



COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

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

24 JULY 2014

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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

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

Leave of Absence: Councillor K Rhoades.

The meeting commenced at 5.02pm with the Mayor, Cr D Knight in the chair.

We respectfully acknowledge the Gumbaynggirr Country and the Gumbaynggirr 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 Palmer	CP14/20 - DA960/13 - 35-63 Harbour Drive, 31 Vernon Street, Coffs Harbour and Road Reserves - Demolition of Existing Buildings and Construction of Commercial Premises (4 Tenancies) and associated Public Infrastructure Works and CIS14/38 - Harbour Drive - Gordon Street Redevelopment.	Non Pecuniary - Less Than Significant Conflict - wife operates business in CBD

Cr Innes	CP14/20 - DA960/13 - 35-63 Harbour Drive, 31 Vernon Street, Coffs Harbour and Road Reserves - Demolition of Existing Buildings and Construction of Commercial Premises (4 Tenancies) and associated Public Infrastructure Works and CIS14/38 - Harbour Drive - Gordon Street Redevelopment.	Non Pecuniary - Less Than Significant Conflict - wife owns a competing business with two others in CBD.
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APOLOGY

No apologies.

PUBLIC ADDRESS

Time	Speaker	Item
5.00pm	Garth Grundy	CP14/20 – DA 960/13 – 35-63 Harbour Drive, 31 Vernon Street, Coffs Harbour and Road Reserves – Demolition of Existing Buildings and Construction of Commercial Premise (4 tenancies) and Associated Public Infrastructure Works

MAYORAL MINUTE

MM14/3 ILLEGAL WASTE DUMPING

To seek a report to be brought back to Council in regard to the measures that can be implemented by Council to reduce the increasing incidence of illegal dumping.

202 **RESOLVED** (Knight) that a report be brought back to Council later in the year detailing what measures can be implemented to reduce illegal dumping.

CONFIRMATION OF MINUTES

- 203** **RESOLVED** (Arkan/Innes) that the minutes of the Ordinary meeting held on 10 July 2014 be confirmed as a true and correct record of proceedings.

GENERAL MANAGER'S REPORTS

GM14/20 REGIONAL CAPITALS AUSTRALIA

To provide information to Council regarding the recent formation of Regional Capitals Australia and to seek Council's support to become a financial member of the Regional Capitals Australia organisation.

MOVED (Arkan/Degens) that Coffs Harbour City Council becomes a financial and active member of Regional Capitals Australia for a fee \$3,300 (inclusive of GST), which is available within the current budget resources.

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

DIVISION

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

VOTED FOR

Cr Arkan
Cr Degens

VOTED AGAINST

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

CITY INFRASTRUCTURE SERVICES DEPARTMENT REPORTS

CIS14/36 CONTRACT NO. RFT-651-TO SUPPLY OF ONE TRUCK MOUNTED VACUUM EXCAVATION SYSTEM

To report on tenders received for Contract RFT-651-TO for the supply of a replacement for Council's truck mounted vacuum excavation unit and to gain Council approval to accept a tender.

- 205 RESOLVED** (Innes/Palmer) that Council accepts the tender submitted by K&J Trucks Coffs Harbour ABN 71 003 113 675 for the supply of One (1) truck mounted vacuum excavation system for \$269,992.00 (GST Inclusive).
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CIS14/37 ACCEPTANCE OF PROPERTY WORKS CARRIED OUT ON COUNCIL LAND - SAPPHIRE TO WOOLGOOLGA HIGHWAY UPGRADE

To obtain Council approval to execute two Deeds to confirm Council is satisfied that works undertaken on its land have been completed as agreed in regard to the upgrade of the Sapphire to Woolgoolga section of the Pacific Highway.

- 206 RESOLVED** (Palmer/Arkan) that Council execute under seal the Owner's Deed Poll documents provided to accept works in conjunction with the Pacific Highway Upgrade over Lot 454 DP 776261, Lot 3 DP 1140702, Lot 9 DP 1140702, Lot 2 DP 248765, Lot 4 DP 248765, Lot 6 DP 248765, Road Reserve (STN 25700), Lot 3 DP 248765, Lot 61 DP 1143405 and Lot 5 DP 1140702.
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CIS14/38 HARBOUR DRIVE - GORDON STREET REDEVELOPMENT

To consider allocation of funding for traffic management and flood mitigation works at the Harbour Drive – Gordon Street intersection in conjunction with the Coffs Central redevelopment.

- 207 RESOLVED** (Degens/Arkan) that Council:
1. Allocate \$845,100 from the City Wide Flood Mitigation program and \$450,000 from the 2014/15 Road Rehabilitation program to the Harbour Drive – Gordon Street reconstruction project.
 2. Undertake in partnership with Gowings an engagement program regarding the proposed traffic management plan for the road construction works as a matter of priority to identify and minimise impacts on businesses and other users.
 3. Receive a further report on the outcomes of the engagement PRIOR to a road occupancy permit being issued to enable the project to commence.
 4. Keep the retailers and land owners informed at each step in the process.
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CORPORATE BUSINESS DEPARTMENT REPORTS

CB14/44 BANK BALANCES AND INVESTMENT FOR JUNE 2014

To list Council's Bank Balances and Investments as at 30 June 2014.

208 RESOLVED (Innes/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 million, two thousand, six hundred and fifty six dollars (\$150,002,656) as at 30 June 2014 be noted.
 2. That the general fund unrestricted cash and investments totaling one hundred and thirty four thousand, eight hundred and eighty dollars (\$134,880) as at 30 June 2014 be noted.
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CB14/45 TENDER: COFFS HARBOUR REGIONAL AIRPORT PASSENGER TERMINAL BUILDINGS CLEANING CONTRACT RFT-655-TO

To report on tenders received for Contract No. RFT-655-TO for the provision of cleaning services at Coffs Harbour Regional Airport terminal buildings, and to gain Council approval to accept a tender.

209 RESOLVED (Innes/Degens):

1. That Council accept the tender of Menzies International ABN: 44 004 967 757 for Contract No. RFT-655-TO, Provision of Cleaning Services at Coffs Harbour Airport for the Lump Sum amount of \$476,853.00 including GST, on the basis that:
 - 1.1. The tender is the most advantageous tender following the application of Council's Tender Value Selection System
 - 1.2. The Tenderer has the necessary experience in similar works and his ability and performance are satisfactory
 - 1.3. The Tenderer's financial capacity is acceptable
2. That the contract documents be executed under the Seal of Council.

CITY PLANNING DEPARTMENT REPORTS

CP14/20 DA 960/13 - 35-63 HARBOUR DRIVE, 31 VERNON STREET, COFFS HARBOUR AND ROAD RESERVES - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF COMMERCIAL PREMISE (4 TENANCIES) AND ASSOCIATED PUBLIC INFRASTRUCTURE WORKS

The purpose of this report is to present Development Application No. 960/13 for Council's consideration, which is an application for demolition of existing buildings and construction of a new two (2) storey commercial building, accommodating four (4) tenancies connecting to the eastern end of the existing Coffs Central commercial building.

The application also includes works within Council road reserves, involving removal of the existing roundabout and replacement with a signalised intersection and associated footpath and drainage works at the corner of Gordon Street and Harbour Drive and construction of a temporary vehicular access between Harbour Drive and Duke Street.

The report presents a voluntary planning agreement (VPA) for councils consideration which has been submitted by the Developer (Gowings Bros Ltd), detailing a proposed cost sharing arrangement with Council to fund the public infrastructure and road works.

MOVED (Arkan/Degens):

1. That Council agree to enter into a planning agreement with the Developer (Gowings Bros Ltd) for the cost of and carrying out of agreed public infrastructure works associated with Development Application No. 960/13 generally in accordance with the terms of the draft planning agreement contained in the offer from Gowings Bros Ltd to the Council dated 14 July 2014 (Attachment 4).
2. That Development Application No. 960/13 for demolition of existing building and construction of commercial premise (4 tenancies) and associated public infrastructure works at 63 Harbour Drive (Lot 1, DP796866), 31 Vernon Street (Lot 1, DP421199), 35-61 Harbour Drive (Lots 1-3, Part Lot 4, Section 8 & Lot 6, Section 7, DP 758258, Lot 6, DP 721353, & Lot 1, DP 43845), Coffs Harbour and associated road reserves be approved subject to the conditions in Attachment 3.

Councillor Townley moved an Amendment which was rejected by the Chair.

The Chair suspended Standing Orders to enable the applicant to answer questions, the time being 6.16pm. The Chair resumed Standing Orders at 6.22pm.

CP14/20 - DA 960/13 - 35-63 Harbour Drive, 31 Vernon Street, Coffs Harbour and Road Reserves - Demolition of Existing Buildings and Construction of Commercial Premise (4 Tenancies) and Associated Public Infrastructure Works (Cont'd)

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

VOTED FOR

Cr Sultana
Cr Degens
Cr Arkan

VOTED AGAINST

Cr Innes
Cr Knight
Cr Cowling
Cr Palmer
Cr Townley

210 RESOLVED (Townley/Cowling) that the item be deferred pending:

- a) commencement of the partnership with Gowings on an engagement program regarding the proposed traffic management plan for the road construction works as a matter of priority to identify and minimise impacts on businesses and other users.
- b) That consultation be held with the retailers, landlords and Council prior to next meeting.

VOTED FOR

Cr Innes
Cr Townley
Cr Knight
Cr Cowling
Cr Palmer

VOTED AGAINST

Cr Sultana
Cr Degens
Cr Arkan

CP14/21 RELEASE OF RESTRICTION ON USE - LOTS 34, 35 AND 36 DP 270720, OCEANFRONT DRIVE, SAPPHIRE BEACHFRONT ESTATE

The purpose of the report is to obtain Council approval to execute the necessary legal documents to release a restriction on use over Lots 34, 35 and 36 in DP 270720.

211 RESOLVED (Innes/Arkan):

1. That Council execute under seal all necessary documents to release the existing restriction on the use of land, numbered 12 and noted as 'M' over Lots 34, 35 and 36 in DP 270720.
2. That all costs associated with this matter be borne by the owners of the relevant lots, requesting release of the restriction.
3. That Council endorse a minor amendment to the Sapphire Beachfront Estate Design Guidelines, by removing reference to the 20m building line setback affecting Lots 34, 35 and 36 in DP 270720.

REQUESTS FOR LEAVE OF ABSENCE

No requests for leave of absence.

MATTERS OF AN URGENT NATURE

MUN14/10 Malaysian Flight MH17

Councillor Degens requested a message of sympathy or letter of support be prepared and sent regarding the recent downing of Malaysian Flight MH17.

QUESTIONS ON NOTICE

No questions on notice.

This concluded the business and the meeting closed at 6.54 pm.

Confirmed: 14 August 2014.

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Denise Knight
Mayor