

The following document is the minutes of the Council and Committee Meetings held on Thursday, 23 August 2012. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 11 October 2012 and therefore subject to change. Please refer to the minutes of the meeting of 11 October 2012 for confirmation.



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
23 AUGUST 2012

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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

23 AUGUST 2012

Present: Councillors K Rhoades (Mayor), J Arkan, J Bonfield, R Degens, M Graham, K Hines, D Knight, W Palmer and P Templeton.

Staff: General Manager, Director Corporate Business, Director of City Services, Executive Manager Strategy and Sustainability, Property Manager, Project Manager Land Use Assessment and Executive Assistant

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 K Rhoades in the chair.

DISCLOSURE OF INTEREST

208 RESOLVED (Palmer/Bonfield) that the following disclosure be received and noted as follows:

Councillor	Item	Type of Interest
Cr J Arkan	CB12/82 - Assignment of Lease - Consent to Assignment of Lease of Kiosk B, City Square, being Lot 14 in Deposited Plan 1031722 and Execution of Deed of Assignment of Lease Documents under Common Seal of Council.	Pecuniary

PUBLIC ADDRESS

Time	Speaker	Item
5.00pm	Rod McKelvey	CS12/28 - Pacific Highway Sapphire to Woolgoolga - Service Road
5.05pm	Echah Wright	L12/25 - Development Application 0217/12 - Restaurant - Lot 1 DP 1128964, 2 Mullaway Drive, Mullaway
5.10pm	Shaun Lawer, GHD	L12/25 - Development Application 0217/12 - Restaurant - Lot 1 DP 1128964, 2 Mullaway Drive, Mullaway

CONFIRMATION OF MINUTES

- 209** **RESOLVED** (Arkan/Hines) that the minutes of the Ordinary meeting held on 9 August 2012 be confirmed as a true and correct record of proceedings.

Councillor Palmer made a presentation to Mayor Rhoades on behalf of the Local Government Aboriginal Network. Cr Rhoades was chosen as Councillor of the year in recognition of his work carried out on behalf of the Aboriginal Network.

NOTICE OF MOTION

NOM12/7 FUTURE DIRECTION OF THE HARBOUR AND FORESHORES

MOVED (Degens/Templeton) that Council conduct investigation into the following matters to shed light into future directions for the foreshores and the harbour itself.

1. That a series of options leading to the opening up and creation of views towards the wooden jetty and harbour be drafted in the form of schematic diagrams for deliberation. That these options include the notion that some of the vegetation be thinned, or completely removed in some sections, with an overall concept of retaining as much vegetation as possible, while delivering sea views of greatest value.
2. That council establish with local business interested in using the harbour for commercial purposes, short medium and long term preferred directions that will assist the long term security of these businesses.
3. That council liaise with local businesses to discuss the feasibility for the incorporation of a small scale shipping port to be considered as a possibility in the future redevelopment for the Port of Coffs Harbour in addition to its role as a tourist destination and open sea access point among other uses and report back to council.
4. That suggestions by local community/business groups to maximize possible opportunities arising from the current upgrading of the southern break wall be added to the report.

AMENDMENT

- 210** **RESOLVED** (Bonfield/Graham) that this item be brought to the attention of the new Council and that the new Council is fully briefed on the history and current discussions.

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

CITY SERVICES DEPARTMENT REPORT

CS12/28 PACIFIC HIGHWAY SAPPHIRE TO WOOLGOOLGA - SERVICE ROAD

To consider draft assessments from Roads and Maritime Services (formerly Roads and Traffic Authority) for the review of speed zones associated with the Sapphire to Woolgoolga Pacific Highway Upgrade, and consider recommendations from the Sapphire to Woolgoolga Cycleway Focus Group.

211 RESOLVED (Rhoades/Graham) that Council in relation to the Pacific Highway Sapphire to Woolgoolga project:

1. Seek commitment from Roads and Maritime Services to provide a continuous separated shared pedestrian/cycle path for the Sapphire to Arrawarra Service Road.
2. Seek commitment from Roads and Maritime Services to reconfigure the lane and shoulder widths of the Service Road to match Manning River Drive (Old Pacific Highway) Taree as provided by the RTA in 2001 (similar to Council's construction on Hogbin Drive north of Harbour Drive).
3. Recommends a posted 60kph speed for the Sapphire to Arrawarra Service Road.
4. Seek commitment from Roads and Maritime Services to refer the proposed speed zones for the Pacific Highway Sapphire to Arrawarra Service Road to the Local Traffic Committee for assessment by Council, Police and public transport operators.

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT

L12/25 DEVELOPMENT APPLICATION 0217/12 – RESTAURANT – LOT 1 DP 1128964, 2 MULLAWAY DRIVE, MULLAWAY

This report describes Development Application 0217/12 for a restaurant at Lot 1, DP 1128964, 2 Mullaway Drive, Mullaway.

212 RESOLVED (Bonfield/Templeton):

1. That Development Application 0217/12 for a restaurant at Lot 1 DP 1128964 at 2 Mullaway Drive, Mullaway be approved subject to conditions attached to this report (Appendix B)
2. That those persons who lodged submissions on this Development Application be informed of Council's decision.

L12/25 - Development Application 0217/12 - Restaurant - Lot 1 DP 1128964, 2 Mullaway Drive, Mullaway (Cont'd)

AMENDMENT

MOVED (Degens/Graham) that this development be deferred to the new Council and that a briefing be arranged for Councillors.

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

VOTED FOR

Cr M Graham
Cr R Degens

VOTED AGAINST

Cr P Templeton
Cr K Hines
Cr D Knight
Cr J Bonfield
Cr W Palmer
Cr J Arkan
Cr K Rhoades

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

VOTED FOR

Cr P Templeton
Cr K Hines
Cr D Knight
Cr J Bonfield
Cr W Palmer
Cr J Arkan
Cr K Rhoades
Cr P Templeton
Cr K Hines

VOTED AGAINST

Cr M Graham
Cr R Degens

GENERAL MANAGER'S REPORT

GM12/24 2030 END OF TERM REPORT

To provide a report on Council's progress in implementing the *Coffs Harbour 2030* Community Strategic Plan during its current term in office.

- 213** **RESOLVED** (Arkan/Palmer) that Council adopt the 2030 End of Term Report, covering the period July 2010 to August 2012, as separately appended to this report.

Councillor Hines left the meeting, the time being 6.31pm.

GM12/25 OPERATIONAL PLAN REPORTING FOR THE QUARTER ENDED 30 JUNE 2012

To report on the progress of implementation of Council's 2011/2012 Operational Plan.

- 214** **RESOLVED** (Templeton/Knight) that Council:
1. Notes the operational status of Budget Programs for the quarter ended 30 June 2012, as outlined in the body of this report.
 2. Continues to monitor its performance with a view to improving service delivery.

Councillor Hines returned to the meeting, the time being 6.33pm.

CITY SERVICES DEPARTMENT REPORTS

CS12/29 COASTAL ZONE MANAGEMENT PLAN FOR BOAMBEE / NEWPORTS ESTUARY

The purpose of this report is to have the 'Coastal Zone Management Plan for Boambee/ Newports Estuary' adopted by Council.

- 215** **RESOLVED** (Arkan/Palmer) that Council adopts the Coastal Zone Management Plan for Boambee/ Newports Estuary as separately appended.

CS12/30 COMMITTEE MEMBERSHIP - BAYLDON AND EASTERN DORRIGO

To recommend to Council appointment of community members to facility management committees.

216 RESOLVED (Arkan/Templeton) that the following committee members nominations be appointed to the relevant committees:

- Bayldon Community Centre Management Committee
Mr Alex Pearson and Ms Lynette Smith
- Eastern Dorrigo Showground and Community Hall Management Committee
Ms Tania Tibbits

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT

L12/24 NSW PLANNING SYSTEM REVIEW - GREEN PAPER

The purpose of this report is to:

1. Provide Council with an update on the NSW Government's NSW Planning System Review and Green Paper; and
2. Seek Council's endorsement of the attached submission to the review.

217 RESOLVED (Graham/Knight) that Council:

1. Note the information provided in this report which provides an update on the NSW Government's NSW Planning System Review Green Paper.
2. Endorse the attachment of this report as a submission to the NSW Government's NSW Planning System Review Green Paper.
3. Notes that additional information may be appended to this endorsed submission following the Workshop Forum to be held in late August 2012.
4. That Council write to the Minister for Planning and Infrastructure and the Premier requesting a significant extension to the submission period to allow newly elected Councillors involvement in this important strategic exercise.

CORPORATE BUSINESS DEPARTMENT REPORTS

CB12/74 2012/13 FINANCIAL ASSISTANCE GRANT NEGATIVE ADJUSTMENT

The objective of this report is to advise Council of the reduction in the Financial Assistance Grant funds expected for the 2012/13 financial year.

218 RESOLVED (Palmer/Arkan):

1. That Council note the advice from the Local Government Grants Commission that the 2012/2013 Commonwealth Financial Assistance Grant is foreshadowed to be \$277,936 less than the projection contained in Council's 2012/13 Management Plan.
2. That Council makes representations to the Commonwealth Minister for Regional Australia, Regional Development and Local Government, the Hon Simon Crean MP, about the foreshadowed loss of revenue and its impact on this Council.
3. That Council includes this adjustment in the budget review for the September quarter 2012. By this time Council will know its actual results for 2011/12.

CB12/75 REVISED MASTER PLAN FOR WEST WOOLGOOLGA SPORTS COMPLEX AND COMMENCEMENT OF WORKS ON THE SITE

To seek endorsement of the revised West Woolgoolga Sports Complex field layout and Master Plan and to commence works associated with the first stage of the development.

219 RESOLVED (Arkan/Palmer):

1. That Council approve the modified West Woolgoolga Sports Complex layout and Master Plan and amend the Sports Facility Plan in accordance with the plans attached to the report.
2. That Council approve commencement of the works associated with the first stage of the development utilizing available Section 94 funds as described in the report.
3. That Council note the need to allocate \$11,000 for maintenance within the 2013/14 Delivery Plan.

CB12/76 PROPOSED LICENCE – BAKKER DRIVE RESERVE, BONVILLE

Report on the outcome of the public exhibition of the proposal to grant a three year licence (incorporating a further 12 month trial period) for Equestrian Club activities at the Bakker Drive Reserve.

220 RESOLVED (Templeton/Hines):

1. That Council approve the grant of a licence in accordance with the general terms and conditions as indicated in the body of the report and the attachments to the Bonville Valley Equestrian Club in respect of Part Lot 35 DP 825229 (Bakker Drive Reserve) and being generally that area shown as Lot 1 on the plan attached to this report at Annexure C.
2. That a précis of the outcome of the further trial 12 month period for the licence of Part Bakker Drive Reserve to the Bonville Valley Equestrian Club be e-mailed to Councilors for their information.
3. That Council inform each party that made a submission of Council's decision.

CB12/77 ACQUISITION OF LAND HOYS ROAD, MOONEE – PROCEDURAL AMENDMENT TO EXISTING RESOLUTION

To approve a minor procedural amendment to an existing Council resolution in relation to the proposed compulsory acquisition of land at Hoys Road, Moonee.

- 221 RESOLVED** (Templeton/Hines) that Council make application to the Department of Local Government seeking the Minister's approval to make a recommendation to the Governor for the Governor's consent to place an acquisition notice in the Gazette to acquire Lot 9 DP 1140702 Hoys Road, Moonee by compulsory process under the Land Acquisition (Just Terms Compensation) Act, 1991.

CB12/78 TENDER: PROVISION OF CONSULTANCY SERVICES – COFFS HARBOUR CBD MASTER PLAN – CONTRACT NO RFT-548-TO

To report to Council on tenders received for the provision of consultancy services for the preparation of Coffs Harbour CBD Master Plan Contract RFT-548-TO, and to gain Council approval to accept a tender.

222 RESOLVED (Hines/Knight):

1. That, subject to a satisfactory financial report, Council accept the tender of Roberts Day Pty Limited, ABN 53 667 373 703, for the lump sum amount of \$228,833.00 inclusive of GST, for Contract No RFT-548-TO Provision of Consultancy services on the basis that:
 - a) The tender is the most advantageous tender following the application of Council's Tender Value Selection System and presentation by the top two tenderers.
 - b) The Tenderer has the necessary experience in similar works and its ability and performance are satisfactory.
2. That Council approve a 15% contingency for the preparation of the plan.
3. That the contract documents be executed under the common seal of Council.

CB12/79 LEASE - WOOLGOOLGA ART GALLERY AT 73 TURON PARADE, WOOLGOOLGA TO THE WOOLGOOLGA ART GROUP INCORPORATED - EXECUTION OF LEASE DOCUMENTS UNDER COMMON SEAL OF COUNCIL

Seeking authority for the execution of a lease between Coffs Harbour City Council as the registered proprietor of the land known as 73 Turon Parade and more particularly as the Woolgoolga Art Gallery to the Woolgoolga Art Group under the common seal of Council.

223 RESOLVED (Hines/Knight):

1. That Council as registered proprietor of Lot 682 in DP 618948 and Lot 683 in DP 703342 known as the Woolgoolga Art Gallery (the demised premises) authorise the lease of the Demised Premises to the Woolgoolga Art Group Incorporated for a period of 10 years with an option for a further ten years and with a commencing rent not less than the Statutory Crown Minimum Rent.
2. That Council's seal be affixed to the lease of Lot 682 in DP 618948 and Lot 683 in DP 703342 and known as the Woolgoolga Art Gallery to the Woolgoolga Art Group Incorporated and all other documents required to give effect to the lease agreement.

CB12/80 LEASE - HANGAR SITE, 69 AVIATION DRIVE, COFFS HARBOUR AIRPORT, LOT 1 DP 747942 - EXECUTION OF LEASE DOCUMENTS UNDER COMMON SEAL OF COUNCIL

Seeking authority for the execution of a lease between Coffs Harbour City Council as the registered proprietor of the land known as 69 Aviation Drive Coffs Harbour Airport, being Lot 1 in DP 747942 to Alan Kneale Electrical Pty Limited under the Common Seal of Council.

224 RESOLVED (Hines/Knight):

1. The Council as registered proprietor of 69 Aviation Drive, Coffs Harbour Airport being Lot 1 in DP 747942 (the demised premises) authorize the lease of the demised premises to Alan Kneale Electrical Pty Limited for a period of 5 (five) years and an option for a further 5 (five) years and subject to the terms and conditions contained in this report and the attached confidential annexure.
2. That any necessary documents required to give effect to the lease of 69 Aviation Drive, Coffs Harbour Airport being Lot 1 in DP 747942 to Alan Kneale Electrical Pty Limited be executed under the common seal of Council.

CB12/81 CROWN LAND LICENCE - SAWTELL TENNIS COURTS, LYONS ROAD, SAWTELL BEING PART CROWN RESERVE 81703 TO SAWTELL TENNIS CLUB INCORPORATED - EXECUTION OF LICENCE DOCUMENTS UNDER COMMON SEAL OF COUNCIL

Seeking authority for the execution of a Licence between Coffs Harbour City Council in its capacity as the Corporate Manager of the Coffs Coast State Park Trust of the land known as the Sawtell Tennis Club Complex and being part of Crown Reserve No 81703 for Public Recreation and Resting Place under the Common Seal of Council.

225 RESOLVED (Hines/Knight):

1. That Council as the Corporate Manager of the Coffs Coast State Park Trust as Trustee of Reserve 81703 authorise the licence of Part Reserve 81703 being the Sawtell Tennis Complex, Lyons Road, Sawtell (the demised premises) to the Sawtell Tennis Club Incorporated Y0491233 for a period of five years and subject to the terms and conditions contained in this report and confidential annexure.
2. That any necessary documents required to give effect to the licence of Part Reserve 81703 being the Sawtell Tennis Complex of Lyons Road, the Sawtell Tennis Club Incorporated Y0491233, be executed under the common seal of Council.

Councillor Arkan declared an interest in the following item, vacated the Chamber and took no part in the discussion or voting, the time being 6.47pm.

CB12/82 ASSIGNMENT OF LEASE - CONSENT TO ASSIGNMENT OF LEASE OF KIOSK B, CITY SQUARE, BEING LOT 14 IN DEPOSITED PLAN 1031722 AND EXECUTION OF DEED OF ASSIGNMENT OF LEASE DOCUMENTS UNDER COMMON SEAL OF COUNCIL

Seeking Council's consent to the assignment of the lease for the property known as Kiosk B in the City Square and more particularly described as Lot 14 in Deposited Plan 1031722 and for the execution of a Deed of Assignment of lease and ancillary documents under the Common Seal of Council.

226 RESOLVED (Palmer/Bonfield):

1. The Council as registered proprietor of Kiosk B being Lot 14 in DP 1031722 (the demised premises) consent to the assignment of registered lease AE670508 subject to the provisions of the lease agreement and the terms and conditions contained in this report and the confidential attachment.
2. That any necessary documents required to give effect to the assignment of registered lease AE670508 of Kiosk B being Lot 14 in DP 1031722 be executed under the common seal of Council.

227 RESOLVED (Graham/Hines) that when all commercial leases are negotiated or renegotiated that the standard four week bond arrangement be implemented.

Councillor Arkan returned to the Chamber, the time 6.56pm.

REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

MATTERS OF AN URGENT NATURE

There were no matters of an urgent nature.

QUESTIONS ON NOTICE

There were no questions on notice.

MAYORAL MINUTE

MM12/2 CERTIFICATES OF SERVICE

To make a presentation of Certificates of Recognition of Service to retiring Councillors.

- 228 RESOLVED** (Rhoades) that a presentation of Certificates of Recognition of Service and an award in accordance with Council policy be made to retiring Councillors Jenny Bonfield and Bill Palmer.

Councillor Rhoades made a presentation to Crs J Bonfield and W Palmer and they responded with their thanks and gave a brief outline of their time on Council.

This concluded the business and the meeting closed at 7.27pm.

Confirmed: 11 October 2012.

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K D Rhoades, AFSM
Mayor