



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
27 MARCH 2014

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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

27 MARCH 2014

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

Staff: General Manager, Director Corporate Business, Director City Infrastructure Services, Director Planning, Acting Director Community Development and Executive Assistant.

Leave of Absence: Councillor K Rhoades.

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

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.

DISCLOSURE OF INTEREST

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

Councillor	Item	Type of Interest
Cr Innes	CIS14/11 - Contract No. RFT-603-TO: Castle Street Car Park Metal Roof	Non Pecuniary - significant Conflict.

APOLOGY

No apologies.

The Mayor made a presentation to Kristie McLachlan who is the winner of the NSW Ministers Award for Women in Local Government - Women in Non Traditional Roles Rural/Regional.

PUBLIC ADDRESS

Time	Speaker	Item
5.00pm	Rebecca Wark on behalf of NSW Health Infrastructure	CIS14/12 - Proposed Disposal of Land to Health Infrastructure

CONFIRMATION OF MINUTES

- 67** **RESOLVED** (Arkan/Degens) that the minutes of the Ordinary meeting held on 13 March 2014 be confirmed as a true and correct record of proceedings.

NOTICES OF MOTION

NOM14/3 ENVIRONMENTAL TRUST

- 68** **RESOLVED** (Degens/Arkan):
1. That a report be brought back to Council to investigate the establishment of an account to be created for the purpose of land acquisition with the intent to improve conditions for the protection of bio-diversity and/or contribution to local forestry resources.
 2. That the report considers a contribution from the Environmental Levy fund on an annual basis.

CIS14/12 PROPOSED DISPOSAL OF LAND TO HEALTH INFRASTRUCTURE

To seek Council guidance for the disposal to NSW Health of land which is currently part of the Coffs Coast Sport & Leisure Park Precinct at Coffs Harbour.

MOVED (Arkan/Sultana)

1. That Council offer the required land to NSW Health at a token of \$1 per annum.
2. That any necessary documents required be executed under the common seal of Council once agreement is reached.

AMENDMENT

- 69** **RESOLVED** (Knight/Innes) that item CIS14/12 - Proposed Disposal of Land to Health Infrastructure be considered in the Closed Meeting at the conclusion of the meeting, the reasons being as set out in the Agenda.

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

DIVISION

- 70** **MOVED** (Arkan/Degens) that a division be called and those members voting for and against the motion were recorded:

VOTED FOR

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

VOTED AGAINST

Cr Arkan
Cr Degens

GENERAL MANAGER'S REPORTS

GM14/11 REVITALISING LOCAL GOVERNMENT FINAL REPORT ON THE NSW INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL, OCTOBER 2013

The objective of this report is to formally report to Council the release of the Final Report of the NSW Independent Local Government Review Panel (ILGRP) – Revitalising Local Government (October 2013) and to suggest that Council make a submission to the NSW Government in this matter.

MOVED (Sultana/Degens) that:

1. Council authorise the preparation of a submission to the NSW Division of Local Government, Department of Premier and Cabinet with regard to the Final Report of the NSW Independent Local Government Review Panel entitled "Revitalising Local Government";
2. The submission authorised in 1. above be framed such that it follows the thrust of the comments contained within the Table set out in the report;
3. At a regional level at the current time, Coffs Harbour City Council continue dialogue with MIDROC and also with the Councils of Nambucca, Bellingen and Clarence Valley with a view to ensuring that our service delivery to our communities is as effective and efficient as possible; and
4. The Minister for Local Government be advised of the discussions currently being held between the Councils of Bellingen, Nambucca, Clarence Valley and Coffs Harbour regarding the potential for a Joint Organisation, canvassing the option of this process being considered for a pilot and flagging the potential for a meeting between the Councils and the Minister.

AMENDMENT

71 RESOLVED (Cowling/Sultana) that:

1. Council authorise the preparation of a submission to the NSW Division of Local Government, Department of Premier and Cabinet with regard to the Final Report of the NSW Independent Local Government Review Panel entitled "Revitalising Local Government";
2. The submission authorised in 1. above be framed such that it follows the thrust of the comments contained within the Table set out in the report;
3. At a regional level at the current time, Coffs Harbour City Council continue dialogue with MIDROC and also with the Councils of Nambucca, Bellingen and Clarence Valley with a view to ensuring that our service delivery to our communities is as effective and efficient as possible; and
4. The Minister for Local Government be advised of the discussions currently being held between the Councils of Bellingen, Nambucca, Clarence Valley and Coffs Harbour regarding the potential for a Joint Organisation, canvassing the option of this process being considered for a pilot and flagging the potential for a meeting between the Councils and the Minister.
5. A copy of the submission in point one be sent to all Councillors.

GM14/11 - Revitalising Local Government - Final Report on the NSW Independent Local Government Review Panel, October, 2013 (Cont'd)

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

CITY INFRASTRUCTURE SERVICES DEPARTMENT REPORTS

CIS14/8 CONTRACT NO. RFT-623-TI: COOK DRIVE/PACIFIC HIGHWAY INTERSECTION UPGRADE - TRAFFIC SIGNALS RELOCATIONS

To report to Council on the tender arrangements for traffic signals relocations associated with the intersection upgrade of the Pacific Highway at Cook Drive / North Boambee Road, Coffs Harbour and to gain Council approval to enter into a contract with the successful RMS approved traffic signals tenderer.

- 72** **RESOLVED** (Palmer/Innes) that Council enter into a contract with Corrigan Electrics Pty Ltd (ABN 97 003 200 888), Contract No. RFT-623-TI, Pacific Highway/Cook Drive Intersection Upgrade – Traffic Signals Relocations for the lump sum quotation of \$343,200 (GST Inclusive), on the basis that:
- a) The tender quotation process follows Councils procurement policy.
 - b) The successful tenderer, Corrigan Electrics Pty Ltd is one of the RMS prequalified subcontractors and has been endorsed by the RMS Alliance Manager.

CIS14/9 TENDER RFT-629-TO: SUPPLY OF ONE LANDFILL COMPACTOR

To report to Council the result of tendering for the supply of a replacement for Council's Landfill Compactor and to gain Council approval to accept a tender.

- 73** **RESOLVED** (Arkan/Sultana) that Council accepts the tender submitted by Westrac Pty Ltd ABN 63 009 342 572 to purchase Council's existing landfill compactor and supply a new Caterpillar 816F-2 Landfill compactor for \$528,369.17 (GST inclusive)

CIS14/10 CONTRACT NO. RFT-633-TO: COOK DRIVE/PACIFIC HIGHWAY INTERSECTION UPGRADE - ROUNDABOUT CONSTRUCTION - CONCRETE COMPONENT

To report to Council on the tender arrangements for roundabout construction – concrete component traffic associated with the intersection upgrade of the Pacific Highway at Cook Drive/North Boambee Road Coffs Harbour and to gain Council approval to enter into a contract with the successful tenderer.

- 74** **RESOLVED** (Degens/Arkan) that Council enter into a contract with FJE and J Farlow (ABN 49 034 845 208), Contract No. RFT-633-TO, Pacific Highway Cook Drive Intersection Upgrade – Roundabout Construction – Concrete Component, for the lump sum quotation of \$202,500 (GST Inclusive), on the basis that:
- a) The tender quotation process follows Council's procurement policy.
 - b) The successful tenderer, FJE and J Farlow has extensive experience in constructing similar roundabouts for Council.
 - c) This work has been endorsed by the RMS Alliance Manager.

Councillor Innes declared an interest in the following item, vacated the Chamber and took no part in the discussion or voting, the time being 5.41pm.

CIS14/11 CONTRACT NO. RFT-603-TO: CASTLE STREET CAR PARK METAL ROOF

To report on tenders received for Contract No. RFT-603-TO; Castle Street Car Park Metal Roof and to gain Council approval to not accept any tender and procure a redesigned structure either by recalling tenders or direct management.

MOTION

MOVED (Arkan/Degens) That Council consider tenders received for Contract No. RFT-603-TO Castle Street Car Park Metal Roof and move the motion as detailed in the confidential attachment.

AMENDMENT

- 75** **RESOLVED** (Townley/Cowling) that item CIS14/11 - Contract No. RFT-603-TO: Castle Street Car Park Metal Roof be considered in the Closed Meeting at the conclusion of the meeting, the reasons being as set out in the Agenda.

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

Councillor Innes returned to the Chamber, the time being 5.43pm.

CORPORATE BUSINESS DEPARTMENT REPORTS

CB14/15 MONTHLY BUDGET REVIEW FOR JANUARY 2014

To report on the estimated budget position as at 31 January 2014.

- 76 RESOLVED** (Degens/Palmer) that the budget adjustments be approved and the current budget position be noted.

Estimated Budget Position as at 31 January 2014:

	General Account \$	Water Account \$	Sewer Account \$
Original Budget adopted 13 June 2013	426,307 (D)	4,553,442 (D)	3,165,226 (D)
	(408,707)		
Approved Variations to 31 December	(S)	Nil	Nil
Recommended variations			(300,000)
January 2014	Nil	(556,076) (S)	(S)
		<u>3,997,366</u>	<u>2,865,226</u>
Estimated result as at 31 January 2014	<u>17,600</u> (D)	(D)	(D)

CB14/16 BANK BALANCES AND INVESTMENT FOR FEBRUARY 2014

To list Council's bank balances and investments as at 28 February 2014.

- 77 RESOLVED** (Palmer/Sultana):
1. That the bank balances and investments totaling (from loans, Section 94 and other avenues that form the restricted accounts and are committed for future works) one hundred and fifty-six million, seven hundred and seventy-three thousand, and seven hundred and eighty-six dollars (\$156,773,786) as at 28 February 2014 be noted.
 2. That the general fund unrestricted cash and investments totaling one hundred and nineteen thousand, eight hundred and eighty dollars (\$119,880) as at 28 February 2014 be noted.

COMMUNITY DEVELOPMENT DEPARTMENT REPORTS

CD14/5 NSW PUBLIC LIBRARY FUNDING

To inform Council of the current situation of State Government funding for public libraries and seek Council support for the NSW Public Library Associations' campaign to improve the level of funding provided to local government in providing public library services.

- 78 RESOLVED** (Palmer/Townley) that Council provide support to the campaign mounted by the NSW Public Library Associations for increased State funding to local government for public libraries by:
- a. Making representation to the local State Member in relation to the need for additional funding from the NSW State Government for the provision of public library services;
 - b. Writing to the Hon. George Souris, Minister for the Arts, calling upon the Government to implement the *Reforming Public Library Funding* submission of the Library Council of NSW in 2012 for the reform of the funding system for NSW public libraries;
 - c. Approving the distribution of NSW Public Library Associations campaign information in Council libraries;
 - d. Taking a lead role in activating the campaign locally, including identifying opportunities, where appropriate, to advocate on the issue.

CITY PLANNING DEPARTMENT REPORTS

CP14/8 DEVELOPMENT APPLICATION 412/14 DEMOLITION OF EXISTING DWELLING AND SHED AND CONSTRUCTION OF MIXED USE DEVELOPMENT COMPRISING SHOP TOP HOUSING (10 UNITS) AND RETAIL PREMISES (5 TENANCIES) - LOT 8, SECTION 22 DP 759113 NO. 18 MARKET STREET, WOOLGOOLGA

The purpose of this report is to present Development Application No. 412/14 for Council's consideration, which is an application for the demolition of an existing dwelling and shed and construction of a three storey mixed use development comprising shop top housing (10 accommodation units) and ground level car parking and retail premises (5 tenancies).

- 79 RESOLVED** (Arkan/Innes):
1. That the objection made pursuant to Clause 4.6 of Coffs Harbour Local Environmental Plan 2013 for the variation to the maximum floor space ratio size under Clause 4.4 (2) of Coffs Harbour Local Environmental Plan 2013 be supported in this particular case.

CP14/8 - Development Application 412/14 Demolition of Existing Dwelling and Shed and Construction of Mixed Use Development Comprising Shop Top Housing (10 units) and Retail Premises (5 tenancies) - Lot 8, Section 22, DP 759113, No. 18 Market Street, Woolgoolga (Cont'd)

2. That Development Application 412/14 for demolition of existing dwelling and shed and construction of mixed use development comprising shop top housing (10 units) and retail premises (5 tenancies) at Lot 8 Section 22, DP 759113, No.18 Market Street, Woolgoolga be approved subject to conditions appended to this report (Attachment 3).

This resolution was passed unanimously.

REQUESTS FOR LEAVE OF ABSENCE

- 80** **RESOLVED** (Degens/Arkan) that Cr Townley be granted leave of absence from Council from 10 April 2014.

MATTERS OF AN URGENT NATURE

MUN14/2 Woolgoolga Beach Reserve

Councillor Arkan advised that he had received numerous calls regarding Woolgoolga Beach Reserve. Residents are concerned that the Reserve will be destroyed with the new Plan of Management. Cr Arkan requested a media release be re-issued to allay concerns.

The Director Corporate Business advised that the Draft Plans of Management for Woolgoolga Beach Reserve were with Crown Lands and were still to be approved. After approval from Crown Lands they would then go on public exhibition for comment. Crown Lands have advised that they are trying to expedite the matter and hopefully the Draft Plans would go on public exhibition in the next few weeks.

MUN14/3 Solitary Islands Marine Park

Councillor Palmer requested that Council write to the Premier of NSW, the Local State Member Andrew Fraser, the Minister for the Environment and Heritage, and the Minister for Fisheries, Katrina Hodgkinson, expressing its' concerns regarding the review of the NSW Marine Estate and calling on the NSW Government to:

1. recognise the enormous benefits that the Solitary Islands Marine Park and sanctuaries provide to local economies and businesses in the Coffs Harbour LGA;
2. accept the statement by 222 marine scientists sent to all government MPs that the integrity of the NSW marine parks network and marine conservation objectives will be severely undermined by moves to allow recreational fishing in sanctuary zones;
3. acknowledge that only 12% of the Solitary Islands Marine Park is Sanctuary Zone, with only 2 beaches within Coffs Harbour LGA zoned as a Sanctuary Zone:
4. acknowledge that recreational fishers are already able to access 93% of NSW waters and that setting aside some areas of our oceans for conservation is world's best practice and also in the best interests of future generations;
5. abandon its controversial new approach to managing the marine estate, including the prospect of reducing protections that will allow fishing in marine sanctuaries; and
6. support and promote a positive vision for the NSW marine environment which recognises that comprehensive, adequate and representative sanctuary zones are a vital and valuable component of our marine estate.
7. that Council write to the Minister for Aboriginal Affairs, Victor Dominello in support of the submissions from the Garbby Elders, Arrawarra Elders and The Coffs Harbour and District Land Council.

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, the time was 6.10pm pm.

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

CIS14/11 - Contract No. RFT-603-TO: Castle Street Car Park Metal Roof
CIS14/12 - Proposed Disposal of Land to Health Infrastructure

These reports were 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 time being 6.37pm.

On returning to Open Council, from the Closed Meeting, time being 7.10pm the General Manager read to the meeting the resolutions of the Closed Meeting that are no longer confidential.

CIS14/11 CONTRACT NO. RFT-603-TO: CASTLE STREET CAR PARK METAL ROOF

To report on tenders received for Contract No. RFT-603-TO; Castle Street Car Park Metal Roof and to gain Council approval to not accept any tender and procure a redesigned structure either by recalling tenders or direct management.

- 84** **RESOLVED** (Arkan/Sultana)
1. That Council declines to accept any tender for Contract RFT-603-TO Castle Street Car Park Metal Roof.
 2. That the roof and lift to the car park be re-designed and re-estimated to determine the necessary budget to construct both.
 3. That Council continues to carry out the lift construction works itself by direct management.
 4. That pending the new estimate for the re-designed roof and lift being within the current allocated budget, Council proceeds with either recalling open tenders for the roof or carry out the requirements for the roof itself by direct management.

CIS14/12 PROPOSED DISPOSAL OF LAND TO HEALTH INFRASTRUCTURE

To seek Council guidance for the disposal to NSW Health of land which is currently part of the Coffs Coast Sport & Leisure Park Precinct at Coffs Harbour.

87 RESOLVED (Knight/Palmer):

1. That Council in principle agree to the sale of land to NSW Health required to facilitate the construction of 450 car spaces, equating to approximately 15,565 square metres.
2. That Council make a counter offer to NSW Health.
3. That Council adopt the recommendations in the confidential attachment to this report, noting that some items will remain confidential until negotiations are complete.
4. That any necessary documents required be executed under the common seal of Council once agreement is reached.
5. That the net proceeds of the sale of the land be invested for a period of six months, after that time a report be brought back to Council with any requests from staff for other Council owned facilities and asset improvements.

89 RESOLVED (Degens/Innes) that the resolutions of the Closed Meeting be adopted.

This concluded the business and the meeting closed at 7.16 pm.

Confirmed: 10 April 2014.

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Denise Knight
Mayor