

The following document is the minutes of the Council Meeting held on Thursday, 10 November 2016. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 24 November 2016 and therefore subject to change.

Please refer to the minutes of the meeting of 24 November 2016 for confirmation.



MINUTES

COFFS HARBOUR CITY COUNCIL ORDINARY COUNCIL MEETING COUNCIL ADMINISTRATION BUILDING

**CNR COFF AND CASTLE STREETS, COFFS HARBOUR
ON THURSDAY, 10 NOVEMBER 2016 AT 5.00PM**

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

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

LEAVE OF ABSENCE Cr Jan Strom, Cr Keith Rhoades

OPENING OF ORDINARY MEETING

The meeting commenced at 5.00pm 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

No disclosures of interest.

LEAVE OF ABSENCE**2016/222 RESOLVED (Cr John Arkan / Cr George Cecato)**

That leave of absence received from Councillors Jan Strom and Keith Rhoades for unavoidable absence be received and accepted.

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

CARRIED

PUBLIC FORUM

Time	Speaker	Item
5.00pm	John O'Carrigan	Threat to Biodiversity in our Great Coffs Harbour Area.

PUBLIC ADDRESS

Time	Speaker	Item
5.05pm	Bob Coyne - Telstra Project Manager	SC16/56 - Development Application No. 0789/16 - Telecommunications Facility - Lot 1 Sec 53 DP 758258, 36 Edgar Street, Coffs Harbour
5.10pm	Grenville Duce & Peter Wardman	SC16/57 - Korora - West Sapphire - Moonee Large Lot Residential Investigation Area

MAYORAL ACTIONS UNDER DELEGATED AUTHORITY

Nil.

CONFIRMATION OF MINUTES**2016/223 RESOLVED (Cr John Arkan / Cr Sally Townley)**

That the minutes of the Ordinary Meeting held on 27 October 2016 be confirmed.

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

CARRIED

DIRECTORATE REPORTS - SUSTAINABLE COMMUNITIES**SC16/56 DEVELOPMENT APPLICATION NO. 0789/16 - TELECOMMUNICATIONS FACILITY - LOT 1 SEC 53 DP 758258, 36 EDGAR STREET, COFFS HARBOUR****EXECUTIVE SUMMARY**

This report provides an assessment of Development Application 0789/16 for the erection of a 25m high free standing monopole at Lot 1, Sec 54, DP 758258, No. 36 Edgar Street, 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. This matter is also reported to Council due to significant public interest and community input being expressed. A total of 33 individual submissions, 3 petitions (273 signatures) and 9 pro forma letters (133 copies) were received during the public exhibition period.

2016/224 RESOLVED (Cr Sally Townley / Cr John Arkan)

Council refuse the Development Application on the grounds that:

1. It is not in keeping with the character of the area. The site is part of a beachside tourist precinct and is zoned for Public Recreation. This construction is considered to be significantly and unacceptably at odds with the character of the Jetty and Foreshore precinct.
2. It is not considered to be in the public interest. A total of 442 people made an objection in writing and there were several more phone calls which have not been enumerated. This constitutes a highly significant public response which was unanimous in rejecting this site for a tower. This is not a mapped Black Spot, so public interest in additional reception is not considered to outweigh the unanimous public interest which opposed the development.
3. The visual impact is considered to be unacceptable. The most common reason for objection is the visual impact on the proposed pole and all its additions. Due to the flat nature of the surrounding area, and the sloping nature of the residential area to the west, the construction would be visible by all visitors to the area, as well as possibly thousands of residents. The aesthetic character and amenity of this precinct, with its open space recreation, important tourist facilities and sought-after residential areas would be significantly compromised.
4. Possible effects on captive cetaceans nearby and migratory MuttonBirds. There is no discussion of risk from electromagnetic frequency on nearby captive dolphins or on the nearby population of Wedge-tailed Shearwaters which are protected under Commonwealth legislation.

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

CARRIED

SC16/57 KORORA - WEST SAPPHIRE - MOONEE LARGE LOT RESIDENTIAL INVESTIGATION AREA**EXECUTIVE SUMMARY**

The purpose of this report is to present to Council Environmental Studies for the Korora – West Sapphire – Moonee (KWSM) Investigation Area and to make recommendations in relation to appropriate future land use zones within the KWSM Investigation Area based on findings of the Environmental Studies.

In July 2013, Council resolved to allocate \$150,000 from the 2014/15 budget to fund an Environmental Study for the West Sapphire, West Korora and Moonee candidate areas identified in *Coffs Harbour Local Growth Management Strategy - Rural Residential Component 2009*. Subsequent to that resolution, Council engaged consultants EcoLogical Australia Pty Ltd to prepare Environmental Studies, including economic feasibilities, which have now been completed.

The overall KWSM Investigation Area was divided into five distinct precincts for analysis, being:

- Precinct 1: Korora Basin;
- Precinct 2: Tiki Road;
- Precinct 3: Maccues Road;
- Precinct 4: Wakelands Road/Fairview Road/Sugarmill Road; and
- Precinct 5: Gaudrons Road/The Mountain Way.

The consultant report (Ecological Australia 2016 - Attachment 1) presents an analysis of the five precincts within the KWSM Investigation Area, assessing their suitability for rezoning for large lot residential purposes. The economic estimates and feasibilities contained within the consultant report were comprehensively tested and reviewed by Council, including site inspections of each precinct, assessment of construction standards for access roads and relevant environmental constraints (Attachment 2).

This testing has confirmed that a 16 hectare pocket of residue land in Precinct 1 is viable for rezoning for large lot residential purposes. Precinct 2 is significantly environmentally constrained and is not viable for rezoning. Precincts 3-5 have been found to be environmentally constrained and economically unviable for rezoning due to projected infrastructure costs associated with road upgrades, which would also require Council to acquire private roads in some circumstances for upgrading and maintenance. Development in Precincts 3-5 is also estimated to be well in excess of the statutory capped limit of \$30,000 that is allowable for Section 94 Developer Contributions.

This report recommends that Council take a strategic approach to the release of land for large lot residential purposes, in accordance with the 2030 Plan which aims to achieve sustainable living. It recommends that Council does not proceed with rezoning of precincts within the KWSM Investigation Area which are environmentally and economically unviable and which would carry significant financial risks to Council.

As such, this report recommends that Council only proceed with progression of a Planning Proposal for the rezoning of part of Precinct 1 – being 16 hectares of residue rural land within the Korora Basin, from RU2 Rural Landscape to R5 Large Lot Residential zone under the provisions of *Coffs Harbour Local Environmental Plan (LEP) 2013*. This recommendation involves seeking a Gateway Determination from the NSW Department of Planning and Environment (P&E) to allow Council to place the Planning Proposal (Attachment 3) on exhibition. This recommendation also includes seeking Council's endorsement to exhibit amendments to *Coffs Harbour Development Control Plan 2015* Chapter G7 Korora Large Lot Residential Special Area Controls (Attachment 4) and to exhibit a draft *Korora Large Lot Residential Area Developer Contributions Plan 2016* (Attachment 5), both of which need to accompany amendments to *Coffs Harbour LEP 2013*. It is also recommended that Council considers the outcome of exhibition in a future Council report.

2016/225 RESOLVED (Cr Sally Townley / Cr John Arkan)

That Council:

1. Note the findings of the Korora – West Sapphire – Moonee Large Lot Residential Investigation Area Environmental Studies (Attachment 1) and findings of the Review of Estimated Lot Yields and Development Costs for the Korora – West Sapphire – Moonee Investigation Area (Attachment 2).
2. Endorse and forward the Environmental Studies (Attachment 1) and Planning Proposal (Attachment 3) for rezoning part of Precinct 1 (Korora Basin) from RU2 Rural Landscape to R5 Large Lot Residential to NSW Planning and Environment seeking a 'Gateway Determination', to place the Korora Basin Planning Proposal on public exhibition.
3. Place draft Chapter G7 Korora Large Lot Residential Special Area Controls of Coffs Harbour Development Control Plan 2015 (Attachment 4) on public exhibition, concurrently with the Planning Proposal and Environmental Studies.
4. Place draft Korora Large Lot Residential Area Developer Contributions Plan 2016 (Attachment 5) on public exhibition, concurrently with the Planning Proposal and Environmental Studies.
5. Consider a further report, outlining the outcomes of the public exhibition of the Korora Basin Large Lot Residential Planning Proposal, Development Control Plan and Contributions Plan.
6. Not proceed with the rezoning of any land within Precinct 2 (Tiki Road) due to prevailing environmental constraints identified within the Environmental Studies for the Korora – West Sapphire – Moonee Investigation Area (Attachment 1).
7. Defer consideration of rezoning of Precinct 3 (Maccues Road), Precinct 4 Wakelands Road/Fairview Road/Sugarmill Road and Precinct 5 (Gaudrons Road/Mountain Way) to allow further time for public access to the Environmental Studies report and the Estimated Lot Yields and Development Costs report until the second meeting in March 2017.
8. Investigate alternative means for additional dwellings on rural allotments.
9. Inform landowners within each of the precincts of Council's decision.

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

CARRIED

GM16/20 VIDEO RECORDING OF COUNCIL MEETINGS**EXECUTIVE SUMMARY**

On 28 July 2016, Council resolved that "Council staff investigate costs, opportunities and requirements for visual recording of Council meetings in digital format". Council has sought indicative prices and requirements to provide this service. Council also reviewed the possibility of live streaming audio only.

2016/226 RESOLVED (Cr Sally Townley / Cr Tegan Swan)

That Council

1. Proceed to a trial of audio streaming for a period of twelve months and the information regarding listening data be bought back to Council.
2. Commit to a more detailed investigation of video recording, including in-house or partial in-house systems, use of YouTube and/or other social media platforms as a delivery method, and detailed costings of all options (totally outsourced, partially outsourced, wholly in house, etc).

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

Against: Cr Amos

CARRIED

DIRECTORATE REPORTS - BUSINESS SERVICES

BS16/37 ENVIRONMENTAL LEVY PROJECTS QUARTERLY REPORT TO 30 SEPTEMBER 2016

EXECUTIVE SUMMARY

This report provides Council with a quarterly status update to 30 September 2016 on the projects funded under the Environmental Levy (EL) Program for Council's consideration and noting.

2016/227 RESOLVED (Cr Tegan Swan / Cr Paul Amos)

That Council notes the status of the Environmental Levy Program projects as at 30 September 2016 as outlined in the attachment.

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

CARRIED

DIRECTORATE REPORTS - SUSTAINABLE COMMUNITIES

SC16/58 2016/17 COMMUNITY CAPITAL INFRASTRUCTURE GRANTS PROGRAM - SECOND ROUND

EXECUTIVE SUMMARY

In the 2016/17 Operational Plan, an amount of \$300,000 was made available for the Community Capital Infrastructure Grant Program to fund community infrastructure projects. Council sought applications from not-for-profit organisations seeking to construct new public facilities or to refurbish existing infrastructure, in consultation with Council.

Three applications totalling \$85,500 were approved in the first round of the 2016/17 Community Capital Infrastructure Grant Program, with the balance of \$214,500 approved for a second round.

Eleven applications, requesting \$344,100, were received in the second round for proposed projects to the value of \$716,032. Council considered all applications in accordance with the assessment criteria and six applications are recommended for funding.

2016/228 RESOLVED (Cr John Arkan / Cr Michael Adendorff)

That Council approve the allocation of Community Capital Infrastructure Grants totalling \$214,500 as follows:

Organisation	Proposed Project	Total cost of project	Council funding recommended
Coffs Harbour Community Men's Shed Inc.	Construction of new Men's Shed	\$268,170	\$125,000
Rotary Club Coffs Harbour South	Changing Place for People with a Disability	\$70,000	\$35,000
Woolgoolga Arts Group Limited	Refurbishment of the Art Gallery Kitchen and Toilet Facilities	\$65,978	\$27,500
Possum's Den Coffs Harbour Inc.	Renovation of Children's Bathroom	\$25,056	\$12,500
Sawtell District Girl Guides	Asphalt Driveway	\$16,000	\$8,000
Coffs Harbour Regional Conservatorium	Performance Space Fitout	\$69,285	\$6,500
Total:		\$514,489	\$214,500

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

CARRIED

NOTICES OF MOTION – SUSTAINABLE INFRASTRUCTURE**NOM16/25 INCLUSIVE PLAYGROUNDS****2016/229 RESOLVED (Cr John Arkan / Cr Paul Amos)**

Councillor Arkan has given notice of his intention to move the following:

That Council note this report

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

CARRIED

DIRECTORATE REPORTS - SUSTAINABLE INFRASTRUCTURE**SI16/39 ACQUISITION OF LAND FOR RECONSTRUCTION OF SCHOONERS BRIDGE,
1049-1071 EAST BANK ROAD, NANA GLEN****EXECUTIVE SUMMARY**

Council is proceeding to upgrade Schooners Bridge on East Bank Road at Nana Glen which is currently a timber structure of unsatisfactory width and in a poor state of repair. The alignment of the bridge will need to be moved slightly to the west to facilitate the new works, and as a result a small road widening affecting the adjoining property will be required. The owners have agreed to an offer of compensation on the basis Council are responsible for all reasonable costs associated with the matter.

2016/230 RESOLVED (Cr John Arkan / Cr Sally Townley)

That Council:

1. Authorise payment of \$1,600 inclusive of GST to the owners of Part Lot 1 DP 517339, East Bank Road, Nana Glen as compensation for the acquisition of approximately 899.6 square metres of land as described in this report.
2. Authorise payment of all costs associated with the acquisition, including reasonable legal expenses, survey, mortgagee consent fees and registration expenses.
3. Execute all documents necessary to facilitate the matter under the common seal of Council.
4. Dedicate as public road the land acquired.

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

CARRIED

CLOSED SESSION - SECTION 10A

Councillor Amos requested a motion to close the meeting to consider a confidential report as outlined in the meeting agenda.

2016/231 RESOLVED (Cr Paul Amos / Cr John Arkan)

That the meeting be closed to the press and public during consideration of the following item for the reasons stated.

SI16/40 - Contract No. RFT-736-TO Fitzroy Clubrooms & Amenities

This report was confidential for the reason of Section 10A(2):

- (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.

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

CARRIED

2016/232 RESOLVED (Cr Paul Amos / Cr Sally Townley)

That the meeting open in Closed Session. The press and public vacated the Chamber.

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

CARRIED

SI16/40 CONTRACT NO. RFT-736-TO FITZROY CLUBROOMS & AMENITIES**EXECUTIVE SUMMARY**

Council has allocated budget funding to build new amenities and facilities buildings at Fitzroy Oval, opposite Council's Rigby House, in Coffs Street.

The new facilities will include two change rooms, a three tiered undercover seating area, canteen, club storage rooms, and undercover standing areas, and a new public amenities building. The planning of the facilities derives from Council's adopted Sports Facility Plan 2016.

The facilities will be constructed under a contract arrangement with a suitable building contractor supported by direct contract and project management input by Council. Public Tenders for the construction of the new facilities were recently called, and this report seeks approval for the adoption of a recommendation to progress the contract works.

At its Ordinary Meeting of 27 October 2016 Council delegated to the General Manager the authority to accept tenders. At that time this tender had been assessed but not formalised pending further financial analysis prior to its presentation to Council for consideration.

As a result of those considerations a second and related report (T16/01 Trust Report – Fitzroy Oval Clubrooms & Amenities Funding Allocation) has been developed which requests Council, as Corporate Manager of the Coffs Coast State Park Trust, to consider applying additional funding to the Fitzroy Oval Clubrooms and Amenities Project.

Due to those circumstances described above it was deemed proficient and appropriate that this Report, and the related Trust Report T16/01, be considered jointly despite the recent delegation to the General Manager regarding a general authority to accept tenders.

2016/233 RESOLVED (Cr Paul Amos / Cr Sally Townley)

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

CARRIED**2016/234 RESOLVED (Cr John Arkan / Cr Sally Townley)**

That Council to move into Open Session.

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

CARRIED**2016/235 RESOLVED (Cr John Arkan / Cr Sally Townley)**

That the resolution of the Closed Session be adopted.

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

CARRIED

The Acting General Manager/Director of Business Services advised the meeting the resolution of the Closed Session will remain confidential.

TRUST REPORTS**T16/12 TRUST REPORT - FITZROY OVAL CLUBROOMS & AMENITIES FUNDING ALLOCATION****EXECUTIVE SUMMARY**

Council currently has a project to construct new clubrooms and amenities at Fitzroy Oval and may require a contribution from the Trust to fully fund the project. The project is consistent with the reserve purpose and therefore is a suitable project for the allocation of Trust funds.

The project may require a contribution of up to \$160,000 from the Coffs Coast State Park Trust to fully fund the project. The Trust has sufficient funds held in investments to meet this funding requirement without unduly affecting the Trust's long term funding requirements, and therefore the allocation is recommended.

2016/236 RESOLVED (Cr Sally Townley / Cr Tegan Swan)

That Council, as Corporate Manager of the Coffs Coast State Park Trust approve the allocation of up to \$160,000 of funds to Council's Fitzroy Oval Clubrooms & Amenities Project.

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

Against: Cr Amos

CARRIED**MATTERS OF AN URGENT NATURE****MUN16/7 LETTER OF CONGRATULATIONS****2016/237 RESOLVED (Cr Paul Amos / Cr John Arkan)**

That the Mayor send a letter of congratulations to a local young man who will be playing cricket for Australia.

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

CARRIED**CLOSE OF MEETING**

The Meeting closed at 7.03pm.

Confirmed:

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Denise Knight
Mayor