

The following document is the minutes of the Council and Committee Meetings held on Thursday, 26 September 2013. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 10 October 2013 and therefore subject to change. Please refer to the minutes of the meeting of 10 October 2013 for confirmation.



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
26 SEPTEMBER 2013

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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

26 SEPTEMBER 2013

Present: Councillors D Knight (Mayor), J Arkan, N Cowling, R Degens, G Innes, B Palmer, K Rhoades, S Townley and M Sultana (from 5:05pm).

Staff: General Manager, Acting Director Corporate Business, Director City Infrastructure Services, Director City Planning, Acting Director 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

No disclosures of interest tabled.

PUBLIC ADDRESS

There were no Public Addresses

MAYORAL MINUTE

MM13/4 2013 LOCAL GOVERNMENT NSW CONFERENCE - VOTING DELEGATES FROM COFFS HARBOUR CITY COUNCIL

- 218 **RESOLVED** (Arkan/Degens) that Coffs Harbour City Council resolve the nomination of 1 (one) Councillor to replace Cr Innes as a voting delegate for the 2013 LGNSW Conference.

General Manager invited nominations for a voting delegate for the 2013 LGNSW Conference.

Clr Degens was the only nomination received and declared nominated.

CONFIRMATION OF MINUTES

- 219 **RESOLVED** (Townley/Arkan) that the minutes of the Ordinary meeting held on 22 August 2013 be confirmed as a true and correct record of proceedings.

Cr Sultana arrived at the meeting at 5:05pm.

GENERAL MANAGER'S REPORTS

GM13/29 ELECTION OF DEPUTY MAYOR

To seek Council's decision on the election of a Deputy Mayor.

- 220 **RESOLVED** (Arkan/Degens) that:

1. Council resolve to elect a Deputy Mayor for the ensuing twelve (12) months.

- 221 **RESOLVED** (Innes/Townley) that:

2. Nominations for the position of Deputy Mayor be called and the method of election be by open ballot (show of hands).

The General Manager advised that he had received only one nomination for the position of Deputy Mayor and Clr Degens was elected as Deputy Mayor for the ensuing twelve months.

GM13/30 2013 DISCLOSURE OF INTEREST BY COUNCILLORS AND DESIGNATED PERSONS

To table the Register of Returns received in accordance with s450A Local Government Act 1993.

- 222 RESOLVED** (Palmer/Arkan) that the Register of Disclosures by Councillors and Designated Persons for the period July 2012 – June 2013, as tabled, be noted.

CITY INFRASTRUCTURE SERVICES DEPARTMENT REPORTS

CIS13/45 ACQUISITION OF EASEMENT OVER LOT 1122 DP 622536 - 7A NEWCASTLE DRIVE, TOORMINA

Report seeking Council approval for the acquisition of an easement to drain sewage over a property at 7A Newcastle Drive, Toormina and described legally as Lot 1122 DP 622536.

- 223 RESOLVED** (Arkan/Palmer):
1. That Council proceed to acquire an easement of variable width for the drainage of sewage over Lot 1122 DP 622536, 7A Newcastle Drive, Toormina as shown approximately on the plan attached to this report.
 2. That Council be responsible for all costs associated with the matter.
 3. That the owner be compensated on the terms contained within this report.
 4. That all necessary documents associated with the acquisition of the easement be executed under the Common Seal of Council.

**CIS13/46 LEASE - COFFS HARBOUR REGIONAL AIRPORT GROUND LEASE
SITES TO EAGLE COPTERS AUSTRALASIA**

Seeking authority for the execution of leases between Coffs Harbour City Council as the registered proprietor of Lot 30 in DP 835497 and of Lot 3 in DP 790102 to Eagle Copters Australasia ACN 150 018 894 under the Common Seal of Council.

224 RESOLVED (Palmer/Arkan):

1. That Council accept the surrender of Lease(s) of Lot 30 in DP 835497 to Northern Region SLSA Helicopter Rescue Service and of Lot 2 in DP 790102 to Paul Ellis Cox subject to the contemporaneous formalisation of new lease(s) to Eagle Copters Australasia ACN 150 018 894
2. The Council as registered proprietor of Lot 3 in DP790102 (the demised premises) authorises the lease of the demised premises to Eagle Copters Australasia ACN 150 018 894 for a period of twenty (20) years and an option for a further period of ten (10) years subject to the standard terms and conditions of Coffs Harbour City Council's airport leases and other conditions as required to give effect to the proposed agreement.
3. The Council as registered proprietor Lot 30 in DP835497 (the demised premises) authorises the lease of the demised premises to Eagle Copters Australasia ACN 150 018 894 for a period of twenty (20) years and an option for a further period of ten (10) years subject to the standard terms and conditions of Coffs Harbour City Council's airport leases and other conditions as required to give effect to the proposed agreement.
4. That Council provide a rent free period in the lease of Lot 30 DP 835497 to Eagle Copters Australasia ACN 150 018 894 up to the earlier of 12 months from the commencement of the lease or upon issue of an occupation certificate for the refurbished/hangar.
5. That any necessary documents required to give effect to the lease of Lot 30 in DP835497 and Lot 2 in DP 790102 to Eagle Copters Australasia ACN 150 018 894 be executed under the common seal of Council.
6. That all costs associated with the new leasing arrangement be paid by the lessee.

**CIS13/47 RENEWAL OF LEASE TO ON TRACK COMMUNITY PROGRAMS
INC - SUITE 2 169-171 ROSE AVENUE, COFFS HARBOUR**

Seeking Council authority to renew lease with On Track Community Programs Incorporated for Suite 2 in 169-171 Rose Avenue, Coffs Harbour.

225 RESOLVED (Arkan/Cowling):

1. That Council, as registered proprietor of Lot 10 DP 861850, grant a lease of Suite 2 in 169-171 Rose Avenue, Coffs Harbour to On Track Community Programs Incorporated for a term of 10 months and 8 days commencing 23 August 2013 with options to renew the lease for two consecutive periods of one year each from 1 July 2014.
2. That Council's seal be affixed to the lease of Suite 2 in 169-171 Rose Avenue, Coffs Harbour to On Track Community Programs Incorporated and all other documents required to give effect to the lease agreement and options to renew.

**CIS13/48 LEASES FOR CAR RENTAL CONCESSIONS AT COFFS HARBOUR
AIRPORT**

Seeking Council authority to enter into leases with car rental companies occupying Car Rental Booths and car parking spaces at Coffs Harbour Airport.

226 RESOLVED (Townley/Arkan):

1. That Council, as registered proprietor of Lot 22 DP 812274, grant a lease of Car Rental Booth No.1 in the RPT Terminal Building at Coffs Harbour Airport to Atigram Pty Ltd for a term of five years commencing 1 August 2013.
2. That Council's seal be affixed to the lease of Car Rental Booth No.1 in the RPT Terminal Building at Coffs Harbour Airport to Atigram Pty Ltd and all other documents required to give effect to the lease agreement.
3. That Council, as registered proprietor of Lot 22 DP 812274, grant a lease of Car Rental Booth No.4 in the RPT Terminal Building at Coffs Harbour Airport to Craftview Pty Ltd for a term of four years eleven months and twelve days commencing 20 August 2013.
4. That Council's seal be affixed to the lease of Car Rental Booth No.4 in the RPT Terminal Building at Coffs Harbour Airport to Craftview Pty Ltd and all other documents required to give effect to the lease agreement.
5. That Council, as registered proprietor of Lot 22 DP 812274, grant a lease of Car Rental Booth No.5 in the RPT Terminal Building at Coffs Harbour Airport to Usellus Holdings Pty Ltd for a term of five years commencing 1 August 2013.
6. That Council's seal be affixed to the lease of Car Rental Booth No.5 in the RPT Terminal Building at Coffs Harbour Airport to Usellus Holdings Pty Ltd and all other documents required to give effect to the lease agreement.

**CIS13/49 RELEASE OF RESTRICTION ON USE - 39 ESTUARY DRIVE,
MOONEE BEACH**

To obtain Council approval to execute the necessary documents to release a restriction over 39 Estuary Drive, Moonee Beach which was created for Asset Protection Zone purposes.

227 RESOLVED (Palmer/Arkan):

1. That Council execute under seal all necessary documents to release the existing restriction on Title for an Asset Protection Zone over Lot 1 DP 1130029.
2. That all costs associated with this matter be borne by the owners of Lot 1 DP 1130029.

**CIS13/50 WATER EFFICIENCY STRATEGIC PLAN 2013 - DRAFT REVIEW TO
PUBLIC EXHIBITION**

The objective of this report is to inform Council that the Water Efficiency Strategic Plan (WESP) and the Water Efficiency Implementation Plan (WEIP) have been reviewed as per the five year timeframe and it is proposed that Clarence Valley Council, (Council partners in the Regional Water Supply Scheme) put the drafts on public exhibition and call for submissions from the Coffs Harbour and Clarence Valley communities regarding these documents.

228 RESOLVED (Arkan/Palmer) that Council notes that the draft Water Efficiency Strategic Plan (WESP) and draft Water Efficiency Implementation Plan (WEIP) are proposed to be put on public exhibition in October by Clarence Valley Council and submissions called from the Coffs Harbour and Clarence Valley communities.

**CIS13/51 CONTRACT NO. RFT-568-TO: WEST WOOLGOOLGA
SPORTSFIELDS BULK EARTHWORKS**

To report on tenders received for Contract No. RFT-568-TO to undertake bulk earthworks associated with stage 1 of the West Woolgoolga Sports complex and to gain Council approval to accept a tender

229 RESOLVED (Arkan/Cowling):

1. That Council accept the tender of JK Williams Contracting Pty Ltd and ABN 45 056 566 771 for Contract No. RFT- 568 - TO, West Woolgoolga Stage 1 – Bulk Earthworks for the lump sum amount of \$ 599,921.96 incl. GST, subject to a satisfactory financial assessment, 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 his ability and performance are satisfactory.
 - c) Council holds sufficient Sec 94 funds to undertake the works.
2. That the contract documents be executed under the Seal of Council.

**CIS13/52 CITYWORKS COMMERCIALISATION REVIEW - PROJECT
CONTROL GROUP**

To seek Councillor appointment to the Project Control Group overseeing the development of the business case and implementation plan for commercialisation of the CityWorks branch (for consideration by Council) and to provide an update on the project to date.

230 RESOLVED (Sultana/Arkan) that Council:

1. Note progress on the Commercialisation Review of CityWorks
2. Appoint the Mayor and Deputy Mayor as members of the Project Control Group.

CIS13/53 COMMUNITY ENGAGEMENT REGARDING SUSTAINABLE SERVICE DELIVERY

To propose a Community Engagement Program seeking feedback on options regarding Levels of Service considerations which could assist in addressing Council's unsustainable financial position.

231 RESOLVED (Cowling/Palmer) that Council:

1. Note the information in the report including the identification of Council's annual financial gap.
2. Endorse in principle the Level of Service Community Engagement project.
3. Adopt the Community Engagement Strategy for Levels of Service.
4. Note that a further report will be presented regarding a Continuous Improvement Program.

CORPORATE BUSINESS DEPARTMENT REPORTS

CB13/54 CONDUCT OF FINANCIAL REVIEW - SECTION 355 FACILITY MANAGEMENT COMMITTEES

To provide Council with details of the financial review of the financial records of Council's Section 355 facility management committees for the year ended 30 June 2013.

232 RESOLVED (Palmer/Sultana) that the report on the financial review of the Section 355 facility management committees be noted.

CB13/55 AMENDMENTS TO THE 2013/2014 FEES AND CHARGES

To provide Council with details of the review of the Goods and Services Tax (GST) status of each of the fees and charges listed in the 2013/ 2014 Fees & Charges document; as a result of amendments to the A New Tax System (GST) Act 1999.

233 RESOLVED (Degens/Palmer) that the report on the amendments to the 2013/2014 Fees and Charges due to amendment of the GST legislation be noted.

CB13/56 COMMUNITY CAPITAL INFRASTRUCTURE GRANTS PROGRAM

To provide Council with recommendations in relation to the operations of the Community Capital Infrastructure Grants Program.

234

RESOLVED (Palmer/Sultana):

1. That Council endorses the guidelines for the Community Capital Infrastructure Grants Program.
2. That the initial Community Projects Grants Program co-funding requirement be amended from \$2 community contribution for \$1 grant commitment, to a 50% contribution with a minimum of 20% financial cash contribution.
3. That due to timing, Council have a single round of funding in the current financial year with applications to the Community Capital Infrastructure Grants Program to close 29 November 2013.
4. That Council report annually on the outcomes of the program, and note on any changes in subsequent years to the adopted program guidelines.

CB13/57 BANK BALANCES AND INVESTMENT FOR JULY 2013

To list Council's Bank Balances and Investments as at 31 July 2013.

235

RESOLVED (Palmer/Degens):

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 seven million, eight hundred and thirty eight thousand, two hundred and forty two dollars (\$157,838,242) as at 31 July 2013 be noted.
2. That the general fund unrestricted cash and investments totaling forty one thousand, five hundred dollars and two dollars (\$41,502) as at 31 July 2013 be noted.

CB13/58 FINANCIAL RESULT FOR YEAR ENDED 30 JUNE 2013

To report on the final results of the financial position of various activities to the year ended 30 June 2013.

236 RESOLVED (Palmer/Sultana):

1. That the results for the financial year 2012/13 be noted as follows:

	\$	
General Account	42,598	surplus
Water Account	(1,362,977)	deficit
Sewer Account	281,902	surplus

2. That the various revotes from 2012/2013 to 2013/2014 as detailed in Attachment 4 as follows, be adopted.

SUMMARY	REVOTE \$	FUNDING			
		Revenue \$	External \$	Environmental Levy \$	Restricted Equity \$
General Account	33,520,744	4,489,185	4,435,670	269,550	24,326,339
Water Account	589,774	285,734			304,040
Sewer Account	11,411,435	94,610	1,337,558		9,979,267

3. Council endorses the revote of \$200,000 for the potential replacement of a core software system.
4. Council endorses the revote of \$150,000 of surplus funds to assist in reducing the 2013/14 deficit.

COMMUNITY DEVELOPMENT DEPARTMENT REPORTS

CD13/1 NANA GLEN SPORT, RECREATION & EQUESTRIAN CENTRE MANAGEMENT COMMITTEE MEMBERSHIP

To recommend to Council appointment of a community member to the Nana Glen Sport, Recreation & Equestrian Centre Management Committee.

237 RESOLVED (Arkan/Sultana) that Mr Jim Cleary be appointed to the Nana Glen Sport, Recreation & Equestrian Centre Management Committee

CD13/2 C.EX COFFS INTERNATIONAL STADIUM FOCUS GROUP

To approve the amended terms of reference, Community and Councillor nominations for the 2013-2015 C.ex Coffs International Stadium Focus Group.

238

RESOLVED (Arkan/Innes):

1. To adopt the updated terms of reference for the C.ex Coffs International Stadium Focus Group.
2. To approve the appointment of the following community members to C.ex Coffs International Stadium Focus Group for a two (2) year term, from 1 October 2013:
 - Mr Phil Crofts
 - Mr Phillip Holt
 - Mr Paul Taylor
 - Mr Peter Wardman
3. To appoint two (2) councillors to the C.ex Coffs International Stadium Focus Group.
4. To note the appointment of the CHISSI (2) and Naming Rights sponsor (1) delegates to the group

The General Manager called for nominations for Councillor representatives on the C.Ex Coffs International Stadium Focus Group, the following were received:

Councillor Sultana nominated by Councillors Cowling and Rhoades.
Councillor Rhoades nominated by Councilors Arkan and Degens.

No other nominations were received.

Councillors Sultana and Rhoades were declared as the Councillor representatives on the C.Ex Coffs International Stadium Focus Group.

CD13/3 COFFS HARBOUR ECONOMIC STRATEGY 2013 - 2017

To report back to Council regarding the feedback received from the public exhibition, and to recommend endorsement of the final Coffs Harbour Economic Strategy and Action Plan document.

239

RESOLVED (Degens/Innes) that Council defer consideration of the Economic Strategy pending a workshop with Councillors regarding the implications of the strategy.

CITY PLANNING DEPARTMENT REPORTS

CP13/28 COFFS HARBOUR COMPREHENSIVE KOALA PLAN OF MANAGEMENT 2014 PROJECT PLAN

To obtain Council's endorsement for the Coffs Harbour Koala Plan of Management 2014 Project Plan.

- 240** **RESOLVED** (Sultana/Townley) that Council endorse the attached Coffs Harbour Koala Plan of Management 2014 – Project Plan.

CP13/29 HIGH VALUE HABITATS OF COFFS HARBOUR LOCAL GOVERNMENT AREA - ENDANGERED ECOLOGICAL COMMUNITIES AND OVER-CLEARED VEGETATION TYPES

To recommend that Council place on public exhibition the Endangered Ecological Communities and Over-cleared Vegetation types mapping and accompanying report for the Coffs Harbour Local Government Area.

- 241** **RESOLVED** (Townley/Arkan):

1. That Council endorse release of the following digital layers and report for public exhibition and invite submissions for a period of 30 days:

Data Layer:

- 1.1 Draft Coffs Harbour Endangered Ecological Communities mapping
- 1.2 Draft Over-cleared Vegetation Types mapping

Report:

Mapping High Value Habitats and Biodiversity Assets of the Coffs Harbour Local Government Area: Endangered Ecological Communities and Over-cleared Vegetation Types

2. That a report be brought back to Council on the draft Coffs Harbour Endangered Ecological Communities mapping and the draft Over-cleared Vegetation Types mapping, following exhibition.

CP13/30 PLANNING PROPOSAL PP_2013_COFFS_001_00 FOR PART LOT 3, DP270533 DRESS CIRCLE, COFFS HARBOUR AND AMENDMENTS TO DRAFT COFFS HARBOUR DEVELOPMENT CONTROL PLAN 2013 (COMPONENT E15 - TOURIST DEVELOPMENT PRECINCTS)

The purpose of this report is to inform Council of the outcome of the exhibition of a Planning Proposal (PP) at Dress Circle, Coffs Harbour, and to progress draft Development Control Plan (DCP) 2013 Component E15 – Tourist Development Precincts.

The report recommends that Council endorse the final PP by adopting draft Coffs Harbour Local Environmental Plan (LEP) 2013 (Amendment No. 1) to rezone the subject land from Rural 1A Agriculture under Coffs Harbour City LEP 2000 to R1 General Residential under draft Coffs Harbour LEP 2013; and to forward it to NSW Planning and Infrastructure (P&I) to coordinate the making of the LEP.

The report also recommends that Council adopt draft Coffs Harbour DCP 2013 Component E15 – Tourist Development Precincts as exhibited, and as amended to update the locality map for the Dress Circle location.

242 RESOLVED (Arkan/Innes):

1. That Council endorse the final Planning Proposal PP_2013_COFFS_001_00 (Part Lot 3, DP270533, Dress Circle, Coffs Harbour) by adopting draft Coffs Harbour Local Environmental Plan 2013 (Amendment No. 1) (Attachment 1).
2. That Council instructs the General Manager or his delegate to consult with NSW Planning and Infrastructure on the terms of the Local Environmental Plan, to ensure its consistency with the objectives, outcomes and provisions of the Planning Proposal.
3. That upon completion of the legal instrument being drafted, the Minister for Planning be requested to make a Local Environmental Plan.
4. That the landowner and those who made submissions to PP_2013_COFFS_000_01 be informed of Council's decision.
5. That Council adopt Component E15 Tourist Development Precincts of draft Development Control Plan 2013 (Attachment 3).

FOR

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

AGAINST

Nil

CP13/31 DEVELOPMENT APPLICATION 27/14 SUBDIVISION (BOUNDARY ADJUSTMENT) LOT 12, DP 597557 AND LOT 21, DP 847393 NO. 69 AND 68-70 BONVILLE STATION ROAD, BONVILLE

The purpose of this report is to present Development Application 27/14 for Council's consideration, which is an application for a boundary adjustment.

The properties the subject of the proposed development are Lot 12, DP 597557, No. 69 Bonville Station Road and Lot 21, DP 847393, No. 68 - 70 Bonville Station Road, Bonville. Conditional approval of the application is recommended. The following map illustrates the existing lot configuration.

243

RESOLVED (Arkan/Innes):

1. That the written objection made pursuant to Clause 6 *State Environmental Planning Policy No. 1 - Development Standards* for the variation to the minimum allotment size under Clause 18(5A) of Coffs Harbour Local Environmental Plan 2000 be supported in this particular case.
2. That Development Application 27/14 for Boundary Adjustment at Lot 12, DP 597557, No. 69 Bonville Station Road and Lot 21, DP 847393, No. 68 - 70 Bonville Station Road, Bonville be approved subject to conditions appended to this report (Attachment 3).

FOR

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

AGAINST

Nil

CP13/32 DEVELOPMENT APPLICATION STATISTICS AND PERFORMANCE MONITORING - 2012/13 - UPDATE

To present Council with a summary report on Development Application statistics and performance monitoring for the financial year ending 30 June 2013.

- 244 RESOLVED** (Palmer/Arkan) that Council note the report on statistical information for Development, Construction and Complying Development Certificate Applications for the financial year 2012/2013.

CP13/33 CLIMATE CHANGE POLICY

For Council to adopt the Climate Change Policy.

- 245 RESOLVED** (Degens/Arkan) that Council adopts the Climate Change Policy.

REQUESTS FOR LEAVE OF ABSENCE

No requests for leave of absence.

MATTERS OF AN URGENT NATURE

No matters of an urgent nature.

QUESTIONS ON NOTICE

QON13/4 STUDY - SEA CONDITIONS IN THE HARBOUR

The report was noted.

This concluded the business and the meeting closed at 5:41 pm.

Confirmed: 10 October 2013.

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Denise Knight
Mayor