

The following document is the minutes of the Council and Committee meeting held on 13 December 2012. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 14 February 2013 and therefore subject to change. Please refer to minutes of 14 February 2013 for confirmation.



**COFFS HARBOUR CITY COUNCIL  
ORDINARY MEETING  
COUNCIL CHAMBERS  
COUNCIL ADMINISTRATION BUILDING  
COFF AND CASTLE STREETS, COFFS HARBOUR  
13 DECEMBER 2012**

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## COFFS HARBOUR CITY COUNCIL

### ORDINARY MEETING

**13 DECEMBER 2012**

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

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

The meeting commenced at 5.04 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.

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#### DISCLOSURES OF INTEREST

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Disclosures of interest were tabled by Councillors concerning the following items of business:

<b>Councillor</b>	<b>Item</b>	<b>Type of Interest</b>
Steve McGrath	L12/33	Non-Pecuniary - Significant Conflict as Council's delegate on the JRPP
Cr Knight	L12/33, CB12/107 & CB12/108	Pecuniary as a property owner
Cr Arkan	CB12/107 & CB12/108	Non-Pecuniary - Significant Conflict as runs a market stall every week
Cr Palmer	CB12/108	Non-Pecuniary - Significant Conflict as wife was applicant for position on committee
Cr Palmer	CB12/107	Non-Pecuniary - Significant Conflict as wife operates a retail outlet in CBD

Cr Sultana presented the Commercial Small Business Award to the Coffs Coast Community College for the Cultural Café project, the project was named winner of the Small Business Category.

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## **PUBLIC FORUM**

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<b>Time</b>	<b>Speaker</b>	<b>Item</b>
5.00pm	Margaret Beckett	Presentation by Australia-Japan Society of Coffs Harbour Inc

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## **PUBLIC ADDRESS**

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<b>Time</b>	<b>Speaker</b>	<b>Item</b>
5.05pm	Kath Puddy Boambee Primary School	NOM12/12 – Traffic Conditions – Boambee Primary School
5.10pm	Ian Hogbin	CB12/107 – CBD Master Plan Public Exhibition
5.15pm	Kent Lee	L12/32 – Coffs Harbour Local Environmental Plan and Coffs Harbour Development Control Plan

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## **CONFIRMATION AND ADOPTION OF MINUTES**

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- 325** **RESOLVED** (Rhoades/Degens) that the minutes of the Ordinary meeting held on 22 November 2012 be confirmed as a true and correct record of proceedings.

Cr Rhoades wishes to withdraw the word "nimby" from the content of discussion regarding Item L12/27.

## RESCISSION MOTION

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**RM12/1      DEVELOPMENT APPLICATION NO. 700/12 - SENIORS LIVING DEVELOPMENT (SERVICED SELF-CARE HOUSING) - LOT 1 DP 1128964, 2 MULLAWAY DRIVE, MULLAWAY - RESCISSION MOTION**

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**326      RESOLVED** (Arkan/Rhoades) that Resolution 302 of Ordinary meeting held on 22 November 2012 regarding item L12/28 - Development Application No. 700/12 – Seniors Living Development (Serviced Self-Care Housing) – Lot 1 DP 1128964, 2 Mullaway Drive, Mullaway, and reading as follows, be rescinded:

**RESOLVED** (Degens/Cowling) that:

1. *Council refuses the Development Application No. 700/12 for a Seniors Living Development (Serviced Self-Care Housing) at Lot 1, DP 1128964 at 2 Mullaway Drive, Mullaway on the following ground:*

*That the proposed development is not within the character of the area and will result in adverse impact on the amenity of the area.*

**VOTED FOR**

Cr Rhoades  
Cr Palmer  
Cr Degens  
Cr Knight  
Cr Arkan  
Cr Sultana

**VOTED AGAINST**

Cr Townley  
Cr Cowling

**327      RESOLVED** (Rhoades/Arkan) that:

1. Development Application No. 700/12 for a Seniors Living Development (Serviced Self-Care Housing) at Lot 1, DP 1128964 at 2 Mullaway Drive, Mullaway be approved subject to the conditions in Attachment 3.
2. Persons who made a submission on Development Application No. 700/12 be informed of Council's decision.

**VOTED FOR**

Cr Rhoades  
Cr Palmer  
Cr Degens  
Cr Knight  
Cr Arkan  
Cr Sultana  
Cr Cowling

**VOTED AGAINST**

Cr Townley

## NOTICES OF MOTION

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### NOM12/12 TRAFFIC CONDITIONS - BOAMBEE PRIMARY SCHOOL

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**328 RESOLVED** (Degens/Arkan) that:

1. Council investigate and report back to Council on the following matters outlined below that relate to traffic conditions at Boambee Primary School.
2. The report address the matters with solutions, particularly with respect to the lack of legal parking.

### CORPORATE BUSINESS DEPARTMENT REPORT

**Councillors Knight, Palmer and Arkan declared an interest in the following item, vacated the Chamber and took no part in the discussion or voting, the time being 6.07pm.**

The General Manager called for nominations for a Chairperson for Item CB12/107.

**329 MOVED** (Cowling/Sultana) that Cr Townley be nominated as Chairperson for Item CB12/107.

As there were no other nominations, Councillor Townley was declared as Chairperson for Item CB12/107 and took over the Chair.

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### CB12/107 CBD MASTER PLAN PUBLIC EXHIBITION

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To seek Council approval to place the Draft CBD Master Plan and Brelsford Park Regional Skate Plaza / Youth Space Concept Design on exhibition.

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

1. Council places the Draft CBD Master Plan on public exhibition and seek submissions from 14 December 2012 until 28 January 2013.
2. A further report be provided with a final CBD Master Plan and the proposed ten year work schedule associated with the CBD Special Rate Application to the 28 February 2013 Council Meeting.
3. Council note the Brelsford Park Regional Skate Plaza / Youth Space Concept Design and place the Concept Design on public exhibition for the same period as the Draft CBD Master Plan.
4. Council in conjunction with Coffs Harbour Think Tank facilitate a fourth community workshop meeting to review the Draft CBD Master Plan. Coffs Harbour City Council will include details of the meeting as part of its mail out to all CBD property owners. In addition, Council will forward such information to all participants from the 3 previous consultation meetings.

**Councillors Knight, Palmer and Arkan returned to the meeting, the time being 6.14pm.**

## LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT

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### L12/32 COFFS HARBOUR LOCAL ENVIRONMENTAL PLAN AND COFFS HARBOUR DEVELOPMENT CONTROL PLAN

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The purpose of this report is to present the results of the public exhibition of the Coffs Harbour draft Local Environmental Plan (LEP) 2012, the draft Development Control Plan (DCP) 2012 and a draft Boundary Adjustment Clause. A copy of the draft LEP and draft DCP has been made available in the Councillor's room and is on Council's website.

The report includes a summary of submissions received and issues raised by the community and Government agencies. A full copy of all submissions has been made available for perusal by Councillors in the Councillor's Room. A summary of the submissions is attached as Attachment 1. An assessment of all submissions has been made and this is attached to this report as Attachment 1.

The Coffs Harbour LEP, upon gazettal, will apply to the whole of the Coffs Harbour City Council Local Government Area (LGA); with the exception of specific deferred areas; and will repeal the provisions of both the Coffs Harbour City LEP 2000 and the Coffs Harbour City Centre LEP 2011.

The Coffs Harbour DCP will similarly apply to the whole of the LGA, with the exception of the areas covered by the current DCPs for Moonee and Hearnes Lake/Sandy Beach, and will supersede the provisions of all current DCPs.

#### 331 **RESOLVED** (Rhoades/Palmer) that:

1. Council adopt the Coffs Harbour Local Environmental Plan 2013.
2. Council recommend to the Minister for Planning and Infrastructure to defer those lands identified on Map 1 (Hearnes Lake/Sandy Beach) and Map 2 (Moonee) from Coffs Harbour Local Environmental Plan 2013.
3. A further report be presented to Council early in 2013 which outlines appropriate environmental investigations (including details on the timeframe, method and anticipated cost) for the deferred areas which will help to inform and enable a Planning Proposal to be progressed to establish the final zone configuration.
4. In accordance with Section 68 of the Environmental Planning and Assessment Act 1979, Coffs Harbour Local Environmental Plan 2013 be submitted to the Department of Planning and Infrastructure for gazettal.
5. Council adopt the Coffs Harbour Development Control Plan 2013 and that it is to be implemented and enforced upon the making of the Coffs Harbour Local Environmental Plan 2013.
6. Council confirms the Moonee Beach Development Control Plan and Hearnes Lake / Sandy Beach Development Control Plan continue to apply to those deferred lands from Coffs Harbour Local Environmental Plan 2013.
7. Council notes the report on submissions to draft Coffs Harbour Local Environmental Plan 2012 and draft Coffs Harbour Development Control Plan 2012 as detailed in Attachment 1.
8. Parties who made a submission to the draft Coffs Harbour Local Environmental Plan 2012 and draft Coffs Harbour Development Control Plan 2012 exhibition be informed of Council's decision in writing.

**Cont'd**

**L12/32 Coffs Harbour Local Environmental Plan and Coffs Harbour Development Control Plan ...(Cont'd)**

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**AMENDMENT**

**MOVED** (Degens/Sultana) that:

1. Council adopt the Coffs Harbour Local Environmental Plan 2013.
2. Council recommend to the Minister for Planning and Infrastructure to defer those lands identified on Map 1 (Hearnes Lake/Sandy Beach) and Map 2 (Moonee) from Coffs Harbour Local Environmental Plan 2013.
3. A further report be presented to Council early in 2013 which outlines appropriate environmental investigations (including details on the timeframe, method and anticipated cost) for the deferred areas which will help to inform and enable a Planning Proposal to be progressed to establish the final zone configuration.
4. In accordance with Section 68 of the Environmental Planning and Assessment Act 1979, Coffs Harbour Local Environmental Plan 2013 be submitted to the Department of Planning and Infrastructure for gazettal.
5. Council adopt the Coffs Harbour Development Control Plan 2013 and that it is to be implemented and enforced upon the making of the Coffs Harbour Local Environmental Plan 2013.
6. Council confirms the Moonee Beach Development Control Plan and Hearnes Lake / Sandy Beach Development Control Plan continue to apply to those deferred lands from Coffs Harbour Local Environmental Plan 2013.
7. Council notes the report on submissions to draft Coffs Harbour Local Environmental Plan 2012 and draft Coffs Harbour Development Control Plan 2012 as detailed in Attachment 1.
8. Parties who made a submission to the draft Coffs Harbour Local Environmental Plan 2012 and draft Coffs Harbour Development Control Plan 2012 exhibition be informed of Council's decision in writing.
9. The proposed 150m<sup>2</sup> floor space in the B6 Enterprise Corridor be adjusted to 600m<sup>2</sup> per allotment for business or office premise.
10. Murdock Street (western side), 81-95 West High Street (submission numbers P48, P51, P52, P55 and P68) and West High Street (southern side, lot numbers in relevant submission), that these be included in the B3 commercial core zoning.

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

**VOTED FOR**

Cr Degens  
Cr Sultana  
Cr Cowling

**VOTED AGAINST**

Cr Rhoades  
Cr Townley  
Cr Palmer  
Cr Knight  
Cr Arkan

**Cont'd**



**L12/32 Coffs Harbour Local Environmental Plan and Coffs Harbour Development Control Plan ...(Cont'd)**

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

**VOTED FOR**

Cr Rhoades

Cr Townley

Cr Palmer

Cr Degens

Cr Knight

Cr Arkan

Cr Cowling

**VOTED AGAINST**

Cr Sultana

**GENERAL MANAGER'S REPORTS**

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**GM12/39 REPORT FROM INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL**

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The purpose of this report is to table the paper "Better, Stronger Local Government - The Case for Sustainable Change" by the Independent Local Government Review Panel for Council information.

**332 RESOLVED** (Palmer/Degens) that:

1. Council note the range of activities undertaken by the Independent Local Government Review Panel and receive the Paper "Better, Stronger Local Government - The Case for Sustainable Change".
  2. Council note that the Mid North Coast Regional Organisation of Councils will be reviewing directions and options in February 2013.
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**GM12/40 GOVERNANCE AND AUDIT COMMITTEE**

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For Council to endorse the reviewed Governance and Audit Committee Charter and the process for the appointment of the independent members of the Governance and Audit Committee.

To approve an increase in the remuneration of independent external members of the Governance and Audit Committee (the Committee).

**333 RESOLVED** (Degens/Sultana) that:

1. Council endorse the attached Governance and Audit Committee Charter.
  2. Authority is given to the Governance and Audit Committee Councillor representative (Cr John Arkan), General Manager and an external auditor representative to consider and appoint a maximum of three (3) independent members to the Governance and Audit Committee.
  3. The remuneration payable for independent members of the Governance and Audit Committee is set at \$500.00 (GST inclusive) per meeting attended.
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**GM12/41 TENDER: PROVISION OF LEGAL SERVICES 2012-2015 (RFT-560-TO)**

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To report to Council on tenders received for Contract No RFT-560-TO for the provision of legal services and to recommend firms to be appointed to the panel.

**334 RESOLVED** (Rhoades/Arkan) that:

Council accept the tenders of Wilshire Webb Staunton Beattie Lawyers ABN 61 849 174 739, Sparke Helmore Lawyers ABN 78 848 387 938, Fishburn Watson O'Brien ABN 17 920 148 405 and HWL Ebsworth Lawyers ABN 37 246 549 189, for Contract No. RFT-560-TO, Provision of Legal Services for the rates and sums tendered on the basis that:

1. The tenders are the most advantageous tenders following application of Council's Tender Value Selection System.
2. The tenderers have the necessary experience in a broad range of legal services.

**CORPORATE BUSINESS DEPARTMENT REPORTS**

**Councillors Knight, Palmer and Arkan declared an interest in the following item, vacated the Chamber and took no part in the discussion or voting, the time being 7.04pm.**

The General Manager called for nominations for a Chairperson for Item CB12/108.

**MOVED** (Rhoades/ ) that Cr Townley be nominated as Chairperson for Item CB12/108.

**335 MOVED** (Sultana/Cowling) that Cr Degens be nominated as Chairperson for Item CB12/108.

As there was only one nomination that was seconded, Councillor Degens was declared as Chairperson for Item CB12/108 and took over the Chair.

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**CB12/108 CBD MASTER PLAN COMMITTEE**

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To make a recommendation to Council for the appointment of a business owner to the CBD Master Plan Committee.

**336 RESOLVED** (Rhoades/Townley) that Council appoint Ms Kim Towner as the business owner, who is not a property owner, to the vacant position on the CBD Master Plan Committee, in line with the CBD Master Plan Committee recommendation, and thank Ms Button for her expression of interest in the position.

**337 RESOLVED** (Rhoades) that the motion be put to the meeting.

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

**Councillors Knight, Palmer and Arkan returned to the meeting, the time being 7.07pm.**

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**CB12/109 MONTHLY BUDGET REVIEW FOR OCTOBER 2012**

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To report on the estimated budget position as at 31 October 2012.

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

The budget adjustments be approved and the current budget position be noted.

Estimated Budget Position as at 31 October 2012:

	General Account \$	Water Account \$	Sewer Account \$
Original Budget adopted 24 May 2012	308,365 (D)	4,397,830 (D)	3,542,337 (D)
Approved Variations to 30 September 2012	(6,129) (S)	Nil	Nil
Recommended variations for October 2012	(108,794) (S)	Nil	Nil
Estimated result as at 31 October 2012	<u>193,442 (D)</u>	<u>4,397,830 (D)</u>	<u>3,542,337 (D)</u>

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**CB12/110 COFFS COAST STATE PARK TRUST AND WOOLGOOLGA  
BEACH RESERVE TRUST ANNUAL TRADING REPORT 2011-  
2012**

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To report on the trading performance of the Coffs Coast State Park Trust and Woolgoolga Beach Reserve Trust Caravan and Holiday Park operations for the period 1 July 2011 to 30 June 2012.

**339 RESOLVED** (Arkan/Sultana) that:

1. Council, as Corporate Manager of the Coffs Coast State Park Trust, note the unadjusted 2011/12 Annual Trading Report for the Coffs Coast State Park Trust.
2. Council, as Corporate Manager of the Woolgoolga Beach Reserve Trust, note the unadjusted 2011/12 Annual Trading Report for the Woolgoolga Beach Reserve Trust.

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**CB12/111      BANK BALANCES & INVESTMENTS FOR JULY, AUGUST AND  
SEPTEMBER 2012**

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To list Council's Bank Balances and Investments as at 31 July 2012, 31 August 2012 and 30 September 2012.

**340      RESOLVED** (Rhoades/Sultana) that:

1. 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 sixty four million, seven hundred and sixty six thousand, two hundred and seventeen dollars (\$164,766,217) as at 31 July 2012 be noted.
2. 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 seventy nine million, three hundred and sixty three thousand and ninety one dollars (\$179,363,091) as at 31 August 2012 be noted.
3. 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 seventy eight million, two hundred and thirty five thousand, two hundred and eighty one dollars (\$178,235,281) as at 30 September 2012 be noted.
4. The general fund unrestricted cash and investments totaling one million, eight hundred and sixty seven thousand, five hundred and eighty two dollars (\$1,867,582) as at 31 July 2012, 31 August 2012 and 30 September 2012 be noted.

**LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORTS**

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**L12/31              CLASS 5 VEGETATION MAPPING - COFFS HARBOUR LOCAL  
GOVERNMENT AREA**

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To recommend that the Class 5 Vegetation Map (Version 1.1 2012) and accompanying reports for the Coffs Harbour Local Government Area (LGA) be adopted.

**341      RESOLVED** (Townley/Palmer) that:

Council adopt the following data layer and accompanying reports, superseding all previous stand alone and composite vegetation maps and related reports.

Data Layer

1. Coffs Harbour Class 5 Vegetation Map (Version 1.1 2012)

Reports

2. Volume 1: Development of a Fine-scale Vegetation Map for the Coffs Harbour Local Government Area (Attachment 2)
  3. Volume 2: Vegetation Community Profiles of the Coffs Harbour Local Government Area (Attachment 3).
-

**Councillors Knight and Arkan and the General Manager declared an interest in the following item, vacated the Chamber and took no part in the discussion or voting, the time being 7.10pm.**

The Director, Corporate Business called for nominations for a Chairperson for Item L12/33.

**342 MOVED** (Cowling/Sultana) that Cr Palmer be nominated as Chairperson for Item L12/33.

As there were no other nominations, Councillor Palmer was declared as Chairperson for Item L12/33 and took over the Chair.

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**L12/33 JRPP - DEVELOPMENT ASSESSMENT REPORT FOR DEVELOPMENT APPLICATION NO. 821/12, PART LOT 107 AND PART LOT 112, DP 752817, LOT 7026, DP 1059118 AND LOT 1, DP 1178196, 2-16 BERYL STREET AND 18 JUNE STREET, COFFS HARBOUR**

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NSW DEPARTMENT OF ATTORNEY GENERAL AND JUSTICE  
Public Administration Building – Police Station (2 storeys); Court House (4 storeys); and Kiosk, development to include demolition works, tree removal, site remediation and earthworks, substation, landscaping and carparking  
Part Lot 107 and Part Lot 112, DP 752817, Lot 7026, DP 1059118 and Lot 1, DP 1178196, No. 2-16 Beryl Street and No. 18 June Street, Coffs Harbour

To inform Councillors that a development assessment report for DA No. 821/12 for a public administration building (Police Station and Court House) at 2-16 Beryl Street and 18 June Street Coffs Harbour has been referred to the Joint Regional Planning Panel (Northern Region) for determination.

**343 RESOLVED** (Rhoades/Sultana) that:

1. The content of this report being Development Assessment Report for Development Application No. 821/12, Part Lot 107 and Part Lot 112, DP 752817, Lot 7026, DP 1059118 and Lot 1, DP 1178196, 2-16 Beryl Street and 18 June Street, Coffs Harbour be noted.
2. The Council tenders a submission on the grounds of on-site parking especially for:
  - 2.1. Members of the legal profession
  - 2.2. Staff
  - 2.3. Handicapped persons
  - 2.4. Public
3. Council provide a submission to the JRPP which states words to the effect:

That Council welcomes and greatly supports the initiative by the state government and looks forward to its early completion.

**Cont'd**

**L12/33 JRPP - Development Assessment Report for Development Application No. 821/12, Part Lot 107 and Part Lot 112, Dp 752817, Lot 7026, DP 1059118 and Lot 1, DP 1178196, 2-16 Beryl Street and 18 June Street, Coffs Harbour ...(Cont'd)**

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**VOTED FOR**

Cr Rhoades  
Cr Palmer  
Cr Degens  
Cr Sultana  
Cr Cowling  
Cr Townley

**VOTED AGAINST**

Nil

**Councillors Knight and Arkan and the General Manager returned to the meeting, the time being 7.22pm.**

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**L12/34 DEVELOPMENT APPLICATION NO. 144/13 - SUBDIVISION (3 LOTS) - LOT 4 DP 588272 & LOT 2 DP 1052113, MORGANS ROAD, SANDY BEACH**

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This report describes Development Application No. 144/13 for the subdivision of Lot 4 DP 588272 and Lot 2 DP 1052113, Morgans Road, Sandy Beach into 3 lots, and to recommend conditional approval of the application.

**344 RESOLVED** (Palmer/Sultana) that:

1. The written objection made pursuant to Clause 6 of *State Environmental Planning Policy No. 1 - Development Standards*, for the variation to the minimum allotment size under Clause 18(2) of *Coffs Harbour Local Environmental Plan 2000* be supported in this particular case.
2. Development Application No. 144/13 for Subdivision (three lots) of Lot 4 DP 588272 and Lot 2 DP 1052113, Morgans Road, Sandy Beach, be approved subject to the conditions appended to this report (Attachment 3).
3. Parties who made a submission to this application are informed of Council's decision.

**VOTED FOR**

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

**VOTED AGAINST**

Nil

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**L12/35 DEVELOPMENT APPLICATION NO. 575/12 - LOT 3 DP 237384, LOT 6 DP 238625 PACIFIC HIGHWAY SOUTH AND LOT 11 DP 1017118, NO. 7 NORTH BOAMBEE ROAD, COFFS HARBOUR - SUBDIVISION AND BULKY GOODS SALESROOM**

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This report recommends Council's conditional approval of Development Application No 575/12 for subdivision of two (2) lots into three (3), earthworks; construction, fitout and use of a bulky goods salesroom (Bunnings Warehouse) including ancillary nursery and café; related civil works, landscaping; carparking; business identification signage, a pylon sign (proposed lot 51); construction of culverts upon Lot 11, DP 1017118 and under the Pacific Highway; creation of a vacant development lot (proposed Lot 52) and creation of a public road lot (proposed Lot 53).

This report further notes that as part of the development the developer has agreed that part of the site will be dedicated as public road to allow Cook Drive to be realigned opposite the intersection of North Boambee Road. The realignment works and upgraded intersection works will be undertaken by Roads and Maritime Services (RMS).

**345 RESOLVED** (Arkan/Sultana) that:

1. Development Application No 575/12 for resubdivision of two (2) lots into three (3), earthworks; construction, fitout and use of a bulky goods salesroom including ancillary nursery and café; related civil works, landscaping; carparking; business identification signage, a pylon sign (proposed lot 51); construction of culverts upon Lot 11, DP 1017118 and under the Pacific Highway; creation of a vacant development lot (proposed Lot 52) and creation of a public road lot (proposed Lot 53) be approved subject to conditions attached to this report (Attachment 3).
2. Those persons who lodged submissions on this Development Application be informed of Council's decision.
3. The Roads and Maritime Services be informed of Council's decision.

**VOTED FOR**

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

**VOTED AGAINST**

Nil

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**L12/36            DELEGATION TO COUNCIL OF FUNCTIONS UNDER THE  
PLUMBING AND DRAINAGE ACT 2011**

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The purpose of this report is to:

1. Advise Council about the proposed delegation of plumbing regulator functions to Council from the Department of Fair Trading under the Plumbing and Drainage Act 2011.
2. Seek Council's endorsement to accept and delegate to the General Manager, the plumbing regulator functions under Section 21 of the Plumbing and Drainage Act 2011.

**346            RESOLVED** (Rhoades/Arkan) that:

1. Council accepts the delegations to undertake the functions of plumbing regulator under Section 21 of the Plumbing and Drainage Act 2011.
2. The General Manager be delegated to undertake the functions of plumbing regulator under Section 21 of the Plumbing and Drainage Act 2011.
3. The necessary documents to undertake the functions of plumbing regulator under Section 21 of the Plumbing and Drainage Act 2011 be executed under the common seal of Council.

**CITY SERVICES DEPARTMENT REPORTS**

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**CS12/51            JETTY MEMORIAL THEATRE STRATEGIC PLAN**

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To recommend that Council adopt the *Jetty Memorial Theatre Strategic Plan 2013-18*.

**347            RESOLVED** (Degens/Arkan) that Council adopts the *Jetty Memorial Theatre Strategic Plan 2013-18* as appended.

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**CS12/52            VILLAGE SPORTS - BCU COFFS TRIATHLON ON 2 & 3 MARCH  
2013**

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To seek approval for a request from Village Sports to conduct two days of triathlons on the first weekend of March 2013 around the Jetty Foreshores, Harbour Drive, Hogbin Drive and Sawtell Road.

**348            RESOLVED** (Arkan/Palmer) that:

1. Council approve the running of the inaugural BCU Coffs Triathlon to be held on 2 and 3 March 2013 including the closure of roads as specified in the report.
  2. Council notes that the organisers be responsible for all costs associated with the event.
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**CS12/53      PARK BEACH MASTER PLAN LIGHTING & OTHER IMPROVEMENTS**

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To report on works completed under the Park Beach Master Plan and consider additional works to improve security and public amenity.

**349      RESOLVED** (Sultana/Cowling) that:

1. Priorities for future Park Beach Master Plan works are:
  - 1.1 Continued liaison with NSW Police Crime Prevention Office.
  - 1.2 Dune protection fencing - \$65,000.
  - 1.3 Lighting of shared path in the reserve in stages as budget permits - \$365,000.
2. Funding for future Park Beach Master Plan works be sought through grant programs and considered in future operational plans.

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**CS12/54      TENDER: PIPE BRIDGE OVER BOAMBEE CREEK (TENDER RFT-557-TO)**

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To report on tenders received for contract RFT-557-TO for the construction and installation of a 75m long pipe bridge over Boambee Creek, Sawtell and to gain Council approval to accept a tender.

**350      RESOLVED** (Rhoades/Arkan) that:

1. Council, conditional on approval for Stage 3 Funding from the NSW Office of Water, accepts the tender of HF Hand P/L, ABN 84 064 718 770, for the amount of \$779,482, inclusive of GST on the basis that:
  - a) The tender is the most advantageous tender following the application of Council's Tender Value Selection System
  - b) The Tenderer has the necessary experience in similar works and its ability and performance are satisfactory
  - c) The Tenderer's financial capacity is acceptable
2. The contract documents be executed under the Seal of Council.

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**CS12/55 TENDER: TIMBER SUPPLY, HARTLEYS BRIDGE, KARANGI  
(TENDER RFT-561-TO)**

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To report on tenders received for the supply and delivery of timber components for the construction of Hartleys Bridge on Hartleys Road, Karangi, NSW, and to gain Council's approval to accept a tender.

**351 RESOLVED** (Rhoades/Arkan) that:

1. In accordance with clause 178(1)(a) of the *Local Government (General) Regulation 2005*, Council accept the tender of Leonard J Williams, ABN 40 000 523 982, for Contract No. RFT-561-TO for the supply and delivery of timber, Hartleys Bridge, Karangi, for the lump sum amount of \$225,466.91 Inc GST on the basis:-
  - a) The tender is the highest scoring tender following the application of Council's Tender Value Selection System.
  - b) The tenderer has proven from past experience, that their ability and performance are satisfactory.

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**CS12/56 TENDER: SLOPE REMEDIATION WORKS AT VARIOUS SITES,  
EASTERN DORRIGO WAY, COFFS HARBOUR (TENDER RFT-  
564-TO)**

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To report on tenders received for the supply and installation of soil nails and other slope remediation works on Eastern Dorrigo Way, Coffs Harbour, NSW, and to gain Council's approval to accept a tender.

**352 RESOLVED** (Rhoades/Arkan) that:

1. In accordance with clause 178(1)(a) of the *Local Government (General) Regulation 2005*, Council accept the tender of Specialised Geo Pty Ltd, ABN 49 105 101 497, for Contract No. RFT-564-TO for slope remediation works, Eastern Dorrigo Way, Coffs Harbour, for the tenderer amount of \$609,184.40 Inc GST on the basis:-
  - a) The tender is the highest scoring tender following the application of Council's Tender Value Selection System.
  - b) The tenderer has the necessary experience in similar works and their past performance as stated by their references has been satisfactory.
  - c) The works will be funded by the Natural Disaster relief grant arrangements, administered by the RMS.

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**CS12/57 TENDER: SUPPLY OF PIPES AND FITTINGS, BOAMBEE CREEK TO SAWTELL TREATMENT PLANT (TENDER RFT-566-TO)**

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To report on tenders received for Contract RFT-566-TO, for the supply of ductile iron pipes and fittings for Stage 2 of the Sawtell Rising Main and Reclaimed Water Main, between Boambree Creek and Sawtell Treatment Plant, and to gain Council approval to accept a tender.

**353 RESOLVED** (Rhoades/Arkan) that:

1. Council, conditional on approval for Stage 3 Funding from the NSW Office of Water, accepts the tender of Iplex Pipelines P/L, ABN 56 079 673 308 for the amount of \$854,181 inclusive of GST on the basis that:
  - a) The tender is the most advantageous to Council.
  - b) The tenderer has the necessary experience in similar works and its ability and performance are satisfactory.
  - c) The tenderer's financial capacity is acceptable.
2. The contract documents be executed under the Seal of Council.

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**CS12/58 TENDER: LINING AND CLEANING OF SEWER PIPES (TENDER RFT-567-TO)**

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To report on tenders received for Contract RFT-567-TO for the cleaning and internal lining of various sewer pipes and to gain Council approval to accept a tender.

**354 RESOLVED** (Rhoades/Arkan) that:

1. Council accept the tender of Insituform Pacific P/L, ABN 43 123 427 305, for the part Lump Sum and part Schedule of Rates amount of \$595,495, inclusive of GST on the basis that:
  - a) The tender is the most advantageous tender following the application of Council's Tender Value Selection System
  - b) The Tenderer has the necessary experience in similar works and its ability and performance are satisfactory
  - c) The Tenderer's financial capacity is acceptable
2. The contract documents be executed under the Seal of Council.

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**REQUESTS FOR LEAVE OF ABSENCE**

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There were no requests for leave of absence.

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**MATTERS OF AN URGENT NATURE**

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**MUN12/19 Coffs Creek - Contamination**

Cr Townley raised the issued of the Coffs Creek being contaminated by material from a local hotel and asked if staff could give an update.

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**QUESTIONS ON NOTICE**

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There were no questions on notice.

This concluded the business and the meeting closed at 7.36 pm.

Confirmed: 14 February 2013

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Denise Knight  
Mayor