

The following document is the minutes of the Council and Committee meetings held on 4 December 2008. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 18 December 2008 and therefore subject to change. Please refer to minutes of 18 December 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
4 DECEMBER 2008

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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING (LAND USE, HEALTH & DEVELOPMENT COMMITTEE)

4 DECEMBER 2008

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

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

Leave of Absence: Councillor W Palmer

The meeting commenced at 5.03 pm with the Mayor, Cr K D Rhoades in the chair.

The Mayor presented certificates of appreciation to the attending participants of the Climate Change Forum and thanked them for their time and input into the workshop.

DISCLOSURES OF INTEREST

Disclosures of interest were tabled by Councillors concerning the following items of business:

Councillor	Item	Type of Interest
Cr Rhoades	L33 - Review of Coffs Harbour Rural Residential Strategy	Non Pecuniary - Insignificant Conflict Owns rural 1A land, not rural residential land in Coffs Harbour local government area
Stephen Sawtell	L33 - Review of Coffs Harbour Rural Residential Strategy	Pecuniary Owner of land within study area
Cr Templeton	S54 - Traffic Committee Report No. 6/2008	Non Pecuniary - Insignificant Conflict Currently purchasing Lot 3 DP 512411

PUBLIC ADDRESS

Time	Speaker	Item
5.00pm	Peter Montgomery, Ironhill Pty Ltd	L30 Coffs Harbour City Local Environmental Plan 2000 - Amendment No. 46 to Progress Rezoning of Lands at Bonville International Golf Resort
5.05pm	George Cecato, Chair, Coffs Coast Tourism Assoc	S61 National Surf Life Saving Championships 2010 - 2022

CONFIRMATION AND ADOPTION OF MINUTES

- 169 RESOLVED** (Templeton/Hines) that the minutes of the Corporate Business Committee meeting held on 20 November 2008 be confirmed as a true and correct record of proceedings.

Cr Graham questioned the accuracy of the minutes of 20 November 2008 regarding his Matters of an Urgent Nature No. 4. Vegetation - Christmas Bells Road, stating that the 2nd paragraph refers to the airport land.

NOTICES OF MOTION

ISSUES REGARDING THE NORTH COAST RAIL LINE

Councillor Rodney Degens has given notice of his intention to move:

- 170 RESOLVED** (Degens/Graham) that:

Coffs Harbour City Council acknowledge the significant state of neglect of the North Coast Rail line and the urgent need to bring the rail line up to a standard suitable for the people of this region through the drafting a letter to be sent to the State and Federal Ministers of Transport regarding the North Coast Rail line, the stated target for the rail line being: 100 Km/h average speed Sydney to Brisbane within the coming decade.

FEASIBILITY OF A LOCAL PASSENGER RAIL SERVICE

Councillor Rodney Degens has given notice of his intention to move:

171 RESOLVED (Degens/Graham) that:

That Coffs Harbour City Council write to ARTC and SRA regarding the possibility of passenger use of the North Coast Rail line between Glenreagh and Macksville with a view that Council may wish to form a working group to investigate feasibility of such a project.

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT

L29 COFFS HARBOUR CITY LOCAL ENVIRONMENTAL PLAN 2000 - AMENDMENT NO. 46 TO PROGRESS REZONING OF LANDS AT BONVILLE INTERNATIONAL GOLF RESORT

The purpose of this report is to formally commence the preparation of an amendment to the Coffs Harbour City Local Environmental Plan (LEP) 2000 for the Bonville International Golf (BIG) Resort, in accordance with Department of Planning (DoP) requirements.

MOTION

172 MOVED (Bonfield/Hines) that:

1. Council, in accordance with Section 54 of the Environmental Planning and Assessment Act, 1979 prepare a Draft Local Environmental Plan to provide for planning provisions over the lands identified within the study area at Bonville International Golf Resort on Map 2 as an amendment to Coffs Harbour City Local Environmental Plan 2000.
2. The applicant be required to fund all costs associated with the LEP amendment process, in accordance with Council's prevailing Fees and Charges.
3. The proposed amendment to the Exceptions Clause 24 of the Local Environmental Plan contain an area requirement to limit the additional proposed land uses to 9,600m².
4. The Department of Planning be advised that Council considers that a Local Environmental Study is necessary, for reasons outlined in this report and that a formal specification from the Department of Planning be sought for the Local Environmental Study. However, the LES would not be required in circumstances where the proponent submits to Council's satisfaction a staged DA and statement of environmental effects (including those matters nominated in Council's proposed environmental study) to accompany the exhibition of the DLEP.
5. The applicant furnish Council with a concept plan clearly identifying the layout of the various components of the site, including the location of residential and golf course components, as well as the nature of specific land use proposals within the hatched area of Map 2.
6. The concept plan show that a total of only 646 equivalent tenements are proposed for development on the entire Bonville International Golf Resort site.

Cont'd

L29 Coffs Harbour City Local Environmental Plan 2000 - Amendment No. 46 to Progress Rezoning of Lands at Bonville International Golf Resort ... (Cont'd)

7. Council seek authority from the s.54 Planning Review Panel to permit issue, under delegation, a certificate under Section 65 of the Environmental Planning and Assessment Act, 1979 to allow the Draft Local Environmental Plan to be exhibited.
8. The draft Local Environmental Plan 2000 amendment and all supporting documentation be exhibited in accordance with the provisions of the Act and Regulations.
9. All persons directly affected by the draft Plan be advised of Council's decision.

AMENDMENT

MOVED (Graham/Degens) that:

Council write to the proponent advising that the development does not comply with Council's sustainability initiatives and community desires for development of our City.

VOTED FOR

Cr Graham
Cr Degens
Cr Arkan
Cr Knight

VOTED AGAINST

Cr Bonfield
Cr Hines
Cr Rhoades
Cr Templeton

The amendment on being put to the meeting resulted in a tied vote. The Chairperson used his casting vote against the motion.

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

FORESHADOWED AMENDMENT

MOVED (Arkan/Degens) that:

1. Council, in accordance with Section 54 of the Environmental Planning and Assessment Act, 1979 prepare a Draft Local Environmental Plan to provide for planning provisions over the lands identified within the study area at Bonville International Golf Resort on Map 2 as an amendment to Coffs Harbour City Local Environmental Plan 2000.
2. The applicant be required to fund all costs associated with the LEP amendment process, in accordance with Council's prevailing Fees and Charges.
3. The proposed amendment to the Exceptions Clause 24 of the Local Environmental Plan contain an area requirement to limit the additional proposed land uses to 9,600m².
4. The Department of Planning be advised that Council considers that a Local Environmental Study is necessary, for reasons outlined in this report and that a formal specification from the Department of Planning be sought for the Local Environmental Study.

Cont'd

L29 Coffs Harbour City Local Environmental Plan 2000 - Amendment No. 46 to Progress Rezoning of Lands at Bonville International Golf Resort ... (Cont'd)

5. The applicant furnish Council with a concept plan clearly identifying the layout of the various components of the site, including the location of residential and golf course components, as well as the nature of specific land use proposals within the hatched area of Map 2.
6. The concept plan show that a total of only 646 equivalent tenements are proposed for development on the entire Bonville International Golf Resort site.
7. Council seek authority from the s.54 Planning Review Panel to permit issue, under delegation, a certificate under Section 65 of the Environmental Planning and Assessment Act, 1979 to allow the Draft Local Environmental Plan to be exhibited.
8. The draft Local Environmental Plan 2000 amendment and all supporting documentation be exhibited in accordance with the provisions of the Act and Regulations.
9. All persons directly affected by the draft Plan be advised of Council's decision.

VOTED FOR

Cr Degens
Cr Graham
Cr Knight
Cr Arkan

VOTED AGAINST

Cr Rhoades
Cr Bonfield
Cr Templeton
Cr Hines

The foreshadowed amendment on being put to the meeting resulted in a tied vote. The Chairperson used his casting vote against the motion.

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

VOTING ON THE MOTION

VOTED FOR

Cr Rhoades
Cr Hines
Cr Templeton
Cr Bonfield

VOTED AGAINST

Cr Arkan
Cr Graham
Cr Degens
Cr Knight

The motion on being put to the meeting resulted in a tied vote. The Chairperson used his casting vote in favour of the motion.

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

CITY SERVICES DEPARTMENT REPORT

S61 NATIONAL SURF LIFE SAVING CHAMPIONSHIPS 2010 - 2022

To advise Council on progress of negotiations with Surf Lifesaving Australia and the NSW Government (and other parties) regarding a possible new agreement for holding the Australian Surf Life Saving Championships and other events at Boambee Beach.

173 RESOLVED (Bonfield/Arkan) that:

Council approach Surf Life Saving Australia and thank them for the consideration of the six years for the event to be held in Coffs Harbour and regretfully decline the invitation, however if there was a surety that the six years would be held at Coffs Harbour, Coffs Harbour City Council would be pleased to continue negotiations.

LAND USE, HEALTH & DEVELOPMENT COMMITTEE

174 RESOLVED (Templeton/Graham) that the Ordinary Meeting of Council be adjourned and Council now resolve into the Land Use, Health & Development Committee meeting, the time being 5.35 pm.

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

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORTS

L30 COMMUNITY VISION 2030

The objective of this report is to seek Council's endorsement of the Draft Community Vision 2030 document and Background Paper for the purposes of public exhibition. It is proposed that the Vision 2030 documents be placed on public exhibition until the end of January 2009.

T25 RECOMMENDED (Bonfield/Hines) that:

1. Council endorse the release of the Draft Community Vision 2030 document and the Background Paper for public exhibition for a period of 2 months to the end of January 2009.
2. Following the exhibition period, a report be brought back to Council to formally adopt the Community Vision, and to provide an update regarding the proposed 2030 Summit and development of the Coffs Harbour 2030 Plan.

**L31 REVIEW OF COFFS HARBOUR CITY LOCAL ENVIRONMENTAL PLAN
(LEP) 2000 - AMENDMENT NO. 45**

The purpose of this report is to present an evaluation of the Coffs Harbour City Local Environmental Plan (LEP) 2000, and to formally commence the preparation of an amendment to that plan in accordance with Department of Planning (DoP) requirements.

The report presents draft LEP (Amendment No. 45) for Council's approval which incorporates a number of amendments to LEP 2000 as a result of a "housekeeping" style review. The aim of the review is to improve the overall efficiency and legibility of LEP 2000, prior to the eventual adoption of the Standard Instrument LEP.

T26 RECOMMENDED (Arkan/Templeton) that:

1. Council note the findings of the review of Coffs Harbour City Local Environmental Plan 2000.
2. Council, in accordance with Section 54 of the Environmental Planning and Assessment Act, 1979 prepare a draft Local Environmental Plan to address a number of amendments to Coffs Harbour City Local Environmental Plan 2000.
3. The Department of Planning be advised that in the view of the minor matters contained in the draft Plan, Council does not consider that a Local Environmental Study is necessary.
4. Council seek authority from the s.54 Planning Review Panel to permit issue, under delegation, a certificate under Section 65 of the Environmental Planning and Assessment Act, 1979 to allow the draft Local Environmental Plan to be exhibited.
5. The draft Local Environmental Plan 2000 amendment and all supporting documentation be exhibited in accordance with the provisions of the Act and Regulations.
6. All persons directly affected by the draft Plan be advised of Council's decision.

VOTED FOR

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

VOTED AGAINST

Nil

L32 NORTH BOAMBEE VALLEY - DRAFT STRUCTURE PLAN

The purpose of this report is to:

- present the draft Structure Plan for North Boambee Valley to Council; and
- seek Council's endorsement of the Plan for exhibition purposes.

T27 RECOMMENDED (Bonfield/Hines) that:

1. Council adopts the draft North Boambee Valley (West) Structure Plan (as separately circulated to Councillors) for exhibition purposes.
2. The draft North Boambee Valley (West) Structure Plan be exhibited until the end of January 2009.
3. All landowners within the North Boambee Valley (West) study area be advised of Council's decision.

VOTED FOR

Cr Templeton
Cr Rhoades
Cr Knight
Cr Hines
Cr Bonfield
Cr Arkan

VOTED AGAINST

Cr Graham
Cr Degens

L33 REVIEW OF COFFS HARBOUR'S RURAL RESIDENTIAL STRATEGY

The purpose of this report is to seek Council's approval to exhibit the draft Rural Residential Strategy Review. The Strategy will be used to inform:

- (i) the Standard Local Environmental Plan (SLEP), currently being prepared by Council staff; and
- (ii) the Agreed Growth Management Strategy to be presented to the Department of Planning (DoP) for endorsement.

T28 RECOMMENDED (Bonfield/Knight) that:

1. Council adopt the draft Rural Residential Strategy Review for exhibition purposes.
2. The draft Rural Residential Strategy Review be exhibited for an extended period until the end of January 2009.
3. If any submissions are received, they be reported back to Council for consideration.
4. If no submissions are received during the exhibition period, that the Rural Residential Strategy Review becomes Council's Strategy and comes into force after the completion of the exhibition period.

Cont'd

L33 Review Of Coffs Harbour's Rural Residential Strategy ...(Cont'd)

VOTED FOR

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

VOTED AGAINST

Nil

L34 CLIMATE CONSENSUS PROJECT – WORKSHOP RECOMMENDATIONS

The purpose of this report is to provide Council with the community recommendations from the Climate Change Forum and to formally acknowledge the time that the facilitators, presenters and participants put into this process.

T29 RECOMMENDED (Graham/Degens) that:

1. Council thank the participants and facilitators in the Climate Consensus Project for their valued contribution to address the climate change challenges that confront our Coffs Harbour City community and global communities
 2. The recommendations of the Climate Consensus Project group be addressed in developing the revised Greenhouse Action Plan for our City, and the Coffs Harbour 2030 Plan.
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L35 ODOUR EMISSIONS MANAGEMENT COFFS COAST RESOURCE RECOVERY PARK

To provide an update regarding progress to abate odour emissions emanating from the Coffs Coast Resource Recovery Park.

T30 RECOMMENDED (Templeton/Arkan) that this report and the resident's petition be noted.

L36 PEAK OIL REPORT

To consider a Draft Peak Oil Report (provided separately to Councillors) that addresses the long term implications of our reliance upon oil, and the greenhouse gas emissions that are caused by the use of this fossil fuel. The Report includes an Action Plan that recommends wide ranging measures to proactively adapt to "Peak Oil". It is recommended that the Draft Report be made publicly available, and that this issue be addressed in developing the Coffs Harbour Plan 2030.

T31 RECOMMENDED (Graham/Degens) that:

1. The Draft Peak Oil Report be endorsed for public release and comment.
2. The Draft Peak Oil Report, and public comments that are received, be addressed in developing the Coffs Harbour Plan 2030.
3. That we invite a speaker from the Australian Centre of Peak Oil to come to Coffs Harbour when this report is returning to Council to explain fully the consequences we face.

CORPORATE BUSINESS DEPARTMENT REPORTS

C74 QUARTERLY PERFORMANCE REPORTING FOR QUARTER ENDED 30 SEPTEMBER 2008

That Item C74 be withdrawn. This is a replica of a report from the last Council meeting and has appeared here due to an administrative merging error when the business paper was generated.

C75 DEVELOPER CONTRIBUTIONS - CORINDI AREA

To advise Council of the outcome of a community survey and community consultation with Corindi residents and relevant stakeholders relating to the provision of infrastructure funded from developer contributions collected from within the Corindi Area. This report includes a recommended schedule of works to be funded from developer contributions.

T32 RECOMMENDED (Arkan/Degens) that:

1. Council note the results of the community survey
2. Council endorse the expenditure of Section 94 contributions on the following items:
 - Shared pathway/cycleway around the Corindi village
 - Upgrade of skatepark/tennis facilities
 - Provision of a neighbourhood park/playground

C76 TENDER: SUPPLY AND DELIVERY OF READY MIXED CONCRETE

To report on the tenders received by Regional Procurement Initiative (division of Hunter Council Incorporated) on behalf of the Mid North Coast Procurement Alliance Group of Councils for the Supply and Delivery of Ready Mixed Concrete and to gain Council approval.

T33 RECOMMENDED (Bonfield/Knight) that:

1. Council accepts all six (6) Tender offers from –
 - Boral Country Resources
 - Cemex Australia
 - Coffs Harbour Mini Mix
 - Hanson Construction
 - High Quality Concrete
 - Hurd Haulage

The recommendation is on the basis that:

- a) The tender offers are the most suitable and advantageous following the application of Regional Procurement's Tender Value Selection System.
- b) The six (6) Tenderers form a panel of suppliers all available for use by Council staff. This choice of a panel contract of six suppliers allows Council's operation and construction staff to be selective and cost effective in meeting project budget constraints, whilst simultaneously minimising work delays.
- c) All six (6) suppliers are local to Coffs Harbour and the Mid North Coast, and have the necessary experience in similar works as well as currently being active and proven suppliers to Council.
- d) By actively participating in this Regional Procurement Tender T60809MNC on behalf of the Mid North Coast Procurement Alliance Group of Councils, Coffs Harbour Council will not breach the Local Government (General) Regulation 2005- Section 7 Tendering, for annual expenditure over \$150,000.00 (annual expenditure is expected to exceed \$200,000.00)

OPEN COUNCIL

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

T34 RECOMMENDED (Templeton/Graham) that the Committee now move into Open Council.

ADOPTION OF LAND USE, HEALTH & DEVELOPMENT COMMITTEE REPORT

- 175 RESOLVED** (Templeton/Bonfield) that the recommendations of the Land Use, Health and Development Committee meeting be received and adopted.

This concluded the business and the meeting closed at 6.50 pm.

Confirmed: 18 December 2008

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Keith Rhoades AFSM
Mayor