



## MINUTES

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

CNR COFF AND CASTLE STREETS, COFFS HARBOUR  
ON THURSDAY, 23 MARCH 2017 AT 5.00PM

**PRESENT:** Cr Denise Knight, Cr Michael Adendorff, Cr Paul Amos, Cr John Arkan, Cr George Cecato, Cr Keith Rhoades (from 5.35pm), Cr Jan Strom, Cr Tegan Swan, Cr Sally Townley

**STAFF:** General Manager, Acting Director Sustainable Infrastructure, Director Sustainable Communities, Director Business Services and Executive Assistant

**LEAVE OF ABSENCE** Nil

### 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 that no other recordings of the meeting would be permitted.

### DISCLOSURE OF INTEREST

Councillor	Items	Type of Interest
Cr Denise Knight	GM17/05 - Council Committees - Appointment of Members and Approval of Terms of Reference	Non-Pecuniary - less than significant conflict as Stephanie Nay was 2016 Election Campaign Manager.
Cr John Arkan	NOM17/05 - Rural Land - Intensive Agriculture	Non-Pecuniary - less than significant conflict as he owns farm land but does not farm.

Councillor	Items	Type of Interest
Cr Michael Adendorff	SC17/12 - Coffs Harbour CBD - Review of Height and Built Form Controls	Non-Pecuniary - less than significant conflict as he owns property in the CBD

## APOLOGIES

No apologies.

## PUBLIC ADDRESSES

Speaker	Item
Gurmesh Singh Vice President, Australian Blueberry Growers Ass	GM17/02 - Motion to 2017 National General Assembly of Local Government, Intensive Agriculture
Paul Shoker NSW Farmers	GM17/02 - Motion to 2017 National General Assembly of Local Government, Intensive Agriculture
Gurmesh Singh Vice President, Australian Blueberry Growers Ass	NOM17/05 - Rural Lands – Intensive Agriculture
Paul Shoker NSW Farmers	NOM17/05 - Rural Lands – Intensive Agriculture
Stephen Connelly Planners North	SC17/13 – Korora – West Sapphire – Moonee Large Lot Residential Investigation Area: Precincts 3, 4 and 5
Grenville Duce	SC17/13 – Korora – West Sapphire – Moonee Large Lot Residential Investigation Area: Precincts 3, 4 and 5

Cr Keith Rhoades arrived at the Chamber, the time being 5.35pm.

## PUBLIC FORUM

No public forums.

## MAYORAL ACTIONS UNDER DELEGATED AUTHORITY

No Mayoral actions under delegated authority.

## CONFIRMATION OF MINUTES

### 2017/41 RESOLVED (Cr Jan Strom / Cr Sally Townley)

That the minutes of the Ordinary Meeting held on 9 March 2017 be confirmed.

**CARRIED**

**GENERAL MANAGER'S REPORTS****GM17/02 MOTION TO 2017 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT, INTENSIVE AGRICULTURE****EXECUTIVE SUMMARY**

At the meeting on the 9 March 2017, Council resolved for councillors to submit any motions to the General Manager by 10 March 2017, for deliberation at the next Ordinary meeting of Council. These motions are for consideration to submit to the 2017 National General Assembly of Local Government conference to be held in Canberra in June 2017. One motion was received:

Cr Knight has submitted the following motion and is seeking Council's endorsement.

*'In recognising the impacts intensive agriculture and the rapid blueberry industry growth has had on the Mid North Coast of NSW, that the regulation of agriculture should be solely a local government responsibility and this includes land use, water allocation, land rehabilitation, spraying/pesticide use and visual impacts of netting.'*

**2017/42 RESOLVED (Cr Denise Knight / Cr Sally Townley)**

That Council consider its position in submitting the motion provided by Mayor Councillor Knight, as follows:

In recognising the impacts intensive agriculture and the rapid blueberry industry growth has had on the Mid North Coast of NSW, that the regulation of agriculture should not solely be a local government responsibility but to work in partnership with all three levels of government, this includes land use, water allocation, land rehabilitation, spraying / pesticide use and visual impacts of netting.

to the 2017 National General Assembly of Local Government Conference.

**For:** Crs Knight, Amos, Strom, Swan and Townley

**Against:** Crs Adendorff, Arkan, Cecato and Rhoades

**CARRIED**

**AMENDMENT****MOVED (Cr John Arkan / Cr Paul Amos)**

That Council consider its position in submitting this motion by Cr Arkan to ALGA as follows::

That Councils establish:

- a) a register of farmers currently conducting and intending to conduct intensive farming activities.
- b) Notify State funded government agencies at the commencement of such activities
- c) That the local council actively lobby the State Minister to ensure these agencies are adequately funded and resourced.

Cr John Arkan gave notice of a foreshadowed Amendment.

Cr Keith Rhoades gave notice of a foreshadowed Amendment.

**For:** Crs Adendorff and Arkan

**Against:** Crs Knight, Amos, Cecato, Rhoades, Strom, Swan and Townley

**LOST**

Cr John Arkan's foreshadowed Amendment was brought forward as follows:

**FORESHADOWED AMENDMENT**

**MOVED (Cr John Arkan**

That Council consider its position in submitting this motion by Cr Arkan to ALGA as follows:

That Coffs Harbour City Council present to the NGLGA Conference concerns of intensive agriculture and seek assistance from the State government with regards to the adequate funding of agencies dealing with agriculture practices.

The Foreshadowed Amendment lapsed in the absence of a seconder.

**2017/43 RESOLVED (Cr Sally Townley)**

That the motion be put

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

**CARRIED**

**FORESHADOWED AMENDMENT**

**(Cr Keith Rhoades**

That Coffs Harbour City Council prepare a report on the current issues of intensive agriculture within the Coffs Harbour Local Government area

All agencies to be involved in consultation with the community with that report.

Cr Rhoades withdrew his foreshadowed Amendment.

**NOTICES OF MOTION – SUSTAINABLE COMMUNITIES****NOM17/05 RURAL LANDS - INTENSIVE AGRICULTURE****MOVED (Cr Sally Townley / Cr Paul Amos):**

1. That Council staff prepare a Planning Proposal to support an amendment to the Coffs Harbour Local Environmental Plan 2013 which removes 'intensive plant agriculture from' permitted without consent' in the land use table in the RU2 Rural Landscape zone and places this activity into the list 'permitted with consent'.
2. That staff and the Agricultural Advisory Committee review the Coffs Harbour Development Control Plan and develop suitable amendments to reflect the intent of 1 above.
3. That the purpose of this proposal is to implement a system of land use buffer zones to protect neighbouring landholders and waterways.
4. Allocate funds to resource this project approximately \$100,000 (for a full-time officer for one year's salary).
5. Liaise with the State government to urgently seek assistance in this matter
6. Commit to an extensive consultation process once a draft is prepared, including targeted sessions with industry bodies and stakeholders.

**AMENDMENT****2017/44 RESOLVED (Cr John Arkan / Cr George Cecato)**

That

1. That Council await the completion of the Rural Lands Strategy component of the local growth management strategy review.
2. That the motion of 24 November 2016 S355 Agricultural Advisory Committee be allowed to discuss matters established so that State government agencies, community members and stakeholders be allowed to have consultation and recommendations appropriately.
3. That staff bring back a report reflecting the issues associated with intensive agriculture in the Coffs Harbour local government area.

Cr Michael Adendorff gave notice of a foreshadowed Amendment.

Cr Jan Strom gave notice of a foreshadowed Amendment.

**MOTION PUT****2017/45 RESOLVED (Cr Keith Rhoades)**

That the motion be put.

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

**CARRIED**

**For:** Crs Adendorff, Arkan, Cecato, Rhoades and Swan

**Against:** Crs Knight, Amos, Strom and Townley

The amendment on being put to the meeting was carried, it then became the motion.

Cr Michael Adendorff's foreshadowed Amendment was brought forward as follows:

### **FORESHADOWED AMENDMENT**

#### **(MOVED Cr Michael Adendorff)**

To replace the term "intensive plant agriculture" with the term "intensive plant agriculture that comprises any element of blueberry production.

1. That Council staff prepare a Planning Proposal to support an amendment to the Coffs Harbour Local Environmental Plan 2013 which removes intensive plant agriculture that comprises any element of blueberry production from permitted without consent' in the land use table in the RU2 Rural Landscape zone and places this activity into the list 'permitted with consent'.
2. That staff and the Agricultural Advisory Committee review the Coffs Harbour Development Control Plan and develop suitable amendments to reflect the intent of 1 above.
3. That the purpose of this proposal is to implement a system of land use buffer zones to protect neighbouring landholders and waterways.
4. Allocate funds to resource this project approximately \$100,000 (for a full-time officer for one year's salary).
5. Liaise with the State government to urgently seek assistance in this matter
6. Commit to an extensive consultation process once a draft is prepared, including targeted sessions with industry bodies and stakeholders.

Cr Adendorff withdrew his foreshadowed Amendment

Cr Jan Strom's foreshadowed Amendment was brought forward as follows:

### **FORESHADOWED AMENDMENT**

#### **(Cr Jan Strom / Cr Paul Amos)**

That Council allocate funds to resource a report to undertake research and consultation with industry, community and State government departments about:

1. Removing "intensive plant agriculture" from permitted without consent to permitted with consent in the LEP
2. To developing suitable amendments to the DCP to reflect this change.
3. That the purpose of this proposal is to implement a system of land use buffer zones to protect neighbouring landholders and waterways.
4. Allocate funds to resource this project approximately \$100,000 (for a full-time officer for one year's salary).
5. Liaise with the State government to urgently seek assistance in this matter
6. Commit to an extensive consultation process once a draft is prepared, including targeted sessions with industry bodies and stakeholders.

**MOTION PUT****2017/46 RESOLVED (Cr Sally Townley**

That the motion be put.

**The Motion on being put to the meeting was carried unanimously.****CARRIED****For:** Crs Knight, Amos, Strom and Townley**Against:** Crs Adendorff, Arkan, Cecato, Rhoades and Swan**LOST****Amendment which had become the motion was then put to the vote.****RESOLVED (Cr John Arkan / Cr George Cecato)**

That

1. That Council await the completion of the Rural Lands Strategy component of the local growth management strategy review.
2. That the motion of 24 November 2016 S355 Agricultural Advisory Committee be allowed to discuss matters established so that State government agencies, community members and stakeholders be allowed to have consultation and recommendations appropriately.
3. That staff bring back a report reflecting the issues associated with intensive agriculture in the Coffs Harbour local government area.

**For:** Crs Adendorff, Amos, Arkan, Cecato, Rhoades and Swan**Against:** Crs Knight, Strom and Townley**CARRIED**

The Mayor requested a short break, the time being 8.06pm - the meeting resumed 8.15pm

**SC17/13 KORORA - WEST SAPPHIRE - MOONEE LARGE LOT RESIDENTIAL INVESTIGATION AREA: PRECINCTS 3, 4 AND 5****EXECUTIVE SUMMARY**

The purpose of this report is to present to Council the *Korora – West Sapphire – Moonee Large Lot Residential Investigation Area: Environmental Studies March 2017* (Attachment 1) and to make recommendations in relation to appropriate future zones within the Korora – West Sapphire – Moonee (KWSM) Investigation Area based on findings of the Environmental Studies.

In July 2013, Council resolved to allocate \$150,000 from the 2014/15 budget to fund an Environmental Study for the West Sapphire, West Korora and Moonee candidate areas identified in Council's Rural Residential Strategy 2009. Subsequent to that resolution, Council engaged consultants. The Environmental Studies were completed and reported to Council on 10 November 2016.

Council has made resolutions concerning Precinct 1 (Korora Basin) and Precinct 2 (Tiki Road) at that meeting, while deferring consideration of Precinct 3 (Maccues Road), Precinct 4 (Wakelands/Fairview/Sugarmill Roads) and Precinct 5 (Gaudrons Road/The Mountain Way) until March 2017. This report deals with these three deferred precincts.

The Environmental Studies provided estimated lot yields and development costs for each precinct, to inform the potential for large lot residential development. The findings of the Environmental Studies were that Precincts 3, 4 and 5 are environmentally constrained and economically unviable for rezoning due to projected infrastructure costs associated with road upgrades and in some instances requiring the acquisition of private roads for upgrading and maintenance. Development in Precincts 3-5 is also estimated to be well in excess of the statutory capped limit of \$30,000 that is allowable for Section 94 Developer Contributions.

A submission has been lodged on behalf of various owners of land in the Investigation Area (Attachment 2) in relation to considerations published in Council's business paper of 10 November 2016. Conclusions and recommendations listed in that submission are addressed in the Issues section of this report.

This report recommends that Council take a strategic approach to the release of land for large lot residential purposes, in accordance with the 2030 Plan which aims to achieve sustainable living. It recommends that Council not proceed with rezoning of lands within Precincts 3, 4, and 5 within the KWSM Investigation Area.

**2017/47 RESOLVED (Cr Jan Strom / Cr John Arkan)**

That Council:

1. Note the findings of the *Korora – West Sapphire – Moonee Large Lot Residential Investigation Area: Environmental Studies March 2017* (Attachment 1), in respect to the Maccues Road, Wakelands Road/Fairview Road/Sugarmill Road, and Gaudrons Road/The Mountain Way precincts undertake a partial review of Coffs LEP 2013 and any relevant Development Control Plans as a matter of urgency with a view to possible inclusion of detached dual occupancies in the land use table in the RU2 Rural Landscape Zone under the list of uses that are permissible with consent.
2. Immediately make the studies undertaken (Attachment 1 relating to this report) available to landowners free of charge, to utilize if they elect to submit a planning proposal as individual landholders, or on a precinct basis.



3. Staff meet with the Planner representing owners in the WEST SAPPHIRE-MOONEE LARGE LOT RESIDENTIAL INVESTIGATION AREA and prepare a joint report clearly stating the matters they agree and articulating upon any elements of disagreement. With points of disagreement, the report to give concise reasons for any disagreement. If the authors can agree on a recommended suitable framework for the orderly release of large lot residential development, that framework is to be set out in the joint report.

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

**CARRIED**

**GM17/03 POLICY REVIEW 2017 (PART 1)**

**EXECUTIVE SUMMARY**

It is a requirement of s165 *Local Government Act* to review all policies within 12 months of a local government general election. This report presents the first group of Council's policies that are ready for re-adoption following review.

**2017/48 RESOLVED (Cr Jan Strom / Cr Sally Townley)**

That Council adopts the following policies as part of the 2017 policy review:

1. Code of Conduct Policy
2. Code of Meeting Practice
3. Fraud and Corruption Prevention Policy
4. Gifts and Benefits Policy
5. Local Government Elections Caretaker Period Policy
6. Library Operations Policy
7. Library Collection Development Policy
8. Public Interest Disclosures Internal Reporting Policy
9. Risk Management Policy

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

**CARRIED**

**GM17/04 NEW GALLERY/MUSEUM POLICIES****EXECUTIVE SUMMARY**

As part of the ongoing process improvement and the organisational wide policy review, Council has recently developed four new cultural facility policies (attached). These are presented for Council adoption.

**2017/49 RESOLVED (Cr Jan Strom / Cr Sally Townley)**

That Council adopts the following policies:

1. Coffs Harbour Regional Gallery Collections Policy
2. Coffs Harbour Regional Gallery Exhibition Policy
3. Coffs Harbour Regional Gallery Loans Policy
4. Coffs Harbour Regional Museum Collection and Conservation Policy

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

**CARRIED**

**GM17/05 COUNCIL COMMITTEES - APPOINTMENT OF MEMBERS AND APPROVAL OF TERMS OF REFERENCE****EXECUTIVE SUMMARY**

Both nominations for Council Committees and Committee Terms of Reference (ToR) require approval by Council. This report is seeking Council endorsement of four committee nominations and two revised Committee ToRs.

**2017/50 RESOLVED (Cr John Arkan / Cr Paul Amos)**

1. That Council Appoints:
  - Katie Evans to the Sportz Central Advisory Committee
  - Stephanie Ney to the Jetty Memorial Theatre Management Committee
  - Dr Mary-Kathryn Smyth to the Access Advisory Committee
  - Stephen Cleary to the Eastern Dorrigo Community Hall & Showground Venue Management Committee
2. Endorse the attached Terms of Reference for the:
  - Community Venue Management Committees
  - Sportz Central Advisory Committee

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

**CARRIED**

**DIRECTORATE REPORTS - BUSINESS SERVICES****BS17/09 BANK AND INVESTMENT BALANCES FOR FEBRUARY 2017****EXECUTIVE SUMMARY**

The purpose is to report on Council's Bank Balances and Investments as at 28 February 2017. Council receives independent advice and invests surplus funds in accordance with Council's Investment Policy to maximise investment income and preserve capital to assist with funding requirements for projects listed under the Coffs Harbour 2030 Community Strategic Plan.

**2017/51 RESOLVED (Cr George Cecato / Cr Paul Amos)**

That Council note the bank balances and investments totalling \$190,447,539.27 (including from loans, Developer Contributions and other avenues that form the restricted accounts and are committed for future works) as at 28 February 2017.

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

**CARRIED**

**BS17/10 REVERSE AUCTION RFT-7947-TO - SUPPLY OF ELECTRICITY FOR CONTESTABLE SITES AND STREET LIGHTING****EXECUTIVE SUMMARY**

The purpose of this report is to inform Council that Regional Procurement have approached Coffs Harbour City Council to once again participate in the calling of a reverse auction for the supply of electricity for our large Contestable sites (using greater than 160MWh electricity per annum) as well as our street lighting.

Council has previously undertaken three successful reverse auctions with Regional Procurement for the supply of electricity for our large contestable sites and street lighting for the periods of 2012/13, 2014/15 and 2016/17. By undertaking a reverse auction Council will be testing the retail electricity market with a view of obtaining the best possible outcome.

The reverse auction process for the supply of electricity for our large contestable sites and street lighting with Regional Procurement will be coordinated by their business partners Energy Action and represents an innovative approach to procurement.

**2017/52 RESOLVED (Cr George Cecato / Cr Michael Adendorff)**

That Council notes the undertaking of a reverse auction for the supply of electricity for Council's large contestable sites and street lighting.

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

**CARRIED**

**DIRECTORATE REPORTS - SUSTAINABLE COMMUNITIES****SC17/12 COFFS HARBOUR CBD - REVIEW OF HEIGHT AND BUILT FORM CONTROLS****EXECUTIVE SUMMARY**

The objective of this report is to seek Council's endorsement of a Project Plan (Attachment 1) and Consultant Brief (Attachment 2) to deliver a review of the Coffs Harbour CBD height and built form controls. This follows a Notice of Motion regarding CBD height restrictions at a Council meeting on 9 February 2017 and the allocation of funds at a subsequent meeting on 23 February 2017.

**2017/53 RESOLVED (Cr John Arkan / Cr George Cecato)**

That Council endorse the Project Plan (Attachment 1) and Consultant Brief (Attachment 2) for the Review of the Coffs Harbour CBD Height and Built Form Controls.

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

**CARRIED**

**SC17/14 SUBMISSION ON PLANNING LEGISLATIVE UPDATES TO THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979****EXECUTIVE SUMMARY**

The objective of this report is to provide Council with an overview of proposed legislative updates to the *Environmental Planning and Assessment Act 1979* and to provide a submission for lodgement with the State Government (Attachment 1). The State Government's *Planning Legislation Updates - Summary of proposals* is provided for information (Attachment 2).

**2017/54 RESOLVED (Cr Jan Strom / Cr George Cecato)**

That Council endorses the submission (Attachment 1) to the NSW Government regarding the legislative updates to the *Environmental Planning and Assessment Act 1979*.

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

**CARRIED**

**SC17/15 DRAFT KANGAROO MANAGEMENT PLAN FOR THE COFFS HARBOUR  
NORTHERN BEACHES****EXECUTIVE SUMMARY**

The objective of this report is to have Council endorse the *Draft Kangaroo Management Plan for the Coffs Harbour Northern Beaches February 2017* (Attachment 1) for exhibition. An Executive Summary of the draft Plan is also provided (Attachment 2).

The Coffs Harbour Local Government Area (LGA) is a focal area for important elements of north-east NSW's renowned biodiversity, including the Eastern Grey Kangaroo. Lands supporting relatively high kangaroo populations interface residential development, caravan parks, holiday parks and golf courses at a number of locations along the Coffs Harbour Northern Beaches. In these areas residents and visitors experience encounters with free-ranging kangaroos, often positive but sometimes negative, in the form of direct threats and aggression. Kangaroos are also the victims of domestic dog and human attacks, and collisions with motor vehicles are not uncommon.

The draft Kangaroo Management Plan was developed in partnership with the National Parks and Wildlife Service (NPWS) and Wildlife Information, Rescue and Education Service Inc (WIRES), to address issues relating to populations of kangaroos living within, and in proximity to, human population centres on the Coffs Harbour Northern Beaches.

**2017/55 RESOLVED (Cr Sally Townley / Cr Tegan Swan)**

That Council:

1. Adopt in principle the attached *Draft Kangaroo Management Plan for the Coffs Harbour Northern Beaches* (Attachment 1) and place it on exhibition for a period of 28 days seeking feedback to enable Council's final determination on this matter.
2. Note that a further report be brought back to Council for consideration following the public exhibition of the draft Plan.

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

**CARRIED**

**DIRECTORATE REPORTS - SUSTAINABLE INFRASTRUCTURE****SI17/05 PROPERTY OWNER CONTRIBUTIONS FOR ANCILLARY ROAD  
INFRASTRUCTURE ITEMS****EXECUTIVE SUMMARY**

This Report discusses Council's current policy of collecting financial contributions from property owners towards the costs of providing kerb and gutter, new footpath and new cycleway adjacent to their properties. The purpose of this Report is to provide information on relevant and related issues and thereby provide Councillors with the opportunity to review the current policy stance, and to either change or recommit to that position.

**2017/56 RESOLVED (Cr Michael Adendorff / Cr Jan Strom)**

That Council:

1. Remove the Property Owner contribution charge of 50% of the cost of supplying Cycleway.
2. Remove the Property Owner contribution charge of 50% of the cost of supplying Footpath.
3. Note that the existing Property Owner contribution charge of 50% of the cost of supplying Kerb and Gutter will remain in place.
4. Note that the appropriate processes to amend Council's published Fees and Charges to reflect the required changes to Property Owner Contributions will be commenced.

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

**CARRIED**

**TRUST REPORTS****T17/07 TRUST REPORT - RELOCATION OF MARINE RESCUE WOOLGOOLGA TO  
ARRAWARRA HEADLAND FACILITY - PROGRESS REPORT****EXECUTIVE SUMMARY**

In accordance with Council's resolution 2017/3 at its meeting held on 9 February 2017, progress reports are provided to each Council meeting on the relocation of Marine Rescue Woolgoolga to Arrawarra Headland.

**2017/57 RESOLVED (Cr John Arkan / Cr Sally Townley)**

That Council, as Corporate Manager of the Coffs Coast State Park Trust, note the progress report.

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

**CARRIED**

**MATTERS OF AN URGENT NATURE**

No matters of an urgent nature.

**CLOSE OF MEETING**

The Meeting closed at 8.50pm.

Confirmed:

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Denise Knight  
Mayor