

The following document is the minutes of the Council meeting held on 27 October 2016. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 10 November 2016 and therefore subject to change. Please refer to minutes of 10 November 2016 for confirmation.



MINUTES

COFFS HARBOUR CITY COUNCIL COUNCIL MEETING COUNCIL ADMINISTRATION BUILDING CNR COFF AND CASTLE STREETS, COFFS HARBOUR ON THURSDAY, 27 OCTOBER 2016 AT 5.00PM

PRESENT: Cr Denise Knight, Cr Michael Adendorff, Cr Paul Amos, Cr John Arkan, Cr George Cecato, Cr Keith Rhoades, Cr Jan Strom, Cr Tegan Swan, Cr Sally Townley

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

REQUESTS FOR LEAVE OF ABSENCE Nil

OPENING OF ORDINARY MEETING

The meeting commenced at 5:00 pm with the Mayor, Cr D Knight in the chair.

ACKNOWLEDGEMENT OF COUNTRY

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.

STATEMENT IN RELATION TO RECORDING OF MEETINGS

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

Councillor	Items	Type of Interest
Cr Jan Strom	SC16/54 Development Application No. 0043/17 – Office addition, shop reconfiguration/reconstruction and associated car parking – 63 Harbour Drive (Lot1, DP796866), 31 Vernon Street, (Lot1, DP421199), 35-61 Harbour Drive, Coffs Harbour	Non-Pecuniary - Less Than Significant Conflict as she has an interest in two properties in the CBD.
Cr John Arkan	SC16/55 Development Application No.0983/16 – Place of public worship (Addition) – Lot 1, DP116111, No. 1-13 River Street, Woolgoolga	Non-Pecuniary - Less Than Significant Conflict as he lives next door.

APOLOGIES

No apologies.

PUBLIC ADDRESSES

No public addresses.

PUBLIC FORUM

No public forum.

MAYORAL ACTIONS UNDER DELEGATED AUTHORITY

No Mayoral actions under delegated authority.

CONFIRMATION OF MINUTES**2016/212 RESOLVED (Cr John Arkan / Cr Michael Adendorff)**

That the minutes of the Ordinary Meeting held on 13 October 2016 be confirmed.

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

CARRIED

GENERAL MANAGER'S REPORTS**GM16/18 LOCAL GOVERNMENT REFORM - JOINT ORGANISATIONS UPDATE - BOUNDARIES****EXECUTIVE SUMMARY**

On 16 September 2016 the Minister for Local Government, the Hon. Paul Toole issued a four page paper titled 'Joint Organisations: Getting the boundaries right' (attachment 1), seeking feedback. Primarily the JO boundaries paper finalises criteria for setting JO boundaries.

Throughout the Joint Organisation (JO) development process and consultation with Councils the JO boundary for the proposed North Coast JO has included Coffs Harbour City, Clarence Valley, Bellingen and Nambucca Shire Council areas. At this late stage of the process the State Government is now proposing an expanded North Coast JO to also include Port Macquarie-Hastings and Kempsey Shire Councils.

Port Macquarie-Hastings and Kempsey Shire Councils were originally to be part of the proposed Mid-North Coast JO, together with Great Lakes, Greater Taree City and Gloucester Shire Councils. However, the recent amalgamation of the Great Lakes, Greater Taree City and Gloucester Shire Councils to form the new Mid-Coast Council, with its proposed inclusion as part of the Hunter JO, has left only two Councils remaining for inclusion in the Mid-North Coast JO. The State Government has determined this is unviable and has therefore proposed the expanded North Coast JO.

This report explores the JO boundaries paper and proposes that Council provides a submission expressing its concerns with the proposed expanded North Coast JO boundaries and supporting the original boundaries. However, it is also recommended that Council continues to support the JO concept to ensure that, in whatever form JOs are constituted, Council is able to have input to deliver the best outcome possible for its community.

RECOMMENDATION:

That Council:

1. Receives and notes the report; and
2. Provides a submission outlining Council's concerns as detailed in the Issues Section of this report.

2016/213 RESOLVED (Cr John Arkan / Cr Sally Townley)

That Council:

1. Receives and notes the report; and
2. Provides a submission outlining Council's concerns as detailed in the Issues Section of this report, in particular in so far as a JO allows participation by councils who do not share an identity of interest with Coffs Harbour.
3. Indicates in the strongest terms its preference for a JO that is confined to the original proposal for the North Coast JO, that being the Councils of Coffs Harbour, Nambucca, Bellingen and Clarence Valley.

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

CARRIED

GM16/19 DELEGATION TO THE GENERAL MANAGER**EXECUTIVE SUMMARY**

The Local Government Act (the Act) s377 enables Council by resolution to delegate to the General Manager any of the functions of council, other than those functions expressly excluded under s377(1) of the Act. The General Manager is then able to sub-delegate functions to the appropriate council staff performing these roles and in accordance with position descriptions.

The recent amendment to the Local Government Act included an amendment to s377.

RECOMMENDATION:

That Council:

1. Delegate to the General Manager, Stephen Charles McGrath, the functions of the Council under Section 377 of the Local Government Act as amended from time to time.
2. Authorises the Mayor to sign the instrument of delegation on behalf of Council.
3. For the period 27 October 2016 and ongoing appoint one of: Director Business Services, Director Sustainable Infrastructure, Director Sustainable Communities to act as General Manager if the General Manager is sick or otherwise absent from work on leave. Such appointment to cease upon the return to work of the General Manager or other resolution of the Council.
4. Delegate to any person acting as General Manager pursuant to this resolution all the functions, delegations, and sub-delegations given to the General Manager by the Council.

MOTION

(Cr Sally Townley / Cr Jan Strom)

That this item be deferred pending a comprehensive briefing for Councillors.

AMENDMENT

(Cr Keith Rhoades / Cr George Cecato)

That Council:

1. Delegate to the General Manager, Stephen Charles McGrath, the functions of the Council under Section 377 of the Local Government Act as amended from time to time.
2. Authorises the Mayor to sign the instrument of delegation on behalf of Council.
3. For the period 27 October 2016 and ongoing appoint one of: Director Business Services, Director Sustainable Infrastructure, Director Sustainable Communities to act as General Manager if the General Manager is sick or otherwise absent from work on leave. Such appointment to cease upon the return to work of the General Manager or other resolution of the Council.
4. Delegate to any person acting as General Manager pursuant to this resolution all the functions, delegations, and sub-delegations given to the General Manager by the Council.

Cr Arkan gave notice of a Foreshadowed Amendment.

Cr Rhoades then withdrew his amendment and the foreshadowed amendment became the Amendment.

AMENDMENT

2016/214 RESOLVED (Cr John Arkan / Cr Michael Adendorff)

That Council:

1. Delegate to the General Manager, Stephen Charles McGrath, the functions of the Council under Section 377 of the Local Government Act as amended from time to time,.
2. Authorises the Mayor to sign the instrument of delegation on behalf of Council.
3. For the period from 27 October 2016 and ongoing appoint one of: Director Business Services, Director Sustainable Infrastructure, Director Sustainable Communities to act as General Manager if the General Manager is sick or otherwise absent from work on leave. Such appointment to cease upon the return to work of the General Manager or other resolution of the Council.
4. Delegate to any person acting as General Manager pursuant to this resolution all the functions, delegations, and sub-delegations given to the General Manager by the Council.
5. That this matter be brought back in twelve months time.
6. That a comprehensive briefing for Councillors be undertaken as soon as possible.

For: Crs Knight, Adendorff, Amos, Arkan, Cecato, Rhoades, Strom and Swan

Against: Cr Townley

The **Amendment** on being put to the meeting was carried. It then became the MOTION.

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

CARRIED

DIRECTORATE REPORTS - BUSINESS SERVICES

BS16/36 PROPOSED REVOTES FOR THE YEAR ENDED 30 JUNE 2016

EXECUTIVE SUMMARY

This report summarises the proposed unspent funds to be carried forward or revoted from the 2015/16 Operational Plan budgets into the 2016/17 Operational Plan budgets. These revotes are necessary due to a variety of reasons, including timing (project spans financial years), contractual obligations, commitments or monies held aside for specific purposes. Council's Leadership Team have reviewed all revotes to minimise their extent.

2016/215 RESOLVED (Cr Paul Amos / Cr Jan Strom)

That Council adopt the revotes from 2015/2016 to 2016/2017 as detailed in the attachment and summarised below.

Summary	Revote (\$)	Funding			
		Revenue (\$)	External (\$)	Environmental Levy (\$)	Restricted Equity (\$)
General Fund	18,819,614	3,824,118	6,924,570	86,060	7,984,866
Water Fund	0	0	0	0	0
Sewer Fund	420,712	0	50,906	0	369,806
Total	19,240,326	3,824,118	6,975,476	86,060	8,354,672

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

CARRIED

NOTICES OF MOTION – SUSTAINABLE COMMUNITIES**NOM16/23 FORMATION OF AGRICULTURAL ADVISORY COMMITTEE****MOTION:**

Councillor Swan has given notice of her intention to move the following:

"That Council investigate the formation of an Agricultural Advisory Committee."

MOTION**2016/216 RESOLVED (Cr Tegan Swan / Cr Sally Townley)**

That this matter be deferred to coincide with the next reported phase of the Rural Lands Strategy.

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

CARRIED

DIRECTORATE REPORTS - SUSTAINABLE COMMUNITIES

SC16/54 DEVELOPMENT APPLICATION NO. 0043/17 - OFFICE ADDITION, SHOP RECONFIGURATION/RECONSTRUCTION AND ASSOCIATED CAR PARKING - 63 HARBOUR DRIVE (LOT 1, DP796866), 31 VERNON STREET, (LOT 1, DP421199), 35-61 HARBOUR DRIVE, COFFS HARBOUR

EXECUTIVE SUMMARY

This report provides an assessment of Development Application 0043/17 for construction of additional office space, associated car parking and reconfiguration/reconstruction of approved shop areas at 63 Harbour Drive (Lot 1, DP796866), 31 Vernon Street (Lot 1, DP421199) and 35-61 Harbour Drive (Lots 1/3, Part Lot 4, Section 8, Lot 6, Section 7, DP 758258, Lot 6, DP 721353 & Lot 1, DP 43845) Coffs Harbour.

The development proposes variation to the height standard specified under Coffs Harbour Local Environmental Plan 2013.

Accordingly, this matter is reported to Council for determination as the proposal incorporates a variation greater than 10% to the specified height standard.

2016/217 RESOLVED (Cr John Arkan / Cr Keith Rhoades)

That Council:

1. Support the request to vary a development standard made pursuant to Clause 4.6 of Coffs Harbour Local Environmental Plan 2013 for variation to the maximum building height under Clause 4.3(2) of Coffs Harbour Local Environmental Plan 2013 in this particular case.
2. Approve Development Application No. 0043/17 for an Office Addition, Associated Car Parking and Shop Reconfiguration/Reconstruction at 63 Harbour Drive (Lot 1, DP796866), 31 Vernon Street (Lot 1, DP421199) and 35-61 Harbour Drive (Lots 1/3, Part Lot 4, Section 8, Lot 6, Section 7, DP 758258, Lot 6, DP 721353 & Lot 1, DP 43845) Coffs Harbour, subject to the conditions provided in Attachment 3.

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

CARRIED

SC16/55 DEVELOPMENT APPLICATION NO. 0983/16 - PLACE OF PUBLIC WORSHIP (ADDITION) - LOT 1, DP116111, NO. 1-13 RIVER STREET, WOOLGOOLGA

EXECUTIVE SUMMARY

This report provides an assessment of Development Application 0983/16 for the enclosing of a second storey terrace for the purpose of creating additional storage for the operation of the Sikh Temple at Lot 1, DP116111, No. 1-13 River Street, Woolgoolga.

The development proposes variation to the height standard specified under Coffs Harbour Local Environmental Plan 2013.

Accordingly, this matter is reported to Council for determination as the proposal incorporates a variation greater than 10% to the specified height standard.

2016/218 RESOLVED (Cr John Arkan / Cr Tegan Swan)

That Council:

1. Support 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 in this particular case.
2. Approve Development Application No. 0983/16 for an addition for the purpose of storage to the Sikh Temple at Lot 1, DP116111, No. 1-13 River Street, Woolgoolga, subject to the conditions provided in Attachment 3.

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

CARRIED

NOTICES OF MOTION – SUSTAINABLE INFRASTRUCTURE**NOM16/24 INVESTIGATION INTO OPTIONS FOR BULKY GOODS WASTE****2016/219 RESOLVED (Cr Sally Townley / Cr Jan Strom)**

Councillor Townley has given notice of her intention to move the following:

"That CHCC work with Nambucca Shire Council and Bellingen Shire Council to develop a strategy for domestic bulky goods rubbish. The strategy should explore opportunities for diversion of materials from landfill, as well as for social enterprises, employment and training and income generation."

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

CARRIED

DIRECTORATE REPORTS - SUSTAINABLE INFRASTRUCTURE**SI16/37 AMENDMENT TO CURRENT DOG OFF LEASH PROVISIONS ON OCEAN VIEW BEACH AND MURRAYS BEACH****EXECUTIVE SUMMARY**

Early in 2016 Council received a significant number of community requests from residents of Arrawarra Headland and Mullaway requesting that Oceanview Beach be changed from dogs on leash to dogs off leash. During this period Council also received a number of requests to consider changing Murrays Beach Sawtell from dogs on leash to dogs off leash.

In response to those requests Council staff conducted significant community consultation with both communities and residents were provided 28 days to comment.

A total of 431 submissions were received, 404 in relation to Oceanview Beach and 54 in relation to Murrays Beach. In Summary:

Location	Supportive	Not Supportive
Oceanview Beach	185	192
Murrays Beach	37	17

RECOMMENDATION:

That:

1. No further action be undertaken in relation to amending the current dog on lead requirement for Oceanview Beach, Arrawarra Headland;
2. Council commence a 12 month trial of dogs off leash on Murrays Beach, Sawtell between the hours of 4.00 pm and 9.00am. A report will be returned to Council detailing the outcome of the trial; and,
3. A review of dog off leash opportunities within the LGA be undertaken in conjunction with the planned review of the Coffs Harbour Open Space Strategy. This review will incorporate the outcome of the trial at Murrays Beach.

MOTION**2016/220 RESOLVED (Cr Sally Townley / Cr John Arkan)**

That:

1. Council not alter leash-free areas at the present time.
2. The Identification of appropriate potential leash-free areas should be undertaken as part of the review of the Open Space Strategy.
3. Urban non-beach areas be prioritised over beaches for additional leash-free areas.

For: Crs Knight, Adendorff, Arkan, Cecato, Rhoades, Strom, Swan and Townley

Against: Cr Amos

CARRIED

SI16/38 AMENDMENT TO ALCOHOL FREE AREAS IN COFFS HARBOUR CBD**EXECUTIVE SUMMARY**

The Special Rate Variation for the Coffs City Centre Masterplan includes funds for marketing and event activations of the City Square. Such events are organised or supported by the City Centre Masterplan Committee to attract people into the City Square.

Following the re-establishment of the Alcohol Free Zones (AFZs) across the City in 2015 Council has been requested to consider a temporary suspension of the Coffs Harbour CBD City Square AFZ for the purpose of staging the victory ceremony of the World Rally in November.

Section 645 of the Local Government Act provides for Council, by resolution, to allow the temporary suspension of AFZs for specific periods or events. The Act and Ministerial Guidelines on Alcohol Free Zones (February 2009) provides a specific procedure which must be followed in relation to suspending AFZs, and this includes a requirement to seek Council's endorsement.

2016/221 RESOLVED (Cr George Cecato / Cr Tegan Swan)

That Council

1. Approve the temporary suspension of the Harbour Drive AFZ on 20 November 2016 from 1pm to 5pm for the purpose of the World rally event pursuant to the provisions of Section 645 of the Local Government Act 1993.
2. Note that it is within Council's authority, under the Act and Ministerial Guidelines, to make such an approval.

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

CARRIED

REQUESTS FOR LEAVE OF ABSENCE

Cr Rhoades and Cr Arkan requested a leave of absence from Council for 10 November 2016.

MATTERS OF AN URGENT NATURE

No matters of an urgent nature.

CLOSE OF MEETING

This concluded the business and the Meeting closed at 6.17pm.

Confirmed: 10 November 2016.

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Denise Knight
Mayor