

The following document is the minutes of the Council and Committee meeting held on 12 June 2014. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 26 June 2014 and therefore subject to change. Please refer to minutes of 26 June 2014 for confirmation.



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
12 JUNE 2014

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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

12 JUNE 2014

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

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

Leave of Absence: Councillor Innes

The meeting commenced at 5.00 pm 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.

DISCLOSURES OF INTEREST

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

Councillor	Item	Type of Interest
Cr Palmer	CIS14/28 CBD Masterplan Committee Progress Report	Non pecuniary - less than significant conflict his wife is a proprietor of a retail outlet in the CBD

APOLOGY

No apologies.

PUBLIC ADDRESS

Time	Speaker	Item
5.00 pm	Rod McKelvey	CIS14/28 – CBD Masterplan Committee Progress Report

CONFIRMATION AND ADOPTION OF MINUTES

- 156** **RESOLVED** (Palmer/Townley) that the minutes of the Ordinary meeting held on 22 May 2014 be confirmed as a true and correct record of proceedings.

CITY INFRASTRUCTURE SERVICES DEPARTMENT REPORT

CIS14/28 CBD MASTERPLAN COMMITTEE PROGRESS REPORT

To report to Council progress of works being undertaken through the CBD Masterplan Committee.

MOVED (Arkan/Sultana) that Council:

1. Note the CBD Masterplan progress report.
2. Endorse the program for progression of the City Square redevelopment project.
3. Note the alternative process adopted by the CBD Masterplan Committee as detailed in the report, including the concerns raised by staff with regards to this process.
4. Receive a further report at the conclusion of the City Square redevelopment design process detailing the outcomes and proposed final design.
5. Require CBD Masterplan Committee to report to Council on milestone projects and to utilise the Councillors monthly bulletin to regularly report on progress of CBD Masterplan projects and events.
6. Note that a workshop be held with the current CBD Masterplan Committee and a report brought back to Council on the Committee Terms of Reference and membership of the CBD Masterplan Committee.
7. That Council actively engage CBD retailers and encourage their participation so as to have proper representation from the retail sector.

Cont'd

AMENDMENT

157 **RESOLVED** (Rhoades/Degens) that:

1. Note the CBD Masterplan progress report.
2. Endorse the program for progression of the City Square redevelopment project.
3. Note the alternative process adopted by the CBD Masterplan Committee as detailed in the report, including the concerns raised by staff with regards to this process.
4. Receive a further report at the conclusion of the City Square redevelopment design process detailing the outcomes and proposed final design.
5. Require CBD Masterplan Committee to report to Council on milestone projects and to utilise the Councillors monthly bulletin to regularly report on progress of CBD Masterplan projects and events. That Councillors be sent an agenda advising of the date, time and venue of the scheduled meetings of the CBD Masterplan committee so that they can attend as observers if they wish.
6. Note that a workshop be held with the current CBD Masterplan Committee and a report brought back to Council on the Committee Terms of Reference and membership of the CBD Masterplan Committee.

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

AMENDMENT

MOVED (Arkan/Degens) that:

1. Note the CBD Masterplan progress report.
2. Endorse the program for progression of the City Square redevelopment project.
3. Note the alternative process adopted by the CBD Masterplan Committee as detailed in the report, including the concerns raised by staff with regards to this process.
4. Receive a further report at the conclusion of the City Square redevelopment design process detailing the outcomes and proposed final design.
5. Require CBD Masterplan Committee to report to Council on milestone projects and to utilise the Councillors monthly bulletin to regularly report on progress of CBD Masterplan projects and events. That Councillors be sent an agenda advising of the date, time and venue of the scheduled meetings of the CBD Masterplan committee so that they can attend as observers if they wish.
6. Note that a workshop be held with the current CBD Masterplan Committee and a report brought back to Council on the Committee Terms of Reference and membership of the CBD Masterplan Committee.
7. That the CBD Masterplan committee actively engage CBD retailers and encourage their participation so as to have proper representation from the retail sector.

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

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

NOTICES OF MOTION

NOM14/4 FEDERAL FUNDING FOR COUNCILS

158 **RESOLVED** (Townley/Cowling) that Council:

1. Notes with concern:
 - 1.1. The Federal Government's decision in the 2014/15 Budget to freeze indexation for Commonwealth funded Financial Assistance Grants.
 - 1.2. That the indexation freeze is projected to cut \$288 million from funding to local councils in NSW which will directly impact on council's ability to provide essential services and maintain and build infrastructure, and
 - 1.3. That 152 local councils in NSW currently have a combined infrastructure backlog of \$7.2 billion.
2. Calls on the Federal Government to immediately abandon its decision to freeze the indexation of Financial Assistance Grants and reinstate the \$1 billion of previously promised funding to Local Governments across Australia.
3. Also write to the Opposition, cross-benchers and minor parties in the Senate to inform them of our view in this matter.

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

NOM14/5 COFFS HARBOUR CITY COUNCIL NOMINATE FOR THE TIDY TOWNS COMPETITION

MOVED (Cowling/Sultana) that:

1. Coffs Harbour City Council nominate for 'The Tidy Towns Competition' organised by Keep Australia Beautiful in 2015.
2. A Tidy Towns Committee of seven (7) be formed with the ability to co-opt specialists in their field from time to time with one (1) Councillor representative to be elected at this meeting and the balance of the committee be reported to the 22 August 2014 Council meeting.

AMENDMENT

159 **RESOLVED** (Rhoades/Palmer) that:

1. This matter be referred to the Council meeting of 10 July 2014 and to include an indicative cost to Council.
2. Expressions of interest be called for people who wish to participate in this process.

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

NOM14/6 PLANNING ZONES OF HIGHWAY (B6) STRIP BETWEEN TWO COFFS CREEK BRIDGES AND WITHIN THE JETTY PRECINCT

MOVED (Degens/Arkan) that:

A report be brought back to Council in the short term outlining the history of planning investigations and issues of contention in the following planning zones.

1. along the Highway (B6) strip between the two Coffs Creek bridges
2. within the Jetty precinct

with a view to conduct a review of existing planning controls inside of Coffs Harbour city, particularly for the two locations mentioned above for the purpose of updating the current LEP given that anomalies exist in these areas.

160 RESOLVED (Cowling/Rhoades) that the motion be put.

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

DIVISION

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

VOTED FOR

Cr Arkan
Cr Degens
Cr Sultana

VOTED AGAINST

Cr Palmer
Cr Cowling
Cr Knight
Cr Townley
Cr Rhoades

The meeting adjourned for a short recess, the time being 7.17pm and reconvened at 7.23pm.

CITY PLANNING DEPARTMENT REPORT

CP14/17 HERITAGE STRATEGY 2014 - 2017

This report outlines the Heritage Strategy proposed for the three year period 2014 – 2017 and seeks Council's endorsement of a 30 day public exhibition process.

161 RESOLVED (Arkan/Rhoades) that:

1. Council endorse the Heritage Strategy 2014 - 2017 for public exhibition purposes for a 30 day period.
2. Following the public exhibition period Council considers a further report including a summary of any submissions received.
3. Should no submissions be received during the public exhibition period, the Heritage Strategy 2014 - 2017 be progressed to the NSW Office of Environment and Heritage for endorsement.
4. Council endorse the continuation of the existing Heritage Executive Committee for the period of the Heritage Strategy 2014 - 2017.

CORPORATE BUSINESS DEPARTMENT REPORTS

CB14/34 COFFS HARBOUR ROAD NETWORK DEVELOPER CONTRIBUTIONS PLAN REVIEW

To present to Council the draft amended Coffs Harbour Road Network Developer Contributions Plan 2014. This report recommends that the draft plan be adopted.

162 RESOLVED (Arkan/Palmer) that the Draft Coffs Harbour Road Network Contributions Plan 2014 be adopted.

Cr Rhoades, Cr Knight, the General Manager and the Director of Corporate Business declared a non pecuniary - less than significant conflict of interest in the following item as they are board members of Prosper Coffs Harbour Limited.

CB14/35 ENVIRONMENTAL TRUST

To report to Council on investigations for the establishment of an account 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.

163 RESOLVED (Arkan/Degens) that:

1. Council agrees in principle to the concept of land acquisition to support the protection of bio-diversity.
2. Prosper Coffs Harbour Ltd not accept contributions / donations which are aligned to a claim for tax deductibility as a deductible gift recipient until such time as this fund achieves deductible gift recipient status.
3. Council supports Prosper Coffs Harbour Limited's Protection of the Environment Trust as a mechanism to acquire and fund the acquisition of such land.

CB14/36 TENDER FOR INSTALLATION OF VILLAS AT PARK BEACH HOLIDAY PARK AND SAWTELL BEACH HOLIDAY PARK

To resubmit a report on tenders received for Contract No RFT-643-TO for the construction and installation of Villas at Park Beach Holiday Park and Sawtell Beach Holiday Park.

164 RESOLVED (Palmer/Arkan) that:

1. Council, as Corporate Manager of the Coffs Coast State Park Trust, rescinds its previous resolution for Contract RFT-643-TO, dated 22 May 2014.
2. Council, as Corporate Manager of the Coffs Coast State Park Trust, accept the tender of Wengold Pty Ltd (ABN 26078352824) for Contract No. RFT-643-TO Tender for Installation of Villas at Park Beach Holiday Park and Sawtell Beach Holiday Park for the Lump Sum of \$1,595,000.00, on the basis that:
 - 2.1. The tender is the most advantageous tender following the application of Council's Tender Value Selection System
 - 2.2. The Tenderer has the necessary experience in similar works and his ability and performance are satisfactory
 - 2.3. The Tenderer's financial capacity is acceptable
3. The awarding of the contract will be conditional upon a satisfactory financial assessment of the Tenderer
4. The contract documents be executed under the Seal of Council.

- 165 **MOVED** (Rhoades/Arkan) that item CIS14/29 Proposed Disposal of Land to Health Infrastructure be referred to confidential session at the end of the meeting.

REQUESTS FOR LEAVE OF ABSENCE

No requests for leave of absence.

MATTERS OF AN URGENT NATURE

MUN14/8 Sapphire Beach Naming

Cr Rhoades raised the issue regarding the naming of the area known as Sapphire Beach at the Pacific Highway upgrading works and that it continue to be named as Sapphire Beach.

QUESTIONS ON NOTICE

QON14/1 CBD Masterplan Committee Progress Report

This matter is addressed as part of the report CIS14/28 in the business paper.

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 8.32 pm.

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

CIS14/29 - Proposed Disposal of Land to Health Infrastructure

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.

**CIS14/29 PROPOSED DISPOSAL OF LAND TO HEALTH
INFRASTRUCTURE**

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

MOVED (Arkan/Degens) that:

1. Council accept the offer contained within the Confidential Attachment to this report by NSW Health for the sale of part Lot 204 DP 1165897.
2. Council provide a licence to NSW Health to commence investigations and works in relation to the proposed car park if required prior to settlement of the sale.
3. Council be guided by its Solicitor in relation to preparation and terms when preparing and executing the Contract for Sale.
4. Any necessary documents required be executed under the Common Seal of Council.
5. The net proceeds of the sale of the land be invested for a period of six months, after which the funds be directed in tackling the Council's infrastructure backlog.

AMENDMENT

167 RESOLVED (Rhoades/Palmer) that

1. Council accept the offer contained within the Confidential Attachment to this report by NSW Health for the sale of part Lot 204 DP 1165897.
2. Council provide a licence to NSW Health to commence investigations and works in relation to the proposed car park if required prior to settlement of the sale.
3. Council be guided by its Solicitor in relation to preparation and terms when preparing and executing the Contract for Sale.
4. Any necessary documents required be executed under the Common Seal of Council.
5. The net proceeds of the sale of the land be invested for a period of six months, after which time a report be brought back to Council with any recommendations for other Council owned facilities and asset improvements.

168 RESOLVED (Palmer/Degens) that the amendment be put.

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

OPEN MEETING

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

169 RECOMMENDED (Rhoades/Palmer) that the Council 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 8.48 pm.

Confirmed: 26 June 2014

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Denise Knight
Mayor