



**COFFS HARBOUR CITY COUNCIL**  
**ORDINARY MEETING**  
**COUNCIL CHAMBERS**  
**COUNCIL ADMINISTRATION BUILDING**  
**COFF AND CASTLE STREETS, COFFS HARBOUR**  
**27 MARCH 2013**

**Contents**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
	<b>CITY SERVICES DEPARTMENT REPORT</b>	<b>2</b>
CS13/17	NEW TENDER FOR SPORTZ CENTRAL	2
	<b>LAND USE HEALTH &amp; DEVELOPMENT DEPARTMENT REPORT</b>	<b>3</b>
L13/6	DA 1179/09 AND DA 1180/09 - LOT 212, DP 597308, 124-124A NORTH BONVILLE RD, LOT 3, DP 532900, 212 PINE CREEK WAY AND LOT 101 & LOT 102, DP 881242 CASSIDYS ROAD, BONVILLE - LAND ADJOINING AND COMPRISING BONVILLE INTERNATIONAL GOLF RESORT	3
	<b>GENERAL MANAGER'S REPORT</b>	<b>5</b>
GM13/9	COFFS HARBOUR CITY COUNCIL V MINISTER FOR PLANNING AND INFRASTRUCTURE AND ORS COURT OF APPEAL JUDGEMENT	5
	<b>CITY SERVICES DEPARTMENT REPORTS</b>	<b>5</b>
CS13/18	PROPOSED ALCOHOL PROHIBITION - LOWER COFFS CREEK RESERVE	5
CS13/19	TRAFFIC COMMITTEE REPORT NO 1-2013	6
	<b>CORPORATE BUSINESS DEPARTMENT REPORTS</b>	<b>11</b>
CB13/19	SUPPLY OF ELECTRICITY FOR LARGE CONTESTABLE SITES AND STREET LIGHTING	11
CB13/20	BANK BALANCES AND INVESTMENT FOR JANUARY 2013	12
CB13/21	ASSET ACCOUNTING POLICY	13
CB13/22	WORLD RALLY CHAMPIONSHIPS (WRC) ECONOMIC IMPACT REPORT TO COUNCIL	13

	<b>LAND USE HEALTH &amp; DEVELOPMENT DEPARTMENT REPORT</b>	<b>13</b>
L13/7	LOCAL ENVIRONMENTAL STUDY FOR THE DEFERRED AREAS FROM DRAFT COFFS HARBOUR LOCAL ENVIRONMENTAL PLAN 2013 - HEARNES LAKE/SANDY BEACH, EMERALD BEACH AND MOONEE BEACH AREAS	13
L13/8	COFFS HARBOUR CITY LOCAL ENVIRONMENTAL PLAN 2000 AMENDMENT NO. 34 (NORTH COFFS) DEFERRED AREAS	14
	<b>CONFIDENTIAL ITEMS</b>	<b>16</b>
GM13/9	COFFS HARBOUR CITY COUNCIL V MINISTER FOR PLANNING AND INFRASTRUCTURE AND ORS COURT OF APPEAL JUDGEMENT	16
CB13/19	WORLD RALLY CHAMPIONSHIPS (WRC) ECONOMIC IMPACT REPORT TO COUNCIL	17



## COFFS HARBOUR CITY COUNCIL

### ORDINARY MEETING

27 MARCH 2013

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

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

**Other:** Council's Legal Advisors, representatives from Sparke Helmore Lawyers.

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 Mayor reminded the Chamber that the meeting was to be recorded, and that no other recordings of the meeting would be permitted.

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

---

#### DISCLOSURE OF INTEREST

---

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

<b>Councillor</b>	<b>Item</b>	<b>Type of Interest</b>
Cr Degens	L13/6 - DA 1179/09 and DA 1180/09 - Lot 212, DP597308, 124-124a North Bonville Road, Lot 3 DP532900, 212 Pine Creek Way and Lot 101 & Lot 102, DP881242 Cassidys Road, Bonville - Land Adjoining and Comprising Bonville International Golf Resort.	Pecuniary interest.
General Manager Steve McGrath	CB13/22 - World Rally Championships (WRC) Economic Impact Report to Council.	Non-Pecuniary - Less Than Significant.

Cr Arkan arrived at the meeting, the time being 5.02pm.

---

## **PUBLIC ADDRESS**

---

<b>Time</b>	<b>Speaker</b>	<b>Item</b>
5.00pm	Bronwyn Bursle	CS13/17 - New Tender for Sportz Central.
Cr Degens declared an interest in the following item, vacated the Chamber and took no part in the discussion or voting.		
5.05pm	Peter Montgomery	L13/6 - DA 1179/09 and DA 1180/09 - Lot 212, DP597308, 124-124a North Bonville Road, Lot 3 DP532900, 212 Pine Creek Way and Lot 101 & Lot 102, DP881242 Cassidys Road, Bonville - Land Adjoining and Comprising Bonville International Golf Resort.

Cr Degens returned to the Chamber at 5.19pm.

---

## **CONFIRMATION OF MINUTES**

---

- 65** **RESOLVED** (Townley/Sultana) that the minutes of the Ordinary meeting held on 14 March 2013 be confirmed as a true and correct record of proceedings.

---

## **CITY SERVICES DEPARTMENT REPORT**

---

### **CS13/17 NEW TENDER FOR SPORTZ CENTRAL**

---

To seek support to invite fresh tenders based on different specified details which include the existing and alternative management models.

#### **MOTION**

**MOVED** (Cowling/Arkan) that:

1. Council offer a contract to the current Management company Sportsrite Pty Ltd.
2. Three year term Management Agreement.
3. \$137,000 pa plus GST (funded from the operating revenue of the facility).
4. Incentive fee of 25% of net profit.

**CS13/17 - New Tender for Sportz Central (Cont'd)**

5. Council responsible for \$45,000 pa for internal maintenance (provided to the Management committee).
6. External maintenance responsibility of Council.
7. Council responsible for \$25,000 pa toward operating expense of cleaning (provided to the Management Committee).
8. Management fee subject to CPI adjustment annually.
9. The loan repayments made by the Management Committee to Council on Capital items for the facility be not treated as lowering the net profit in regard to the incentive fee.

**AMENDMENT**

- 66** **RESOLVED** (Townley/Rhoades) that the matter be deferred until next meeting of Council, staff to provide more information.

The **AMENDMENT** on being put to the meeting was **CARRIED**. It then became the **MOTION** and was declared **CARRIED**.

**LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT**

Cr Degens declared an interest in the following item, vacated the Chamber and took no part in the discussion or voting, the time being 5.31pm.

---

**L13/6      DA 1179/09 AND DA 1180/09 - LOT 212, DP 597308, 124-124A NORTH BONVILLE RD, LOT 3, DP 532900, 212 PINE CREEK WAY AND LOT 101 & LOT 102, DP 881242 CASSIDYS ROAD, BONVILLE - LAND ADJOINING AND COMPRISING BONVILLE INTERNATIONAL GOLF RESORT**

---

This report describes and provides an assessment of Development Application (DA) 1179/09 and Development Application 1180/09 for Lot 212, DP 597308, 124-124A North Bonville Rd, Lot 3, DP 532900, 212 Pine Creek Way and Lot 101 & Lot 102, DP 881242 Cassidys Road, Bonville which are lands adjoining and associated with the Bonville International Golf Resort. These applications are being considered together because there are significant matters that make them related.

- 67** **RESOLVED** (Arkan/Townley):
1. That Development Application 1179/09 for a concept proposal for Lot 212, DP 597308, 124-124A North Bonville Road, Lot 3, DP 532900, 212 Pine Creek Way, Lot 101 & Lot 102, DP 881242 Cassidys Road, Bonville be approved subject to the conditions provided in Attachment 5.

**L13/6 - DA 1179/09 and DA 1180/09 - Lot 212, DP597308, 124-124a North Bonville Road, Lot 3 DP532900, 212 Pine Creek Way and Lot 101 & Lot 102, DP881242 Cassidys Road, Bonville - Land Adjoining and Comprising Bonville International Golf Resort (Cont'd)**

2. That upon the approval of Development Application 1179/09, Development Application 1180/09 for Stage One under the concept proposal ("Superlot" Subdivision under a Community Titles Scheme) for Lot 212, DP 597308, 124-124A North Bonville Road, Lot 3, DP 532900, 212 Pine Creek Way, Lot 101 & Lot 102, DP 881242 Cassidys Road, Bonville be approved subject to the conditions provided in Attachment 6 and the inclusion of the following new condition 45A:

**Keeping of Dogs – Community Title:**

45A. The Community Management Statement is to state that keeping of cats and dogs (with the exception of assistance animals, as defined under the Commonwealth Disability Discrimination Act 1992) by owners on the Community Titles scheme is prohibited.

3. That persons who made a submission on the development applications be informed of Council's decision.

---

**DIVISION**

---

A division was duly called for, and those members voting for and against the motion were recorded:

**FOR**

Cr Rhoades  
Cr Townley  
Cr Palmer  
Cr Arkan  
Cr Innes  
Cr Sultana  
Cr Cowling  
Cr Knight

**AGAINST**

Cr Degens returned to the meeting, the time being 5.41pm.

## GENERAL MANAGER'S REPORT

---

### **GM13/9 COFFS HARBOUR CITY COUNCIL V MINISTER FOR PLANNING AND INFRASTRUCTURE AND ORS COURT OF APPEAL JUDGEMENT**

---

To provide Councillors with information regarding the judgement handed down by the Court of Appeal on 6 March 2013 - Coffs Harbour City Council v The Minister for Planning and Infrastructure.

- 68** **RESOLVED** Cowling/Townley that this matter be referred to Confidential session at end of meeting.

## CITY SERVICES DEPARTMENT REPORTS

---

### **CS13/18 PROPOSED ALCOHOL PROHIBITION - LOWER COFFS CREEK RESERVE**

---

To recommend the creation of a new 9.00am – 9.00pm alcohol prohibited area for the Lower Coffs Creek Reserve, Coffs Harbour (refer to Attachment).

- 69** **RESOLVED** (Palmer/Innes):
1. That Council use the powers granted by Section 632A of the Local Government Act 1993 to prohibit the taking of and/or consumption of alcohol between 9.00pm and 9.00am, except for authorised events, and use the powers granted under Section 632 (2) (e) to prohibit of loitering and antisocial behaviour at all times within Lower Coffs Creek Reserve (Lot 7060 DP 1050246 and part Lot 7036 DP 1051572) as identified on the map attached to this report.
  2. That notices, to effect all of the above, be displayed at appropriate locations.

---

**CS13/19 TRAFFIC COMMITTEE REPORT NO 1-2013**

---

To confirm the Minutes of the Traffic Committee Meeting held on Thursday, 7 March 2013.

**70 RESOLVED** (Innes/Cowling):

T.1 - Combine Street Coffs Harbour – Traffic Issues (R.504240 [3319036])

That Council undertake further traffic counts and RMS be requested to investigate the feasibility of dual right turn lanes from Combine Street, Coffs Harbour, onto the highway as follows:

- with the left lane straight through and right turn, and
- the right lane right turn only.

T.2 - Arthur Street & Manning Avenue Intersection Coffs Harbour – Signage (R.503760, R. 504950[3319036])

That Council Rangers issue warning notices for vehicles parked illegally in Manning Avenue, Coffs Harbour.

T.3 - Gordon Street Coffs Harbour - Traffic Issues (R.504620[3319036])

That approval be given to modify the three 60° nose-in parking spaces to parallel parking in Gordon Street, Coffs Harbour subject to RMS narrowing their driveway by 2.5m (1.6m on the south and 0.9m on the north) and associated kerb and gutter reconstruction, as per plan T.3-2013.

T.4 - Various Traffic Hazards - Pacific/Coral Streets & Tasman Street, Corindi Beach [3245888]

1. That no action be taken to install barrier line marking on the corner of Pacific and Coral Streets, Corindi Beach, as it does not meet the warrants.
2. That no action be taken to install double barrier lines on the bend in Tasman Street, Corindi Beach, as RMS has approved the extension of the 50km/h speed zone in Tasman Street.

T.5 - Bonville Station Road, Bonville, Christian Community School- School Crossing (R.500700[3319440])

That approval be given to install 'No Stopping' zone on Bonville Station Road, Bonville, adjacent the crossing point from the proposed Christian Community College Design and Technology Centre to the south side footpath leading to the existing building: on the north side 20m on the approach and 10m on the departure side of the crossing; on the south side 40m on the approach and 10m on the departure side of the crossing subject to pedestrian facilities construction meeting Australian Standards, as per plan T.5-2013.



T.6 - Toormina Library Minorie Drive Toormina – Parking Issues (R.502140[3339440])

That approval be given for '1 hour' parking limit Monday to Friday 9:30am - 5pm and 9:30am – 12 noon on Saturday for recessed parking zone (7 spaces) adjacent Toormina Library, Minorie Drive, Toormina, as per plan T.6-2013.

T.7 - Signage - 77 Beryl Street Coffs Harbour (R.503870[3308690])

That approval be given to install a 'No Stopping' zone adjacent 77 Beryl Street, Coffs Harbour, for 10 metres, as per plan T.7-2013.

T.8 – Blackspot Funding Works - Harbour Drive and Orlando Street Coffs Harbour (R.504030[2827558])

That approval be given, subject to RMS funding, to the following:

1. 'No Stopping' zone on Orlando Street, Coffs Harbour, opposite Lawson Crescent (western intersection), as per Plan T.8a - 2013.
2. 'No Stopping' zone and relocation of existing bus zone on Harbour Drive, Coffs Harbour, either side of Boambee Street intersection, as per plan T.8b - 2013.

T.9 - Temporary restricted parking, bus and taxi zones for major events at the BCU International Stadium, Stadium Drive, Coffs Harbour [3340989]

That approval be given for the installation of temporary parking restrictions, and bus and taxi zones for events for up to 10 000 people at the BCU International Stadium, Stadium Drive, Coffs Harbour, with the zones to be as follows:

- 'Bus Zone' from the western corner of Phil Hawthorne Drive for 88 metres (4 bus lengths).
- 'Taxi Zone' west of the bus zone for 20 metres (4 taxis).
- 'No Parking' west of the taxi zone to existing permanent 'no parking' zone at the stadium entrance intersection.
- 'No Parking' on the southern side of Stadium Drive from the crematorium entrance intersection to the curve opposite the stadium entrance intersection, as per plan T9.-2013.
- Approval is subject to transport zones complying with Australian Standards.

T.10 - NAB Coffs Coast Cycle Challenge - 4 August 2013 [3336441]

1. That the following temporary road closures for the NAB Coffs Coast Cycle Challenge on Sunday, 4 August 2013 for the purpose of conducting the Coffs Coast Cycle Challenge be advertised and providing no substantive objections are received, the closures be approved:
  - Jordan Esplanade between Marina Drive and Camperdown Street between 7.00am and 12.00pm.
  - Orlando Street Coffs Harbour (southbound traffic only) between the hours of 7.55am to 8.15am and 8.40am to 8.45am.
2. The organisers of the Cycle Challenge liaise with affected traders and obtain traders approval.

3. The organisers submit a revised traffic control plan for approval by Council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
4. The organisers be responsible for all costs associated with the temporary closure and clean up, including advertising.
5. The organisers allow access via Camperdown Street entrance for Coffs Harbour High School to use Jetty Foreshore area for a school reunion.

T.11 - Coffs Harbour Cycle Club- Winter Road Club Events 2013 [3329024]

That approval be given for the following:

1. Use of Pine Creek Way on Saturday afternoons from 1:30pm to 4:00pm and Sunday mornings between 7.30am and 10.00am starting in March and running until October between Archville Station Road roundabout and the Mailman's Track roundabout.
2. Use of Orara Way between Nana Glen and Glenreagh on Saturday afternoons between 1.30pm and 4.00pm be trialled for three months and subject to no complaints, the event can carry on until October as originally requested.
3. Police approval be sought.
4. No obstruction to be caused to the movement of pedestrian or vehicular traffic.
5. Riders to comply strictly with Australian Road Rules.
6. The submitted Traffic Control Plan (TCP) be approved by Council and the Cycle Club be responsible for the warning signage as per the TCP.

T.12 - Beach Street / Queen Street, Woolgoolga - Temporary Road Closure - Woolgoolga Curry Festival (R.508400 / 1618[3338788])

That the following be approved:

1. The temporary road closure of Beach Street, Woolgoolga, between Wharf Street and Carrington Street and Queen Street between Beach Street and Younger Lane from 6.00am to 10.00pm on Saturday, 13 April 2013, for the purpose of conducting the Woolgoolga Curry Festival, be advertised and providing no substantive objections are received, the closure be approved.
2. The organisers of the Curry Festival liaise with affected traders and obtain traders approval.
3. The organisers submit a traffic control plan for approval by Council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers. Traffic Control Plan to include a sign posted detour route around the road closure.
4. The organisers be responsible for all costs associated with the temporary closure and clean up, including advertising.
5. The organisers submit a detour plan for traffic to bypass the closure.

T.13 - Fiddaman Road, Emerald Beach - Temporary Road Closure - Emerald Beach Community Fair (R.507240 / P/N 2032700[3338788])

Approval for the following:

1. The temporary road closure of Fiddaman Road, Emerald Beach, adjacent the Reserve to the start of Ocean View Crescent, from 6.00am to 4.00pm on Sunday 26 May 2013, for the purpose of conducting the Emerald Beach Community Fair, be advertised and providing no substantive objections are received, the closure be approved.
2. The organisers of the Community Fair liaise with affected traders and obtain traders approval.
3. The organisers submit a traffic control plan for approval by Council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
4. The organisers be responsible for all costs associated with the temporary closure and clean up, including advertising.

T.14 - Beach Street, Woolgoolga - Temporary Road Closure - Anzac Day (R.500270 / 1618 [3327345])

Approval for the following:

1. The following temporary road closure of Beach Street, Woolgoolga, between Queen Street to Short Street Woolgoolga, associated with the Woolgoolga Anzac March to be held on Thursday, 25 April 2013, between the hours of 10.40am and 11.15am be advertised and providing no substantive objections are received, the temporary closures be approved.
2. A traffic control plan to be submitted for this event. This should include details of all traffic signs, barricades and traffic controllers required for this event.

T.15 - First/Second/Fourth Avenues, Sawtell - Temporary Road Closure - Anzac Day (501520 / 501480 / 501550 / 1618 [3329589])

Approval for the following:

1. The following temporary road closures associated with the Sawtell Anzac March to be held on Thursday, 25 April 2013, between the hours of 10.30am and 11:45am be advertised, and providing no substantive objections are received, the temporary closures be approved.
  - First Avenue (Second Avenue to Boronia Street)
  - Second Avenue (First Avenue to Fourth Avenue)
  - Fourth Avenue (Second Avenue to East Street).
2. A traffic control plan to be submitted for this event. This should include details of all traffic signs, barricades and traffic controllers required for this event.
3. A temporary bus zone be signposted in First Avenue north of Second Avenue as an alternative to the Ex-Services Club bus zone.

T.16 - Park Avenue / Gordon Street / Vernon Street, Coffs Harbour - Temporary Road Closure - Anzac Day (R.505670 / R.504620 / R.504180 / 1618 [3338836])

Approval for the following:

1. The following temporary road closures associated with the Coffs Harbour Anzac March to be held on Thursday, 25 April 2013, between the hours of 8.30am and 10.30am be advertised and providing no substantive objections are received, the temporary closures be approved.
  - Park Avenue (Earl Street to Gordon Street)
  - Gordon Street (Park Avenue to Vernon Street)
  - Vernon Street (Gordon Street to Pacific Highway).
2. A traffic control plan to be submitted for this event. This should include details of all traffic signs, barricades and traffic controllers required for this event.

T.17 - Beach Street / Fawcett Street, Woolgoolga - Temporary Road Closure 9 June 2013 - Woolgoolga Heritage Walk and 125<sup>th</sup> Birthday Celebration Parade [3336436]

1. The temporary road closures of Fawcett and Beach Street, Woolgoolga, on Sunday 9 June 2013 as follows:
  - Fawcett Street (from Beach Street to Trafalgar Street) between the hours of 1.00pm and 1:30pm
  - Beach Street (from Fawcett Street to Carrington Street West) between the hours of 1:30pm and 2:30pm
  - Beach Street (from Queen Street East to Carrington Street West) between the hours of 1:30pm and 4:30pm

for the purpose of forming and conducting the Woolgoolga Heritage Walk and the 125th Birthday Celebration Parade, be advertised, and providing no substantive objections are received, the closure be approved.

2. The organisers of the Woolgoolga Heritage Walk and the 125th Birthday Celebration Parade liaise with affected traders and obtain traders approval.
3. The organisers submit a traffic control plan for approval by Council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
4. The organisers be responsible for all costs associated with the temporary closure and clean up.

T.18 – Arthur Street, Coffs Harbour - Entrance to Park Beach Plaza - 'Give Way' signage (R.503760 [3272535])

1. No action be taken for the installation of 'Give Way' signage for Arthur Street, Coffs Harbour, between Pacific Highway and entrance to Park Beach Plaza shopping centre.
2. A refuge for Arthur Street, Coffs Harbour, between Pacific Highway and entrance to the Plaza shopping centre, be listed for consideration in PAMPS.

T.19 - Application for Class 2 B-Double (25-26m) Routes - Industrial, Engineering and Forge Drives, Isles Industrial Park [3301228]

That B-Double access be approved for Industrial Drive, Engineering Drive and Forge Drive, North Boambee Valley.

T.20 - Request for the Jodi Lee Foundation to run Cycle Challenge in March 2013. [3339085]

That the Jodie Lee Foundation Cycle Challenge to be held in March 2013 on roads through Coffs Harbour, Nana Glen, Glenreagh, Coramba, and Ulong, be approved subject to:

1. Police approval being sought.
2. No obstruction to be caused to the movement of pedestrian or vehicular traffic.
3. Riders to comply strictly with Australian Road Rules.

T.21 - State Harley Owners Groups Thunder Run – Proposed Route

That the State Harley Owners Group Thunder Run to be held on 20 October 2013 from Coffs Harbour Jetty to Raleigh and return to the Showground, be approved subject to:

1. Police approval being sought.
2. No obstruction to be caused to the movement of pedestrian or vehicular traffic.
3. Riders to comply strictly with Australian Road Rules.

## **CORPORATE BUSINESS DEPARTMENT REPORTS**

---

### **CB13/19 SUPPLY OF ELECTRICITY FOR LARGE CONTESTABLE SITES AND STREET LIGHTING**

---

To seek approval from Council to undertake a Reverse Auction process, for the Supply of Electricity for our large Contestable sites and Street Lighting, with Regional Procurement Initiative and in association with their business partner Energy Action.

#### **MOTION**

**MOVED** (Palmer/Innes):

1. That Council approves the undertaking of a Reverse Auction for the supply of electricity for our large Contestable sites and Street Lighting, with Regional Procurement Initiative in partnership with Energy Action.

**CB13/19 - Supply of Electricity for Large Contestable Sites and Street Lighting (Cont'd)**

2. That Council notes the timeframes of this process as set out above in the implementation Date / Priority section of this report.
3. That Council review its Greenhouse Action Strategy adopted in 2002 by deferring the purchase of Green Energy and alternatively continues to invest in its energy efficient cost saving programs.

**AMENDMENT**

**71 RESOLVED (Townley/Degens):**

1. That Council approves the undertaking of a Reverse Auction for the supply of electricity for our large Contestable sites and Street Lighting, with Regional Procurement Initiative in partnership with Energy Action.
2. That Council notes the timeframes of this process as set out above in the implementation Date / Priority section of this report.
3. That Council review its Greenhouse Action Strategy adopted in 2002, while continuing to invest in its energy efficient cost saving program.
4. That Council request costing for provision of 10% and also 20% of energy supplied to be sourced from green or renewable sources, and a report be prepared for Council.

The **AMENDMENT** on being put to the meeting was **CARRIED**. It then became the **MOTION** and was declared **CARRIED**.

---

**CB13/20 BANK BALANCES AND INVESTMENT FOR JANUARY 2013**

---

To list Council's Bank Balances and Investments as at 31 January 2013.

**72 RESOLVED (Sultana/Degens):**

1. That the bank balances and investments totalling (from loans, Section 94 and other avenues that form the restricted accounts and are committed for future works) one hundred and sixty seven million, one hundred and seventy three thousand, seven hundred and eighty five dollars (\$167,173,785) as at 31 January 2013 be noted.
2. That the general fund unrestricted cash and investments totalling one million, eight hundred and eighty three thousand, nine hundred and seventy eight dollars (\$1,883,978) as at 31 January 2013 be noted.

---

**CB13/21 ASSET ACCOUNTING POLICY**

---

For Council to adopt the Asset Accounting Policy.

- 73 RESOLVED** (Innes/Palmer) that Council adopts the Asset Accounting Policy.

---

**CB13/22 WORLD RALLY CHAMPIONSHIPS (WRC) ECONOMIC IMPACT REPORT TO COUNCIL**

---

To provide to Council the Economic Impact report from Rally Australia (RA) detailing the direct economic impact that the 2011 WRC event achieved.

- 74 RESOLVED** (Degens/Palmer) that the matter be referred to Confidential session at the end of the meeting.

---

**L13/7 LOCAL ENVIRONMENTAL STUDY FOR THE DEFERRED AREAS FROM DRAFT COFFS HARBOUR LOCAL ENVIRONMENTAL PLAN 2013 - HEARNES LAKE/SANDY BEACH, EMERALD BEACH AND MOONEE BEACH AREAS**

---

The purpose of this report is to commence the preparation of environmental studies and associated planning documents which will inform a Planning Proposal for lands deferred from draft Coffs Harbour Local Environmental Plan (LEP) 2013 within the Hearnese Lake/Sandy Beach, Emerald Beach and Moonee Beach localities.

**MOTION**

- 75 RESOLVED** (Townley/Palmer):
1. That Council reallocates surplus funds totalling \$100,000 from the Planning Proposal for the Bonville Rural Residential Area in the 2012/13 Operational Plan (giving a total funding allocation of \$150,000) to the local environmental study and associated planning documents for the deferred areas from draft Coffs Harbour Local Environmental Plan 2013 of Hearnese Lake/Sandy Beach, Emerald Beach and Moonee Beach.
  2. That Council endorse the attached study brief for the preparation of local environmental study and associated planning documents for the deferred areas from draft Coffs Harbour Local Environmental Plan 2013 of Hearnese Lake / Sandy Beach, Emerald Beach and Moonee Beach.

**L13/7 - Local Environmental Study for the Deferred Areas from Draft Coffs Harbour Local Environmental Plan 2013 - Hearnese Lake/Sandy Beach, Emerald Beach and Moonee Beach Areas (Cont'd)**

**AMENDMENT**

**MOVED** (Degens/Arkan):

1. That Council reallocates \$50,000 of the \$100,000 surplus funds from the Planning Proposal for the Bonville Rural Residential Area in the 2012/13 Operational Plan (giving a total funding allocation of \$100,000) to the local environmental study and associated planning documents for the deferred areas from draft Coffs Harbour Local Environmental Plan 2013 of Hearnese Lake/Sandy Beach, Emerald Beach and Moonee Beach.
2. That Council endorse the attached study brief for the preparation of local environmental study and associated planning documents for the deferred areas from draft Coffs Harbour Local Environmental Plan 2013 of Hearnese Lake / Sandy Beach, Emerald Beach and Moonee Beach.
3. That the remaining \$50,000 go towards the initiation of Rural Residential Studies for West Sapphire.

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

---

**L13/8 COFFS HARBOUR CITY LOCAL ENVIRONMENTAL PLAN 2000  
AMENDMENT NO. 34 (NORTH COFFS) DEFERRED AREAS**

---

The purpose of this report is to inform Council of the outcome of the additional assessment of deferred areas within Coffs Harbour City Local Environmental Plan (LEP) 2000 (Amendment No. 34).

**76 RESOLVED** (Palmer/Innes):

1. That Council prepare a Planning Proposal applying to Part Lot 3, DP270233 in accordance with the Environmental Planning and Assessment Act 1979, to allow the land to be zoned for residential development.
2. That the existing zones applying to the Western Precincts of Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 34) remain.
3. That the North Coffs Development Control Plan and North Coffs Developer Contributions Plan be amended to confirm the existing zoning of the deferred areas.
4. That the owners of land nominated as 'Deferred Areas' within the North Coffs Investigation Area be notified of Council's decision.



---

## REQUESTS FOR LEAVE OF ABSENCE

---

No requests for leave of absence.

---

## MATTERS OF AN URGENT NATURE

---

No matters of an urgent nature.

---

## QUESTIONS ON NOTICE

---

No questions on notice.

---

## CLOSED MEETING – SECTION 10(A)

---

The Mayor requested a motion to close the meeting to consider confidential reports as outlined in the meeting agenda.

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

**GM13/9 - Coffs Harbour City Council v Minister for Planning and Infrastructure and Ors - Court of Appeal Judgement**

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

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**CB13/22 - World Rally Championships (WRC) Economic Impact Report to Council**

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.

The press and public vacated the chamber.

The solicitors, Sparke Helmore Lawyers, acting for Council in relation to item GM13/9 - Coffs Harbour City Council v Minister for Planning and Infrastructure and Ors - Court of Appeal Judgement remained for discussion of that item.

---

**GM13/9 COFFS HARBOUR CITY COUNCIL V MINISTER FOR PLANNING AND INFRASTRUCTURE AND ORS COURT OF APPEAL JUDGEMENT**

---

To provide Councillors with information regarding the judgement handed down by the Court of Appeal on 6 March 2013 - Coffs Harbour City Council v The Minister for Planning and Infrastructure.

**MOTION**

**MOVED** (Degens/Arkan) that Council accepts the decision of the Court of Appeal and negotiates costs with the Respondents as detailed in the advice from Sparke Helmore Lawyers.

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

---

**DIVISION**

---

A division was duly called for, and those members voting for and against the motion were recorded:

**FOR**

Cr Arkan  
Cr Sultana  
Cr Degens

**AGAINST**

Cr Rhoades  
Cr Townley  
Cr Palmer  
Cr Innes  
Cr Cowling  
Cr Knight

**78 RESOLVED** (Palmer/Innes):

1. That Council authorise the General Manager to instruct its solicitors Sparke Helmore Lawyers to seek urgent advice from Senior Counsel as to the grounds and prospects of seeking leave to the High Court.
2. That Council authorise the GM to instruct its solicitors, Spark Helmore Lawyers to lodge an application to the High Court seeking leave to appeal.
3. That upon receipt of advice from Senior Counsel a further report be provided to Council indicating the prospects of success in the High Court leave application.

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

**GM13/9 - Coffs Harbour City Council v Minister for Planning and Infrastructure and Ors - Court of Appeal Judgement (Cont'd)**

---

**DIVISION**

---

A division was duly called for, and those members voting for and against the motion were recorded:

**FOR**

Cr Cowling  
Cr Innes  
Cr Knight  
Cr Palmer  
Cr Townley

**AGAINST**

Cr Sultana  
Cr Arkan  
Cr Degens  
Cr Rhoades

Council's legal advisors then left the meeting.

The General Manager declared a non pecuniary interest, less than significant in the following matter.

---

**CB13/22 WORLD RALLY CHAMPIONSHIPS (WRC) ECONOMIC IMPACT REPORT TO COUNCIL**

---

To provide to Council the Economic Impact report from Rally Australia (RA) detailing the direct economic impact that the 2011 WRC event achieved.

- 79** **RESOLVED** (Innes/Sultana) that Council note the economic impact report provided by Rally Australia.

---

**OPEN MEETING**

---

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

- 80** **RESOLVED** (Arkan/Innes) that the Committee now move into Open Meeting.

- 81** **RESOLVED** (Degens/Arkan) that the resolutions of the Closed Meeting be adopted.

The General Manager read to the meeting the resolutions of the Closed Meeting.

---

This concluded the business and the meeting closed at 7.34pm.

Confirmed: 11 April 2013.

.....  
Denise Knight  
Mayor