and do not include any adjustments, workers compensation or depreciation figures. A more detailed financial report will be tabled in October after the conclusion of the annual external audit.

The interim figures are provided for information and to provide background and context for the Councillors' forthcoming State Park inspection tour.

- 182 RESOLVED** (Palmer/Innes) that Council, as Corporate Manager of the Coffs Coast State Park Trust, notes the interim end of financial year trading report and update.

T15/3 CONTRACT NO. RFT-693-TO UPGRADING OF A PORTION OF ELECTRICAL RETICULATION - PARK BEACH HOLIDAY PARK

Executive Summary:

Council as Corporate Manager of the Coffs Coast State Park Trust has called for tenders to undertake Upgrading of a portion of Electrical Reticulation - Park Beach Holiday Park. The tender was advertised on 23 June 2015 and closed on 14 July 2015.

This report recommends a preferred tender to Council, following assessment of all submissions under Council's tender evaluation process, and seeks the Trust's approval to accept a tender and award the contract.

183 RESOLVED (Degens/Palmer) that:

1. Council, as Corporate Manager of the Coffs Coast State Park Trust, accept the tender of Laser Electrical Pty Ltd for Contract No. RFT-693-TO, Upgrading of a portion of Electrical Reticulation - Park Beach Holiday Park, for the for the Lump Sum amount of \$301,615.60 including GST, on the basis that:
 - a) The tender is the most advantageous tender following the application of Council's Tender Value Selection System
 - b) The Tenderer has the necessary experience in similar works and his ability and performance are satisfactory
 - c) The Tenderer's financial capacity is acceptable
2. The contract documents be executed under the Seal of Council.

T15/4 WOOLGOOLGA BEACH RESERVE TRUST INTERIM TRADING UPDATE

Executive Summary:

The Woolgoolga Beach Reserve Trust undertakes business operations within the Woolgoolga Beach Reserve including the operation of Woolgoolga Beach Holiday Park and Woolgoolga Lakeside Holiday Park. The report provides an update on the interim trading results for the holiday park business operations including capital expenditure for the financial year. The results are pre-audit and do not include any adjustments, workers compensation or depreciation figures. A more detailed financial report will be tabled in October after the conclusion of the annual external audit.

The interim figures are provided for information and to provide background and context for the Councillors' forthcoming Reserve inspection tour.

184 RESOLVED (Innes/Palmer) that Council, as Corporate Manager of the Woolgoolga Beach Reserve Trust, notes the interim end of financial year trading report and update.

REQUESTS FOR LEAVE OF ABSENCE

No requests for leave of absence.

MATTERS OF AN URGENT NATURE

No matters of an urgent nature

QUESTIONS ON NOTICE

No questions on notice.

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 5.15 pm.

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

GM15/17 - Code of Conduct Investigation - Final Report

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

- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

The press and public vacated the chamber.

Cr Rhoades left the meeting, the time being 5.15pm.

The General Manager, Business Services and Sustainable Infrastructure Directors left the meeting, the time being 5.16pm.

GM15/17 CODE OF CONDUCT INVESTIGATION - FINAL REPORT

Cr Cowling apologised unreservedly to the Council and also apologised regarding her comments when appearing on the ABC radio on 19 December 2014.

Cr Cowling left the meeting, the time being 5.18pm.

Executive Summary:

This report is to present the findings from an independent Sole Conduct Reviewer investigation into alleged breaches of the Coffs Harbour City Council adopted Code of Conduct by Cr Nan Cowling.

186 RESOLVED (Innes/Palmer) that:

Council adopts the recommendation contained within the Conduct reviewer's investigation report, that being:

- a) That at an upcoming duly constituted Meeting of Council that Councillor Cowling be:
 - i) Formally censured by Council for breach of clause 3.1 (c) of the *Model Code of Conduct*; and
 - ii) Required to apologise unreservedly to Council; and
 - iii) Required to publicly acknowledge that her comments when appearing on the ABC radio on 19 December 2014 were improper and unethical on the basis that she knew or ought to have known her statements were untrue and/or they were made recklessly and without considering whether they were true or not.

OPEN MEETING

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

187 RESOLVED (Innes/Townley) that the Closed Session now move into Open Meeting, the time being 5.29pm.

Cr Cowling, Cr Rhoades and the General Manager returned to the meeting, the time being 5.30pm.

The Director of Sustainable Communities read to the meeting the resolution of the Closed Session.

187 RESOLVED (Palmer/Innes) that the resolution of the Closed Session be adopted.

This concluded the business and the meeting closed at 5.32 pm.

Confirmed: 27 August 2015

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Denise Knight
Mayor