

The following document is the minutes of the Council and Committee meetings held on 6 November 2008. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 20 November 2008 and therefore subject to change. Please refer to minutes of 20 November 2008 for confirmation.



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
(LAND USE, HEALTH & DEVELOPMENT COMMITTEE)
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
6 NOVEMBER 2008

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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING (LAND USE, HEALTH & DEVELOPMENT COMMITTEE)

6 NOVEMBER 2008

Present: Councillors K Rhoades (Mayor), J Arkan, J Bonfield, R Degens, M Graham, K Hines, D Knight, W Palmer and P Templeton.

Staff: General Manager, Director Corporate Business, Director of City Services, Director Land Use Health & Development, Executive Manager Strategy & Sustainability, Manager Land Use Management, Manager Land Use Planning, Special Projects Manager SLEP, and Executive Assistant.

The meeting commenced at 5.00 pm with the Mayor, Cr K D Rhoades in the chair.

PUBLIC FORUM

Time	Speaker	Item
5.00pm	Richard Ennis	Desirability of a commuter rail service for the Coffs Coast

PUBLIC ADDRESS

Time	Speaker	Item
5.05pm	Kaye Stannard, United Residents Group of Emerald Beach	L21 Development Application 1099/08 – Proposed Dwelling Additions - Lot 67 DP218540, No. 44 Ocean View Crescent, Emerald Beach
5.10pm	Nancy Andrews (Applicant)	L21 Development Application 1099/08 – Proposed Dwelling Additions - Lot 67 DP218540, No. 44 Ocean View Crescent, Emerald Beach

CONFIRMATION AND ADOPTION OF MINUTES

- 147** **RESOLVED** (Templeton/Hines) that the minutes of the Ordinary Meeting held on 16 October 2008 be confirmed as a true and correct record of proceedings.
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DISCLOSURES OF INTEREST

There were no disclosures of interest tabled by Councillors.

GENERAL MANAGER'S REPORTS

18 REVIEW OF S355 / 377 COMMITTEES

To review Council's s.355 / 377 Committees, appoint Councillors to the position of chairpersons of those committees and approve the revised structure of s.355 / 377 committees and their delegations.

- 148** **RESOLVED** (Cr Palmer/Cr Graham) that:
1. The Standing Committee structure remain unaltered for the term of this Council.
 2. Council confirm the structure and the delegations of all sub-committees as defined in the attachment.
 3. Council appoint Councillors to the committees as required.

Koala Plan of Management Advisory Committee

Cr Cr Graham

Orara River Restoration Project Management Committee

Cr Degens and Cr Graham

Woolgoolga Business Lands Working Group

Cr Bonfield, Cr Arkan and Cr Rhoades

Coramba Interagency Community Working Group

Cr Rhoades, Cr Degens and Cr Graham

West Coffs Flying Fox Working Party

Cr Hines and Cr Arkan

Australia Day and Special Events Committee

Cr Rhoades, Cr Hines, Cr Knight and Cr Arkan

Environmental Working Group

Cr Rhoades, Cr Degens and Cr Graham

Governance and Audit Committee

Cr Rhoades and Cr Palmer

NSW Rural Fire Service - Service Level Agreement Working Party

Cr Palmer

Access Advisory Committee

Cr Knight

Coastal & Estuary Management Advisory Committee

Cr Graham, Cr Templeton and Cr Arkan

Coffs Harbour Arts & Cultural Development Advisory Committee
(subject to future report to Council)

Cr Bonfield, Cr Knight and Cr Arkan

Coffs Harbour Bicycle Users Group

Cr Degens, Cr Templeton and Cr Arkan

Coffs Harbour City Gallery Advisory Committee.
(subject or future report to Council)

Cr Bonfield and Cr Arkan

Floodplain Management Advisory Committee

Cr Palmer and Cr Degens

Yandarra Aboriginal Consultative Committee

Cr Rhoades, Cr Degens, Cr Graham and Cr Palmer

Jetty Memorial Theatre Advisory Committee
(subject to future report to Council)

Cr Knight

Area Assistance Scheme Local Ranking Committee

Cr Hines and Cr Bonfield

Coffs Harbour Local Traffic Committee

Cr Palmer

18 Review of S355 / 377 Committees ...(Cont'd)

Coffs Coast Regional Park Trust

(1 Councillor to be female as directed by Minister)

Cr Hines and Cr Arkan

Coffs Harbour City Bush Fire Management Committee

Cr Degens

Coffs Harbour Sports Advisory Committee

Cr Templeton and Cr Arkan

Coffs Harbour International Sports Stadium Inc

Cr Rhoades, Cr Palmer and Cr Hines

Coffs Coast Tourism Association

Cr Bonfield and Cr Graham (Alternate)

Community Development & Support Expenditure Scheme Committee

Cr Arkan and Cr Templeton

Mid North Coast Regional Arts Board

Cr Templeton

North Coast Weeds Advisory Committee

Nil nominated

NSW State Parks Trust Advisory Board

Cr Hines and Cr Arkan (Alternate)

Solitary Islands Marine Park Advisory Committee

Cr Graham and Cr Degens

North Coast Water - Clarence Valley and Coffs Harbour Regional Water Supply

Cr Palmer

19 GOVERNANCE AND AUDIT COMMITTEE – COMPOSITION AND CHARTER

The purpose of this paper is to enable Council to provide authority for the Governance and Audit Committee as a Committee of Council and approve the associated Governance and Audit Committee Charter.

149 RESOLVED (Bonfield/Templeton) that:

1. Council approve the restructure of the former Audit Committee and the former Governance & Organisation Committee into a new Governance and Audit Committee with membership as follows:

Voting Members

- Mayor
- Two independents – at least one with financial expertise (one to be Chairperson)

Non-voting Members

- General Manager
- Directors
- Internal Auditor

Invitees

- External Auditor
- Other Council staff at the request of the Committee

2. Council:
 - a. Approve the calling of expressions of interest for two suitable persons to become independent Governance and Audit Committee members
 - b. Approve the selection criteria for the appointment of the independent Governance and Audit Committee members outlined by confidential attachment to this report
 - c. Appoint the Mayor, General Manager, Internal Auditor and a representative from Council's external auditors to consider the expressions of interest received and report back to Council with recommendations for appointment
 - d. Approve the amount of \$300 per Audit Committee meeting to be paid to each of the two independent Audit Committee members for each meeting that they attend
3. Council approve the Governance and Audit Committee Charter with effect from the time the independent members are appointed.

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORTS

The Mayor chaired the Land Use, Health & Development Committee.

L21 DEVELOPMENT APPLICATION 1099/08 – PROPOSED DWELLING ADDITIONS - LOT 67 DP218540, 44 OCEAN VIEW CRESENT, EMERALD BEACH

To consider Development Application 1099/08 for dwelling alterations and additions at 44 Ocean View Crescent, Emerald Beach.

MOTION

150 **MOVED** (Bonfield/Palmer) that:

1. The Development Application 1099/08 for alterations and additions at No. 44 Ocean View Crescent, Emerald Beach be approved subject to the attached conditions (see Appendix B).
2. Those persons who have made a submission on the application be informed of Council's determination.

VOTE FOR

Cr Templeton
Cr Hines
Cr Knight
Cr Bonfield
Cr Rhoades
Cr Palmer

VOTE AGAINST

Cr Graham
Cr Degens
Cr Arkan

AMENDMENT

MOVED (Arkan/Graham) that Council defer this decision until further consultation can take place.

VOTE FOR

Cr Graham
Cr Degens
Cr Arkan

VOTE AGAINST

Cr Templeton
Cr Hines
Cr Knight
Cr Bonfield
Cr Rhoades
Cr Palmer

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

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

L22 DRAFT INDUSTRIAL LANDS STRATEGY

The purpose of this report is to seek Council's approval to exhibit the draft Industrial Lands Strategy. The Strategy will be utilized as an information document to assist with the preparation of the Standard Local Environmental Plan, currently being prepared by Council staff.

MOTION

151 **MOVED** (Bonfield/Hines) that:

1. Council exhibit the draft Industrial Lands Strategy for an extended period to end January 2009.
2. If no submissions are received during the exhibition period, that the Industrial Lands Strategy come into force after completion of the exhibition period.

VOTE FOR

Cr Palmer
Cr Rhoades
Cr Bonfield
Cr Hines
Cr Knight
Cr Templeton

VOTE AGAINST

Cr Graham
Cr Degens
Cr Arkan

AMENDMENT

MOVED (Graham/Degens) that the draft Industrial Lands Strategy be reviewed in light of environmental and cultural concerns and the over allocation of land within that strategy to accurately reflect the industrial development needs of the city.

VOTE FOR

Cr Graham
Cr Degens
Cr Arkan

VOTE AGAINST

Cr Palmer
Cr Rhoades
Cr Bonfield
Cr Hines
Cr Knight
Cr Templeton

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

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

L23 COFFS HARBOUR CITY STANDARD LOCAL ENVIRONMENTAL PLAN UPDATE

The purpose of this report is to provide the newly elected Council with an update on the Coffs Harbour City Standard Local Environmental Plan (SLEP) project, and for Council to note the work undertaken on the project to date.

152 **RESOLVED** (Graham/Palmer) that:

1. Council notes the progress of the Coffs Harbour City Standard Local Environmental Plan project.

L24 NORTH BOAMBEE VALLEY - DRAFT DEVELOPMENT CONTROL PLAN

The purpose of this report is to:

- present the draft Development Control Plan (DCP), for North Boambee Valley, to Council; and
- seek Council's endorsement of the plan for exhibition purposes.

MOTION

153 MOVED (Palmer/Bonfield) that:

1. Council adopts the draft North Boambee Valley Development Control Plan (as separately circulated to Councillors) for exhibition purposes.
2. The draft North Boambee Valley Development Control Plan be exhibited in accordance with the provisions of the Environmental Planning and Assessment Act and Regulations and that this exhibition be for an extended period until the end of January 2009.
3. All landowners within the North Boambee Valley study area be advised of Council's decision.

VOTE FOR

Cr Palmer
Cr Rhoades
Cr Bonfield
Cr Templeton
Cr Hines
Cr Knight

VOTE AGAINST

Cr Graham
Cr Degens
Cr Arkan

AMENDMENT

MOVED (Graham/Arkan) that the Development Control Plan be amended to reflect environmental concerns and that Councillors be provided with a green paper justifying the need to develop the lands.

VOTE FOR

Cr Graham
Cr Degens
Cr Arkan

VOTE AGAINST

Cr Palmer
Cr Rhoades
Cr Bonfield
Cr Templeton
Cr Hines
Cr Knight

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

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

L25 COFFS HARBOUR CITY COUNCIL - SOUTH COFFS DEVELOPMENT CONTROL PLAN AND DEVELOPER CONTRIBUTIONS PLAN

The purpose of this report is to:

- present the draft Development Control Plan (DCP) and Developer Contributions Plan to Council;
- seek Council endorsement of the Plans, as drafts, for exhibition purposes; and
- allow the draft plans to be publicly exhibited.

MOTION

154 MOVED (Palmer/Bonfield) that:

1. Council adopts the draft South Coffs Development Control Plan and draft Developer Contributions Plan (as circulated separately to Councillors) for exhibition purposes.
2. The draft South Coffs Development Control Plan and draft Developer Contributions Plan be exhibited in accordance with the provisions of the Environmental Planning and Assessment Act Regulations for 28 days.
3. All landowners within the study area be advised of Council's decision.
4. If no submissions are received during the exhibition period, the draft South Coffs Development Control Plan and draft Developer Contributions Plan come into force after completion of the exhibition period.

VOTE FOR

Cr Palmer
Cr Rhoades
Cr Templeton
Cr Hines
Cr Knight
Cr Bonfield

VOTE AGAINST

Cr Graham
Cr Degens
Cr Arkan

AMENDMENT

MOVED (Graham/Arkan) that the Development Control Plan be amended to reflect the environmental concerns of water quality and koala habitat and that Councillors be provided with a green paper justifying that this scale of development will not affect our quality of life.

VOTE FOR

Cr Graham
Cr Degens
Cr Arkan

VOTE AGAINST

Cr Palmer
Cr Rhoades
Cr Templeton
Cr Hines
Cr Knight
Cr Bonfield

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

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

**L26 DRAFT COFFS HARBOUR CITY LOCAL ENVIRONMENTAL PLAN 2000
(AMENDMENT NO. 37), DRAFT BIG BANANA/SUMMIT LANDS
DEVELOPMENT CONTROL PLAN**

To report on the results of the exhibition of a draft Local Environmental Plan (LEP) amendment and a draft Development Control Plan (DCP), applying to lands which are currently part of the Big Banana Tourist facility. The report recommends that Council adopt Coffs Harbour City LEP 2000 (Amendment No. 37) and the Big Banana/Summit Lands DCP. The LEP amendment is attached to this report and the Big Banana/Summit Lands DCP is provided separately to Councillors.

155 RESOLVED (Palmer/Arkan) that:

1. Council adopt Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 37).
2. In accordance with Section 68 of the Environmental Planning and Assessment Act 1979, Coffs Harbour City Local Environmental Plan 2000 (draft Amendment No. 37) (as attached to this report) be submitted to the Department of Planning for gazettal.
3. Parties who made a submission to Coffs Harbour City Local Environmental Plan 2000 (draft Amendment No. 37) be informed of Council's decision.
4. Council adopt the Big Banana/Summit Lands Development Control Plan (provided under separate cover to Councillors) and that this Development Control Plan comes into force upon gazettal of the Local Environmental Plan (Amendment No. 37).
5. parties who made a submission to the draft Big Banana/Summit Lands Development Control Plan be informed of Council's decision.

VOTE FOR

Cr Rhoades
Cr Hines
Cr Knight
Cr Palmer
Cr Bonfield
Cr Templeton
Cr Graham
Cr Degens
Cr Arkan

VOTE AGAINST

Nil

L27 CONTRACT FOR LANDFILL GAS EXTRACTION AND UTILISATION AT THE COFFS COAST RESOURCE RECOVERY PARK, ENGLANDS ROAD, COFFS HARBOUR

To consider the outcomes of negotiations with landfill gas project proponents. This report recommends that Council enter into a contract with a proponent to provide and maintain a landfill gas extraction system, together with gas flaring and utilisation at the Coffs Coast Resource Recovery Park.

156 RESOLVED (Bonfield/Arkan) that:

1. Council enter into a contract with AGL Energy Sales & Marketing Limited ABN 18 076 092 067 (AGL), Contract Reference Number 07/08-257-TI, for a term of 10 years (with an option on the part of AGL to renew the Contract for a further 5 years) to construct a landfill gas extraction, gas flaring and gas utilization system for a lump sum fee of \$886,509 (Ex GST), and to maintain that system & to quantify and verify carbon emissions abatement at the various service charges quoted by AGL.
2. The AGL negotiated solution be selected on the basis that:
 - a) The proposal that has been negotiated with the contractor has been evaluated as the being overall most advantageous.
 - b) The contractor has the necessary experience in similar works and the contractor's ability and performance are satisfactory
 - c) The Tenderer's financial capacity is acceptable.
3. Resolution 1 is subject to Council and AGL negotiating a satisfactory Contract and associated Licence Agreement to enable the implementation of that Resolution and that each of the Contract and Licence Agreement be approved of by Council's Solicitor.
4. The Contract and Licence Agreement referred to in Resolution 3 be executed under Council's seal.
5. Council allocates an additional \$350,000 in the 2008/2009 Management Plan to the landfill gas extract project, with funding from the Domestic and Non Domestic Waste reserves.

CONCLUSION OF MEETING

The Chairman advised that the business of the Land Use, Health & Development Committee was concluded at 7.08 pm.

This concluded the business and the meeting closed at 7.08 pm.

Confirmed: 20 November 2008

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Keith Rhoades AFSM
Mayor