



**COFFS HARBOUR CITY COUNCIL**  
**ORDINARY MEETING**  
**(PLANNING, ENVIRONMENT AND DEVELOPMENT COMMITTEE)**  
**COUNCIL CHAMBERS**  
**COUNCIL ADMINISTRATION BUILDING**  
**COFF AND CASTLE STREETS, COFFS HARBOUR**  
**20 MAY 2004**

**Contents**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
<b>PLANNING, ENVIRONMENT AND DEVELOPMENT DEPARTMENT REPORTS</b>		
PED11	DEVELOPMENT APPLICATION NO. 1616/03 - PROPOSED ALTERATIONS TO EXISTING RESTAURANT AND MANAGER'S RESIDENCE - LOT 121, DP 1041021, FIDDAMAN ROAD, EMERALD BEACH	2
PED12	DEVELOPMENT APPLICATION NO. 1406/04 - 29 PLACE CHILD CARE CENTRE - LOT 20, DP 1058434, 15 WILLIAM SHARP DRIVE, COFFS HARBOUR	3
<b>GENERAL MANAGER'S REPORT</b>		
9	QUARTERLY PERFORMANCE REPORTING FOR QUARTER ENDING 31 MARCH 2004	4
<b>PLANNING, ENVIRONMENT AND DEVELOPMENT DEPARTMENT REPORTS</b>		
PED13	RURAL LANDS STRATEGIC PLAN - NON STATUTORY PUBLIC ASSESSMENT	5
PED14	DRAFT WOOLGOOLGA TOWN CENTRE CAR PARKING DEVELOPER CONTRIBUTIONS PLAN	6
PED15	DRAFT WEST COFFS DEVELOPMENT CONTROL PLAN AND DRAFT WEST COFFS DEVELOPER CONTRIBUTIONS PLAN	6
PED16	DRAFT SETTLEMENT STRATEGY	7
PED17	TREE PRESERVATION ORDER	7
<b>CITY BUSINESS UNITS REPORT</b>		
B18	ACQUISITION OF LAND - SHEPHARDS LANE, COFFS HARBOUR	8



## COFFS HARBOUR CITY COUNCIL

### ORDINARY MEETING

#### (PLANNING, ENVIRONMENT AND DEVELOPMENT COMMITTEE)

20 MAY 2004

**Present:** Councillors K D Rhoades (Mayor), I D Hogbin (Deputy Mayor), J C Bonfield, W D Featherstone, C O Joass, R W McKelvey, I J Ovens, W R Palmer, G R Smithers.

**Staff:** General Manager, Director of Planning, Environment and Development, Director of City Business Units, Director of City Services, Director of Corporate Services, Mark Salter, Rick Bennell, Executive Assistant

The meeting commenced at 5.03 p.m. with the Mayor, Councillor K D Rhoades, in the chair.

---

#### PUBLIC ADDRESSES

---

<b>Speaker</b>	<b>Subject</b>
Ken Maguire (Resource Design & Management Pty Ltd)	PED11 – D/A 1616/03 Proposed Alterations to Existing Restaurant and Manager's Residence – Lot 121, DP 1041021, Fiddaman Road, Emerald Beach
Dennis Atkinson (applicant)	PED11 – D/A 1616/03 Proposed Alterations to Existing Restaurant and Manager's Residence – Lot 121, DP 1041021, Fiddaman Road, Emerald Beach
Colette Ginman (community representative)	PED12 – D/A 1406/04 – 29 Place Child Care Centre – Lot 20, DP 1058434, 15 William Sharp Drive, Coffs Harbour
Bridget Klinkers (applicant)	PED12 – D/A 1406/04 – 29 Place Child Care Centre – Lot 20, DP 1058434, 15 William Sharp Drive, Coffs Harbour

---

## CONFIRMATION AND ADOPTION OF MINUTES

---

- 84 **RESOLVED** (Ovens/McKelvey) that the minutes of the City Business Units Committee meeting of 6 May 2004 be confirmed as a true and correct record of proceedings.
- 85 **RESOLVED** (Hogbin/Bonfield) that the minutes of the Corporate Services Committee meeting of 6 May 2004 be confirmed as a true and correct record of proceedings.

The Mayor requested a motion to adjourn the Ordinary meeting and resolve into the Planning, Environment and Development Committee meeting.

---

## PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE

---

- 86 **RESOLVED** (Bonfield/Hogbin) that the Ordinary Meeting of Council be adjourned and Council now resolve into the Planning, Environment and Development Committee meeting, the time being 5.23 p.m.

The Mayor invited Councillor Bonfield to chair the Planning, Environment and Development Committee meeting.

---

## PLANNING, ENVIRONMENT AND DEVELOPMENT DEPARTMENT REPORTS

---

**PED11 DEVELOPMENT APPLICATION NO. 1616/03 - PROPOSED ALTERATIONS TO EXISTING RESTAURANT AND MANAGER'S RESIDENCE - LOT 121, DP 1041021, FIDDAMAN ROAD, EMERALD BEACH**

---

The purpose of this report is to advise Council of this application to renovate an existing restaurant with the addition of a manager's residence above on the corner of Fiddaman Road and Surf Street, Emerald Beach. The application is recommended for approval, subject to conditions.

### MOTION

- T7 **MOVED** (Palmer/Joass) that Development Application No. 1616/03 for alterations to the existing restaurant and addition of a manager's residence on Lot 121, DP 1041021, Fiddaman Road, Emerald Beach be approved subject to technical and special conditions as appended to the report (Appendix B), with an amendment to condition 14, as follows:

"The restaurant is only to operate:  
Monday – Saturday (inclusive) 8.00am – 10.00pm (inclusive)  
Sunday 8.00am – 8.00pm (inclusive)."

cont'd

**Ped11 Development Application No. 1616/03 - Proposed Alterations To Existing Restaurant And Manager's Residence - Lot 121, Dp 1041021, Fiddaman Road, Emerald Beach (cont'd)**

**AMENDMENT**

**MOVED** (Smithers/Hogbin) that Development Application No. 1616/03 for alterations to the existing restaurant and addition of a manager's residence on Lot 121, DP 1041021, Fiddaman Road, Emerald Beach be approved subject to technical and special conditions as appended to the report (Appendix B), and agreement on the hours of operation and parking conditions.

**The amendment on being put to the meeting was lost.**

**The motion on being put to the meeting was carried.**

---

**PED12 DEVELOPMENT APPLICATION NO. 1406/04 - 29 PLACE CHILD CARE CENTRE - LOT 20, DP 1058434, 15 WILLIAM SHARP DRIVE, COFFS HARBOUR**

---

The purpose of this report is to advise Council on an application for a 29 place Child Care Centre at 15 William Sharp Drive, being a low density residential property within the Roselands Estate.

**MOTION**

**MOVED** (Rhoades/McKelvey) that Development Application No 1406/04 for a Child Care Centre on Lot 20, DP 1058434, 15 William Sharp Drive, Coffs Harbour be refused on the basis of safety and inappropriate location.

**AMENDMENT**

**T8** **MOVED** (Smithers/Palmer) that Development Application No 1406/04 for a Child Care Centre on Lot 20, DP 1058434, 15 William Sharp Drive, Coffs Harbour be deferred pending investigation on the basis of safety and public liability issues.

The amendment on being put to the meeting was carried. It then became the motion and on being put to the meeting was carried.

**cont'd**

**Ped12 Development Application No. 1406/04 - 29 Place Child Care Centre - Lot 20, Dp 1058434, 15 William Sharp Drive, Coffs Harbour (cont'd)**

---

**DIVISION**

---

A division was duly demanded, and those members voting for and against the motion were recorded:

**FOR**

Councillor Palmer  
 Councillor Joass  
 Councillor Smithers  
 Councillor Featherstone  
 Councillor Bonfield

**AGAINST**

Councillor Rhoades  
 Councillor McKelvey  
 Councillor Ovens  
 Councillor Hogbin

---

**GENERAL MANAGER'S REPORT**

---

**9 QUARTERLY PERFORMANCE REPORTING FOR QUARTER ENDING 31 MARCH 2004**

---

To report on the achievement of customer service guarantees and performance targets for the January to March 2004 quarter.

**T9 RECOMMENDED (Palmer/Joass):**

1. That Council notes the issues surrounding those measures that have not been achieved for the period ending 31 March 2004:

<b>Original Measure</b>	<b>Revised Measure</b>	<b>Comment</b>
<b>City Image</b>		
Complete West Coffs Release Area review by December 2003	June 2004	Resourcing issues (Changes in the position of Flooding & Drainage Engineer)
Construct kerb & guttering in high priority areas, particularly entry roads to village areas	June 2005	Funds not allocated. To be considered in 04/05 Management Plan
<b>Basic Infrastructure</b>		
Adoption of Coffs Creek Floodplain Management Plan by February 2004	June 2004	Draft being reviewed. Resource issues hampered progress
<b>Rural Lands</b>		
Coramba Bridge enhancement to be completed by 31 July 2003	Dec 2004	Awaiting Heritage Conservation Plan
<b>Employment &amp; Investment</b>		
Increase the length of stay by 0.25 nights	To be determined	Data not available
Increased net returns and room occupancy	To be determined	Data not available

**cont'd**

**9 Quarterly Performance Reporting For Quarter Ending 31 March 2004 (cont'd)**

2. That Council note the achievements of customer service guarantees, as outlined in Attachment 1 of the General Manager's Report, for the January to March 2004 quarter.
3. That Council note the organisation's significant achievements, as outlined in Attachment 2 of the General Manager's Report, for the January to March 2004 quarter.
4. That Council note the achievement of performance targets, as outlined in a separate booklet, which is available in the Councillors room, for the January to March 2004 quarter.
5. That Council continues to monitor its performance with a view to improving service delivery.

**PLANNING, ENVIRONMENT AND DEVELOPMENT DEPARTMENT REPORTS**

---

**PED13 RURAL LANDS STRATEGIC PLAN - NON STATUTORY PUBLIC ASSESSMENT**

---

The purpose of this report is to advise Council on the Findings and Recommendations of the Commissioners' of Inquiry report into aspects of the Coffs Harbour Rural Lands Strategic Plan.

**T10 RECOMMENDED (Hogbin/Rhoades):**

1. That Council note the Report of the Commissioners of Inquiry for Environment and Planning on the Proposed Subdivision Provisions of Coffs Harbour City Local Environmental Plan (Amendment No. 15).
2. That a workshop be held with members of the previous Rural Lands Strategic Planning Committee to review the findings and recommendations of the Commissioners' report.
3. That a report be brought back to the July Planning Environment and Development Committee on a recommended course of action following the workshop.

---

**PED14 DRAFT WOOLGOOLGA TOWN CENTRE CAR PARKING DEVELOPER CONTRIBUTIONS PLAN**

---

To report to Council on the Draft Woolgoolga Town Centre Car Parking Developer Contributions Plan.

**T11 RECOMMENDED** (Joass/Featherstone):

1. That Council repeal the Section 94 Contribution Plan for Off Street Public Car Parking, Coffs Harbour Town and Woolgoolga Business Centre.
2. That Council adopt the Woolgoolga Town Centre Car Parking Developer Contributions Plan 2004 attached to the report.
3. That public notification of the adoption of the Plan be given.
4. That the person who lodged the submission be notified of Council's decision.

---

**PED15 DRAFT WEST COFFS DEVELOPMENT CONTROL PLAN AND DRAFT WEST COFFS DEVELOPER CONTRIBUTIONS PLAN**

---

To report to Council on the draft West Coffs Development Control Plan (DCP) and the draft West Coffs Developer Contributions Plan.

**T12 RECOMMENDED** (Rhoades/Palmer):

1. That, in accordance with Clauses 18 and 28 of EPA Regulations, Council adopt the draft West Coffs Harbour Urban Release Area Development Control Plan and Contributions Plan, as circulated separately, for exhibition purposes.
2. That the draft plans be publicly exhibited for 28 days.
3. That any Development Applications currently pending be determined with due regard to the draft Development Control Plan and Contributions Plan.

---

## PED16 DRAFT SETTLEMENT STRATEGY

---

- To inform Council of the progress to date with the Draft Settlement Strategy.
- To have Council endorse the Strategy process.

**T13** **RECOMMENDED** (Ovens/McKelvey): that Council endorse the Draft Settlement Strategy process outlined in the report.

---

## PED17 TREE PRESERVATION ORDER

---

To advise Council of recent vegetation destruction and removal undertaken in the Corindi-Red Rock area, and to extend Council's Tree Preservation Order (TPO) to cover this new area of Council.

**T14** **RECOMMENDED** (McKelvey/Smithers) that Council adopt the following Tree Preservation Order:

A Tree Preservation Order applies to land within Coffs Harbour City Council area to which Ulmarra LEP 1992 applies in respect to all Australian native vegetation on land within the following zones where the lot has an area greater than the minimum indicated –

Zone under Ulmarra LEP 1992	Minimum Lot Size
Rural 1A (east of the Pacific Highway)	1 ha
Rural 1E	1 ha
Environmental Protection Zone 7 (f1)	No minimum

For the purpose of this Tree Preservation Order, a tree is any woody-stemmed plant with either a height greater than 3m or a girth of more than 15cm.

A person shall not carry out or permit or direct or cause any ring barking, cutting down, topping, lopping, removing or willful destruction of any tree or trees to which a tree preservation order applies without development consent. This does not apply to or in respect of:

- a) action required by regulations under the Electricity Safety Act 1945 or the Electricity Supply act 1995, or
- b) plants declared to be noxious weeds under the Noxious Weeds Act 1993, or
- c) trees identified for removal under a bush fire management plan available from the office of the Council

Willful destruction includes the lighting of a fire on land for the purpose of land clearance, unless it is in accordance with a bush fire hazard reduction certificate issued under the Rural Fires Act.



## CITY BUSINESS UNITS REPORT

---

### **B18 ACQUISITION OF LAND - SHEPHARDS LANE, COFFS HARBOUR**

---

Report seeking Council approval for the acquisition of land in the West Coffs Development Area for environmental protection purposes and drainage.

#### **T15 RECOMMENDED** (Rhoades/Hogbin):

1. That Council proceed to acquire Lot 13 DP 1049259 Shephards Lane, Coffs Harbour for an amount of \$320,000.
2. That each party be responsible for their own costs, including those incurred in establishing the value of the land.
3. That all necessary documents associated with the acquisition be executed under the Common Seal of Council.

---

### **CONCLUSION OF COMMITTEE MEETING**

---

The Chairperson advised that the business of the Committee was concluded and invited the Mayor to resume the chair.

The Mayor resumed chairmanship of the meeting at 6.26 p.m.

---

### **OPEN COUNCIL**

---

The Mayor requested a motion to close the Committee meeting and move into Open Council.

#### **T16 RECOMMENDED** (Palmer/McKelvey) that the Committee now move into Open Council.

---

### **ADOPTION OF PLANNING, ENVIRONMENT AND DEVELOPMENT COMMITTEE REPORT**

---

#### **87 RESOLVED** (Ovens/McKelvey) that the report of the Planning, Environment and Development Committee meeting be received and adopted.

This concluded the business and the meeting closed at 6.27 p.m.

Confirmed: 3 June 2004

.....  
K D Rhoades  
Mayor