



## MINUTES

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

CNR COFF AND CASTLE STREETS, COFFS HARBOUR  
ON THURSDAY, 9 NOVEMBER 2017 AT 5.00PM

**PRESENT:** Cr Denise Knight, Cr Michael Adendorff, Cr Paul Amos, Cr George Cecato, Cr Jan Strom, Cr Tegan Swan, Cr Sally Townley and Cr Keith Rhoades (from 6.15pm)

**STAFF:** General Manager, Director Sustainable Infrastructure, Director Sustainable Communities, Director Business Services, Group Leader Strategic Asset Management, Group Leader Sustainable Places, 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

No disclosures of interest.

### APOLOGIES

No apologies.

## NSW WORKSAFE AWARDS – JOHN PEARCE

The Mayor congratulated John Pearce who was recently recognised at the prestigious NSW Worksafe Awards in Sydney where he won the Best Individual Contribution to Workplace Health and Safety in NSW for this year. John's award is for a piece of equipment he built that will reduce the need for manual handling by about 90 per cent and removes the need to push a trailer that can weigh up to 300 kilogrammes. John's invention is a major advance in manual handling safety in his workplace and is now likely to spread across the industry and will save innumerable injuries in the future.

## PUBLIC ADDRESSES

Time	Speaker	Item
5.07pm	Ron Smith	SC17/61 Orara Rivers Rehabilitation Project 1997 to 2017 – 20 Years of River Rehabilitation

## PUBLIC FORUM

No public forums.

## MAYORAL ACTIONS UNDER DELEGATED AUTHORITY

No Mayoral actions under delegated authority.

## CONFIRMATION OF MINUTES

### 2017/254 RESOLVED (Cr Jan Strom / Cr Tegan Swan)

That the minutes of the Ordinary Meeting held on 26 October 2017 be confirmed.

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

**CARRIED**

**SC17/61 ORARA RIVER REHABILITATION PROJECT 1997 TO 2017: 20 YEARS OF RIVER REHABILITATION****EXECUTIVE SUMMARY**

The objective of this report is to update Council on project works and achievements on the 20<sup>th</sup> anniversary of the Orara River Rehabilitation Project and the Orara Valley Rivercare Groups Management Committee Inc.

**2017/255 RESOLVED (Cr Jan Strom / Cr Paul Amos)**

That Council:

1. Note this report and the achievements made by the Orara River Rehabilitation Project over 20 years.
2. Note the Councillors are invited to view project sites at times convenient to them, which can be arranged through the Project Officer.

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

**CARRIED**

**GENERAL MANAGER'S REPORTS****GM17/29 COUNCIL POLICIES****EXECUTIVE SUMMARY**

The purpose of 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. This report presents two policies for council adoption.

**2017/256 RESOLVED (Cr George Cecato / Cr Sally Townley)**

That Council adopts the following policies:

1. Inter-allotment Stormwater Drainage Networks on Private Property Policy
2. Records Management Policy.

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

**CARRIED**

**NOTICES OF MOTION – SUSTAINABLE COMMUNITIES****NOM17/17 DATA LICENCE FOR LANDSCAPE CORRIDORS****MOTION (Cr Sally Townley / Cr Jan Strom)**

That Council make available under licence agreement the digital layers and underlying metadata relating to the Coffs Harbour Landscape Corridors digital map layer.

**AMENDMENT****2017/257 RESOLVED (Cr Michael Adendorff / Cr George Cecato)**

That Council be provided with a briefing and a report that looks at the issues raised about licence agreements, and the Notice of Motion referring to the digital layers and underlying metadata relating to the CH Landscape Corridors digital map layer be brought back to Council.

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

**It then became the MOTION and on being put to the meeting was carried unanimously.**

**CARRIED**

**NOM17/18 INTENSIVE PLANT AGRICULTURE****MOTION (Cr Sally Townley / Cr Jan Strom)**

1. That Council staff prepare a draft report to explore feasible planning control measures in relation to intensive horticulture in the LGA and investigate possible amendments to the Coffs Harbour Local Environmental Plan 2013 to support sustainable land use and reduce land use conflict in the LGA.
2. That staff review the Coffs Harbour Development Control Plan and draft a discussion paper relating to suitable amendments to reflect the intent of 1 above. This could include, but not be limited to, a discussion of exemptions, buffers, water storage and whole farm plans.
3. That the draft discussion paper will be provided to the CHCC Agricultural Advisory Committee for discussion, comment and input to assist in the development of the Rural Lands strategy;
4. That the CHCC Agricultural Advisory Committee input be included in the Rural Lands strategy that goes on public exhibition.

**AMENDMENT****2017/258 RESOLVED (Cr Michael Adendorff / Cr Tegan Swan)**

1. That Council staff prepare a draft report to explore feasible mitigation measures in relation to intensive horticulture as stipulated in the LEP 2013 as it stands in the LGA to support sustainable land use and reduce land use conflict in the LGA.
2. This could include, but not be limited to, a discussion of exemptions, buffers, water storage and whole farm plans.
3. That the draft report will be provided to the CHCC Agricultural Advisory Committee for

- discussion, comment and input to assist in the development of the Rural Lands strategy;
4. That the CHCC Agricultural Advisory Committee input be included in the Rural Lands strategy that goes on public exhibition.

**For:** Crs Knight, Adendorff, Amos, Cecato, Strom and Swan

**Against:** Cr Townley

The Amendment then became the MOTION and on being put to the meeting was carried unanimously.

**CARRIED**

## DIRECTORATE REPORTS - SUSTAINABLE COMMUNITIES

### MOTION

#### 2017/259 RESOLVED (Cr Paul Amos / Cr Sally Townley)

That item SC17/58 – Planning Proposal PP\_2014\_COFFS\_002\_00 – MI Organics – Lot 1 DP 777555 Hamilton Drive, Boambee East – Post Exhibition, be dealt with in Closed Session at the end of the meeting.

**CARRIED**

#### SC17/59 PLANNING PROPOSAL: BRAFORD DRIVE AND IRVINES ROAD, BONVILLE: PRE-GATEWAY

### EXECUTIVE SUMMARY

This report presents a Planning Proposal (PP) to Council (Attachment 1), which seeks to correct mapping errors on two properties following the recent zoning amendment of the Bonville Large Lot Residential Release Area. The landowners of the two properties have identified the anomalies to Council in their submissions (Attachment 2). This report recommends that Council endorse the PP (which allows for map amendments to *Coffs Harbour Local Environmental Plan (LEP) 2013* and seek a 'Gateway Determination' from the NSW Department of Planning and Environment (DPE) to allow Council to place the PP on public exhibition.

In the event that a Gateway Determination is issued by DPE, amendments will also need to be made to *Coffs Harbour Development Control Plan (DCP) 2015*, in the form of minor mapping changes corresponding to the associated draft LEP map amendments. It is proposed that these changes be exhibited at the same time as the PP.

**2017/260 RESOLVED (Cr Jan Strom / Cr Paul Amos)**

That Council:

1. Endorse and forward Braford Drive and Irvines Road, Bonville Planning Proposal - Version 1 Pre-Gateway – November 2017 (Attachment 1) to the NSW Department of Planning and Environment seeking a 'Gateway Determination', to address *Coffs Harbour Local Environmental Plan 2013* mapping anomalies.
2. Request that the Secretary of the NSW Department of 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 1979* in respect of the Planning Proposal.
3. Subject to the 'Gateway Determination' from the NSW Department of Planning and Environment, place the Planning Proposal on public exhibition.
4. Subject to the 'Gateway Determination' from the NSW Department of Planning and Environment, place proposed map amendments to *Coffs Harbour Development Control Plan 2015* on public exhibition (Attachment 3).
5. Waive the current one-off Legal Drafting fee of \$1,600 for Step 5 of a rezoning proposal as per Council's 2017/18 Fees and Charges under Section 610E of the *Local Government Act 1993*.
6. Consider a further report, outlining the outcomes of the public exhibition of the Braford Drive and Irvines Road, Bonville Planning Proposal and associated Development Control Plan.
7. Inform the landowners of the subject lands of Council's decision.

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

**CARRIED**

**SC17/60 COFFS HARBOUR DEVELOPMENT CONTROL PLAN 2015 - AMENDMENT NO. 1 - POST EXHIBITION****EXECUTIVE SUMMARY**

*Coffs Harbour Development Control Plan 2015* ('DCP 2015') came into force on 21 October 2015 and gives effect to *Coffs Harbour Local Environmental Plan 2013* ('LEP 2013'). It has not been updated since its inception.

The purpose of this report is to provide Council with the results of the public exhibition of Council's first "housekeeping" performance review of DCP 2015, which proposes some amendments to the DCP. The amendments will make the DCP clearer and easier to use, and will help Council in meeting its intended planning outcomes.

No submissions were received during the exhibition period (20 September to 20 October 2017). This report seeks Council's adoption of the amendments to DCP 2015 (Attachment 1) following public exhibition.

**2017/261 RESOLVED (Cr Jan Strom / Cr Paul Amos)**

That Council:

1. Adopt *Coffs Harbour Development Control Plan 2015* – Amendment No. 1 (Attachment 1).
2. Endorse the use of Council's on-line mapping system for *Coffs Harbour Development Control Plan 2015* maps and apply formal updates on an evolving basis in response to amendments to *Coffs Harbour Local Environmental Plan 2013*.

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

**CARRIED**

Cr Keith Rhoades arrived at the meeting, the time being 6.15pm.

#### **MOTION**

#### **2017/262 RESOLVED (Cr Sally Townley / Cr Jan Strom)**

That Council bring forward Item SI17/26 Traffic Committee No. 5/2017 for consideration..

**CARRIED**

### **DIRECTORATE REPORTS - SUSTAINABLE INFRASTRUCTURE**

#### **SI17/26 TRAFFIC COMMITTEE NO. 5/2017**

#### **EXECUTIVE SUMMARY**

The Local Traffic Committee (LTC) Meeting minutes are presented to Council for approval of two items. The remainder of the LTC recommendations were of a minor nature and were therefore approved under the delegated authority issued by Council to the Director of Sustainable Infrastructure. The report lists the minutes for Council to note.

#### **2017/263 RESOLVED (Cr George Cecato / Cr Jan Strom)**

That Council:

1. Approve the following LTC item:

##### T.64- Fiddaman Road Emerald Beach – No Stopping & Bus Zones & 40km zone

That the signage and line marking be installed in Fiddaman Road, Emerald Beach as shown on Council's design plan 2160313, pages 39-40 (attached). Not including the proposed 40km speed zone, which is currently under negotiation with Roads & Maritime Services as the speed zone authority for all NSW.

2. Defer the following item so that Council staff can confirm that the majority of affected businesses are supportive of the recommendations. If the businesses are supportive then a future report be brought back for Council's consideration:

##### T.69 – Temporary Road Closure - Road Club Events Engineering Drive and Industrial Drive (west of Engineering Drive) at Isles Industrial Estate Circuit for 2017 – 2019 - Sunday mornings between 6.00am and 12.00noon

3. Note the Minutes of the LTC Meeting of the 24 October 2017 which details those items which have been authorised by the Director of Sustainable Infrastructure in accordance with the Delegations issued by Council.

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

**CARRIED**

## **NOTICES OF MOTION – SUSTAINABLE INFRASTRUCTURE**

### **NOM17/19 FLOODING RISKS IN THE COMBINE/AZALEA AVENUE PRECINCT AND THE MIDDLE/CHINAMANS CREEK AREA**

#### **2017/264 RESOLVED (Cr Keith Rhoades / Cr Jan Strom)**

1. That Council prepare a report with projected costings to rectify the major flooding risks to residents in both the Combine/Azalea Ave precinct in Coffs Harbour and the Middle/Chinaman's Creek area of Sawtell.
2. That Council also prepare a report and costings on the flooding issues associated with Gundagai Street, Marcia Street and Bray Street areas.

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

**CARRIED**

### **SI17/27 RECOMMENDED FEE FOR NEW BULKY CLEAN UP SERVICE**

#### **EXECUTIVE SUMMARY**

Coffs Coast Waste Services (CCWS) is a partnership between Bellingen Shire, Coffs Harbour City and Nambucca Shire Councils for the purposes of providing waste collection and associated services to the communities of the three Councils.

CCWS has entered into a contract for the next waste collection and associated services with Handybin Waste Services (Coffs Harbour) Pty Ltd (Handybin) which are scheduled to begin in March 2018.

At its meeting on 30 March 2017 it was noted that a future report would be presented to Council recommending the most appropriate fee for users of the new bulky goods pick up service which is due to begin concurrent with the new service.

This report recommends the setting of an appropriate fee for users of the future bulky goods pick up service.

#### **2017/265 RESOLVED (Cr Jan Strom / Cr Sally Townley)**

That Council:

1. Resolve, under Section 610 of the Local Government Act, 1993 (NSW) to place the Draft Fee for service of \$44.00 for the Domestic Waste Service – Bulky Cleanup Service (Option 4 – PAYG Book-In Service) on public exhibition for a 28-day period from Monday, 13 November 2017 until close of business on Monday, 11 December 2017, and that the community will be encouraged to provide feedback on the documents during that time.
2. Consider community submissions prior to reconsidering the adoption of the final Fee by 5 March 2018.



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

**CARRIED**

**SI17/28 COFFS COAST WASTE SERVICES - BULKY CLEAN UP SERVICE**

**EXECUTIVE SUMMARY**

Coffs Coast Waste Services (CCWS) is a partnership between Bellingen Shire, Coffs Harbour City and Nambucca Shire Councils for the purposes of providing waste collection and associated services to the communities of the three Councils. In their meetings of March and April 2017, the three Councils resolved to award the next waste collection and associated services contract to Handybin Waste Services (Coffs Harbour) Pty Ltd (Handybin).

In addition, but not included in the Contract, Council resolved at that time to develop and implement of a Council-administered voucher system for residents in order to facilitate the self-haul of Bulky Goods waste to the Englands Road waste facility.

In progressing to finalise Contract negotiations, Handybin has raised a contract dispute with Coffs Harbour City Council specifically with regard to the Council-administered voucher system which comprises an element of the future Bulky Goods service which is scheduled to begin in March 2018.

Council staff have concluded negotiations with Handybin in relation to that dispute. This report makes recommendations for the outcome of the contract dispute negotiations referred to above.

**2017/266 RESOLVED (Cr Tegan Swan / Cr Sally Townley)**

That Council, for the Regional Waste Management Services Contract (RFT-658-TO), 'Part A and Part B (Combined)' Tender from Handybin Waste Services (Coffs Harbour) Pty Ltd (ABN 74 065 744 121), accept 'Option 6 – Voucher System for Disposal'.

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

**CARRIED**

**MATTERS OF AN URGENT NATURE**

No matters of an urgent nature

**CLOSED SESSION – SECTION 10(A)**

The Mayor requested a motion to close the meeting to consider Item SC17/58 – Planning Proposal PP\_2014\_COFFS\_002\_00 – MI Organics – Lot 1 DP 777555 Hamilton Drive, Boambee East – Post Exhibition, the time being 6.33pm.

**MOTION****2017/267 RESOLVED (Cr Paul Amos / Cr George Cecato)**

That the meeting be closed to the press and public during consideration of the following item for the reasons stated:

SC17/58 – Planning Proposal PP\_2014\_COFFS\_002\_00 – MI Organics – Lot 1 DP 777555 Hamilton Drive, Boambee East – Post Exhibition.

The item was confidential for the reason of Section 10A(2)(e).

**CARRIED**

The press and public vacated the Chamber.

At 6.34pm, Cr George Cecato left the meeting and returned at 6.38pm.

**SC17/58 PLANNING PROPOSAL PP\_2014\_COFFS\_002\_00 - MI ORGANICS - LOT 1 DP 777555 HAMILTON DRIVE, BOAMBEE EAST - POST EXHIBITION****EXECUTIVE SUMMARY**

At its Ordinary Meeting of 28 August 2014, Council resolved to support a Planning Proposal (PP) to modify *Coffs Harbour Local Environmental Plan (LEP) 2013* consistent with operations being undertaken on Lot 1 DP 777555, Hamilton Drive, Boambee East. This report informs Council of the outcome of the exhibition of that PP (PP\_2014\_COFFS\_002\_00). It provides Council with a post exhibition version of the PP which contains a Voluntary Planning Agreement (VPA) and Vegetation Management Plan (VMP) to accompany the LEP amendment process (Attachment 1).

The land is occupied by MI Organics Landscape Supplies and this is a proponent-led request for LEP amendment. The intent of the PP is to provide planning controls to better reflect the current use of the land, to address environmental constraints, and to recognise the extent of the existing operations of MI Organics, some of which have been operating without development consent from Council. The landowner is in agreement with the contents of the VPA and VMP.

**2017/268 RESOLVED (Cr Paul Amos / Cr Jan Strom)**

That Council:

1. Endorse Planning Proposal PP\_2014\_COFFS\_002\_00 to permit (with Council consent) an ongoing 'landscaping material supplies' facility on Lot 1 DP 777555 Hamilton Drive, Boambee East (Attachment 1).
2. Enter into the Voluntary Planning Agreement and Vegetation Management Plan contained within Planning Proposal PP\_2014\_COFFS\_002\_00, with the proponent.
3. Place a notation on the title of Lot 1, DP 777555, Hamilton Drive, Boambee East identifying

that the Voluntary Planning Agreement and Vegetation Management Plan apply to the subject site.

4. Delegate 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 purposes of finalising this Planning Proposal.
5. Continue 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 consistency with the objectives, outcomes and provisions of the Planning Proposal.
6. Inform all parties who made submissions to PP\_2014\_COFFS\_002\_00 of Council's decision.
7. That following the gazettal of the planning proposal, a development application needs to be submitted within 6 months, otherwise Council will commence compliance action under the existing planning framework and legislation.

**For:** Crs Knight, Adendorff, Amos, Cecato, Rhoades, Strom and Swan

**Against:** Cr Townley

**CARRIED**

#### **OPEN SESSION**

The Mayor requested an appropriate motion to enable the meeting to resolve into Open Session.

#### **MOTION**

**2017/269 RESOLVED (Cr Jan Strom / Cr George Cecato)**

That Council move into Open Session.

**CARRIED**

The General Manager read to the meeting the resolution of the Closed Session.

#### **MOTION**

**2017/270 RESOLVED (Cr Paul Amos / Cr Jan Strom)**

That the resolution of the Closed Session be adopted.

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

**CARRIED**

**CLOSE OF MEETING**

The Meeting closed at 7.14pm.

Confirmed: 23 November 2017.

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Denise Knight  
Mayor