

The following document is the minutes of the Council and Committee meeting held on 28 July 2011. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 11 August 2011 and therefore subject to change. Please refer to minutes of 11 August 2011 for confirmation.



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
28 JULY 2011

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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

28 JULY 2011

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

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

Leave of Absence: Councillor Knight

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

DISCLOSURES OF INTEREST

Disclosures of interest were tabled by Councillors concerning the following items of business:

Councillor	Item	Type of Interest
Cr Templeton	CS11/33 - Traffic Committee Report No. 3/2011	Non-Pecuniary - Less Than Significant Conflict

APOLOGY

- 157 **RESOLVED** (Templeton/Hines) that an apology received from Councillor Bonfield for unavoidable absence be received and leave be granted for the current meeting of Council.

PUBLIC ADDRESS

Time	Speaker	Item
5.00 pm	Zachary Hawke	L11/21 - Planning Proposal - Rezoning of Lot 1 DP 579511 and Lot 500 DP776362 Corner of Clarence and Pullen Streets, Woolgoolga - to allow a Supermarket
5.05 pm	Mark Daniels, Buildev	L11/21 - Planning Proposal - Rezoning of Lot 1 DP 579511 and Lot 500 DP776362 Corner of Clarence and Pullen Streets, Woolgoolga - to allow a Supermarket

MAYORAL MINUTE

MM11/5 ACKNOWLEDGMENT OF COUNTRY

The Yandaarra Aboriginal Consultative Committee has requested Council include an Acknowledgment of Country at the start of Council meetings. An Acknowledgment of Country is a way of showing awareness of and respect for the traditional Aboriginal or Torres Strait Islander custodians of the land on which a meeting or event is being held, and of recognising the continuing connection of Aboriginal and Torres Strait Islander peoples to their Country.

Many Councils, Government organisations and community groups are adopting the practice of acknowledging the traditional custodians at events, ceremonies, meetings and functions. Acknowledgment of Country can be performed by both Aboriginal and non-Aboriginal people.

As Councillors are aware, Council's current practice at civic and ceremonial events is to include an Acknowledgment of Country as part of the introduction to the particular event.

Council's Code of Meeting Practice outlines the Order of Business for council meetings. To amend the Code of Meeting Practice, Council must prepare a new draft code, place it on public exhibition, invite submissions and consider any submissions before adopting the draft code.

Until Council's Code of Meeting Practice is amended to formally record an Acknowledgment of Country, I will commence Council meetings with acknowledgment of the traditional custodians.

- 158** **RESOLVED** (Rhoades) that Council, as part of a review of its Code of Meeting Practice in the near future, formally includes an Acknowledgment of Country in the Order of Business.

CONFIRMATION AND ADOPTION OF MINUTES

- 159** **RESOLVED** (Templeton/Degens) that the minutes of the Ordinary meeting held on 14 July 2011 be confirmed as a true and correct record of proceedings.

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT

L11/21 PLANNING PROPOSAL – REZONING OF LOT 1 DP579511 AND LOT 500 DP776362 CORNER OF CLARENCE AND PULLEN STREETS, WOOLGOOLGA -TO ALLOW A SUPERMARKET

The purpose of this report is to seek Council's endorsement of the planning proposal to progress a rezoning to NSW Planning and Infrastructure (P&I) to enable the redevelopment of the former Raj Mahal Site at 39-41 Clarence Street, Woolgoolga (Lot 1 DP 579511 and Lot 500 DP 776362) for retail purposes; specifically a supermarket, and associated car parking.

The planning proposal seeks to specifically preclude small retail specialty shops by inclusion in the LEP a minimum tenancy size of 1000m² Gross Floor Area (GFA).

160 **RESOLVED** (Palmer/Arkan) that:

1. Council endorse, for the purposes of seeking a "Gateway determination" by NSW Planning and Infrastructure, the planning proposal seeking rezoning for business purposes to allow a supermarket at Lot 1 DP579511 and Lot 500 DP776362 Pullen Street, Woolgoolga.
2. Council forward the planning proposal to NSW Planning and Infrastructure, seeking endorsement of a gateway determination.
3. Council inform the proponent of Council's decision.

AMENDMENT

MOVED (Graham/Hines) that Council place the planning proposal on public exhibition for a period of at least 28 days to ensure that the attitudes of the community are considered.

VOTED FOR

Cr Hines
Cr Degens
Cr Graham

VOTED AGAINST

Cr Templeton
Cr Rhoades
Cr Palmer
Cr Arkan

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

VOTED FOR

Cr Templeton
Cr Rhoades
Cr Palmer
Cr Arkan
Cr Degens

VOTED AGAINST

Cr Hines
Cr Graham

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

GENERAL MANAGER'S REPORT

GM11/17 AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1993 - CONSTITUTIONAL ARRANGEMENTS FOR COUNCIL

To advise Councillors of recent changes to the Local Government Act by a recent Amending Act, which provide a limited opportunity for Council to make application to the Minister for Local Government in respect of certain matters relating to Council's governance and election requirements.

- 161 RESOLVED** (Graham/Degens) that Council consider the report as submitted and resolve to pursue Option 1 as set out in the issues section of this report.

AMENDMENT

MOVED (Templeton/Rhoades) that:

Council consider the report as submitted and resolve to pursue Option 2 with a proposal to reduce to seven Councillors and pursue the process in accordance with the legislative amendments.

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

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

CITY SERVICES DEPARTMENT REPORTS

CS11/33 TRAFFIC COMMITTEE REPORT NO. 3/2011

To confirm the Minutes from the Traffic Committee held on Thursday, 7 July 2011.

- 162 RESOLVED** (Palmer/Arkan) that:

T.30 - Boundary Street, Woolgoolga - Restricted Parking (R.508420 [2817217])

That '1 hour' parking be extended in Boundary Street, Woolgoolga, for 9 car park spaces, to allow short-term parking in front of The Neighbourhood Centre, as per Plan T.30.

T.31 - Nightingale Street, Woolgoolga - Parking Strategies (R.508770 [2812094])

That 'nose-in' parking be approved in Nightingale Street, Woolgoolga, opposite Market Street, subject to consultation with Woolgoolga Chamber of Commerce, as per Plan T.31.

Cont'd

T.32 - West High Street / Murdock Street, Coffs Harbour - Intersection improvements (R.509970)

That painted kerb extensions be installed at the intersection of West High Street and Murdock Street, Coffs Harbour, as shown on Plan T.32.

T.33 - Robin Street, Coffs Harbour - Parking adjacent Narranga Primary School (R.505840)

That :

1. 'No Parking' zone (8.30 - 9am and 3 - 3.30pm) in Robin Street, Coffs Harbour, be relocated further south with one extra bay to be marked adjacent the teachers' car park exit at Narranga Primary, as shown on Plan T.33.
2. Relocate disabled parking bays further north of the entrance to the teachers' car park at Narranga Primary, as shown on Plan T.33.

T.34 - Howard Street, Coffs Harbour - Traffic Management Plan- Coffs Cup (R.503110)

- (a) the temporary road closure of Howard Street, Coffs Harbour, on Thursday, 4 August 2011, between 9.00am and 6.30pm for the purpose of holding the Carlton MID Coffs Harbour Gold Cup, be advertised and providing no substantive objections are received, the closure be approved.
- (b) the organisers to liaise with affected traders/residents to obtain traders/residents approval.
- (c) the organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
- (d) the organisers be responsible for all costs associated with the temporary closure.
- (e) a traffic control plan be submitted for Hogbin Drive / Howard Street, Coffs Harbour, on Thursday, 4 August 2011.

T.35 - Harbour Drive, Coffs Harbour - Temporary Road Closure - Buskers Festival

- (a) the temporary road closure of Harbour Drive, Coffs Harbour, on Wednesday, 28 September 2011, between 6.00am and 5.00pm for the purpose of holding the Coffs Harbour International Buskers & Comedy Festival, be advertised and providing no substantive objections are received, the closure be approved.
- (b) the organisers to liaise with affected traders and obtain traders approval.
- (c) the organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
- (d) the organisers be responsible for all costs associated with the temporary closure.

Cont'd

T.36 -Coffs Harbour Cycle Club - Cycling Carnival

That the 2 day Cycling Carnival to be held by Coffs Harbour Cycle Club on 20-21 August 2011 on the following roads, be approved subject to Police approval.

- (a) starting at Glenreagh and utilising Orara Way and Bucca Road (20 August).
- (b) starting at Bonville, racing on Pine Creek Way and Gleniffer Road (21 August).

T.37 -Graham Drive, Sandy Beach - 'Give Way' sign (R.506540)

That a 'Give Way' sign be installed at the intersection of Graham Drive / Holloways Road/ Seacrest Boulevard, Sandy Beach, as per Plan T.37.

T.38 - Beach Street, Woolgoolga - Temporary Road Closure - Woolgoolga Triathlon (R.501520 [2766464])

- (a) the temporary road closure of Beach Street, Woolgoolga, on Sunday, 9 October 2011, between 5.30am and 12 noon for the purpose of holding the Woolgoolga Triathlon, be advertised and providing no substantive objections are received, the closure be approved.
- (b) the organisers to liaise with affected traders and obtain traders approval.
- (c) the organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
- (d) the organisers be responsible for all costs associated with the temporary closure and clean up.

SUPPLEMENTARY MOTION

- 163** **MOVED** (Arkan/Degens) that the matter of speed limits on Graham Drive, Sandy Beach be reviewed with reference to a uniform speed limit.

CS11/34 CONTRACT NO. RFT 493-TO FOR BUCCA ROAD - SUPPLY AND INSTALL GUARDRAIL

To report on tenders received for Contract No RFT 493-TO for Bucca Road Bucca – Supply and Install Guardrail and to gain Council approval to accept a tender.

164 RESOLVED (Hines/Templeton) that:

1. Council accept the tender of Tranex Equipment with ABN 32 780 973 036 for Contract No. RFT - 493-TO, Bucca Road Bucca, Supply and Install Guardrail for the lump sum amount of \$170,782.48, on the basis that:
 - a) The tender is the most advantageous conforming 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 has suitable systems of safety.
2. The contract documents be executed under the Seal of Council.

CORPORATE BUSINESS DEPARTMENT REPORTS

CB11/52 ASSIGNMENT OF LEASE OF HANGAR SITE - EXECUTION OF ASSIGNMENT DOCUMENTS

Seeking authority for execution of Assignment documents, related to the assignment and transfer of lease of Hangar Site (Lot 30 DP 878066) from Anandhan Naidoo to Budfont Pty Limited under Common Seal of Council.

165 RESOLVED (Hines/Degens) that all documents associated with the assignment and transfer of Lease of Lot 30 DP 878066, being Hangar Site at 20 Dakota Drive, Coffs Harbour from Anandhan Permual Naidoo to Budfont Pty Limited as Trustee for the AP Naidoo Pty Limited Superannuation Fund (Guaranteed by Anandhan Permual Naidoo) be executed under the Common Seal of Council.

CB11/53 LEASE - ARCAV AIR PTY LTD - EXECUTION UNDER COMMON SEAL OF COUNCIL

Seeking authority for execution of Lease documents, related to the grant of a lease between Council and Arcav Air Pty Ltd, under the Common Seal of Council.

166 RESOLVED (Hines/Degens) that the grant of the lease of Lot 10 DP 790102 Aviation Drive, Coffs Harbour Regional Airport to Arcav Air Pty Ltd be executed under the Common Seal of Council.

CB11/54 LEASE RENEWAL - WOOLGOOLGA NEIGHBOURHOOD CENTRE INCORPORATED - EXECUTION UNDER COMMON SEAL OF COUNCIL

Seeking authority for execution of Lease documents, related to the renewal of the lease between Council and Woolgoolga Neighbourhood Centre Incorporated, under the Common Seal of Council.

- 167 RESOLVED** (Hines/Degens) that the lease renewal in respect of the leasing of Lot 116 DP 752853 (being the premises known as "Marsh House" at 35 Beach Street, Woolgoolga) to Woolgoolga Neighbourhood Centre Incorporated be executed under the Common Seal of Council.

CB11/55 ASSIGNMENT OF LEASE - LUBANS PROJECTS PTY LTD TO MURPHY - EXECUTION UNDER COMMON SEAL OF COUNCIL

Seeking authority for execution of a Deed of Consent to Assignment of Lease under the Common Seal of Council.

- 168 RESOLVED** (Hines/Degens) that all necessary documents related to the Assignment of Lease from Lubans Projects Pty Ltd to John D Murphy in respect of Lot 27 DP 837021, 14 Dakota Drive Coffs Harbour Regional Airport be executed under the Common Seal of Council.

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORTS

L11/18 'OUR LIVING COAST' SUSTAINABILITY INITIATIVE

The purpose of this report is to update progress of the grant funded "Our Living Coast" regional sustainability initiative, and to seek Council's endorsement of the proposed on ground works projects.

- 169 RESOLVED** (Arkan/Degens) that:
1. Council endorse the two proposed on ground works projects titled:
 - a) Coffs Harbour Coastal Headlands Environmental Protection, Education and Ecotourism Project, and
 - b) Woolgoolga Lake Flying Fox camp restoration projectto a combined value of \$305,000 from the "Our Living Coast" sustainability initiative being conducted in partnership with Bellingen and Nambucca Shire Councils, with funding from the NSW Environmental Trust.
 2. A further report be provided to Council at a later date to update progress of the Our Living Coast program.

L11/19 CITY WIDE VEGETATION MAPPING AND DRAFT PRIORITY HABITATS AND CORRIDORS STRATEGY - UPDATE

To provide Council with a progress report regarding the preparation, strategic implementation and public consultation requirements to progress Coffs Harbour City Council's new

- Class 5 vegetation mapping across the Coffs Harbour local government area (LGA); and
- *Priority Habitats and Corridors Strategy 2010 – 2030* (PHACS).

170 RESOLVED (Arkan/Graham) that a further report be brought back to Council later this year seeking adoption of the draft Class 5 Vegetation mapping for the purposes of public exhibition.

L11/20 PLANNING PROPOSAL – REZONING FOR RESIDENTIAL PURPOSES LOT 61 DP 852851 BACKHOUSE STREET WOOLGOOLGA

The purpose of this report is to seek Council's endorsement of the planning proposal to progress the matter to NSW Planning and Infrastructure (P&I) to enable the subject land to be rezoned from Rural 1A Agriculture to Residential 2A Low Density to enable the development of 57 residential lots.

171 RESOLVED (Arkan/Palmer) that:

1. Council endorse, for the purposes of seeking a "Gateway determination" by NSW Planning and Infrastructure, the planning proposal seeking rezoning for residential purposes at Lot 61, DP 852851 Backhouse Street, Woolgoolga.
2. Council forward the planning proposal to NSW Planning and Infrastructure, seeking endorsement of a gateway determination.
3. Council inform the landowner of Council's decision.

VOTED FOR

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

VOTED AGAINST

Nil

MATTERS OF AN URGENT NATURE

MUN11/11 Family Music Entertainment Event

Cr Degens requested that Council fund the Family Music Entertainment Event at the Jetty Shopping Centre \$10000 as part of matching funding to that proposed by member businesses of the Jetty Business Group. The proceeds are to be used to provide quality local music entertainment at the Jetty Precinct during the World Rally Championship held at Coffs Harbour from 8 to 11 September 2011.

Cr Degens requested that this matter be dealt with by Council at this meeting.

MOTION

- 172 **MOVED** (Hines/Graham) that the business be transacted despite the lack of notice and referencing Clause 5.6(3)(a) of Coffs Harbour City Council's Code of Meeting Practice.

Despite the passing of Resolution 172, the Mayor ruled that the matter was not of great urgency in accordance with Clause 5.6(3)(b) of Coffs Harbour City Council's Code of Meeting Practice and the matter was taken on notice for report to Council.

MUN11/12 Council's Investments

Cr Templeton questioned whether Council has strategies to mitigate risk on its investments should the United States lose its triple A rating.

The General Manager took the matter on notice.

MUN11/13 World Rally Championship Update

Cr Hines requested an urgent update of what the plans are for the World Rally Championship in terms of entertainment.

The General Manager took the matter on notice.

MUN11/14 Sale of the Copper Chrome Arsenate Plant

Cr Graham raised the issue of the sale of the copper chrome arsenate timber treatment plant at Lowana and wanted to ensure that Council undertakes actions to ensure that ratepayers do not assume the burden of rehabilitating the site.

The General Manager took the matter on notice.

MUN11/15 Resolutions Relating to Land Development Within the City Centre

Cr Graham raised that undertakings given to Councillors to provide resolutions relating to land development within the city centre, have not been received to date.

The General Manager took the matter on notice.

The LGA Conference is in late October, Councillors need to submit any notices of motion to the conference to the General Manager by 3 August to have them formulated into a report which will come back to Council 11 August 2011.

This concluded the business and the meeting closed at 6.45 pm.

Confirmed: 11 August 2011

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Keith Rhoades AFSM
Mayor