



## MINUTES

### COFFS HARBOUR CITY COUNCIL ORDINARY COUNCIL MEETING COUNCIL ADMINISTRATION BUILDING

CNR COFF AND CASTLE STREETS, COFFS HARBOUR  
ON THURSDAY, 12 OCTOBER 2017 AT 5.00PM

**PRESENT:** Cr Denise Knight, Cr Michael Adendorff, Cr Paul Amos, Cr George Cecato, Cr Keith Rhoades, Cr Tegan Swan, Cr Sally Townley

**STAFF:** General Manager, Director Sustainable Infrastructure, Acting Director Sustainable Communities, Director Business Services, Section Leader Development Assessment, Section Leader Local Planning and Executive Assistant

**LEAVE OF ABSENCE** Cr John Arkan

### OPENING OF ORDINARY MEETING

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

### ACKNOWLEDGEMENT OF COUNTRY

We respectfully acknowledge the Gumbaynggirr Country and the Gumbaynggirr Aboriginal peoples who are traditional custodians of the land on which we meet and their Elders both past and present.

### STATEMENT IN RELATION TO RECORDING OF MEETINGS

The Mayor reminded the Chamber that the meeting was to be recorded and live audio streamed, and that no other recordings of the meeting would be permitted.

### DISCLOSURE OF INTEREST

Councillor	Items	Type of Interest
Cr Denise Knight	GM17/23 – Prosper Coffs Harbour Limited Fundraising Strategy	Non-Pecuniary – Less Than Significant Conflict – currently on the Board of Prosper.
Mr George Cecato	GM17/25 – Coffs Coast Infrastructure Alliance Inc.	Non Pecuniary – Significant Conflict – represents the Chamber of Commerce at this Alliance

**LEAVE OF ABSENCE**

**2017/233 RESOLVED (Cr Sally Townley / Cr George Cecato)**

That leave of absence received from Councillor Jan Strom for unavoidable absence be received and accepted.

**The Motion on being put to the meeting was carried unanimously.**

**CARRIED**

**PUBLIC ADDRESSES**

No public addresses.

**PUBLIC FORUM**

No public forum.

**MAYORAL ACTIONS UNDER DELEGATED AUTHORITY**

No Mayoral actions under delegated authority.

**CONFIRMATION OF MINUTES**

**2017/234 RESOLVED (Cr Michael Adendorff / Cr Tegan Swan)**

That the minutes of the Ordinary Meeting held on 28 September 2017 be confirmed.

**The Motion on being put to the meeting was carried unanimously..**

**CARRIED**

**PROCEDURAL MOTION**

**2017/235 RESOLVED (Cr Denise Knight / Cr Keith Rhoades)**

That SC17/56 – Development Application 0825/17DA – Emergency Services Facility and Research Station (including additions) – Lot 1 DP 1207497 & Lot 7006 DP 1056773, Third Avenue, Arrawarra Headland be brought forward.

**The Motion on being put to the meeting was carried unanimously.**

**CARRIED**

**SC17/56 DEVELOPMENT APPLICATION 0825/17DA - EMERGENCY SERVICES FACILITY AND RESEARCH STATION (INCLUDING ADDITIONS) - LOT 1 DP 1207497 & LOT 7006 DP 1056773, THIRD AVENUE, ARRAWARRA HEADLAND**

**EXECUTIVE SUMMARY**

This report provides an assessment of Development Application 0825/17 for 'Emergency Services Facility' and 'Research Station' (including additions) at Lot 1 DP 1207497 and Lot 7006 DP 1056773, Arrawarra Headland.

A component of the development, being the telecommunications tower used in association with the marine rescue service, exceeds the maximum building height for the site which is 8.5 metres. The proposed height of the telecommunications tower at its highest point is 22 metres.

In November 2008, the then NSW Department of Planning issued a Planning Circular outlining requirements in relation to the determination and reporting of development applications involving variations to development standards. The Circular specifies that all applications which propose a variation of greater than 10% to a development standard must be determined by full Council rather than by staff under delegated authority.

Given that the development incorporates a variation to a development standard of more than 10%, the application is reported to Council for determination.

It is recommended that the application be approved subject to a number of conditions.

**2017/236 RESOLVED (Cr Tegan Swan / Cr Sally Townley)**

That Council:

1. Support the request to vary a development standard made pursuant to Clause 4.6 of Coffs Harbour Local Environmental Plan 2013 for the variation to the maximum building height under Clause 4.3(2) of Coffs Harbour Local Environmental Plan 2013 in this particular case.
2. Approve Development Application No. 0825/17 for an 'Emergency Services Facility' and 'Research Station' (including additions) at Lot 1 DP 1207497 and Lot 7006 DP 1056773, Arrawarra Headland, subject to the conditions in Attachment 3.
3. Advise persons who made a submission on Development Application No. 0825/17 of Council's decision.

**The Motion on being put to the meeting was carried unanimously.**

**CARRIED**

**GENERAL MANAGER'S REPORTS****GM17/23 PROSPER COFFS HARBOUR LIMITED FUNDRAISING STRATEGY****EXECUTIVE SUMMARY**

Prosper Coffs Harbour Limited (Prosper Coffs) recently engaged Howarth Consulting to complete a fundraising strategy for the implementation and ongoing requirements of specific fundraising activities. The strategy provides a guide to the setting up and running effective fundraising for Prosper Coffs, from personal philanthropy to corporate partnerships. This report seeks Council's endorsement of that strategy and also seeks a loan to fully implement the strategy, to be repaid once Prosper Coffs becomes self-sufficient.

**2017/237 RESOLVED (Cr Tegan Swan / Cr Paul Amos)**

That Council:

1. Supports the Prosper Coffs Harbour Fundraising Strategy (attachment 1).
2. Endorse an interest free loan funded from the Strategic Initiatives Reserve, of up to \$200,000 for the year 1 implementation of the strategy, to be repaid once Prosper Coffs is self-sufficient.
3. Endorse an interest free loan funded from the Strategic Initiatives Reserve, of up to \$100,000 for each of years 2 and 3, to be repaid once Prosper Coffs is self-sufficient.

**The Motion on being put to the meeting was carried unanimously.**

**CARRIED**

**GM17/24 2017 DISCLOSURE OF INTEREST BY COUNCILLORS AND DESIGNATED PERSONS****EXECUTIVE SUMMARY**

Section 449(3) of the Local Government Act 1993 requires Councillors (and designated persons) who hold that position on 30 June in each year to lodge a "Disclosures by Councillors and Designated Persons Return". All Councillors who held office at 30 June and designated persons, should have lodged such a return with their General Managers by 30 September 2017. Under the Act, these returns are to be tabled at the first Council meeting following the last day for lodgement.

**2017/238 RESOLVED (Cr Sally Townley / Cr George Cecato)**

That Council note the Register of Disclosures by Councillors and designated persons for the period July 2016 – June 2017, as tabled.

**The Motion on being put to the meeting was carried unanimously.**

**CARRIED**

Cr Cecato declared an interest in the following item, vacated the Chamber and took no part in the discussion or voting, the time being 5.07pm.

**GM17/25 COFFS COAST INFRASTRUCTURE ALLIANCE INC.**

**EXECUTIVE SUMMARY**

Council has received an invitation to join the Coffs Coast Infrastructure Alliance Inc. (CCIA) as an Associate Member. It has been advised that the CCIA includes representatives from the local members of Parliament, local chambers of commerce, relevant community representatives and NSW Business Chamber.

This group was formed initially at a time when the detail of how the NSW Regional Growth Fund would be implemented and evaluated was not well understood. Since that time the evaluation process has become more evident and the main program, Growing Local Economies, is now supported by the State Government funded Regional Economic Development Strategy process which has significant and broad community engagement. Given how the NSW Regional Growth Fund process has developed, it is suggested that the State Government supported formal processes provide adequate opportunity for awareness, evaluation and engagement.

**2017/239 RESOLVED (Cr Tegan Swan / Cr Sally Townley)**

That Council decline the invitation to join the Coffs Coast Infrastructure Alliance Inc. and encourage Coffs Coast Infrastructure Alliance Inc. to participate along with other stakeholders in the process established by the NSW Government to develop a Regional Economic Development Strategy.

**The Motion on being put to the meeting was carried unanimously.**

**CARRIED**

At 5.08pm, Cr George Cecato returned to the meeting.

**GM17/26 DELEGATIONS AND PROCUREMENT POLICIES**

**EXECUTIVE SUMMARY**

The purpose of a policy is to document Council's intent, commitment and/or a position on a particular topic as well as ensure transparency and accountability in local government. These four policies represent the core of Council's business.

**2017/240 RESOLVED (Cr George Cecato / Cr Sally Townley)**

That Council adopts the following policies:

1. Delegations Policy
2. Procurement Policy
3. Tender Acceptance Policy
4. Development Applications Consideration by Council Policy.

**The Motion on being put to the meeting was carried unanimously.**

**CARRIED**

**DIRECTORATE REPORTS - BUSINESS SERVICES****BS17/40 ENVIRONMENTAL LEVY PROJECTS REPORT TO 30 JUNE 2017****EXECUTIVE SUMMARY**

The Environmental Levy (EL) Program continues to be delivered and this report provides a status update 30 June 2017 on the projects funded under the program. Some projects are required to continue in the current the report contains recommendations regarding revotes for each project if required. The EL Program funds environmental projects that would not otherwise be undertaken within Council's general budget funding.

There were 22 completed projects in 2016/17 year with two requesting remaining funds to be revoted to the current financial year for new projects. There were five incomplete projects, three from previous years and two from the current year, that have also requested to be revoted to the current financial year.

**2017/241 RESOLVED (Cr Sally Townley / Cr Paul Amos)**

That Council:

- Notes the status of Environmental Levy projects as at 30 June 2017 as outlined in the report.
- Approves the recommendations identified within the report for Environmental Levy projects to be returned to the Environmental Levy Reserve as follows:

<u>Project</u>	<u>Surplus Funds</u>
Environmental Levy Coordination	\$ 3,413.63
Conservation & Sustainable Management of Biodiversity	\$ 16,440.64
2017/18 Community Sustainable Living Program	\$ 41,432.92
Green School Sustainability Fund 2015/16	\$ 1.07
Culturally Significant Landscapes of the CH LGA	\$ 186.59
Water Quality Assessment of Bucca Bucca Creek	\$ 2,042.38
Community Awareness, Education and Engagement about Kangaroos	\$ 609.60
Bush Regeneration	\$ (4,821.03)
Environmental Weed Control	\$ (2,416.26)
Koala/Wildlife Corridor Bakker Dr Bonville Stage 4	\$ <u>1,198.85</u>
Total Funds Returned to EL Reserve	\$ <u>58,088.39</u>

- Approves the recommendations identified within the report for Environmental Levy projects to be revoted and summarised as follows:

<u>Project</u>	<u>EL</u>	<u>Grants/Council</u>
Matching Grant Funding Pool	\$ 24,101.00	
Green School Sustainability Fund	\$ 750.00	
Flying Fox Camps Management Plan	\$ 7,126.97	\$ 7,126.98
Non-Lethal Mgt of CH Kangaroos by Fertility Control	\$ 7,216.00	
Arrawarra Creek Coastal Zone Management Plan	\$ 11,845.87	\$ 35,537.60
Woolgoolga Beach Rehabilitation Project	\$ 9,709.41	\$ 9,709.41
Total Revotes	\$ <u>60,749.25</u>	\$ <u>52,373.99</u>

4. Approves the allocation of \$38,000 to provide the remaining funding required for the 2017/18 Community Sustainable Living Program in accordance with Council's resolution 2017/144 dated 13 July 2017.

**The Motion on being put to the meeting was carried unanimously.**

**CARRIED**

## **DIRECTORATE REPORTS - SUSTAINABLE COMMUNITIES**

### **SC17/54 PLANNING PROPOSAL PP\_2016\_COFFS\_005\_00 TO PERMIT A CHILD CARE CENTRE ON LOT 3 DP 735083 CRAFT CLOSE TOORMINA**

#### **EXECUTIVE SUMMARY**

At its Ordinary Meeting of 8 December 2016, Council resolved to support a Planning Proposal to modify Coffs Harbour Local Environmental Plan (LEP) 2013 so that a development application can be lodged for the use of Lot 3 DP 735083 Craft Close Toormina for a centre-based child care facility. A centre-based child care facility has been operating without development consent on the subject land since 2010.

A Gateway Determination from the NSW Department of Planning and Environment (DPE) was issued on 23 December 2016 and later amended on the 14 September 2017. Public and stakeholder consultation of the Planning Proposal (PP\_2016\_Coffs\_005\_00) was undertaken between June and September 2017. No submissions were received.

The Planning Proposal is consistent with the North Coast Regional Plan; with all relevant SEPPs; and with applicable section 117 Directions, other than Direction 6.3 Site Specific Provisions. The inconsistency with Direction 6.3 is justifiable because it is a minor matter relating to a single use of a single site. The DPE, in its Gateway Determination of December 2016, agreed that any inconsistency with Direction 4.3 Flood Prone Lands is of minor significance. The Planning Proposal is also consistent with Council's MyCoffs Community Strategic Plan.

There is sufficient information to enable Council to support the Planning Proposal and to finalise it under delegation. This will amend Schedule 1 of LEP 2013 to permit (with Council consent) a centre-based child care facility on the subject land.

### **2017/242 RESOLVED (Cr Sally Townley / Cr Michael Adendorff)**

That Council:

1. Endorses Planning Proposal PP\_2016\_Coffs\_005\_00 – to permit (with Council consent) a centre-based child care facility with consent on Lot 3 DP 735083, 5 Craft Close, Toormina (Attachment 1).
2. Delegates to the General Manager the authority issued by the NSW Department of Planning and Environment to exercise the functions of the Minister under section 59 of the Environmental Planning and Assessment Act 1979 for the purpose of finalising this Planning Proposal.
3. Continues to consult with the NSW Department of Planning and Environment on the terms of the amendment to Coffs Harbour Local Environmental Plan 2013, to ensure its consistency with the objectives, outcomes and provisions of the Planning Proposal.
4. Informs the land owners and their consultant of Council's decision.

**The Motion on being put to the meeting was carried unanimously.**

**CARRIED**

**SC17/55 PLANNING PROPOSAL TO PERMIT DETACHED DUAL OCCUPANCY DEVELOPMENT IN THE RU2 RURAL LANDSCAPE ZONE****EXECUTIVE SUMMARY**

The purpose of this report is to present a draft Discussion Paper (Attachment 1) that addresses various issues around detached rural dual occupancy and whether it should be permitted in the RU2 Rural Landscape (RU2) zone under Coffs Harbour Local Environmental Plan (LEP) 2013. The experience of other local government areas (LGAs) is also examined within the draft Discussion Paper. The draft Discussion Paper concludes that Council should amend LEP 2013 to permit dual occupancy (detached) dwellings in the RU2 zone (noting that this is in addition to attached dual occupancy which is already permitted in the zone).

If Council agrees with recommendations contained within the draft Discussion Paper, then it is recommended that it seek a Gateway Determination from NSW Planning and Environment (NSW P&E) to amend LEP 2013. A Planning Proposal (PP) to make this amendment is included as Attachment 2.

If Council agrees to proceed with the PP it should also make consequential changes to Coffs Harbour Development Control Plan (DCP) 2015 to provide guidance about what needs to be addressed in future development applications. The DCP changes are included as Attachment 3.

**MOTION (Cr Michael Adendorff / Cr Keith Rhoades)**

That Council:

1. Adopt in principle the Detached Rural Dual Occupancy – Draft Discussion Paper – September 2017 (Attachment 1), that secondary dwellings will also be permitted in this zone.
2. Endorse a Planning Proposal (Attachment 2) to amend Coffs Harbour LEP 2013 to permit dual occupancy (detached) and secondary dwellings in the RU2 Rural Landscape zone, and forward it to NSW Planning and Environment seeking a “Gateway Determination”.
3. Request that the Secretary of NSW Planning and Environment issue a written authorisation to Council to exercise delegation of the plan making functions under section 59 of the Environmental Planning and Assessment Act in respect of the Planning Proposal.
4. Subject to the Gateway Determination from NSW Planning and Environment, place the Planning Proposal on public exhibition and undertake government agency consultation.
5. Subject to the Gateway Determination from NSW Planning and Environment, place the draft Detached Rural Dual Occupancy Discussion Paper (Attachment 1) on public exhibition with the Planning Proposal.
6. Subject to the Gateway Determination from NSW Planning and Environment, place a proposed amendment to Coffs Harbour Development Control Plan 2015 (Attachment 3) on public exhibition with the Planning Proposal, to include provisions that assist applicants in preparing applications for detached rural dual occupancy development.
7. Note that a further report will be brought back to Council for consideration of any submissions following the public exhibition of all three documents.

**This Motion was withdrawn by Cr Michael Adendorff.**



**2017/243 RESOLVED (Cr Michael Adendorff / Cr Sally Townley)**

That Council:

1. Adopt in principle the Detached Rural Dual Occupancy – Draft Discussion Paper – September 2017 (Attachment 1).
2. Endorse a Planning Proposal (Attachment 2) to amend Coffs Harbour LEP 2013 to permit dual occupancy (detached) in the RU2 Rural Landscape zone, and forward it to NSW Planning and Environment seeking a “Gateway Determination”.
3. Request that the Secretary of NSW Planning and Environment issue a written authorisation to Council to exercise delegation of the plan making functions under section 59 of the Environmental Planning and Assessment Act in respect of the Planning Proposal.
4. Subject to the Gateway Determination from NSW Planning and Environment, place the Planning Proposal on public exhibition and undertake government agency consultation.
5. Subject to the Gateway Determination from NSW Planning and Environment, place the draft Detached Rural Dual Occupancy Discussion Paper (Attachment 1) on public exhibition with the Planning Proposal.
6. Subject to the Gateway Determination from NSW Planning and Environment, place a proposed amendment to Coffs Harbour Development Control Plan 2015 (Attachment 3) on public exhibition with the Planning Proposal, to include provisions that assist applicants in preparing applications for detached rural dual occupancy development.
7. Note that a further report will be brought back to Council for consideration of any submissions following the public exhibition of all three documents.

**For:** Crs Adendorff, Cecato, Rhoades and Townley

**Against:** Crs Knight, Amos and Swan

**CARRIED**

**DIRECTORATE REPORTS - SUSTAINABLE INFRASTRUCTURE****SI17/25 ACCELERATION OF THE 2018/2019 INFRASTRUCTURE DESIGN PROGRAM****EXECUTIVE SUMMARY**

The quantity of on-the-shelf “shovel-ready” infrastructure designs is currently limited when assessed against Council’s overall annual program of infrastructure works. To this point in time, the annual design process has been incrementally addressing this issue but progress is not rapid. In the main, the detailed design work for many projects cannot proceed until the first day of the financial year in which the projects are due because the financial resources to complete the work is not available until that time.

This report proposes a methodology to improve that situation. The report recommends that 50% of next year’s infrastructure designs could be completed to a detailed level in time to properly inform the setting of the 2018/19 Infrastructure Budget if several amendments to the current 2017/18 Budget and Works Program are adopted. The methodology described does not require an injection of additional capital beyond that already committed in the existing 2017/18 Financial Budgets and therefore protects the target financial ratios which Council has already adopted.

This report further recommends that the same methodology also be employed for the 2018/2019 Financial Year to achieve a final and sustainable situation in which 100% of detailed project designs are available to inform the setting of the 2019/20 Budget, and all future annual budgets from that time on.

**2017/244 RESOLVED (Cr Sally Townley / Cr George Cecato)**

That Council:

1. Endorse the creation of the Design Acceleration Project; and,
2. Allocate a total of \$700,000 of existing 2017/18 project budget capital to the sole purpose of accelerating detailed designs for the proposed 2018/19 capital program by adopting the additional recommendations as follows:
  - 2.1. Reallocate the amounts of \$225,000 of the Bardens Bridge Budget; \$50,000 of the existing Bridges Budget; \$30,000 of the existing Drainage Budget; and \$15,000 of the existing Flooding Budget to fund the Design Acceleration Project.
  - 2.2. Endorse the reprogramming of the Antaries Avenue Drainage Project from a one year to a two year project.
  - 2.3. Reallocate the amount of \$70,000 from the existing Antaries Avenue Drainage Project to fund the Design Acceleration Project.
  - 2.4. Endorse the reprogramming of the Sewer Pump Upgrade Program to reduce the allocated 2017/18 budget by an amount of \$320,000.
  - 2.5. Reallocate the amount of \$320,000 of the existing Sewer Pump Upgrade Program to fund the Design Acceleration Project.

**The Motion on being put to the meeting was carried unanimously.**

**CARRIED**

**REQUESTS FOR LEAVE OF ABSENCE**

Cr George Cecato requested a leave of absence from 22 October 2017 to 30 October 2017.

Cr Denise Knight advised she will provide dates for an upcoming leave of absence request. .

**QUESTIONS ON NOTICE**

**QON17/01 COFFS HARBOUR WATER SUPPLY**

Cr Amos commented that 'Coffs Harbour people should consider themselves very fortunate to have the water and sewer supply that is provided and a good job done.'

**MATTERS OF AN URGENT NATURE**

No matters of an urgent nature.

**CLOSE OF MEETING**

The Meeting closed at 6.04pm.

Confirmed: 26 October 2017

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Denise Knight  
Mayor