

The following document is the minutes of the Council Meeting held on Thursday, 26 May 2016. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 9 June 2016 and therefore subject to change. Please refer to the minutes of the meeting of 9 June 2016 for confirmation.



**COFFS HARBOUR CITY COUNCIL**  
**ORDINARY MEETING**  
**COUNCIL CHAMBERS**  
**COUNCIL ADMINISTRATION BUILDING**  
**COFF AND CASTLE STREETS, COFFS HARBOUR**  
**26 MAY 2016**

**Contents**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
	<b>MAYORAL MINUTE</b>	<b>2</b>
MM16/1	COFFS HARBOUR DEEP SEA FISHING CLUB LTD - UNSOLICITED PROPOSAL AND REQUEST FOR DIRECT NEGOTIATION	2
	<b>TRUST REPORT</b>	<b>3</b>
T16/6	COFFS HARBOUR DEEP SEA FISHING CLUB LTD - UNSOLICITED PROPOSAL AND REQUEST FOR DIRECT NEGOTIATION	3
	<b>BUSINESS SERVICES DEPARTMENT REPORTS</b>	<b>4</b>
BS16/12	BANK AND INVESTMENT BALANCES FOR MARCH 2016	4
BS16/13	QUARTERLY BUDGET REVIEW STATEMENT FOR MARCH 2016	5
BS16/14	DEVELOPER CONTRIBUTIONS PLAN - BIKE/FOOTPATH IN NORTH SOLITARY DRIVE, NORTH SAPPHIRE	6

<b>SUSTAINABLE COMMUNITIES DEPARTMENT REPORTS</b>		<b>7</b>
SC16/25	COFFS COAST TOURISM STRATEGIC PLAN 2020 - FINAL	7
SC16/26	CULTURAL REFERENCE GROUP - TERMS OF REFERENCE	8
SC16/27	COMMITTEE MEMBERSHIP ACCESS ADVISORY COMMITTEE	8
<b>NOTICE OF MOTION - SUSTAINABLE INFRASTRUCTURE</b>		
NOM16/13	CITY WORKS / COASTAL WORKS REPORTING	9
<b>SUSTAINABLE INFRASTRUCTURE DEPARTMENT REPORT</b>		<b>9</b>
SI16/27	RMS - PROPOSED TRIAL - TRAFFIC ELIMINATION PROJECT	9



## COFFS HARBOUR CITY COUNCIL

### ORDINARY MEETING

26 MAY 2016

**Present:** Councillors D Knight (Mayor), J Arkan, N Cowling, G Innes, K Rhoades, M Sultana and S Townley.

**Staff:** General Manager, Director Business Services, Director Sustainable Infrastructure, Director Sustainable Communities (Acting) and Executive Assistant.

**Leave of Absence:** Cr Degens

The meeting commenced at 5.00pm 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.

---

#### DISCLOSURES OF INTEREST

---

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

Councillor	Item	Type of Interest
Cr Innes	T16/6 – Coffs Harbour Deep Sea Fishing Club Inc, Unsolicited Proposal and Request for Direct Negotiation	Pecuniary - Director of Coffs Harbour Yacht Club
Cr Knight	T16/6 – Coffs Harbour Deep Sea Fishing Club Inc, Unsolicited Proposal and Request for Direct Negotiation	Non Pecuniary - Less Than Significant - President of the club is neighbour.

---

**APOLOGY**

---

There were no apologies.

Cr Innes left the meeting, the time being 5.01pm.

---

**PUBLIC ADDRESS**

---

<b>Time</b>	<b>Speaker</b>	<b>Item</b>
5.00 pm	Bill Mabey	T16/6 – Coffs Harbour Deep Sea Fishing Club Inc, Unsolicited Proposal and Request for Direct Negotiation
5.05 pm	Stewart Veitch	T16/6 – Coffs Harbour Deep Sea Fishing Club Inc, Unsolicited Proposal and Request for Direct Negotiation

**MAYORAL MINUTE**

---

**MM16/1 COFFS HARBOUR DEEP SEA FISHING CLUB LTD - UNSOLICITED PROPOSAL AND REQUEST FOR DIRECT NEGOTIATION**

---

**101 RESOLVED** (Knight) that Council, in its capacity as the Corporate Manager of the Coffs Coast State Park Trust:

1. Thank the Coffs Harbour Deep Sea Fishing Club Ltd for its submission of a preliminary business case for the Coffs Harbour Deep Sea Fishing Club Ltd lease extension and built form redevelopment (the first step of the NSW Government Unsolicited Proposal Guidelines 2014) and advise the Club that it considers the proposal provides sufficient justification to warrant a direct dealing based on:
  - a. a new lease from the expiry of the current lease in June 2021 with a term of ten years with;
    - i. commercial market rental (based on an independent valuation); and
    - ii. other terms and conditions negotiated between the parties.
2. Request approval from the Minister Lands and Water for direct dealing with the Coffs Harbour Deep Sea Fishing Club Ltd with evidence supplied being:
  - a. the business case submitted by the Club; and
  - b. point 1(a)(i) above.

## **MM16/1 - Coffs Harbour Deep Sea Fishing Club Ltd - Unsolicited Proposal and Request for Direct Negotiation (Cont'd)**

3. Advise the Club that it is supportive of its endeavours to improve the lease premises and will negotiate with the Coffs Harbour Deep Sea Fishing Club Ltd on development within the existing lease term, including:
  - the licenced area
  - change of use
  - occupancy arrangements
  - expansion of the facilities and built form
  - improvement of access
  - commercial market rental (based on an independent valuation)
4. Request the Local Member of State Parliament to assist in seeking Ministerial approval as soon as practicable, thus enabling the second step of the NSW Government Unsolicited Proposal process, which will involve the Coffs Harbour Deep Sea Fishing Club Ltd providing a detailed proposal, including financial modelling to substantiate the proposed new lease term referred to in point 1 above.
5. Note that any negotiations entered into between the parties will be 'without prejudice' and that any lease term and wording agreed to will be 'in principle' only and will be of no effect until Ministerial approval is obtained and formal documentation is signed (the third step of the NSW Government Unsolicited Proposal Guidelines 2014).

**The Motion on being put to the meeting was carried unanimously.**

### **TRUST REPORT**

---

#### **T16/6 COFFS HARBOUR DEEP SEA FISHING CLUB LTD - UNSOLICITED PROPOSAL AND REQUEST FOR DIRECT NEGOTIATION**

---

#### **Executive Summary**

The Coffs Harbour Deep Sea Fishing Club Limited (CHDSFC) has submitted to the Trust for consideration a business case which seeks to undertake direct dealings with the Trust with a view to extending the lease term by a further ten years.

Direct dealings obviate the ICAC and Department of Primary Industries – Lands preferred approach to the grant of property rights over public land. There are however occasions where exceptional circumstances are such that direct dealing can be justified.

The business case submits a range of arguments to justify a direct dealing but does not satisfy the assessment criteria detailed in the NSW Government Unsolicited Proposal Guidelines nor the consideration put forward by the Minister for Lands. Accordingly it is not recommended that the Trust proceed to direct dealing with the CHDSFC regarding an extension of lease.

However, the Trust is supportive of its endeavours to improve the lease premises and it is recommended that the Trust engage with the CHDSFC on possible development within the existing lease term. In addition, it is recommended that the Trust expedites the required Expression of Interest (EOI) process for the highest and best use of the site, which will enable the incumbent tenant and others the opportunity to participate in an open market process. This will also provide certainty to the CHDSFC regarding future tenure.

Noted.

Cr Innes returned to the meeting, the time being 5.32pm.

---

## **CONFIRMATION OF MINUTES**

---

- 102** **RESOLVED** (Arkan/Innes) that the minutes of the Ordinary meeting held on 12 May 2016 be confirmed as a true and correct record of proceedings.

**The Motion on being put to the meeting was carried unanimously.**

## **BUSINESS SERVICES DEPARTMENT REPORTS**

---

### **BS16/12 BANK AND INVESTMENT BALANCES FOR MARCH 2016**

---

#### **Executive Summary**

The purpose is to report on Council's Bank Balances and Investments as at 31 March 2016. Council receives independent advice and invests surplus funds in accordance with Councils Investment Policy to maximise investment income and preserve capital to assist with funding requirements for projects listed under the Coffs Harbour 2030 Community Strategic Plan.

- 103** **RESOLVED** (Rhoades/Innes) that Council:
1. Notes the bank balances and investments totaling (from loans, Section 94 and other avenues that form the restricted accounts and are committed for future works) \$165,531,607 as at 31 March 2016.
  2. Notes the general fund unrestricted cash and investments totaling \$939,216 as at 31 March 2016.

**The Motion on being put to the meeting was carried unanimously.**

---

**BS16/13 QUARTERLY BUDGET REVIEW STATEMENT FOR MARCH 2016**

---

**Executive Summary**

The Office of Local Government has developed a minimum set of budget reports to assist Council in meeting their legislative requirements under Clause 203 of the Regulation. This regulation requires a council's responsible accounting officer to submit quarterly budget review statements to the governing body of Council. These minimum statements are contained within the attachments to this report.

This report summarises the proposed budget adjustments for the quarter and the impact upon the projected budget position for the current financial year. Reference is made to the above Responsible Accounting Officer's (RAO) statement regarding Councils financial position.

**104 RESOLVED** (Rhoades/Arkan) that Council:

1. Note the Quarterly Budget Review Statements and the estimated budget position as at 31 March 2016,

Estimated budget position as at 31 March 2016:

	General Account \$	Water Account \$	Sewer Account \$
Original Budget adopted 11 June 2015	(1,884) (S)	1,810,139 (D)	1,913,132 (D)
Approved Variations to December 2015	427,984 (D)	Nil	Nil
Approved Variations for January 2016	11,210 (D)	Nil	Nil
Approved Variations for February 2016	Nil	Nil	Nil
Recommended variations for month ending 31 March 2015	(57,526) (S)	Nil	Nil
Estimated result 2015/16 as at 31 March 2016	<u>379,784 (D)</u>	<u>1,810,139</u> (D)	<u>1,913,132</u> (D)

2. Approve the budget adjustments.

**The Motion on being put to the meeting was carried unanimously.**

---

**BS16/14 DEVELOPER CONTRIBUTIONS PLAN - BIKE/FOOTPATH IN NORTH SOLITARY DRIVE, NORTH SAPPHIRE**

---

**Executive Summary**

At Councils meeting of 14 April 2016 the following notice of motion was resolved:

*That Council staff prepare a report detailing:*

- *The sum of monies collected for Developer Contributions for the North Sapphire estates; both in terms of funds levied per lot as well as any other additional funds contributed by developers, for example where projects are identified as being fully developer-funded;*
- *Details of projects initially identified for the North Sapphire precinct in the Moonee Release Area Developer Contributions Plan (DCP) (in terms of transport management, traffic management, open space and community facilities);*
- *Details of any change to this since the North Sapphire estate commenced;*
- *Timeframes for completion of all infrastructure projects, in particular the construction of the bike path/footpath;*
- *Details of any monies collected for aspirational collector road south from Moonee which may now be deemed unnecessary and details of how these funds, if any will be reallocated;*
- *Any other matters which staff consider relevant to this situation.*

This report provides information on the issues raised.

**105 RESOLVED** (Townley/Sultana) that Council note the report.

**The Motion on being put to the meeting was carried unanimously.**



## SUSTAINABLE COMMUNITIES DEPARTMENT REPORTS

---

### SC16/25 COFFS COAST TOURISM STRATEGIC PLAN 2020 - FINAL

---

#### Executive Summary

A new section 355 strategic tourism committee was formed on 1 July 2015, now known as the 'Destination Coffs Coast Committee'.

Council, in consultation with the committee, engaged consultants Wray Sustainable Research & Planning, Sarah Lebski & Associates and Bill Fox & Associates, to prepare a Coffs Coast Tourism Strategic Plan 2020 to guide the strategic direction of tourism on the Coffs Coast.

Considerable stakeholder consultation occurred in the formation of the draft plan which was on public exhibition for four weeks.

The final plan is fully endorsed by the Destination Coffs Coast Committee, and presented to Council for adoption.

**106 RESOLVED** (Townley/Arkan) that Council:

1. Adopts the *Coffs Coast Tourism Strategic Plan 2020* (Attachment 1).
2. Notify parties who made a submission during consultation described in this report of Council's decision.

**The Motion on being put to the meeting was carried unanimously.**

**107 RESOLVED** (Cowling/Sultana) that items SC16/26 Cultural Reference Group - Terms of Reference and SC16/27 Committee Membership - Access Advisory Committee be moved en-globo.

**The Motion on being put to the meeting was carried unanimously.**

---

**SC16/26 CULTURAL REFERENCE GROUP TERMS OF REFERENCE**

---

**Executive Summary**

The Cultural Reference Group (CRG), consisting of eight (8) community members and chaired by a Councillor, is a key component of community engagement supporting the development and implementation of a Cultural Strategic Plan 2017-2022.

The vision of the CRG is:

*To provide advice and community feedback into the continued review of implementation of the Cultural Plan 2013-2016 and the development, and later the implementation, of the Cultural Strategic Plan 2017-2022.*

The CRG met for the first time on Tuesday, 3 May 2016 and confirmed their agreement with the Terms of Reference as attached.

- 108 RESOLVED** (Cowling/Sultana) that Council endorse the attached Terms of Reference for the Cultural Reference Group.

**The Motion on being put to the meeting was carried unanimously.**

---

**SC16/27 COMMITTEE MEMBERSHIP ACCESS ADVISORY COMMITTEE**

---

**Executive Summary**

To recommend to Council the appointment of a community member to the Access Advisory Committee.

- 109 RESOLVED** (Cowling/Sultana) that Council appoint the following committee member nominee, Adam Morris, to the Access Advisory Committee.

**The Motion on being put to the meeting was carried unanimously.**

The General Manager left the meeting, the time being 5.47pm and returned at 5.49pm. The Director of Sustainable Infrastructure took his chair during his absence.

## **NOTICE OF MOTION - SUSTAINABLE INFRASTRUCTURE**

---

### **NOM16/13 CITY WORKS / COASTAL WORKS REPORTING**

---

**110** **RESOLVED** (Townley/Sultana) that:

1. Council staff compile for Councillor inspection the monthly financial reports from City Works/Coastal Works (commercial component) from June 2014 to the present; and
2. Council staff make available the minutes of all meetings of the City Works/Coastal Works Advisory Board from June 2014 to the present, noting that some of this information may need to be presented to Councillors in confidential format.

**The Motion on being put to the meeting was carried unanimously.**

## **SUSTAINABLE INFRASTRUCTURE DEPARTMENT REPORT**

---

### **SI16/27 RMS - PROPOSED TRIAL - TRAFFIC ELIMINATION PROJECT**

---

#### **Executive Summary**

Working near traffic particularly on high volume, high speed roads, is a challenging undertaking and represents the highest safety risk facing Roads and Maritime Services (RMS) staff. The RMS is undertaking a state-wide trial to mitigate and if possible eliminate this safety risk and ensure the safety of workers maintaining the State Road network.

Roads & Maritime Services (RMS) is seeking Council support, in principle, to trial a maintenance project on the Pacific Highway which would have traffic temporarily diverted for two (2) days onto the old Pacific Highway through Woolgoolga. It is acknowledged that Council's support would be based on further discussions to minimise the impacts of the trial before proceeding.

The Traffic Elimination Trial is a trial to assess the efficacy of shutting down sections the Pacific Highway for short periods of time whilst diverting traffic onto other roads.

During the period of closure a large amount of various maintenance activities would then be completed free from the risk associated with traffic. Maintenance work would include vegetation maintenance, litter collection, graffiti removal, sign and safety barrier and other general maintenance activities.

**SI16/27 - RMS - Proposed Trial - Traffic Elimination Project (Cont'd)**

**111 RESOLVED** (Sultana/Arkan) that Council:

1. Support the Roads and Maritime Services Traffic Elimination Trial for two (2) consecutive days to be carried out on the newly open section of Pacific Highway at Woolgoolga.
2. Consider a future report on the results and impact of the trial when available.

**Voted For**

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

**Voted Against**

Cr Innes

---

**REQUESTS FOR LEAVE OF ABSENCE**

---

No requests for leave of absence.

---

**QUESTIONS ON NOTICE**

---

No questions on notice.

---

**MATTERS OF AN URGENT NATURE**

---

No matters of an urgent nature.

This concluded the business and the meeting closed at 6.11pm.

Confirmed: 9 June 2016.

.....  
Denise Knight  
Mayor