

The following document is the minutes of the Council and Committee meeting held on 9 July 2009. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 23 July 2009 and therefore subject to change. Please refer to minutes of 23 July 2009 for confirmation.



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
(LAND USE, HEALTH & DEVELOPMENT COMMITTEE)
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
9 JULY 2009

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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING (LAND USE, HEALTH & DEVELOPMENT COMMITTEE)

9 JULY 2009

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 City Services, Director Land Use, Health & Development, Manager Land Use Planning, Special Projects Manager SLEP and Executive Assistant.

The meeting commenced at 5.02 pm with the Mayor, Cr K D Rhoades in the chair.

DISCLOSURES OF INTEREST

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

Councillor	Item	Type of Interest
Cr Rhoades	L18 - Review of Coffs Harbour's Rural Residential Strategy	Non-Pecuniary - Significant Conflict Own 1A rural lands in the local government area
Cr Hines	L18 - Review of Coffs Harbour's Rural Residential Strategy	Non-Pecuniary - Significant Conflict Business and clients in the affected area
Cr Degens	L18 - Review of Coffs Harbour's Rural Residential Strategy	Pecuniary Rural residential land holder in the local government area (Bonville)
Cr Arkan	L18 - Review of Coffs Harbour's Rural Residential Strategy	Non-Pecuniary - Significant Conflict Sister owns land in the rural residential area (Korora)
General Manager	L18 - Review of Coffs Harbour's Rural Residential Strategy	Non-Pecuniary - Insignificant Conflict Owns land in the rural residential area

PUBLIC ADDRESS

Time	Speaker	Item
5.00pm	Jennifer Tuxford	L17 - Development Application 162/09 - Recreation Facility (Challenge Course), Lot 87 DP 752818, 37 Daniels Road, Coramba
5.05pm	Geoff Smyth, Geoff Smyth Consulting	L17 - Development Application 162/09 - Recreation Facility (Challenge Course), Lot 87 DP 752818, 37 Daniels Road, Coramba
5.10pm	Geoff Smyth, Geoff Smyth Consulting	L18 - Review of Coffs Harbour's Rural Residential Strategy

CONFIRMATION AND ADOPTION OF MINUTES

- 92** **RESOLVED** (Templeton/Hines) that the minutes of the City Services Committee meeting held on 25 June 2009 be confirmed as a true and correct record of proceedings.
- 93** **RESOLVED** (Templeton/Hines) that the minutes of the Corporate Business Committee meeting held on 25 June 2009 be confirmed as a true and correct record of proceedings.

ADJOURNMENT OF MEETING

The Mayor requested a motion to adjourn the meeting to allow for the Police to be contacted to remove a protester from the Chamber.

- 94** **RESOLVED** (Rhoades/Templeton) that the meeting be adjourned, the time being 5.32 pm.

RESUMPTION OF MEETING

The meeting resumed at 6.00pm.

- 95** **RESOLVED** (Rhoades/Templeton) that the meeting be resumed.

GENERAL MANAGER'S REPORT

9 PROPOSED INTEGRATED PLANNING AND REPORTING FRAMEWORK

To advise Council of the proposed introduction by the State Government of a new Integrated Planning and Reporting (IPR) framework for local councils in NSW.

- 96 **RESOLVED** (Graham/Arkan) that Council notes the formation of an internal Operational Working Group to co-ordinate the implementation of the NSW Government's new Integrated Planning and Reporting framework within Coffs Harbour City Council.

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORTS

L17 DEVELOPMENT APPLICATION 162/09 - RECREATION FACILITY (CHALLENGE COURSE), LOT 87 DP 752818, 37 DANIELS ROAD, CORAMBA

This is a report on Development Application 162/09 for a Recreation Facility (Challenge Course) at 37 Daniels Road, Coramba. The application has been notified twice. Council received three written objections and one letter of support to the proposal following the first notification. Three written objections were received following the second notification.

All of the matters that have been raised in submissions have been considered in assessment of the application. It is recommended that the application be approved subject to conditions.

MOTION

- 97 **MOVED** (Palmer/Graham) that this application be deferred with the object of having consultation with the proponent of the facility subject to an inspection of the site.

VOTED FOR

Templeton
Hines
Knight
Bonfield
Rhoades
Palmer
Arkan
Degens
Graham

VOTED AGAINST

Nil

L18 REVIEW OF COFFS HARBOUR'S RURAL RESIDENTIAL STRATEGY

Cr Degens declared a pecuniary interest in the following item, vacated the Chamber at 6.04pm and took no part in the discussion or voting.

Cr Rhoades, Cr Arkan and Cr Hines declared a non pecuniary interest in the following item, vacated the Chamber at 6.04pm and took no part in the discussion or voting.

Cr Palmer assumed the Chair.

The purpose of this report is to refer the Rural Residential Strategy Review 2009 to Council for endorsement to become an adopted Strategy of Council.

MOTION

MOVED (Graham/Bonfield) that Council prohibit further rural residential development because of the permanent loss of agricultural production and the very high reliance of residents on fossil fuels for their transport needs.

VOTED FOR

Templeton
Graham

VOTED AGAINST

Knight
Bonfield
Palmer

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

FORESHADOWED MOTION

98 **MOVED** (Bonfield/Knight) that Council modifies the Rural Residential Strategy and progress the release of the following areas:

1. Moonee, Sapphire and Korora
2. Bucca, Karangi, Coramba and Nana Glen
3. Bonville

and report back to Council.

VOTED FOR

Templeton
Knight
Bonfield
Palmer

VOTED AGAINST

Graham

The **FORESHADOWED MOTION** on being put to the meeting was declared **CARRIED**. It then became the **MOTION**.

Cont'd

VOTING ON THE MOTION

VOTED FOR

Templeton
Knight
Bonfield
Palmer

VOTED AGAINST

Graham

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

Cr Rhoades, Cr Degens, Cr Arkan and Cr Hines returned to the meeting, the time being 6.29pm.

The Mayor resumed the Chair.

CORPORATE BUSINESS DEPARTMENT REPORTS

C40 APPOINTMENT OF FREEDOM OF INFORMATION OFFICERS

To formally appoint Freedom of Information Officers to deal with applications submitted to Council under the Freedom of Information Act 1989 (FOI Act).

99 RESOLVED (Palmer/Bonfield) that:

1. Council appoints its Administration Officers as Freedom of Information Officers to deal with FOI applications on behalf of Coffs Harbour City Council.
2. Council appoints Executive Manager Legal and Governance as an FOI Officer to undertake internal review functions of applications on behalf of Coffs Harbour City Council.

The General Manager advised he would distribute information on the review process for FOI applications.

C41 ACQUISITION OF LAND FOR RECONSTRUCTION OF HOULAHAN'S BRIDGE, DAIRYVILLE ROAD, UPPER ORARA

Report seeking Council approval for the acquisition of land required for the reconstruction of Houlahan's Bridge on Dairyville Road at Upper Orara.

100 RESOLVED (Bonfield/Arkan) that:

1. Council proceed to acquire the land as described in the report on the terms contained within the confidential attachment.
2. All necessary documents associated with the acquisition of the land be executed under the common seal of Council.
3. The land acquired by Council be dedicated as public road.

CITY SERVICES DEPARTMENT REPORT

S32 25m B-DOUBLE ACCESS - INDUSTRIAL LANDS STRATEGY

To report on the review of B-Double access routes in conjunction with the Coffs Harbour Industrial Lands Strategy.

101 RESOLVED (Arkan/Knight) that Council:

1. Retain existing 25m B-Double approvals to existing industrial areas.
2. Consider approval on receipt of applications for 25m B-Double access to the following industrial areas:
 - North Boambee Road/Mansbridge Drive
 - Hamilton Drive
3. Discourage 25m B-Double access to the following industrial areas:
 - Hogbin Drive South
 - Marcia Street
 - Howard Street
 - Hulberts Road

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORTS (Cont)

L19 COFFS HARBOUR CITY COUNCIL DRAFT INDUSTRIAL LANDS STRATEGY

To report to Council the outcomes of the community consultation process for the draft Industrial Lands Strategy and to present the amended draft Strategy for adoption.

MOTION

MOVED (Graham/Degens) that:

1. Council adopts the amended Industrial Lands Strategy.
2. The amended Industrial Lands Strategy 2009 be progressed to the Department of Planning for endorsement as an agreed component of Council's Growth Management Strategy.
3. Council note the issues raised in the public submissions received in response to the community engagement process for the draft Industrial Lands Strategy.
4. Council inform all submission writers of Council's decision.
5. Council ensure that no native vegetation is cleared to enable industrial developments.

AMENDMENT

102 MOVED (Rhoades/Bonfield) that

1. Council adopts the amended Industrial Lands Strategy.
2. The amended Industrial Lands Strategy 2009 be progressed to the Department of Planning for endorsement as an agreed component of Council's Growth Management Strategy.
3. Council note the issues raised in the public submissions received in response to the community engagement process for the draft Industrial Lands Strategy.
4. Council inform all submission writers of Council's decision.

VOTED FOR

Templeton
Hines
Knight
Bonfield
Rhoades
Palmer

VOTED AGAINST

Arkan
Degens
Graham

The **AMENDMENT** on being put to the meeting was declared **CARRIED**. It then became the **MOTION**.

Cont'd

L19 Coffs Harbour City Council Draft Industrial Lands Strategy ...(Cont'd)

VOTING ON THE MOTION

VOTED FOR

Templeton
Hines
Knight
Bonfield
Rhoades
Palmer

VOTED AGAINST

Arkan
Degens
Graham

L20 NORTH BOAMBEE VALLEY - DRAFT DEVELOPMENT CONTROL PLAN

The purpose of this report is to:

1. Provide comment on submissions received during the exhibition of the Coffs Harbour City Council - Development Control Plan (DCP), for North Boambee Valley; and
2. Recommend that Council endorse the amended draft DCP to guide development in the North Boambee Valley area.

MOTION

MOVED (Graham/Arkan) that:

1. Council adopts the amended North Boambee Valley Development Control Plan.
2. Council notify the commencement of the North Boambee Valley Development Control Plan in accordance with the Environmental Planning and Assessment Act and Regulations.
3. Council note submissions received during the exhibition process.
4. Council inform all submission writers of Council's decision.
5. No areas of land currently used for horticulture or agriculture within the North Boambee Valley be permitted for development.
6. No areas of land with native vegetation within the North Boambee Valley be permitted for development.

Cont'd

L20 North Boambee Valley - Draft Development Control Plan ...(Cont'd)

AMENDMENT

103 MOVED (Palmer/Templeton) that:

1. Council adopts the amended North Boambee Valley Development Control Plan.
2. Council notify the commencement of the North Boambee Valley Development Control Plan in accordance with the Environmental Planning and Assessment Act and Regulations.
3. Council note submissions received during the exhibition process.
4. Council inform all submission writers of Council's decision.

VOTED FOR

Templeton
Hines
Knight
Bonfield
Rhoades
Palmer

VOTED AGAINST

Arkan
Degens
Graham

The **AMENDMENT** on being put to the meeting was declared **CARRIED**. It then became the **MOTION**.

VOTING ON THE MOTION

VOTED FOR

Templeton
Hines
Knight
Bonfield
Rhoades
Palmer

VOTED AGAINST

Arkan
Degens
Graham

L21 NORTH BOAMBEE VALLEY - DRAFT STRUCTURE PLAN

The purpose of this report is to:

1. Provide comment on submissions received during the exhibition of the Coffs Harbour City Council – draft North Boambee Valley (West) Structure Plan;
2. Recommend that Council endorse the amended Structure Plan to guide development in the North Boambee Valley (NBV) area;
3. That future rezoning include specific detailed environmental studies.

Cont'd

L21 North Boambee Valley - Draft Structure Plan ...(Cont'd)

The purpose of the Structure Plan is to provide long term direction or a strategic framework for the future growth and development of the area.

The Structure Plan recognizes the need to do more detailed planning and studies in the future.

MOTION

MOVED (Degens/Graham) that:

1. Council adopts the amended North Boambee Valley (West) Structure Plan; as a concept for North Boambee Valley.
2. Future rezoning includes the preparation of specific detailed environmental studies (Local Environmental Study or equivalent) to cover the range of issues/constraints identified in the Structure Plan.
3. Council note submissions received during the exhibition process.
4. Council inform all submission writers of Council's decision.
5. No areas of land currently used for horticulture or agriculture within the North Boambee Valley be permitted for development.

AMENDMENT

104 **MOVED** (Palmer/Hines) that:

1. Council adopts the amended North Boambee Valley (West) Structure Plan; as a concept for North Boambee Valley.
2. Future rezoning includes the preparation of specific detailed environmental studies (Local Environmental Study or equivalent) to cover the range of issues/constraints identified in the Structure Plan.
3. Council note submissions received during the exhibition process.
4. Council inform all submission writers of Council's decision.

VOTED FOR

Templeton
Hines
Bonfield
Rhoades
Palmer

VOTED AGAINST

Knight
Arkan
Degens
Graham

The **AMENDMENT** on being put to the meeting was declared **CARRIED**. It then became the **MOTION**.

VOTING ON THE MOTION

VOTED FOR

Templeton
Hines
Bonfield
Rhoades
Palmer

VOTED AGAINST

Knight
Arkan
Degens
Graham

REQUESTS FOR LEAVE OF ABSENCE

- 105 **RESOLVED** (Palmer/Knight) that Cr Templeton be granted leave of absence from Council on 23 July 2009.
-

MATTERS OF AN URGENT NATURE

1. Cheetah, Local Animal Welfare Group

Cr Graham questioned did Council receive a proposal from Cheetah, a local animal welfare group, to work upon reducing road kill and animal mortality and did the Executive of Council consider that proposal?

The General Manager advised the matter will be taken on notice and the appropriate staff will respond.

2. Woolgoolga Swimming Pool

Cr Arkan reported that he had been informed that the Woolgoolga Swimming Pool does not meet safety regulations, he requested a maintenance check or information regarding the future plans for maintaining the swimming pool.

The General Manager responded that a status report will be provided by the appropriate staff.

QUESTIONS WITHOUT NOTICE

1. Attendance at Conferences or Events

The Mayor requested if any Councillors had anything to report to Council regarding attendance at conferences or events representing Council in the City since the last meeting.

Cr Palmer reported that he attended the wrap up meeting of the North Coast Floods Regional Recovery in Grafton, attended by Mayors from as far south as Kempsey and as far north as Lismore; from discussion it is felt that we will be better prepared for such an event in the future. Further, it was proposed that the Mayor in each city be the first person responsible for the management of the Recovery Committee not the Police Commander.

Cont'd

1. Attendance at Conferences or Events ...(Cont'd)

Cr Palmer attended the NSW Country Libraries Association in Parkes, the library is not just a place to borrow a book but a place to meet and interact. The footprint designated for the library and gallery on Brelsford park could possibly be a library on the ground level and the gallery on the 2nd level, which would enable the footprint to be compacted and that local personnel should be used in the design of the library. The library needs a benefactor and maybe there could be an appeal using "Are you feeling your age or are you feeling crook, think about the library in your will".

Cr Palmer reported that the Glasshouse is open in Port Macquarie and suggests that a contingent be taken to the Glasshouse for viewing.

Cr Degens reported that he attended a ceremony for raising the Aboriginal flag for NADOC week and it was a privilege to be able represent Council. This year the aboriginal people are looking at the respecting of our elders and nurturing of our young.

2. Payment to Flood Victims

Cr Palmer questioned how the matter is progressing regarding the payment to flood victims.

The Mayor responded that he had received correspondence today from the federal government the Hon Jenny Macklin MP and quoted from the letter the following:

"The May 2009 floods affected 26 Local Government areas across two States and in activating the payment for this event, I took into consideration that it was the second time many of these areas had been affected by flooding in less than three months. This unusual circumstance added weight to my decision to provide additional assistance to individuals and families affected."

The key words are the May 2009 floods and it was the second time many of these areas were affected.

3. Thompsons Hill Landslide

Cr Palmer questioned what is happening with the landslip at Thompsons Hill on the Pacific Highway.

The Director of City Services responded that it occurred over 12 months ago, since that time extensive discussions with RTA, the RTA believe to date that the landslip is Council's responsibility. Executive have agreed to again make representation to the local member and also to the Minister via the Mayor.

4. Bushfire Appeal

Cr Palmer enquired how the bushfire appeal is progressing and does it need publicity?

The General Manager responded that it is up to \$310,000 and there is another promise of \$125,000 and have been negotiating with other agencies on how to improve that amount.

The Mayor also responded that there is the potential for the final amount, when decided, for another person who will remain anonymous at this time, to triple the final amount.

5. Woolgoolga Netball Courts

Cr Arkan raised that in the Management Plan, page 11, there is an amount specified of \$30,000 for resurfacing of the Woolgoolga netball courts, was that the amount spent?

The General Manager advised the matter will be taken on notice and the appropriate staff will respond.

6. Coffs Creek Flood Plain Risk Management Plan

Cr Graham questioned did the previous Council on 17 August 2006 adopt the Coffs Creek Flood Plain Risk Management Plan?

The General Manager advised the matter will be taken on notice and the appropriate staff will respond.

Cr Hines and Cr Knight left the meeting, the time being 7.36pm.

7. Coffs Creek Flood Plain Risk Management Plan

Cr Graham questioned did that Plan include, as one of its aims, to minimise personal danger to residents, visitors and emergency response personnel and community flood damage?

The General Manager advised the matter will be taken on notice and the appropriate staff will respond.

8. Coffs Creek Flood Plain Risk Management Plan

Cr Graham questioned did Council resolve as part of that Plan to undertake a series of catchment wide measures that included emergency management measures, flood proofing measures, flood action plans.

The General Manager advised the matter will be taken on notice and the appropriate staff will respond.

Cr Hines returned to the meeting, the time being 7.40pm.

9. Coffs Creek Flood Plain Risk Management Plan

Cr Graham questioned did that resolution result in the allocation of \$35,000 for public awareness?

The General Manager advised the matter will be taken on notice and the appropriate staff will respond.

Cr Knight returned to the meeting, the time being 7.41pm.

10. Coffs Creek Flood Plain Risk Management Plan

Cr Graham questioned if none of these measures have been acted upon, why not?

The General Manager advised the matter will be taken on notice and the appropriate staff will respond.

11. Council Minutes

Cr Graham raised the undertaking by the General Manager at the previous Land Use, Health and Development meeting to furnish him with the tapes or CDs of all meetings since he was elected.

The General Manager responded that the issue was misquoted by the paper that said tapes, I said the information would be returned to you, and also you then requested for a return date and I responded within a month, that policy has been formed, was discussed at yesterday's Councillor Briefing.

12. Council Minutes Policy

Cr Graham questioned did the General Manager authorise staff to prepare a policy on this matter to prevent him accessing the recordings of the meetings?

Cr Palmer called a Point of Order - Cr Palmer takes the last statement of Cr Graham's as an accusation and feels it is completely out of order. The Mayor agreed and ruled that way.

13. Council Minutes - Other Council's Procedures

Cr Graham asked if the General Manager is aware that the City of Sydney, Cessnock, Central West Council and Warringah provide recordings of the meeting proceedings to Councillors as a matter of course.

The General Manager responded that the policy allows access to the tapes for a window period between the meeting and the minutes being confirmed, so there is a two week period where a Councillor can come in sit and listen to the tapes.

14. Clearance of Vegetation

Cr Graham reported that clearance of vegetation in the local government area had occurred at the intersection of Arthur Street and Hogbin Drive north, a major clearance of native vegetation on lot 301, DP 791505, was that clearance authorized by Council.

The General Manager advised the matter will be taken on notice and the appropriate staff will respond.

15. Clearance of Vegetation - Little Arrawarra Creek

Cr Graham raised that the former Cr McKelvey reported clearance at Little Arrawarra Creek on Lots 22, 23 and 42 DP 259759, where is Council's investigation into that clearance up to.

The General Manager advised the matter will be taken on notice and the appropriate staff will respond.

16. Coffs Ambassadors

Cr Bonfield is the Council's representative on the Tourism Board and was under the impression that Coffs ambassadors / volunteers are doing a wonderful job, are being recruited and being given information about the city to be ambassadors to visitors to our city. Some tourist operators are concerned with this initiative which includes Council, Marine Parks, Friends of the Botanical Gardens and Landcare that there is a conflict with private enterprise in conducting tours.

The General Manager advised the matter will be taken on notice and the appropriate staff will respond.

17. Pettina Pet Park

Cr Rhoades questioned why a piece of industrial land cannot be found for the relocation of Pettina Pet Park.

The General Manager advised the matter will be taken on notice and the appropriate staff will respond.

This concluded the business and the meeting closed at 8.00 pm.

Confirmed: 23 July 2009

.....
Keith Rhoades AFSM
Mayor