

The following document is the minutes of the Council and Committee meeting held on 13 October 2011. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 27 October 2011 and therefore subject to change. Please refer to minutes of 27 October 2011 for confirmation.



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
13 OCTOBER 2011

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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

13 OCTOBER 2011

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

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

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 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	CB11/68 - Proposed Sale of 23-31 Gordon Street, Coffs Harbour	Non Pecuniary - Less than Significant Conflict

PUBLIC FORUM

Time	Speaker	Item
5.00 pm	Patty Delaney Cancer Council	Smoke-Free Outdoor Areas

CONFIRMATION AND ADOPTION OF MINUTES

- 201** **RESOLVED** (Templeton/Degens) that the minutes of the Ordinary meeting held on 22 September 2011 be confirmed as a true and correct record of proceedings.

RESCISSION MOTION

RM11/2 ELECTION - DEPUTY MAYOR

- 202** **RESOLVED** (Templeton/Bonfield) that:

Resolution 196 of Ordinary meeting held on 22 September regarding item GM11/21, Election of Deputy Mayor, and reading as follows, be rescinded:

That Council elect all five Councillors as Deputy Mayor for the ensuring 12 months, the term of office to be divided equally.

- 203** **RESOLVED** (Palmer/Bonfield) that Council elect a Deputy Mayor for the ensuring twelve (12) months.

AMENDMENT

MOVED (Graham/Degens) that Council elect a Deputy Mayor for a period of 10 weeks.

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

FORESHADOWED AMENDMENT

MOVED (Bonfield/Graham) that Council does not elect a Deputy Mayor.

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

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

- 204** **RESOLVED** (Templeton/Degens) that nominations be called and the method of election be open voting.

The General Manager advised that nominations had been received from the following Councillors:

Cr Knight
Cr Degens
Cr Arkan (withdrawn at meeting)
Cr Hines (withdrawn at meeting)
Cr Graham

Cont'd

RM11/12 Election - Deputy Mayor ...(Cont'd)

- 205 RESOLVED** (Templeton/Degens) that the election of Deputy Mayor be conducted in accordance with the Local Government Act 1993.

The General Manager advised as a result of the open voting for the first nomination of Cr Knight the results were 6 votes to 3 and therefore declared Cr Knight duly elected to the Deputy Mayor's role until the elections in September 2012.

GENERAL MANAGER'S REPORTS

GM11/22 AGENDA ITEMS FOR BUSINESS PAPER

Clause 5.2 (2) of Council's Code of Meeting Practice (Local Government (General) Regulation 2005) provides:

The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business) would be unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.

I advise having received a notice of Rescission Motion in respect of elements of the business of Council conducted at a meeting during July of 2011. In light of the time that had elapsed since the original transaction of the business and the actions that had been undertaken in implementing the resolution of Council, brief legal advice was sought to confirm the lawfulness of the Rescission Motion.

In light of the subsequent advice received, a decision has been made not to include the matter on the Business Paper for this meeting of Council as the advice has confirmed that the Rescission Motion can have no effect and should not be included in the Council papers.

- 206 RESOLVED** (Arkan/Templeton) that the information be noted.

GM11/23 DISCLOSURE OF INTEREST RETURNS BY COUNCILLORS AND DESIGNATED PERSONS

To table the Register of Returns received in accordance with s450A Local Government Act 1993

- 207 RESOLVED** (Palmer/Arkan) that the Register of Disclosures by Councillors and designated persons for the period July 2010 – June 2011, as tabled, be noted.

GM11/24 NOTICE OF DRAFT POLICY TO BE PLACED ON PUBLIC EXHIBITION - COUNCILLOR EXPENSES AND FACILITIES POLICY

To advise Council and the community of the public exhibition of the draft Councillor Expenses and Facilities policy.

In accordance with Section 252 of the Local Government Act 1993, (the Act) Council is required within five (5) months after the end of each financial year to adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor and Councillors in relation to discharging the functions of civic office.

In accordance with Section 253(5) of the Act if there are anything other than minor changes, the policy is to be advertised allowing for at least 28 days for public submissions.

208 RESOLVED (Arkan/Palmer) that:

1. In accordance with Section 253(5) of the Local Government Act 1993, Council gives public notice of its intention to adopt the Councillor Expenses and Facilities Policy as attached and allow at least 28 days for the making of public submissions.
2. Following the exhibition period, Council considers a further report including a summary of any submissions received.

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209 RESOLVED (Palmer/Templeton) that:

1. In accordance with Section 253(5) of the Local Government Act 1993, Council gives public notice of its intention to adopt the Councillor Expenses and Facilities Policy as attached and allow at least 28 days for the making of public submissions.
2. Following the exhibition period, Council considers a further report including a summary of any submissions received.

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT

L11/25 BUSINESS CENTRES HIERARCHY REVIEW AND DRAFT COFFS HARBOUR LOCAL ENVIRONMENTAL PLAN 2011

The purpose of this report is to present the Discussion Paper for the Coffs Harbour Business Centres Hierarchy Review to Council and to seek Council's approval to exhibit the document.

The key finding of the Discussion Paper is that a Business Centres Hierarchy is both appropriate and extremely important for long term growth of Coffs Harbour as a regional city. The Discussion Paper makes recommendations to strengthen the existing Business Centres Hierarchy, which is designed to protect the primacy of the Coffs Harbour City Centre Central Business District (CBD). It further recommends modifications to draft Coffs Harbour Local Environmental Plan (LEP) 2011 that could assist to strengthen this hierarchy.

210 RESOLVED (Bonfield/Hines) that:

1. Coffs Harbour City Council exhibit the Discussion Paper for the Coffs Harbour Business Centres Hierarchy Review for a period of 28 days.
2. Two community shopfront information sessions be arranged; one in the Council Chamber and one in Woolgoolga, during the Discussion Paper's public exhibition period. Dates of these sessions are to be advertised in advance in the local paper.
3. The Business Centres Hierarchy Review be finalised (taking into account submissions received during the exhibition of the Discussion Paper) and reported to Council.
4. Council acknowledge the findings of this Discussion Paper for the purpose of weighting assessments of any Development Applications which may be lodged under the soon to be 'made' City Centre Local Environmental Plan and Development Control Plan.
5. The exhibition of the City-wide draft Coffs Harbour Local Environmental Plan 2011 and Development Control Plan be delayed to allow them to be amended to incorporate recommendations from the adopted Business Centres Hierarchy Final Report.
6. Council negotiate with NSW Planning and Infrastructure to revise the timeframe for delivery of draft Coffs Harbour Local Environmental Plan 2011 in order to allow it to be updated in accordance with findings of the adopted Business Centres Hierarchy Final Report.
7. Council negotiate with NSW Planning and Infrastructure seeking to secure the second installment of funding from the Acceleration Fund to accord with a revised timeframe for delivery of the draft Coffs Harbour Local Environmental Plan 2011.

VOTED FOR

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

VOTED AGAINST

Nil

CITY SERVICES DEPARTMENT REPORTS

CS11/40 SUPPLY OF ASPHALT EX-BIN

The purpose of this report is to confirm the purchasing arrangements for the supply of asphalt ex-bin against the legislative requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

211 RESOLVED (Templeton/Arkan) that:

1. In accordance with Section 55 (3) of the Local Government Act 1993 that Council resolve to not to invite tenders for the supply of asphalt ex-bin for the following reasons:
 - a. That a satisfactory result would not be achieved by inviting tenders.
 - b. There is only one supplier of asphalt within Coffs Harbour.
 - c. Alternative suppliers are not within a driving distance to be competitive for the supply of small ex-bin quantities of asphalt for road maintenance.
2. Council maintain a “point of sale” contractual arrangement for the supply of asphalt ex-bin for the following reasons:
 - a. To maintain flexibility in obtaining quotations from multiple suppliers for the supply of asphalt for larger quantities where there is a financial advantage to Council.
3. The above arrangement be reviewed on an annual basis or as the market for the supply of asphalt into Coffs Harbour changes.

CS11/41 TRAFFIC COMMITTEE REPORT NO. 4/2011

To confirm the Minutes from the Traffic Committee held on Thursday, 29 September 2011.

212 RESOLVED (Arkan/Palmer) that:

T.39 – Second Avenue, Sawtell – 1 Hour Parking (R.501550 {2886796})

That approval for one (1) hour parking (8:30am – 6:00pm Mon-Fri & 8:30am – 12:30pm Sat) restrictions be installed on the northern side of Second Avenue, Sawtell, between First Avenue and Kidd Lane, as per Plan T.39.

T.40 - Salamander Street / Victoria Street - Coffs Harbour Public School - Parking issues (R.505860 [2868050])

That approval for linemarking and signage for 60° nose to kerb parking in Salamander Street, Coffs Harbour, west from Victoria Street to Albany Street, as per Plan T.40.

Cont'd

CS11/41 Traffic Committee Report No. 4/2011 ...(Cont'd)

T.41 – 1640 Eastern Dorrigo Way, Ulong - Mirror at driveway (R.506170 {2450057})

That no action be taken to install a mirror adjacent the driveway at 1640 Eastern Dorrigo Way, Ulong, as there is adequate sight distance and warrants do not meet RTA standards.

T.42 – Watsonia Avenue, Coffs Harbour – Speed Limit (R.506040 {2870293})

That no action be taken to reduce the speed limit in Watsonia Avenue, Coffs Harbour, as traffic counts indicate there is no evidence of speed being an issue.

T.43 –Korora Public School James Small Drive. “No Stopping” sign (R. 502780 {2853399})

That the “No Stopping” sign in James Small Drive, Korora, be moved north to the end of the grass area approximately 10 metres adjacent to boundary of 39 James Small Drive and additional “No Stopping” signs to be installed at approximately 30 metres apart, as per plan T.43.

T.44 - Harbour Drive, Coffs Harbour - Temporary Road Closure - Santa's Arrival and 'Lighting of the Christmas Tree (R.501520 / 1618)

- (a) That the temporary road closure of Harbour Drive, Coffs Harbour, on Thursday, 1st December 2011, between 4.00pm and 8.00pm for the purpose of Santa's Arrival and the 'Lighting of the Christmas Tree', 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.

T.45 - Harbour Drive, Coffs Harbour - Temporary Road Closure - Sesquicentennial Celebrations

- (a) That the temporary road closures of the following roads for a float procession in association with the Sesquicentenary Celebrations on Sunday, 20 November 2011, be advertised and providing no substantive objections are received, the closure be approved.
 - Edinburgh Street, Coffs Harbour (Harbour Drive to Nile Street) between the hours of 8.00am and 11.00am.
 - Harbour Drive, Coffs Harbour, from Edinburgh Street to Marina Drive (Jetty Strip), between the hours of 10.00am to 11.30am.
 - Jordan Esplanade, Coffs Harbour, between the hours of 10.30am - 11.30am.

Cont'd

CS11/41 Traffic Committe Report No. 4/2011 ...(Cont'd)

- (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.

T. 46 - Edgar Street (R. 504390) Murdock Street (R. 505370) Earl Street (R. 503120) and Albany Street (503600) - Community Transport 'No Parking' zones

That 'No Parking' signs (8.00am - 6.00pm weekdays) be installed at the following locations.

- Adjacent Northside Medical Centre, Corner Edgar Street and north of the ramp on intersection of Collingwood Street for one parallel parking space, as per plan T.46.
- Adjacent Medical Centre, Murdock Street for one parallel parking space, as per plan T.46.
- Adjacent Sullivan Nicolaides Pathology, Earl Street for one parallel parking space, adjacent car park driveway, as per plan T.46.
- Adjacent driveway of Podiatry Clinic, and in front of the Eye Clinic adjacent car park driveway in Albany Street, as per plan T.46.

T.47 - Korora School Road, Korora - "No Parking" signs (R.503140 [2901173])

That "No Parking" zone on eastern side of Korora School Road be replaced with "No Stopping" signs, as per plan T.47.

T.48 – Harbour Drive, Coffs Harbour -, Speed Zone review

That a letter of support for a speed zone review to 40km/h in Harbour Drive, Coffs Harbour, between Earl Street and Curacoa Street, adjacent the new Coles Supermarket be submitted to the Roads & Traffic Authority, together with a plan of the proposal.

CORPORATE BUSINESS DEPARTMENT REPORTS

CB11/64 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

To make recommendation to Council in relation to its response to the Australian Government's movement towards constitutional recognition of local government.

- 213** **RESOLVED** (Palmer/Arkan) that Council make a submission to the Expert Panel on the Constitutional Recognition of Local Government and that this be in the form of support for the ALGA position, ie the financial recognition of Local Government in the Constitution, which will allow the Commonwealth to directly fund local Government.

CB11/65 FINANCIAL RESULT FOR YEAR ENDED 30 JUNE 2011

To report on the final results of the financial position of various activities to the year ended 30 June 2011.

214 RESOLVED (Knight/Graham) that:

1. The estimated results for the financial year 2010/11 be noted as follows:

	\$	
General Account	203,391	surplus
Water Account	(6,267,919)	deficit
Sewer Account	(2,376,516)	deficit

2. The various revotes from 2010/2011 to 2011/2012 as detailed in Attachment D as follows, be adopted.

SUMMARY	REVOTE \$	FUNDING			
		Revenue \$	External \$	Environmental Levy \$	Restricted Equity \$
General Account	29,496,614	2,247,977	3,455,977	461,909	23,330,751
Water Account	3,626,080	518,312			3,107,768
Sewer Account	9,520,892	437,269			9,083,623

CB11/66 CONDUCT OF AUDITS - SECTION 355 FACILITY MANAGEMENT COMMITTEES

To provide Council with details of the audit of the financial records of Council's Section 355 facility management committees for the year ended 30 June 2011.

215 RESOLVED (Templeton/Palmer) that the report on the audit of the Section 355 facility management committees be noted.

CB11/67 COFFS COAST STATE PARK TRUST AND WOOLGOOLGA BEACH RESERVE TRUST ANNUAL TRADING REPORT 2010-2011

To report on the trading performance of the Coffs Coast State Park Trust and Woolgoolga Beach Reserve Trust Caravan and Holiday Park operations for the period 1 July 2010 to 30 June 2011.

216 RESOLVED (Palmer/Degens) that:

1. Council, as Corporate Manager of the Coffs Coast State Park Trust, note the unadjusted 2010/11 Annual Trading Report for the Coffs Coast State Park Trust, and
2. Council, as Corporate Manager of the Woolgoolga Beach Reserve Trust, note the unadjusted 2010/11 Annual Trading Report for the Woolgoolga Beach Reserve Trust.

QUESTIONS ON NOTICE

QON11/6 Public Toilet Renovations Update

Councillor Rodney Degens asked the following question:

Could Council provide a progress update on the public toilet upgrade / renovations?

Staff Comment:

Investigations have commenced into the best option to revamp/replace the toilets in the Park Avenue Car Park. City Services are researching the location of services to assist in determining the best outcome.

Options being considered are:

1. Upgrade the existing facility.
2. Demolish and replace in the same footprint.
3. Demolish and build on a slightly different footprint.
4. Replace with pre-fabricated systems.

Works will most likely take place early in the new year after the school holidays.

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 6.17 pm.

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

CB11/68 - Proposed Sale of 23 - 31 Gordon Street, Coffs Harbour

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

- (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, or
 - (iii) reveal a trade secret.

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

The press and public vacated the chamber.

The Director of Land Use, Health and Development left the meeting, the time being 6.18pm.

CB11/68 PROPOSED SALE OF 23-31 GORDON STREET, COFFS HARBOUR

To obtain Council approval for the sale of 23-31 Gordon Street, Coffs Harbour.

218 MOVED (Bonfield/Palmer) that in light of the potential significant benefits to the city of Coffs Harbour:

1. Council seek advice from a suitably qualified lawyer with property law accreditation from council's legal panel as to the form of a appropriate contract for the sale of 23-31 Gordon Street, Coffs Harbour and this information be presented for Council's further consideration at a meeting of Council as soon as possible.
2. Council handle the matter as openly and transparently as is commercially possible.

The Resolution on being put the meeting was carried unanimously

OPEN MEETING

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

219 RECOMMENDED (Bonfield/Knight) 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 7.25 pm.

Confirmed: 27 October 2011

.....
Keith Rhoades AFSM
Mayor