

The following document is the minutes of the Council and Committee Meetings held on Thursday, 27 February 2014. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 13 March 2014 and therefore subject to change.

Please refer to the minutes of the meeting of 1 for confirmation.



COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

**COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR**

27 FEBRUARY 2014

Contents

ITEM	DESCRIPTION	PAGE
	COMMUNITY DEVELOPMENT DEPARTMENT REPORTS	3
CD14/3	COUNCIL SISTER CITY DELEGATION TO SASEBO, JAPAN, 2014	3
	CITY PLANNING DEPARTMENT REPORTS	4
CP14/6	DEVELOPMENT APPLICATION NO. 876/12 SUBDIVISION INTO 1 RESIDENTIAL TORRENS TITLE LOT PLUS 13 RESIDENTIAL COMMUNITY TITLE LOTS AND 1 COMMUNITY LOT - LOT 19 DP 1126372, 45 RUTLAND STREET, BONVILLE	4
	GENERAL MANAGER'S REPORTS	5
GM14/7	2014 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CALL FOR MOTIONS	5
	CITY INFRASTRUCTURE SERVICES DEPARTMENT REPORTS	5
CIS14/3	WATER EFFICIENCY STRATEGIC AND WATER EFFICIENCY IMPLEMENTATION PLANS - ADOPTION OF REVIEWED PLANS	5

CIS14/4	RELEASE OF EASEMENT FOR DRAINAGE OF SEWAGE - 1 SIXTEENTH AVENUE, SAWTELL	6
CORPORATE BUSINESS DEPARTMENT REPORTS		6
CB14/7	FINANCIAL REPORTS 2012-2013	6
CB14/8	QUARTERLY BUDGET REVIEW STATEMENT FOR DECEMBER 2013	7
CB14/9	BANK BALANCES AND INVESTMENTS FOR JANUARY 2014	7
COMMUNITY DEVELOPMENT DEPARTMENT REPORTS		8
CD14/4	COFFS HARBOUR INTERNATIONAL BUSKERS AND COMEDY FESTIVAL 2013	8
CITY PLANNING DEPARTMENT REPORTS		8
CP14/4	DEVELOPMENT APPLICATION 121/13 - DEMOLITION OF EXISTING DWELLING, ATTACHED DUAL OCCUPANCY AND STRATA SUBDIVISION LOT A DP 390197, 8 SOLITARY ST, COFFS HARBOUR	8
CP14/5	DEVELOPMENT APPLICATION 939/13 2 LOT SUBDIVISION LOT 2 DP 732048, 20B WILLIAM HAWORTH DRIVE, KORORA	9
MATTER OF AN URGENT NATURE		
MUN14/01	NORFOLK PINE TREES AT WOOLGOOLGA	10
GENERAL MANAGER'S REPORT		
GM14/8	LEGAL APPEAL - DEVELOPMENT APPLICATION NO. 119/13 - LOT 26 DP 1001621, NO. 1 BREAKERS WAY KORORA - MULTI-UNIT HOUSING (ONE ADDITIONAL NEW DWELLING) AND STRATA SUBDIVISION	11



COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

27 FEBRUARY 2014

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, Director of City Infrastructure Services, Director Planning, Director of Community Development and Executive Assistant.

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/Mayor read the following disclosures of interest to inform the meeting:

Councillor	Item	Type of Interest
Cr M Sultana	CD14/04 Coffs Buskers International Buskers and Comedy Festival 2013.	Pecuniary interest - operated amusements at Buskers Festivals.

APOLOGY

No apologies.

PUBLIC ADDRESS

Time	Speaker	Item
5.00 pm	Geoff Smyth	GM 14/8 ~ Legal Appeal – DA 119/13 – Lot 26 DP 1001621, No 1 Breakers Way Korora – Multi-Unit Housing (One Additional New Dwelling) and Strata Subdivision
5.05 pm	Margaret Beckett	CD14/3 ~ Council Sister City Delegation to Sasebo, Japan 2014
5.10 pm	Peter Gray and Michael McCartney	Report CP 14/6 ~ DA 876/12 – Subdivision into 1 Residential Torrens Title Lot Plus 13 Residential Community Title Lots and 1 Community Lot – Lot 19 DP 1126372, 45 Rutland Street, Bonville
5.15 pm	Joseph Kane	Report CP 14/6 ~ DA 876/12 – Subdivision into 1 Residential Torrens Title Lot Plus 13 Residential Community Title Lots and 1 Community Lot – Lot 19 DP 1126372, 45 Rutland Street, Bonville

CONFIRMATION OF MINUTES

- 24** **RESOLVED** (Palmer/Townley) that the minutes of the Ordinary meeting held on 13 February 2014 be confirmed as a true and correct record of proceedings.

GENERAL MANAGER'S REPORTS

GM14/8 LEGAL APPEAL - DEVELOPMENT APPLICATION NO. 119/13 - LOT 26 DP 1001621, NO. 1 BREAKERS WAY KORORA - MULTI-UNIT HOUSING (ONE ADDITIONAL NEW DWELLING) AND STRATA SUBDIVISION

- 25** **RESOLVED** (Cowling/Degens) that the matter be considered in Closed Committee at the conclusion of the meeting.

COMMUNITY DEVELOPMENT DEPARTMENT REPORTS

CD14/3 COUNCIL SISTER CITY DELEGATION TO SASEBO, JAPAN, 2014

To propose that Council send a delegation to Sasebo, Japan, in 2014 to consolidate Coffs Harbour's Sister City relationship with Sasebo City and to explore new opportunities for cultural and economic development between the two cities.

MOTION

MOVED (Arkan/Cowling) that Council organise an inclusive celebration in Coffs Harbour, possibly the CBD, where the use of technology to send a message from the people of Coffs Harbour to the people of our Sister City in celebration as a whole city.

AMENDMENT

26 RESOLVED (Rhoades/Degens) that:

1. Council sends an official delegation to Japan in early 2014 to strengthen the Sister City relationship with Sasebo City.
2. The Mayor, a Councillor, the General Manager (or his delegate) and the official interpreter be accompanied in the delegation by suitable representatives of the Coffs Harbour Branch of the Australia-Japan Society should they wish to be represented.
3. Council meet associated mission costs of the Mayor, Councillor, General Manager (or his delegate) and official Interpreter.
4. Council advise Southern Cross University, North Coast TAFE and the Coffs Harbour industry sector of the delegation and the opportunity for their participation (at their own cost).
5. The delegation explore opportunities for trade, cultural development, tourism and sporting exchanges while on its official mission to Japan.

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

- 27** **RESOLVED** (Rhoades/Degens) that a division be called, and those members voting for and against the motion were recorded:

FOR

Cr Rhoades
Cr Innes
Cr Sultana
Cr Townley
Cr Degens
Cr Palmer
Cr Knight

AGAINST

Cr Arkan
Cr Cowling

CITY PLANNING DEPARTMENT REPORTS

CP14/6 DEVELOPMENT APPLICATION NO. 876/12 SUBDIVISION INTO 1 RESIDENTIAL TORRENS TITLE LOT PLUS 13 RESIDENTIAL COMMUNITY TITLE LOTS AND 1 COMMUNITY LOT - LOT 19 DP 1126372, 45 RUTLAND STREET, BONVILLE

The purpose of this report is to present Development Application No. 876/12 for Council's consideration, which is an application for a subdivision into one (1) residential torrens title lot plus 13 residential community title lots and 1 community lot.

- 28** **RESOLVED** (Townley/Degens):

1. That DA 876/12 for subdivision into one Torrens Title lot plus 13 community title residential lots and one community lot, at Lot 19 DP 1126372, 45 Rutland St Bonville, be refused on the grounds that:
 - a) It would result in significant loss of amenity to this neighbourhood
 - b) It is inconsistent with CHCC's Koala Plan of Management
2. That zoning review of the subject land, as per Council's resolution of 15 June 2006, be progressed.

FOR

Cr K Rhoades
Cr N Cowling
Cr M Sultana
Cr S Townley
Cr R Degens
Cr B Palmer
Cr D Knight

AGAINST

Cr J Arkan
Cr G Innes

GENERAL MANAGER'S REPORTS

GM14/7 2014 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CALL FOR MOTIONS

Report advising that conference motions to be considered at the next National General Assembly of Local Government are to be matters of policy significance to local government nationally.

29 RESOLVED (Arkan/Palmer):

1. That Councillors submit any motions in line with the Australian Local Government Association Discussion Paper to the General Manager by Thursday, 27 March 2014.
2. That a separate report of any motions received be submitted for Council Meeting of 10 April 2014.

CITY INFRASTRUCTURE SERVICES DEPARTMENT REPORTS

CIS14/3 WATER EFFICIENCY STRATEGIC AND WATER EFFICIENCY IMPLEMENTATION PLANS - ADOPTION OF REVIEWED PLANS

The objective of this report is to inform Council that no submissions were received from the Coffs Harbour community as a result of the public exhibition of the draft Water Efficiency Strategic Plan (WESP) and Water Efficiency Implementation Plan (WEIP). Two submissions were received from the Clarence Valley Council community with some changes being made to the draft WESP and WEIP.

30 RESOLVED (Arkan/Sultana) that the Water Efficiency Strategic Plan and Water Efficiency Implementation Plan be adopted by Council with a review to be undertaken in five years time.

**CIS14/4 RELEASE OF EASEMENT FOR DRAINAGE OF SEWAGE - 1
SIXTEENTH AVENUE, SAWTELL**

To obtain Council approval to execute the necessary documents to release an easement for drainage of sewage encumbering 1 Sixteenth Avenue, Sawtell. The easement is surplus to Council requirements.

31 RESOLVED (Arkan/Townley):

1. That Council agree to release the easement as described in this report.
2. That Council execute under Seal all necessary documents to release the existing easement for drainage of sewage shown as "*proposed easement for pipeline 2 wide in DP 643535 over Lot 35 Section 10 DP 14800*".
3. That all costs associated with this matter be borne by the owners of Lot 35 Section 10 DP 14800.

CORPORATE BUSINESS DEPARTMENT REPORTS

CB14/7 FINANCIAL REPORTS 2012-2013

Consideration of the audited financial reports for the year ended 30 June 2013 including the Auditor's report.

MOTION

32 RESOLVED (Innes/Palmer) that the final audited 2012-13 Annual Financial Reports be received and noted.

AMENDMENT

MOVED (Cowling/Townley) that the final audited 2012-13 Annual Financial Reports be noted.

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

CB14/8 QUARTERLY BUDGET REVIEW STATEMENT FOR DECEMBER 2013

To provide the quarterly budget review statement and report on the estimated budget position as at 31 December 2013.

33 RESOLVED (Degens/Sultana):

1. The Quarterly Budget Review Statements be noted.
2. That the budget adjustments be approved and the current budget position be noted.

Estimated budget position as at 31 December 2013:

	General Account \$	Water Account \$	Sewer Account \$
Original Budget adopted 13 June 2013	426,307 (D)	4,553,442 (D)	3,165,226 (D)
Approved Variations to September 2013	(335,000) (S)	Nil	Nil
Approved Variations for October 2013	(75,044) (S)	Nil	Nil
Approved Variations for November 2013	1,337 (D)	Nil	Nil
Recommended variations for quarter ending 31 December 2013	Nil	Nil	Nil
Estimated result 2013/14 as at 31 December 2013	<u>17,600 (D)</u>	<u>4,553,442 (D)</u>	<u>3,165,226 (D)</u>

CB14/9 BANK BALANCES AND INVESTMENTS FOR JANUARY 2014

To list Council's Bank Balances and Investments as at 31 January 2014.

34 RESOLVED (Palmer/Innes):

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 million, one hundred and thirty six thousand, eight hundred and ninety three dollars (\$150,136,893) as at 31 January 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 31 January 2014 be noted.

COMMUNITY DEVELOPMENT DEPARTMENT REPORTS

Cr Sultana declared an interest in the following item, vacated the Chamber and took no part in the discussion or voting, the time being 6.38pm.

CD14/4 COFFS HARBOUR INTERNATIONAL BUSKERS AND COMEDY FESTIVAL 2013

The purpose of this report is to give Council a detailed report on the Buskers Festival for 2013 and to make recommendation on its future with reference to Council's adopted Events Strategy.

35 RESOLVED (Degens/Arkan):

1. That Council fund the Coffs Harbour International Buskers and Comedy Festival to the level of \$30,000 for 2014.
2. That a review of the Event Strategy (February 2009) be undertaken to evaluate its relevance and the outcome of this be reported back to Council.
3. That the remainder of these funds be made available for other events.

Cr Sultana returned to the Chamber, the time being 6.56pm.

CITY PLANNING DEPARTMENT REPORTS

CP14/4 DEVELOPMENT APPLICATION 121/13 - DEMOLITION OF EXISTING DWELLING, ATTACHED DUAL OCCUPANCY AND STRATA SUBDIVISION LOT A DP 390197, 8 SOLITARY ST, COFFS HARBOUR

To consider Development Application No. 121/13 for demolition of an existing dwelling, construction of an attached dual occupancy and strata subdivision at 8 Solitary Street, Coffs Harbour.

MOTION

36 RESOLVED (Arkan/Rhoades):

1. That the written objection made pursuant to Clause 4.6 of Coffs Harbour City Centre Local Environmental Plan 2011 for the variation to the maximum building height under Clause 18(4A) of the Coffs Harbour City Centre Local Environmental Plan 2011 be supported in this particular case.
2. That Development Application No. 121/13 for demolition and construction of a dual occupancy and strata subdivision on Lot A, DP 390197, No. 8 Solitary Street, Coffs Harbour, be approved subject to conditions as appended to the report (Attachment 3).

CP14/4 - Development Application 121/13 - Demolition of Existing Dwelling, Attached Dual Occupancy and Strata Subdivision Lot A DP 390197, 8 Solitary St, Coffs Harbour (Cont'd)

3. That persons who made submissions in relation to the Development Application No. 121/13 be notified of the determination.

AMENDMENT

MOVED (Degens/Palmer) that Council's consideration of Development Application No. 121/13 be deferred until minor adjustments allowing a more equitable sharing of views be achieved between this development and neighbouring dwellings.

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

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

VOTED FOR

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

VOTED AGAINST

Cr Degens
Cr Palmer

CP14/5 DEVELOPMENT APPLICATION 939/13 2 LOT SUBDIVISION LOT 2 DP 732048, 20B WILLIAM HAWORTH DRIVE, KORORA

The purpose of this report is to present Development Application No. 939/13 for Council's consideration, which is an application for subdivision of land into two (2) lots.

37 RESOLVED (Arkan/Innes):

1. That 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(4)(a) of the Coffs Harbour City Local Environmental Plan 2000 be supported in this particular case.
2. That Development Application 939/13 for Subdivision involving Lot 2 DP 732048, 20B William Haworth Drive be approved, subject to conditions appended to this report (Appendix 3).
3. The person who made a submission on the application be advised of Council's determination.

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

REQUESTS FOR LEAVE OF ABSENCE

- 38 **RESOLVED** (Degens/Palmer) that Cr Innes be granted leave of absence from Council for the next meeting.

MATTERS OF AN URGENT NATURE

MUN14/1 Norfolk Pine trees at Woolgoolga

Councillor Sultana advised that he had received information from residents of Woolgoolga that Council is intending to remove Norfolk Pine trees at Woolgoolga Reserve. Cr Sultana asked whether it was true and if so, why.

The General Manager took the matter on notice.

QUESTIONS ON NOTICE

No questions on notice.

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.

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

GM14/8 - Legal Appeal - Development Application No. 119/13 - Lot 26 DP 1001621, No. 1 Breakers Way Korora - Multi-Unit Housing (One Additional New Dwelling) and Strata Subdivision.

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,

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

The press and public vacated the Chamber, the time being 7.09pm.

GM14/8 LEGAL APPEAL - DEVELOPMENT APPLICATION NO. 119/13 - LOT 26 DP 1001621, NO. 1 BREAKERS WAY KORORA - MULTI-UNIT HOUSING (ONE ADDITIONAL NEW DWELLING) AND STRATA SUBDIVISION

To consider legal advice provided by Council's legal representative in relation to a Land and Environment Court appeal against Council's refusal of a development application for multi-unit housing (one additional new dwelling) and strata subdivision at 1 Breakers Way, Korora.

46 RESOLVED (Arkan/Degens) that Council adopt the report from Closed Session.

The General Manager provided an overview of the matter considered in Closed Session including the fact that the Council adopted the recommendation presented, and further that the matter is to remain confidential given the legal professional privilege that applies.

47 RESOLVED (Knight/Townley) that in recognising the development outcome associated with DA119/13, the preparation of the 2014/15 Operational Plan include considering a review of the residential planning controls across the local government area.

This concluded the business and the meeting closed at 7.52pm.

Confirmed: 13 March 2014.

.....
Denise Knight
Mayor