

The following document is the minutes of the Council Meeting held on Thursday, 27 August 2015. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 24 September 2015 and therefore subject to change. Please refer to the minutes of the meeting of 24 September 2015 for confirmation.



COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

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

27 AUGUST 2015

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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

27 AUGUST 2015

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

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

Leave of Absence: Councillor J Arkan.

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

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

Councillor	Item	Type of Interest
Cr D Knight	SC15/34 DA No. 0136/15 - Community Facility (Surf Life Saving Club Alterations & Additions) - Lot 7003 DP 1113530, Crown Reserve 1002970, Fourth Avenue, Sawtell.	Non pecuniary - Less Than Significant Conflict

Cr B Palmer	SC15/34 DA No. 0136/15 - Community Facility (Surf Life Saving Club Alterations & Additions) - Lot 7003 DP 1113530, Crown Reserve 1002970, Fourth Avenue, Sawtell.	Non Pecuniary - Less Than Significant Conflict.
S McGrath, General Manager	MM15/2 General Manager's Performance Review 2015	Pecuniary

LEAVE OF ABSENCE

- 189** **RESOLVED** (Innes/Degens) that a leave of absence received from Councillor J Arkan for unavoidable absence be received accepted.

PUBLIC ADDRESS

Time	Speaker	Item
5.00pm	Mark Benson	BS15/40 - Rebates for Solar Installations on Commercial Properties

Cr Rhoades arrived at the meeting, the time being 5.12pm.

The General Manager declared an interest in the following item, vacated the chamber and took no part in the discussion, the time being 5.17pm.

The Director Sustainable Infrastructure assumed the Acting General Manager's role.

MAYORAL MINUTE

MM15/2 GENERAL MANAGER'S PERFORMANCE REVIEW 2015

Executive Summary:

To advise Council of the outcome of the General Manager's Performance Review, which was conducted on 29th July and 12th August 2015.

- 190** **RESOLVED** (Knight) that the outcome of the General Manager's Performance Review be noted.

The General Manager returned to the meeting, the time being 5.18pm.

CONFIRMATION OF MINUTES

- 191 **RESOLVED** (Townley/Palmer) that the minutes of the Ordinary meeting held on 13 August 2015 be confirmed as a true and correct record of proceedings.

NOTICES OF MOTION

NOM15/13 CAVANBAH CENTRE

- 192 **RESOLVED** (Cowling/Townley) to seek a report outlining the historical arrangements and outlining mechanisms for achieving an equitable rental for Coffs Harbour Senior Citizens Inc.

BUSINESS SERVICES DEPARTMENT REPORT

BS15/40 REBATES FOR SOLAR INSTALLATIONS ON COMMERCIAL PROPERTIES

Executive Summary

The purpose of this report is to provide Council with information to consider the use of Council funds allocated to the Renewable Energy Fund to offer a rate rebate as an incentive for owners of commercial properties to install solar power systems. The report will include consideration of allocating \$3,000 to \$5,000 per applicant, with a minimum system size of greater than 10kW.

- 193 **RESOLVED** (Townley/Palmer) that Council:
1. Expand the Renewable Energy Fund to include the possibility of expenditure on recipients external to Council;
 2. Endorse in principle that four rate rebates of \$5,000 each to be made available for commercial property owners for solar installations of over 10kw;
 3. Have the above included for recommendation in Year 1 of the CHERP expenditure plan as a trial.

SUSTAINABLE COMMUNITIES DEPARTMENT REPORTS

SC15/34 DEVELOPMENT APPLICATION NO. 0136/15 COMMUNITY FACILITY (SURF LIFE SAVING CLUB ALTERATIONS AND ADDITIONS) - LOT 7003 DP 1113530, CROWN RESERVE 1002970, FOURTH AVENUE, SAWTELL

Executive Summary

This report provides an assessment of Development Application 136/15 for a Community Facility (Surf Life Saving Club Alterations and Additions) at Lot 7003 DP 1113530, Crown Reserve 1002970, Fourth Avenue, Sawtell. The application was advertised and notified with opportunity to make public submissions. A total of two (2) submissions were received both objecting to the proposed development. It is recommended that the application be approved subject to a number of conditions.

At its meeting of 15 December 2005, Council resolved:

1. *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);*

Accordingly, this matter is reported to Council for determination due to the proposal involving a substantial non-compliance with relevant strategic controls (building height increasing from 9.17m to 10.14m above ground level).

194 RESOLVED (Sultana/Degens):

1. That the request 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. That Development Application No. 0136/15 for Community Facility (Surf Life Saving Club Alterations and Additions) at Lot 7003 DP 1113530, Crown Reserve 1002970, Fourth Avenue, Sawtell be approved subject to the conditions provided in Attachment 3.
3. That persons who made a submission on Development Application No. 0136/15 be informed of Council's decision.

The Motion on being put to the meeting was carried unanimously.

SC15/35 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 January to 30 June 2015) 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, all are identified as being *On Track* during the reporting period.

The report represents the 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 completion of the Spagnolos Road flood detention basin
- The opening of new lifts and public amenities at the Castle Street carpark
- Significant progress of the Jetty4Shores walkway construction
- The commencement of the harbour boat ramp upgrade
- Extensive road, bridge and cycleway works
- Delivery of environmental and sustainability initiatives
- Delivery of a range of community, economic and sporting programs.

The Six-Monthly Progress Report for the period 1 January to 30 June 2015 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 review of actions and measures in the Delivery Program.

- 195** **RESOLVED** (Degens/Palmer) that the *Six-Monthly Progress Report (for the period 1 January to 30 June 2015) on the Coffs Harbour City Council 2014-2018 Delivery Program* be adopted for public release.

SC15/36 PROVISION OF ANIMAL POUND FACILITIES - AGREEMENT RENEWAL WITH THE ROYAL SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

Executive Summary

Council's current contract arrangement with the Royal Society for the Prevention of Cruelty to Animals (RSPCA) for the provision of impounding facilities and a range of associated services has reached the end of the current contract period.

A review has been undertaken to determine the most appropriate means to fulfill Council's statutory obligations in respect to the provision of animal impounding facilities and associated required services.

In reviewing and determining the best option available to Council for the continued provision of impounding facilities, Council must have due regard to the requirements under Section 55 of the Local Government Act which requires Council to tender for services under certain conditions. The nature of the service and associated cost of the agreement would place Council in a position that would normally require a tender to be called. However Section 55 (3) does provide exceptions to that rule.

Following consideration of Section 55 of the Local Government Act, a review of the available service options and the contract service arrangements being offered by the RSPCA, it is considered that the acceptance of a new contract proposal offered by the RSPCA is the most appropriate and beneficial means to fulfill Council's statutory obligations at this time.

196 RESOLVED (Innes/Degens):

1. That Council, in accordance with Section 55(3) of the Local Government Act, resolve not to call tenders for the proposed impounding services contract due to an unavailability of providers within the local area to provide the services to the degree required.
2. That Council enter into a five year agreement with the Royal Society for the Prevention of Cruelty to Animals for the provision of companion animal impounding facilities at Dowsett Drive, Coffs Harbour, as per the confidential attachment.
3. That Council call for 'expressions of interest' within a period of 24 to 18 months prior to the expiration of the new five year agreement with the Royal Society for the Prevention of Cruelty to Animals to allow interested parties the opportunity to position themselves to provide alternative impounding service facilities and associated service options for Council's consideration.

SC15/37 COMMITTEE MEMBERSHIP - EASTERN DORRIGO SHOWGROUND AND COMMUNITY HALL COMMITTEE

Executive Summary

To recommend to Council the appointment of a community member to facility management or advisory committees.

- 197 RESOLVED** (Palmer/Townley) that Ms Cherie Mundkowski be appointed to the Eastern Dorrigo Showground and Community Hall Committee.

BUSINESS SERVICES DEPARTMENT REPORTS

BS15/38 DEVELOPER CONTRIBUTIONS PLANS REVIEW SECONDARY DWELLINGS

Executive Summary

The purpose of the report is to present amended Section 94 Developer Contributions Plans and Section 64 Development Servicing Plans to Council for consideration as a result of the Council resolution on 25 June 2015 (BS15/33) Removal of Developer Contributions for Secondary Dwellings. The 13 attached plans have been updated to include the waiver of Section 64 contributions, section 94 contributions contained in release area specific plans and to charge the LGA wide minimum Section 94 contributions for the construction of Secondary Dwellings 60 square metres or less only. The Draft Plans were placed on public exhibition for a period of 30 days concluding on 14 August 2015. One submission was received which is addressed in the "issues" section of this report. This report recommends that the plans be adopted.

- 198 RESOLVED** (Sultana/Townley) that the following Section 94 Developer Contributions Plans and Section 64 Development Servicing Plans be adopted.

1. Coffs Harbour Open Space 2015
2. Hearnese Lake / Sandy Beach Release Area 2015
3. Korora Rural Residential Release Area 2015
4. Moonee Release Area 2015
5. North Coffs Release Area 2015
6. North Boambee Valley (East) Release Area 2015
7. North Bonville 2015
8. Park Beach Area 2015
9. South Coffs 2015
10. West Coffs Harbour 2015
11. West Woolgoolga 2015
12. Water Supply Development Servicing Plan 2015
13. Wastewater Development Servicing Plan 2015

Executive Summary

The purpose is to provide Council with a status report to 30 June 2015 on the projects funded under the Environmental Levy (EL) Program and make recommendations regarding revotes for each project. The Environmental Levy Program funds environmental projects that would not otherwise be undertaken with revenue funding.

There were 32 projects including seven revoted projects that were not complete as at last year. As at 30 June 2015 two previous year projects and four current year projects are still incomplete and have requested revoting to next year. All other projects are complete.

199 RESOLVED (Palmer/Townley) that Council:

1. Notes the status of Environmental Levy projects as at 30 June 2015 as outlined in the attachment.
2. Approves the following projects' surplus funds to be returned to the Environmental Levy Reserve for allocation to future projects:

<u>Project</u>	<u>Surplus Funds</u>
KPoM Review of Koala Populations -South & West Precincts	\$23,376.62
Impact on Freshwater Ecosystems	\$1,125.42
Sustainable Management of Biodiversity in LGA	\$12,123.11
Strategic Planning - Biodiversity	\$4,390.04
Environmental Levy Coordination	\$10,771.38
Matching Grant Funding Pool	\$31,964.00
Green School Sustainability Fund 1314	\$1,999.07
Coffs Coast Sustainable Living Festival	\$2,278.44
Koala/Wildlife Corridor Bakker Dr Bonville Stage 2	\$2,539.94
Sapphire Beach & Diggers Headland Path Upgrade	\$1,181.51
Botanic Gardens Education Officer	\$1,538.29
Restoration of Grey-headed Flying-Fox Maternity Camp	\$827.15
Various projects with balances under \$10	<u>\$0.60</u>
Total	<u>\$94,115.57</u>

3. Approves funding of the 2013/14 late expenditure for the following projects from the Environmental Levy Reserve:

Yarrowarra Giriin Team – Bush Regeneration	\$4,916.00
Coffs Harbour Community Seedbank Network	<u>\$1,982.00</u>
Total	<u>\$6,898.00</u>

4. Notes that the financial result for year ended 30 June 2015 incorporates the Environmental Levy revotes as recommended in this report summarised as follows:

<u>Project</u>	<u>Revote Funds</u>
Culturally Significant Landscapes of the Coffs Harbour LGA	\$34,986.59
KPoM Review of Koala Populations -South & West Precincts (balance after recommendation 2)	\$10,000.00
Green School Sustainability Fund	\$23,186.54
Koala/Wildlife Corridor Bakker Dr Bonville Stage 2	\$2,582.40
Darkum Headland Access Rehabilitation	\$8,337.50
Woolgoolga Beach Rehabilitation Project	\$10,000.00
Total	<u>\$89,093.03</u>

5. Notes the financial result for year ended 30 June 2015 incorporates contribution, revenue and grant revotes as follows:

Orara River Rehabilitation	\$23,699.34
Coffs Coast Sustainable Living Festival	\$6,000.00
Darkum Headland Access Rehabilitation	\$8,337.51
West Coffs to CBD Cycleway (Stage 1)	\$91,001.28
Total	<u>\$129,038.13</u>

SUSTAINABLE INFRASTRUCTURE DEPARTMENT REPORTS

SI15/37 ENCROACHMENTS ONTO LANEWAY AT CORAMBA - NO. 7

Executive Summary

This is the seventh report in relation to this long running matter of some 10 years. Council at its last meeting in 2011 resolved to lodge a road closure application over the section of road upon which encroachments are located in the rear yards of Nos. 16 and 18 Thrower Avenue, Coramba.

Council has recently been notified that the road closure application it lodged in 2011 has now been refused by Crown Lands. The adjoining owner at No. 47 Gale Street still wishes to access the laneway which is his right. This leaves Council with the only option being to direct the owners of Nos. 16 and 18 Thrower Avenue to remove the encroachments from the laneway.

200 RESOLVED (Rhoades/Palmer) that Council:

1. Note the refusal by Crown Lands of the road closure application lodged over the section of laneway impacted by the encroachments.
2. Reaffirm that it has no intention to form or construct the laneway to a trafficable condition.

SI15/38 CHCC RECYCLED WATER POLICY & RECYCLED WATER MANAGEMENT SYSTEM

Executive Summary

Council approved the draft Recycled Water Policy for public exhibition at its meeting on 11 June, 2015. The Public Exhibition period ran from 1 July 2015 to 29 July 2015 and no submissions were received from the community.

This report recommends that Council adopt the Recycled Water Quality Policy as exhibited.

- 201 RESOLVED** (Palmer/Sultana) that Council adopt the Recycled Water Policy as attached.

SI15/39 WOOLGOOLGA COMMUNITY SPORTS COUNCIL RESERVE TRUST

Executive Summary

Council resolved to accept appointment as corporate management of the Woolgoolga Community Sports Council Reserve Trust at its Ordinary meeting 3 February 2005. This appointment was made for a period of five years and has since expired.

Staff have sought to obtain agreement in principle from the Department of Lands to rationalise a number of Reserves, in lieu of ongoing administration of individual reserves, so as to be able to present a more efficient management model for the Trusts consideration. The Department however is not amenable to the rationalisation of this Reserve. Accordingly the matter of re-appointment is being addressed.

The term of five years has been adopted by the Department of Trade & Investment Crown Lands as a policy to bring Corporate Managers in line with Community Trust Board appointments.

Upon expiry of the appointment management of the Trust defaults to the Minister administering the Crown Lands Acts. In such circumstances the Minister may elect to dissolve the Trust and devolve the management of the land to Council

- 202 RESOLVED** (Sultana/Innes) that Council request reappointment as Corporate Trust Manager of the Woolgoolga Community Sports Council Reserve Trust (No 140073).

SI15/40 CONTRACT NO. RFT-716-TO - GORDON STREET - HARBOUR DRIVE INTERSECTION ROAD RECONSTRUCTION, TRAFFIC SIGNALS & DRAINAGE CONSTRUCTION

Executive Summary

Council at its meeting of 24 July 2014 allocated funding from the City Wide Flood Mitigation program and from the Road Rehabilitation program to the Harbour Drive – Gordon Street reconstruction project.

At the same meeting Council entered into a Voluntary Planning Agreement with Gowing Bros to deliver the project with a cost share arrangement requiring Council to pay 66% of total project cost.

Tenders were called for the works for a Lump Sum contract with tenders closing 3:30pm on Tuesday 4 August 2015.

A critical assessment criteria for the works was full closure to traffic of the Gordon Street – Harbour Drive intersection after the WRC event (14th September 2014) and opening to traffic of the intersection prior to the peak Christmas period.

No conforming tenders were received. One non-conforming Tender was received from;

a) Ryan Earthmoving

The nature of the non-conformance was in the timing of the works.

203 RESOLVED (Degens/Innes) that Council:

1. Decline to accept any tender received for the Road reconstruction, traffic signals and drainage construction, Gordon Street-Harbour Drive intersection, Coffs Harbour; in accordance with S178(1)(b) of the Local Government Regulations;
2. Not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable contractors over and above those that have responded to this tender and will delay the project;
3. In accordance with S178(3)(e) of the Local Government Regulations, delegate authority for the General Manager to enter into negotiations with contractors that are suitably qualified and demonstrate a capability to undertake the scope of works with a view to entering into a contract in relation to the subject matter of the tender;
4. Receive a further briefing regarding the process and pathway forward on this project;
5. Receive a report back on the result of negotiations.

Executive Summary

The subject of this report is to approve the tender for the supply and installation of the Macauleys Headland Amenities Block

The existing Macauleys Headland Amenities Block at the northern end of Ocean Parade is in need of significant repairs and does not conform to current design, accessibility and safety standards.

A new amenities block has been architecturally designed to replace the existing Macauleys Headland amenities. The design has been developed to be easily reproduced at other locations. The main components are cast concrete to provide significant protection from the elements and vandalism.

204 RESOLVED (Innes/Palmer):

1. That Council accept the tender of Momentum Built Pty Ltd, ABN 32 138 854 618, for the part Lump Sum of \$299,865.28 inclusive of 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 its ability and performance are satisfactory
 - c) The Tenderer's financial capacity is acceptable
2. That the contract documents be executed under the Seal of Council.

REQUESTS FOR LEAVE OF ABSENCE

No requests for leave of absence.

MATTERS OF AN URGENT NATURE

MUN15/11 Carols by Candlelight

Cr Knight advised that, after consultation with the CBD Masterplan Committee, the Carols by Candlelight will be held this year, noting that further details/arrangements are to be finalised at the earliest convenience.

QUESTIONS ON NOTICE

No questions on notice.

This concluded the business and the meeting closed at 6.21pm.

Confirmed: 24 September 2015.

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Denise Knight
Mayor