



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
(PLANNING, ENVIRONMENT AND DEVELOPMENT COMMITTEE)
COUNCIL CHAMBER
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
19 JUNE 2003
commencing at 5.00 p.m.

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COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
(PLANNING, ENVIRONMENT AND DEVELOPMENT COMMITTEE)
19 JUNE 2003

Mayor and Councillors

GENERAL MANAGER'S REPORTS

11 2003/2004 MANAGEMENT PLAN AND 2003/2004 FEES AND CHARGES

Purpose:

To present Council with the recommended 2003/2004 Management Plan and 2003/2004 Fees & Charges for consideration and adoption. This report recommends that the draft plan and draft fees & charges, which were exhibited for public comment, be adopted as the final plan with some amendments.

Description of Item:

Council's Management Plan contains objectives, budgets, Environmental Levy projects, capital works programs and related policies for services. Council was provided with the draft plan at the Corporate Services Committee meeting of Thursday May 1, 2003.

Attachments to this report include:

- Summary of Submissions received on the draft plan (Attachment A);
- Community Submissions (Attachment B).
- City Services Report on Northern Beaches Street Improvement Options (Attachment C).

There were 19 submissions received on the draft plan.

cont'd

11 2003/2004 Management Plan And 2003/2004 Fees And Charges (cont'd)

Consultation:

The draft plan and draft fees and charges were exhibited for public comment from Wednesday May 7, 2003 until Wednesday June 4, 2003. Consultation on the draft management plan and draft fees and charges included:

- Media Briefing on Tuesday May 6;
- Displays at the Council Administration Building foyer and three branch libraries;
- Display on Council's website;
- Public Information Leaflet summarising the major allocations, distributed throughout the local government area as double-page colour advertisements in The Woolgoolga Advertiser, Coffs Harbour Independent and The Coffs Harbour Advocate newspapers;
- Consultation meetings with representatives of the council's community facility management committees;
- Invitations to interested individuals and groups to lodge submissions and to meet with nominated councillors and senior staff to discuss relevant issues.

Related Policy and / or Precedents:

This is Council's 10th Management Plan prepared under the 1993 Local Government Act.

Council considered and adopted the project schedule for developing the 2003/2004 Management Plan at the then Finance and Administration Committee meeting of March 6, 2003.

Council was consulted on priority projects and a review of strategic directions for the draft management plan on February 25, 2003, and councillors were invited to participate in workshops with senior staff and managers from March 10-14 to develop the draft plan.

Council considered and adopted the draft plan and draft fees and charges for public exhibition at the Corporate Services Committee meeting of May 1, 2003.

Statutory Requirements:

Section 402-407 of the 1993 Local Government Act describes what is required for Council's Management Plan.

Council is required, among other things, to adopt a Management Plan by June 30 each year. The draft plan must be placed on public exhibition for a period of 28 days. Council must consider submissions received on the draft plan before adopting the final plan.

Issues:

A total of 19 submissions to the draft management plan were received from individuals and groups within the community. These are presented in Attachment B to this report, and a summary of the submissions with comments from relevant staff is provided in Attachment A. There were no community submissions received in relation to the draft fees and charges.

cont'd

11 2003/2004 Management Plan And 2003/2004 Fees And Charges (cont'd)

A number of other issues have arisen during the public exhibition phase of the draft management plan. These include:

(A) Financial Assistance Grants

Tentative advice from the NSW Local Government Grants Commission is that Coffs Harbour City Council will receive a 4% rise on the previous year's grants. The draft plan allowed calculations of a 3% rise in grants. The additional 1% equates to an additional \$45,000 surplus.

(B) Duke Street Car Park Extensions

In relation to the Duke Street car park extensions, council provided \$100,000 in revenue funding for this project in the draft budget. Section 94 contributions for City Centre Car Parking of \$40,000, which can be used for this extension project, result in a surplus to council of \$40,000.

(C) Facility Management Committees

As part of the community consultations during exhibition of the plan, a number of councillors and senior staff met with representatives of the city's community facility management committees, to discuss the committees' needs to continue to provide quality services to the community.

An additional \$57,379 is recommended to be allocated from the General Account to meet the priority needs as presented by the facility management committees. This total includes allocations of:

- \$6,452 to the Woolgoolga Community Village for awning, ceiling fans and heating;
- \$9,636 to Lowanna Hall for a new kitchen;
- \$9,091 to Nana Glen Sport, Recreation and Equestrian Club for guttering for stables, a storage shed, a water tank, and to cover a shortfall in the provision of three-phase power;
- \$10,200 to the Coffs Harbour Indoor Stadium for a floor sander;
- \$22,000 to the Ulong Showground for upgrading the access road and carparking fencing.

These figures are GST exclusive.

(D) City Resources

Additional funds are required for operational expenses. Position evaluations for the City Resources branch completed during the exhibition phase of the document resulted in an additional \$21,700 for graded staff, including on-costs.

(E) Donations Program

Council's Donations Program has been reviewed, and contributions to rates, sporting and cultural groups brings the total program cost to \$14,250, an additional \$2,000 to the figure estimated in the draft plan. This increase reflects rates charges met by council in relation to additional properties providing sporting or cultural facilities to council and the community.

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11 2003/2004 Management Plan And 2003/2004 Fees And Charges (cont'd)

(F) Performing Arts Contributions

Council's contributions to Arts Mid North Coast Inc have increased from \$7,815.60 in 2002/2003 to \$8,912.40 in 2003/2004, an increase of 14%. The contribution is made from council's annual Visual and Performing Arts budget, fixed at \$35,000 per annum. This contribution to Arts Mid North Coast Inc continues to increase. It is recommended that Council agree to the increase in 2003/2004 but seek a capping of the contribution in future years.

(G) Coffs Coast State Park Trust

An additional \$362,000, above the allocation made in the 2002/2003 budget, is required for the construction of the new pool in Park Beach Caravan Park. An additional \$20,000 is also required for the renovation of the public amenities building.

These additional funds have no impact upon the operating budget, as funding is from the State Park Trust reserves.

(H) Transport and Basic Infrastructure Works Schedules

The Transport roadworks schedule and Basic Infrastructure drainage works schedules contained in the draft management plan do not take into account the expected 3 per cent CPI increase represented in the draft plan's Capital Works Budgets. The figures in the schedules are adjusted accordingly, with a nil effect on the budget position.

Minor variations have been made to the draft works schedules in recognition of changing priorities related to road condition. These changes are:

- Basic Infrastructure – Drainage schedule for 2003/2004, Lighthouse Crescent (\$50,000) and 58 Bluff Road Emerald Beach (\$40,000) replaced by Jetty Lane Stage 2 works (\$90,000).
- Transport – The new schedule takes into account the \$50,000 funding increase for dust sealing recommended by Council at the May 15 City Services Committee meeting, with a \$57,000 allocation to Upper Bobo Road in 2003/2004. In addition, the proposed Old Repton Road gravel resheeting works have been replaced by a \$10,000 allocation to Whitton Place. The Local Roads Rehabilitation program has been revised, with proposed works for Little Street, Woolgoolga Creek Road, Gately Road, Dibbs Lane and Avenue Street replaced with works schedules for Nightingale Street Woolgoolga, Bray Street, Park Avenue Lane and Halls Road, and an additional \$10,000 for the proposed GDT Seccomb Close works.

(I) Rigby House

Discussions are taking place in regards to the future use of premises vacated by Winning Edge in the Rigby House building. Depending on the outcome of deliberations regarding the best use of the premises, refurbishment works may need to be undertaken, funded from the Development Reserve. This will have a nil impact upon the General Account budget.

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11 2003/2004 Management Plan And 2003/2004 Fees And Charges (cont'd)

(J) Coramba Road Footpath

The City Services Department advises that pedestrian and cycleway works associated with the new Orara River Bridge stop short of the existing road crossing under the North Coast Rail Line on Coramba Road. The rail bridge includes provision for an off-road cycle/pedestrian path, however significant earthworks and drainage would need to be carried out to complete the short section of path under the bridge. It is recommended that survey and design work for the path be carried out in 2003/2004 and the project be included in the review of the Pedestrian Access and Mobility Plan (PAMP). The impact upon the General Account is nil.

(K) Ulong Public School

The City Services Department advises that Ulong Public School seeks Council assistance to improve safety for students, through construction of a vehicle turning area in Hutchinson Street, Ulong.

Ulong Public School has only one public road frontage to Hutchinson Street. Hutchinson Street has a narrow strip seal, no kerb and gutter or footpath and steep embankments.

Vehicles accessing the school cannot turn around without utilising a private driveway, to perform three-point turns. As a result, Hutchinson Street becomes heavily congested with vehicles and pedestrians during school pick-up and drop-off times.

Deep table drains restrict on-street parking and are a hazard to school children and other pedestrians.

Survey and design work has been carried out to assess options for improving vehicular access to the school. All options will require major earthworks, pavement construction and drainage construction. The estimated cost for construction of a turnaround and parking area in Hutchinson Street is \$40,000

Staging of the work through construction of underground drainage and infilling the table drains would result in significant safety and amenity improvements for parents and children accessing the school. The estimated cost of drainage works is \$15,000.

It is recommended that an allocation of \$15,000 be made in 2003/2004 to enable Council to proceed with drainage works at Ulong Public School, and that Council investigates options for pavement improvements, turning and car parking areas, pending funding availability. The impact upon the General Account is \$15,000.

Recommendation: That Council supports budget adjustments and schedules listed (A) to (K) in this report, for inclusion in the 2003/2004 Management Plan.

Resolutions of Council for Consideration

Resolutions of Council requiring consideration in the adoption of a Management Plan for 2003/2004 include the following:

- The Engineering Committee meeting of 12 September 2002 recommended that Council consider a donation of \$4,000 in 2003/2004 to the Glenreagh Mountain Railway Inc for restoration of the rail crossing in Grafton Street, Lowanna.

cont'd

11 2003/2004 Management Plan And 2003/2004 Fees And Charges (cont'd)

- The City Services Committee of May 15, resolved that consideration be given to the provision of an additional \$50,000 for the dust sealing program, bringing the total allocation to \$200,000.
- The City Services Committee of May 15 resolved to adopt the 2003/2004 plant replacement program, which should now be reflected in the financial figures. The effect on the operating budget is nil, as it is funded from plant reserve.
- The City Business Units meeting of June 5, recommended that consideration be given to the provision of \$35,000 for the Woolgoolga Sports Council Inc in 2003/2004. It was also recommended that \$85,000 be considered for acquisition of a tractor and stealth mower in the 2004/2005 financial year.
- During General Business in the City Services Committee meeting of May 15, 2003, it was recommended that Council give consideration to street lighting at the entrance to the Stadium Car Park on Stadium Drive. The estimated cost for provision of a power pole and light is \$3,500.

Recommendation: That Council approves budget adjustments to provide a \$4,000 donation to Lowanna Mountain Railway Inc, an increase of \$50,000 to the dust sealing program, a \$35,000 allocation to Woolgoolga Sports Council Inc, a \$3,500 allocation for a street light and pole on Stadium Drive, and that Council note the adoption of the plant replacement program.

Other Issues Raised by Council

(1) Street Improvements

On June 5 Council sought a report on options for funding of street improvements in Moonee Beach, Safety Beach and Emerald Beach.

This report is presented as Attachment C to this business paper, and it is recommended that a working group be established to investigate funding options for infrastructure improvements throughout the city.

(2) Surf Patrols

Council on June 5 sought consideration of additional surf patrols at Sawtell Beach, in the 2003/2004 management plan.

A separate report has been sought on the expected costs to extend the service for Sawtell and other patrolled areas. Should Council seek to vary this program, a budget variation can be processed in 2003/2004.

(3) Traffic Safety at Moonee Beach

On June 5 Council sought consideration in the management plan of measures to address traffic safety issues at Raleigh Street, Moonee Beach.

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11 2003/2004 Management Plan And 2003/2004 Fees And Charges (cont'd)

Costings have been prepared for works on Moonee Beach Road, and these are included in Attachment A, in the comments section relating to a petition tabled by D & J Woodbury. Further information has been sought in relation to Raleigh Street safety concerns and will be reported to Council separately. It should be noted that no urban road reconstruction funding has been provided in this management plan, because of budget restrictions.

(4) Footpath Construction at Boambee Public School

Council on June 5 sought consideration of a request for footpath construction at Boambee Public School.

Issues regarding footpath construction required by Boambee Public School are addressed in the comments section relating to a submission by the school, in Attachment A to this report. Survey and design work will be carried out in 2003/2004 and the project will be included in the review of the Pedestrian Access and Mobility Plan (PAMP).

(5) Signboard at Fitzroy Park

On June 5 Council requested inclusion in the management plan of a project to construct a signboard structure at Fitzroy Park.

The proposed signboard structure for Fitzroy Park (to recognise Aboriginal people who resided in the area) should be considered as a budget adjustment in 2002/2003, as project scoping will need to commence immediately, to enable project completion by July 7.

Recommendation:

- (A) That Council forms a project team to explore options for funding infrastructure improvement works throughout the city.**
- (B) That Council notes the proposed actions and responses to issues (2) to (5) raised by Council for consideration in the 2003/2004 Management Plan.**

Community Submissions

There were a total of 19 community submissions to the Draft 2003/2004 Management Plan, and no submissions were lodged in relation to the Draft 2003/2004 Fees and Charges.

Detailed comments in relation to all issues raised by the community are included in Attachment A, Summary of Submissions. The comments include proposed actions and responses by Council.

Recommendation: That Council notes the issues raised and the proposed actions and responses to community submissions to the Draft 2003/2004 Management Plan, and that all those who have made submissions be thanked and informed of Council's decision.

Other Departments Comments:

Extensive consultation was undertaken with senior staff and managers during workshops held from March 10-14 to prepare the draft management plan, and consultations have continued throughout the public exhibition phase and review of the draft management plan. Issues raised are outlined in the Issues section of this report.

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11 2003/2004 Management Plan And 2003/2004 Fees And Charges (cont'd)

Economic Implications:

Impact of Recommendations of this Report

The draft budget deficit of \$324,539 will be extended to a deficit of \$428,118 in 2003/2004, as a result of recommendations contained within this report, responding to issues raised by the Council and the community.

The budget variations to the General Account are:

Item	\$ Impact
Financial Assistance Grants	45,000 sur
Car Park Extensions	40,000 sur
Community facility improvements	57,379 def
City Resources	21,700 def
Donations	2,000 def
Additional Dust Sealing	50,000 def
Glenreagh Mountain Railway	4,000 def
Woolgoolga Sports Council	35,000 def
Lighting Stadium Drive	3,500 def
Ulong Public School Drainage Safety	15,000 def
Total	\$103,579 def

Recommendation: That the Budget deficit be extended to \$428,118 in 2003/2004 to meet priority needs of the Council and the community and that Council continues to pursue cost efficiency measures through the Coffs Best Value program to reduce the deficit during the 2003/2004 financial year.

FEES & CHARGES

No submissions from the community have been received in relation to the draft fees and charges for 2003/2004. The following amendments to the draft fees & charges are proposed:

Page	Description of Fee or Charge	Draft Fee/Charge	Proposed Amended Fee or Charge
17	DOMESTIC SEWAGE SYSTEM Approval fee	\$30 for first dwelling \$15 for second dwelling	\$30 for each dwelling
14	BUILDING & DEVELOPMENT OTHER FEES Copy of building/development application plan	Single property (Multiple DA/Bas) for more than 5 \$103.	Fee for 5-8 \$103. Fee for more than 8 to quote.

Recommendation: That Council adopts the Draft 2003/2004 Fees and Charges as the final 2003/2004 Fees and Charges, with the amendments listed in this report.

cont'd

11 2003/2004 Management Plan And 2003/2004 Fees And Charges (cont'd)

Implementation Date/Priority:

Subject to Council approval, the 2003/2004 Management Plan and 2003/2004 Fees & Charges will be reproduced, distributed and implemented as soon as possible. The final plan will be available by July 1.

Recommendation:

- 1. Council adopts the Draft 2003/2004 Fees and Charges as the final 2003/2004 Fees and Charges, with the amendments listed in this report.**
- 2. Council adopts the Draft 2003/2004 Management Plan as the final 2003/2004 Management Plan, with the following amendments:**
 - (a) Council supports budget adjustments and schedules listed (A) to (K) in the Issues section of this report, for inclusion in the 2003/2004 Management Plan;**
 - (b) Council approves budget adjustments to provide a \$4,000 donation to Lowanna Mountain Railway Inc, an increase of \$50,000 to the dust sealing program, a \$35,000 allocation to Woolgoolga Sports Council Inc, a \$3,500 allocation for a street light and pole on Stadium Drive, and that Council note the adoption of the plant replacement program;**
 - (c) Council forms a project team to explore options for funding infrastructure improvement works throughout the city;**
 - (d) The Budget deficit is extended to \$428,118 in 2003/2004 to meet priority needs of the Council and the community.**
- 3. Council notes the proposed actions and responses relating to surf patrol extensions, safety at Raleigh Street Moonee, footpath construction at Boambee Public School, and a signboard structure at Fitzroy Oval.**
- 4. Council continues to pursue cost efficiency measures through the Coffs Best Value program to reduce the deficit during the 2003/2004 financial year.**
- 5. Council notes the issues raised and the proposed actions and responses to community submissions to the Draft 2003/2004 Management Plan, and all those who have made submissions be thanked and informed of Council's decision.**

ROAD UPGRADING - NORTHERN BEACHES

Purpose:

To report on options for upgrading of the main entry roads to three Northern Beaches Villages in 2003/4 in lieu of the Local Roads Capital Program proposed in the draft Management Plan. It is recommended that Council maintains the existing program and set up a team to investigate additional funding sources for infrastructure improvement works throughout the City.

Description of Item:

In 1996/97 Council ceased the annual program of Urban Roads Reconstruction which involved the upgrading of roads including kerb and guttering. Since that time only occasional upgrading works on specific road projects have been undertaken.

Below are the details of main entry roads to four villages in the Northern Beaches of Moonee Beach, Emerald Beach Sandy Beach showing estimates for road upgrading including widening to 10 metres, kerb and guttering, minor road drainage works and adjustments to the footpath areas.

Road Name	Location	Suburb	Length (m)	Total Cost
Diamond Head Dr	Bridge – Maple Rd	Sandy Beach	268	\$241,200
Diamond Head Dr	Maple Rd-Ironbark Ave	Sandy Beach	220	\$198,000
Diamond Head Dr	Ironbark Ave-Sandy Beach Dr	Sandy Beach	174	\$156,600
Diamond Head Dr Total			662	\$595,800
Moonee Beach Rd	Escapades Rd-Woodhouse Rd	Moonee Beach	296	\$266,400
Moonee Beach Rd	Woodhouse Rd-Wansborough Ave	Moonee Beach	260	\$234,000
Moonee Beach Rd	Wansborough Ave-Park Entrance	Moonee Beach	159	\$143,100
Moonee Beach Rd Total			715	\$643,500
Fiddaman Rd	Pacific Highway-Lights St	Emerald Beach	287	\$258,300
Fiddaman Rd	Lights St-Island View Cr	Emerald Beach	345	\$310,500
Fiddaman Rd	Island View Cr-Ocean View Cr	Emerald Beach	215	\$193,500
Fiddaman Rd	Ocean View Cr-Ocean View Cr	Emerald Beach	241	\$216,900
Fiddaman Rd Total			1088	\$979,200
Grand Total			2465	\$2,218,500

The total estimated cost of road upgrading is \$2.22Million.

cont'd

11 2003/2004 Management Plan And 2003/2004 Fees And Charges (cont'd)

The draft 2003/2004 program of capital works for local roads totalling \$2.45Million is as follows:

<u>Program</u>		<u>Budget</u>
Road Rehabilitation		\$857,000
Roads Resealing	Bitumen Seal	\$543,000
Roads Resealing	Asphalt	\$55,000
Dust Sealing		\$150,000
Gravel Resheeting		\$109,000
Kerb and Gutter Repairs		\$22,000
Road Reconstruction Sawtell	Roads to Recovery	\$341,484
Residential Streets Rehabilitation	Roads to Recovery	\$255,000
Roads Resealing	Roads to Recovery	\$68,581
<u>Gravel Resheeting</u>	<u>Roads to Recovery</u>	<u>\$50,000</u>
		\$2,451,065

The estimate for upgrading the three roads is \$232,000 less than the funding available for the draft capital works program.

Sustainability Assessment:

Sustainability assessment has been undertaken comparing capital improvements of the above roads and the current roads program proposed in the draft Management Plan that primarily provides for rehabilitation and periodic maintenance of current pavement assets.

- **Environment**

Capital Improvements

Upgrading of roads to provide kerb and gutter, street drainage and pedestrian facilities would be expected have positive environmental advantages in reduction of soil and sediment eroded from open drains and unsealed shoulders. However there are potentially increased environmental impacts from higher levels of road pollutants being washed into drainage systems and increases of stormwater discharges because of the reduction in pervious surfaces.

New road construction is also likely to make higher demands on natural resources such as road making aggregates and is also likely to generate additional waste materials which require disposal.

Asset Management

The current draft program includes programs such as dust sealing, kerb and gutter repairs and pavement rehabilitation works which assist in reducing sediment runoff and roadside erosion, thus providing a benefit to the environment. Road pavement rehabilitation also has a beneficial impact in reducing vehicular traffic noise.

Current programs under asset management generally result in very little waste material as most pavement materials are recycled in place.

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- **Social**

- **Capital Improvements**

- Capital improvements to roads generally have significant social benefits in terms of pedestrian and vehicular safety, increased street amenity and reduction of anxiety of residents about using the road. It is also likely that the improvements to the street engender a greater sense of community wellbeing which includes pride in their neighbourhood and a more positive approach to issues.

- The capital improvements to three Northern Beaches roads raises the question of such improvements to other roads throughout the city. This brings in the question of equitable distribution of Council's resources which the current asset management strategy attempts to do on an objective basis. If Council was to proceed with works on these three roads in 2003/04 it would need to carefully consider the ramifications of such a program in terms of its equity for residents throughout the rest of the city.

- **Asset Management**

- Under the current asset management programs for roads, works are identified on a priority basis with the objective of serving the best interests of the whole community. Because the asset management programs are under-funded, any re-allocation of funding in these programs to specific capital improvements could be viewed as moving away from the asset management objective.

- The asset management program is aimed at trying to retain and improve the condition of existing road assets in a safe and economic way for the community. However the extent of Council's road assets and their relative age mean that the asset condition as a whole is deteriorating faster than it can be renewed under current funding arrangements. This will ultimately lead to reduced utility and safety for the community in using local roads and will ultimately cost more to reinstate a satisfactory level of service.

- **Economic**

- **Capital Improvements**

- Upgrading of roads to include kerb and gutter, street drainage and pedestrian facilities represents a high capital cost but can reduce whole of life costs through reduced longer term maintenance.

- The infrastructure backlog of roads with no kerb and guttering is estimated to be in the order of \$45Million. The three village entry roads represent a small portion of that backlog.

- Looking at the break up of the draft Local Roads Program for 2003/04, it is estimated that possibly up to \$1 Million could be re-allocated by Council to capital improvement works on the three roads under consideration. However this will have an impact on road rehabilitation and resealing programs in that the deferred maintenance backlog will increase by the amount re-allocated to capital improvements.

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Asset Management

Asset management for road pavements is aimed at applying preventative maintenance works to minimise the total cost of maintaining the asset, both now and in the future. As an example, resealing a bitumen surface road at regular intervals can save the pavement from having to be totally rehabilitated at something like 1/6 of the cost. With the assistance of Roads to Recovery funding from the Federal government, Council has been able to reduce the average period of its bitumen seals to around 11 years, down from 17 years previously. However the recommended period for such seals is in the order of 7-9 years and Council is still therefore unable to keep pace with the deterioration of the bitumen surfaces.

The 2002/2003 Road Asset Report indicated that the consumption or deterioration of the existing road pavements exceeds the current renewal funding by 2½ times. The current programs are endeavouring to reduce this trend and any reduction of funding within those programs will simply increase the gap.

Consultation:

Council has been approached on a number of occasions by groups from Emerald Beach, Sandy Beach and Moonee Beach in an effort to have Council upgrade the entry roads to the villages. As a result of these approaches in the past designs have been prepared for Diamond Head Drive, between the highway bridge and Sandy Beach Road, and Moonee Beach Road between the Tavern entry and the caravan park. At this stage no design has been prepared for Fiddaman Road, Emerald Beach.

It should be noted that Council has been approached by other residents and community groups in relation to upgrading many other roads throughout the city.

Issues:

In 1996 the existing road network was identified as showing serious signs of deterioration. There was a need to increase the allocation of resources to maintenance and rehabilitation works in order to address the deterioration. On this basis Council determined to allocate available road funding to asset maintenance rather than capital improvements to urban roads and this has been the case since that decision. The only exceptions to this strategy have been the construction or improvement of major distributor roads within the city, such as Hogbin Drive.

In 1999 an extended period of wet weather, after several years of below average rainfall, resulted in extensive accelerated deterioration to many roads. As an emergency measure to reinstate many of the roads, Council re-allocated funding of \$750,000 from Bruxner Park Road improvements and Dust Sealing Programs to carry out urgent repairs. If Council determines to re-allocate funding from the road asset maintenance programs in 2003/04 to capital improvements in lieu of asset maintenance, there is a real risk that a wet year will produce the same situation that occurred in 1999 and Council may need to find emergency funding to repair damaged roads again.

Council has had asset management reports every year for the last decade indicating the serious situation of under-funding asset replacement and preventative maintenance programs. These reports have pointed out the deteriorating assets and the level of funding necessary to maintain the assets at a satisfactory standard. Re-allocating funding from existing assets programs will only exacerbate this situation.

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11 2003/2004 Management Plan And 2003/2004 Fees And Charges (cont'd)

The Federal Government Roads to Recovery Program has provided additional funds for resealing, rehabilitation and gravel resheeting, however this program finishes in 2004/05 and as yet the Federal government has not shown any commitment to continuing the program. Since this funding is in addition to Council's own funding of road asset programs, Council could decide to re-allocate the Roads to Recovery funding to these projects. This would amount to approximately \$1.4 Million over the two years 2003/05 but at this stage would be unavailable beyond 2004/05. This amount could probably fund at least two out of the three roads being considered.

Whilst there are benefits in both the capital improvements and the asset management works, the community perceives a greater benefit from the capital improvements to streets. This is primarily because capital improvements have an immediate impact on the local environment and amenity whilst asset deterioration takes place over a longer term. It is very difficult to balance the benefits of these alternative programs in the short term and really requires that additional funding sources be found to be able to implement both.

Implementation Date / Priority:

If Council decides to re-allocate funds to complete these three roads, designs are virtually completed for Moonee Beach Road and Diamond Head Drive. Therefore works on these two roads could be started in the new financial year.

Recommendation:

- 1. That Council maintain the current draft Local Roads Capital Program for adoption with the 2003/2004 Management Plan**
- 2. That a team be formed to investigate sources of additional funding for infrastructure improvement works throughout the City.**

12 REPORT ON PROCESS - DEVELOPMENT APPLICATION NO 518/02 - PROPOSED ECO-TOURISM FACILITY

Purpose:

To report on Council's resolution dated 15 May 2003 in relation to this matter.

Description of Item:

Council, at its meeting on 15 May 2003, resolved:

"That consideration of Development Application No. 518/02 for the establishment of an eco-tourism facility at Lot 2, DP 523271, 3 Darkum Headland Road, Mullaway be deferred pending a report by the General Manager on the issues raised by the owner".

The owner provided correspondence (in which he requested confidentiality) to the General Manager which articulates the matters raised in Council (copy supplied separately to Councillors).

This report responds to matters raised by the complainant, structured in an item by item format. These responses have been provided by the Project Manager, Development and supported by the Director of Planning, Environment and Development.

Paragraph 1

- The planning report to Council concerning Development Application No. 518/02 is a proper report, prepared in a professional manner and includes comments from the local Deputy Fire Control Officer, Council's Terrestrial Ecologist and Council's Environmental Services Officer. The report was prepared in accordance with Council's standard and adopted practice. The report has properly addressed the various statutory requirements relevant to the development proposal.
- The report is considered not to be tenuous, generalised or harsh. On the contrary the report is succinct, technical and professional.

Paragraph 2

- Council's Terrestrial Ecologist has reviewed the application and the reports of Kendall and Kendall Ecological Services Pty Limited and Peter Parker Environmental Consultants Pty Limited and concluded that the development will have a deleterious effect on the ecology of its location.
- The assessment officer inspected the site on two occasions. The Deputy Fire Control Officer advises in his report of 11 February 2003 that he inspected the site.

Paragraph 3

- The complainant states that the development can proceed "without any removal of...trees at all". This statement conflicts with comments in the applicants consultants reports (Parker report on pages 17, 22 and Kendal report on pages 3, 5) and comments in the Rural Fire Service report that trees will be removed and thinned out.

cont'd

12 Report On Process - Development Application No 518/02 - Proposed Eco-Tourism Facility (cont'd)

- The fire trail construction will require tree removal.
- Access for fire fighting vehicles must be provided in accordance with set standards and not to an informal arrangement as promoted by the complainant.
- The “qualified” support by the relevant fire authority will result in vegetation removal if the development were to proceed.

Paragraphs 4 and 5

- Whilst Council's sewer strategy provides for the extension of reticulated services to this property, connection will not be available until the end of 2004/2005.

The application must be assessed on the basis of sewerage services that are currently available to the site (i.e. an on-site disposal system) and the suitability of that system.

- The Environment Protection Authority (EPA) is not the relevant authority under the provisions of the Protection of the Environment Operations Act 1997 for approval and licensing the On-site Sewerage Management System. GHD, (the complainants consultant) confirmed this position in its correspondence of 11 November 2002 to Council.
- The statement by the complainant that *“The EPA has approved the proposed Sewerage Management System”* does not override advice from Council's Environmental Services Section that treated effluent will have a deleterious effect on the ecology of the site.

Paragraphs 6, 7, 8 and 9

- These comments relate to Development Application No. 17/98 that was withdrawn by the complainant more than 4 years ago and is irrelevant to Development Application No. 518/02.

Paragraph 10

- The complainant met with staff on 2 January 2003 (at Council's Administration Office) concerning this application and a property enquiry in River Street, Woolgoolga.
- The quoted conversation by the complainant is incorrect; it is not an accurate account of the conversation. The complainant was advised that the application would not be reported to the January or February meeting as feedback from the Rural Fire Service and other Council departments was required prior to the preparation of any report to Council.
- The complainant states *“there has been a lengthy delay in processing the amended application under new LEP Plan 2000 submitted in November 2002 and finally reported on in April 2003”*.
 - The application was in fact submitted on 18 October 2001.
 - Consideration of the development application was deferred pending resolution of application fees.

cont'd

12 Report On Process - Development Application No 518/02 - Proposed Eco-Tourism Facility (cont'd)

- The fee issue was determined on 30 November 2001 by the General Manager.
- The application was received for review and processing on 4 December 2001.
- On 11 December 2001 correspondence was sent to the applicant GHD seeking further information. The application at that time did not constitute a proper application.
- GHD's response to Council's letter of 11 December 2001 was received on 11 November 2002, some 11 months delay by the applicant.
- Lengthy delays in processing the application were caused by the applicant and not Council.

Paragraph 11

- The practice of making the business paper available to the applicant and the public on the Monday prior to the meeting is standard procedure.
- The complainant was not refused access to the development application file. The file was made available to the applicant for review on Tuesday, 15 April. Documents of a "*working nature*" were not available for copying without an FOI request, as advised to the complainant by the Director of Corporate Services in person on that day.

Paragraph 12

- The practice of denying the copying of "*working documents*" without an FOI application is practice prescribed in the FOI Act.
- No material has been removed from Development Application No. 518/02. The file appears complete.

Paragraph 13

- There has been no inconsistency, delay, conflicting feedback, misleading liaison advice, susceptibility to undue external influence and withholding of information on Council's behalf in respect of Development Application No. 518/02.
 1. The application has been handled in the normal manner, seeking input from various technical agencies/departments to determine if the development was permissible with consent or prohibited if the use did not "*fit*" the definition of ecotourism facility.
 2. As earlier stated primary delays in determining the application rest with the applicant.
 3. There has been no conflicting feedback to the applicant on Development Application No. 518/02. GHD has only corresponded with Council in writing, the complainant (owner) approached Council only once since the date of lodgment (on 2 January 2003) as to the status of the application.
 4. The applicant and complainant did not attend Council's Technical Liaison Committee prior to lodgment of Development Application No. 518/02. Therefore there has been no misleading liaison advice on this application.

cont'd

12 Report On Process - Development Application No 518/02 - Proposed Eco-Tourism Facility (cont'd)

5. Development Application No. 518/02 was referred to only one external agency, the Rural Fire Service. The application was not advertised nor notified, nor referred to National Parks and Wildlife Service and Marine Parks Authority. There has been no mechanism to externally influence the application's outcome. This was the intention in the handling of the application – to determine if the development satisfied the definition of “*ecotourism facility*”. If the proposal did satisfy the definition the application would have been referred and notified. The application does not satisfy the definition.
6. No information was withheld from the applicant/complainant in so far as it relates to Development Application No. 518/02 and in so far as the information was available or not available without a FOI process. The development application was provided to the complainant for review on 15 April 2003 prior to the meeting, as is normal practice.

Paragraph 14

- Development Application No. 518/02 is considered to have been professionally handled. The development application was not advertised or notified and consequently no lobby group within the community had the opportunity to influence the report contents or recommendation to Council.
- There has been no unreasonableness, inconsistency or discrimination in the determination of Development Application No. 518/02, the application has been processed in the normal manner, without personal prejudice.

General Comments

1. Development Application No. 17/98 was withdrawn by the complainant some 4 years ago. Development Application No. 518/02 cannot reference Development Application No. 17/98 and must be determined independently.
2. The recommendation in the report to Council of 17 April 2000 and 15 May 2003 concerning Development Application No. 518/02 does not require change despite the complainant's representations of 25 April 2003.
3. The Council staff to whom the application was referred processed the application in the standard and professional manner.
4. Were the application lodged today, such development would constitute State Significant Development, and the Minister is the consent authority.

cont'd

12 Report On Process - Development Application No 518/02 - Proposed Eco-Tourism Facility (cont'd)

Other Departments' comments:

The Director of Corporate Services has submitted the following:

"This response is provided to address access to information and withdrawal of the Council report submitted for consideration on 17 April 2003.

During my dealings, the complainant was always treated in a professional and supportive manner and was never denied access to his DA file containing the reports and responses to his application. His claim that I refused an FOI application is incorrect. It was recommended to the complainant that he consider seeking the withdrawal of the DA to enable all options to be considered for a possible compromise given the scale of the development in a sensitive area and his allegations of 'guarded antagonism and a lack of professional cooperation by Council's Planning staff'.

Both the complainant and the General Manager agreed to the withdrawal of the application from the Council report on 17 April 2003.

It should also be noted that Council acknowledged the withdrawal of the FOI application by way of a letter on 9 May 2003, which followed a telephone conversation with Council's Administration Officer on 6 May 2003.

In relation to the complainant's claim the file had been selectively compiled and that other relevant material existed, but would not be made available, is totally refuted. Only one file exists for Development Application 518/02 and Council's Records Co-ordinator confirmed that the file was complete as viewed by the complainant."

Conclusion:

There is no evidence to suggest from this review that procedural fairness was not exercised during the processing of the application or any lack of professional co-operation by planning staff.

Given the responses provided to all allegations and the lack of any evidence to suggest the complainant has been treated unfairly or with prejudice, the application before Council should now be considered.

Recommendation:

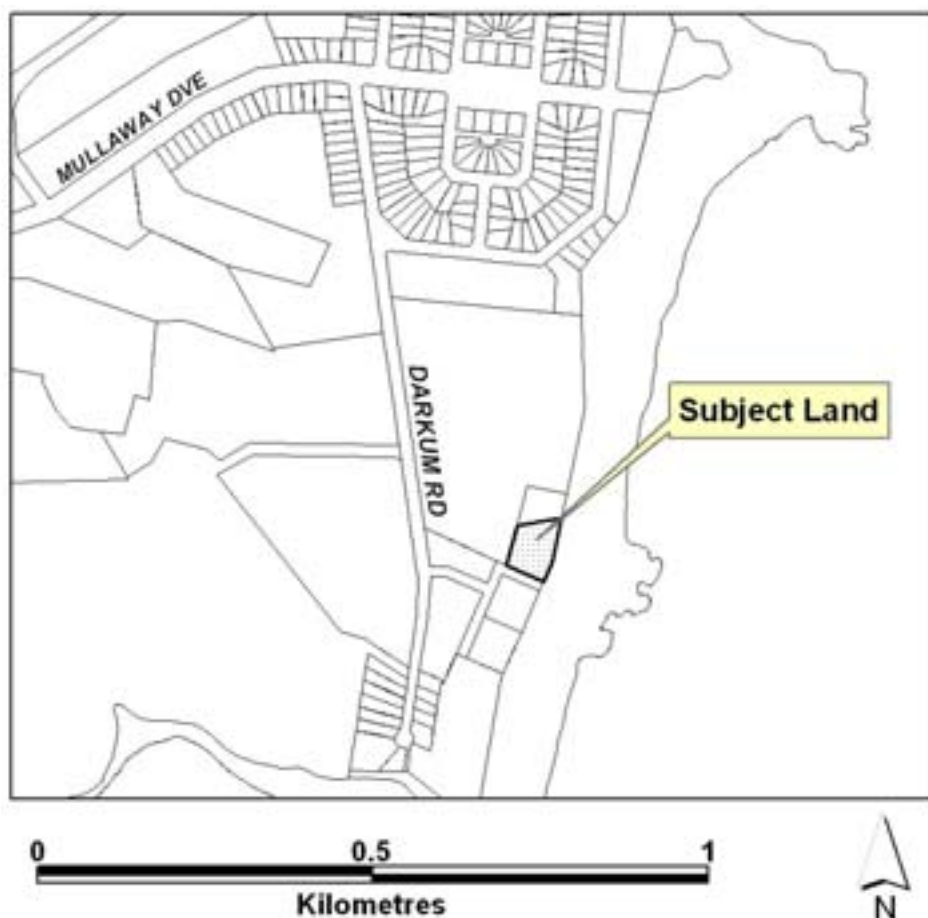
- 1. That the information contained in this report be noted.**
- 2. That Development Application No. 518/02 for the establishment of an eco-tourism facility at Lot 2, DP 52271, 3 Darkum Headland Road, Mullaway be now considered.**

Pat Littler
Acting General Manager

**PED41 DEVELOPMENT APPLICATION NO. 518/02: PROPOSED ECO-TOURISM FACILITY:
LOT 2, DP 523271, 3 DARKUM HEADLAND ROAD, MULLAWAY**

Purpose:

This application seeks Council's approval for an eco-tourism facility at the property. The application is recommended for refusal on the grounds that the proposed use does not fit the Coffs Harbour City Local Environmental Plan (LEP) 2000 definition of "eco-tourism facility" and therefore the use is prohibited.



Description of Item:

This property is located on the northern side of Wrights Lane, Mullaway. The site has an area of approximately 5,000 m². The property is improved by a dwelling and garage located in the south eastern corner of the property. Part of the site has been cleared adjacent to the dwelling. The remainder of the site is naturally vegetated, predominately with melaleucas; the melaleuca under storey area is periodically slashed.

Land to the east of the site is public reserve and connects the site with Darkum Beach. Land to the north and west of the site is in ownership of the Crown and the National Parks and Wildlife Service.

cont'd

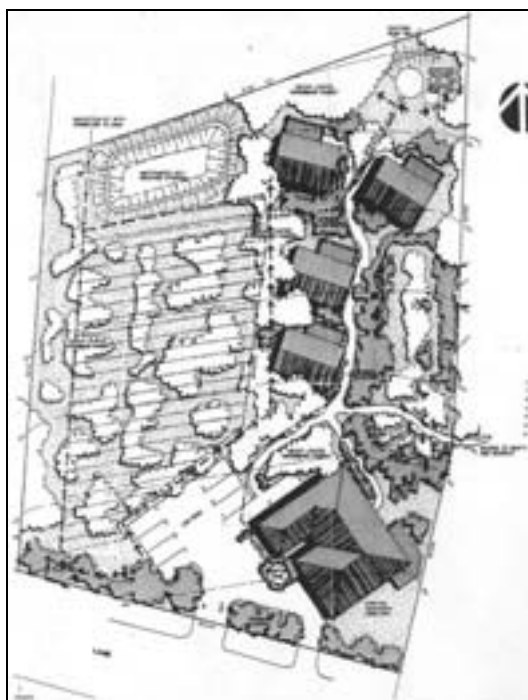
Ped41 Development Application No. 518/02: Proposed Eco-Tourism Facility: Lot 2, Dp 523271, 3 Darkum Headland Road, Mullaway (cont'd)

The proposed development comprises the establishment of four self-contained holiday cabins, the conversion of the existing dwelling to a manager's residence/reception area together with on-site parking for eight vehicles and associated landscaping.

Each cabin is 54 m² in area and contains two bedrooms, bathroom, kitchen, dining, living and deck. Each cabin will be manufactured off site to unregistrable moveable dwelling standards and transported to the site for placement. Cabins are to be positioned in existing cleared grassed areas of the site.

Walking tracks will connect the car park, individual cabins and the reception area.

The development will be serviced by an on-site effluent disposal system; to comprise a sewerage treatment plant, irrigation area and wastewater wet weather storage. Treated effluent will be irrigated over the naturally vegetated part of the site. Stormwater is to be redirected around the irrigation area by grass swale drains.



Statutory Requirements:

- **Coffs Harbour City Local Environmental Plan (LEP) 2000**

The whole of the site is zoned 7A Environmental Protection Habitat and Catchment under LEP 2000.

Eco-tourism facilities are permissible in this zone with development consent. The objectives of this zone are:

- to protect habitat values and water quality and enable development which does not adversely impact upon these;
- to enable development that is within the environmental capacity of the land and can be adequately serviced.

cont'd

Ped41 Development Application No. 518/02: Proposed Eco-Tourism Facility: Lot 2, Dp 523271, 3 Darkum Headland Road, Mullaway (cont'd)

- **North Coast Regional Environmental Plan (REP)**

Clauses 67 a) and b) of the REP states as an objective:

- a) To encourage tourism activity that will complement the existing natural and man made features of the region and be a positive benefit to the region's economy;
- b) To encourage a range of tourism facilities in the region without degrading important environmental or agricultural features of the region.

- **NSW Coastal Policy 1997**

This policy is generally goal and strategy based, however it does require Council to address the potential for new development to impact adversely on the coastal environment.

- **State Environmental Planning Policy (SEPP) 71 - Coastal Protection**

The application was lodged before this policy took effect; SEPP 71 does **not**, therefore, apply.

- **Eco-tourism Facility**

Integral to the determination of the application is the definition of eco-tourism facility as defined in LEP 2000:

"...means a building or place used primarily for tourist accommodation or recreation, or both, and may include holiday cabins, camp or caravan sites, that is in a natural setting and involves education and interpretation of the natural environment, and does not have a deleterious effect on the ecology of its location."

The current proposal clearly satisfies the first part of the definition covering tourist accommodation, holiday cabins and natural setting. The applicant has indicated that education and interpretation of the natural environment will be undertaken by the installation of signage and provision of educational material to customers visiting the site - to allow people to educate themselves as to the types of vegetation at the site and the likely fauna species which utilise the site, and to provide Solitary Islands Marine Park users with user guides.

The applicant has not justified that the development does not have a deleterious effect on the ecology of its location. On this issue the development proposal fails. An eco-tourism facility cannot satisfy only part of the above definition, hence the development proposal is prohibited.

Consultation:

As the development is prohibited the application was not advertised, nor notified, or referred to various Government agencies for comment and advice.

Council's decision on 15 May 2003 to defer determination of the application was reported in the local media. As a consequence, CRAM (Concerned Residents Arrawarra and Mullaway Inc) has submitted an objection to the proposed development on environmental grounds, that the proposed development will have a detrimental effect on the ecology of its location. CRAM contends that such developments should be totally prohibited on environmentally sensitive headlands and beachfront locations.

cont'd

Issues:

- **Bush Fire Risk and Impact on the natural environment**

The local Rural Fire Service has required:

- that the melaleuca trees need to be trimmed out to create a non-continuous canopy from the hazard to the proposed cabins;
- that an accessway for fire fighting vehicles is to be constructed along the western side of the proposed cabins with a turn around area at the northern end of the site or, ideally, a through trail linked to the western boundary;
- that all melaleucas overhanging the cabins be removed.

Effectively this means the removal and lopping (and ongoing lopping) of important vegetation on the site. This activity constitutes a deleterious effect on the ecology of the site.

- **Effluent Disposal and Stormwater Management and Impacts on the natural environment**

The on-site disposal of effluent and the proposed hydrological modification to the site has great potential to endanger the broad leaf paperbark (melaleuca) dominated vegetation on and adjacent to the site. Any negative impacts on the existing native vegetation will have a deleterious effect on the ecology of the location.

The assimilatory capacity for effluent disposal on areas of melaleuca forest adjacent to the proposed cabins is poorly known. Melaleuca forests such as those upon the Northern Beaches are known to occur upon relatively nutrient deficient landscapes. Any elevation of nutrient levels (from the treated effluent) either on the site or on adjacent sensitive lands has the potential to impact on the viability of the vegetation, and thereby have a deleterious effect on the local ecology.

Any attempt to modify drainage within the landscape of the proposed development (the proposed swale systems) has great potential to impact on the ecological integrity of the melaleuca forest. These forests exist in a very fine hydrological balance, any modification to either surface or groundwater flows has the likelihood of impacting upon the local ecology.

The melaleuca forest is an important habitat of the grey-headed flying fox. Swamp forests dominated by melaleuca are regarded as providing a crucial resource for this vulnerable species as winter foraging habitat. This habitat is in decline from clearing and consequently compromises the viability of the species. Clearing of melaleucas will occur if this development proceeds.

- **Sewerage Strategy**

Whilst Council's sewer strategy provides for the extension of reticulated services to this property, connection will not be available until the end of 2004/2005.

The application must be assessed on the basis of sewerage services that are currently available to the site (i.e. an on-site disposal system) and the suitability of that system.

cont'd

Ped41 Development Application No. 518/02: Proposed Eco-Tourism Facility: Lot 2, Dp 523271, 3 Darkum Headland Road, Mullaway (cont'd)

- **Summary**

Clearly the proposal will have a deleterious effect on the ecology of the location. Thus the proposal cannot satisfy the definition of "eco-tourism facility" and therefore the development is prohibited.

The development proposal does not satisfy the objectives of the 7A Environmental Protection Habitat and Catchment zone in that there is a likelihood that the development will adversely impact upon habitat values. The development is likely to degrade important environmental features of the region (the melaleuca forest), contrary to objective 67 a) and b) of the North Coast REP. The proposal is also likely to have a deleterious effect on the ecology of its location, contrary to the goals and objectives of the NSW Coastal Policy 1997.

Sustainability Assessment:

- **Environment**

The development will result in habitat loss and disturbance and is contrary to the aim of Council's Biodiversity Strategy: *"to conserve the diversity and enhance the wellbeing of our natural eco systems from reef to rainforest"*.

- **Social**

The development proposal is unlikely to result in any negative social impacts in the locality.

- **Economic**

Eco-tourism developments contribute positively to the local economy from employment during construction and operation to outgoings from visitation to the premises, however such development must be sustainable; the subject proposal is not.

Summary:

The land is highly sensitive environmentally and could not sustainably support the proposed development. The development is prohibited.

Recommendation:

That Development Application No. 518/02 for the establishment of an eco-tourism facility at Lot 2, DP 523271, 3 Darkum Headland Road, Mullaway be refused on the grounds that the development is prohibited. The proposal does not satisfy the definition of "eco-tourism facility" under the Coffs Harbour City Local Environmental Plan 2000. The proposed development will have a deleterious effect on the ecology of its location, contrary to the terms of the definition.

PED42 DEVELOPMENT APPLICATION NO. 1006/03 - RECREATION FACILITY LASERBALL AND PAINTBALL: LOT 50, DP 630131, 8 HERDEGEN CLOSE, BONVILLE

Purpose:

The purpose of the report is to advise Council on Development Application No. 1006/03 which proposes a laserball and paintball recreation facility in Bonville. The report recommends conditional approval of the application.



Background:

Council at its meeting held on 15 May 2003 resolved to undertake an on site inspection of the subject property and observe a demonstration of the workings of the paintball and laserball guns on the designated playing field area. In addition, the owner of Lot 50 was requested to invite those persons who made a submission on the development application to the on site demonstration.

As a result of the above Council resolution, the on site inspection and demonstration was held on Wednesday, 28 May 2003 at 4.15 p.m. with a number of Councillors, Council staff and affected property owners being present. The main areas of concern that were raised at the inspection and demonstration related to increases in noise levels, hours of operation and adverse impacts on fauna. These concerns will be addressed later in the report under the heading of "Issues".

Description of Item:

The development is proposed on land located in Herdegen Close, off the Pacific Highway, Bonville, approximately ten minutes south of Coffs Harbour.

The land is gently elevated towards the Pacific Highway frontage with the remainder being flat to undulating and has an area of approximately 14 ha. Currently the property is used for grazing purposes and consists of an existing residence with associated sheds located approximately 40 m from the highway frontage.

cont'd

**Ped42 Development Application No. 1006/03 - Recreation Facility Laserball And Paintball:
Lot 50, Dp 630131, 8 Herdegen Close, Bonville (cont'd)**

The game of laserball involves the use of a laser gun which emits a sound that can be controlled by a master volume control by a supervisor. Players are supplied with a vest, laser gun and instructed on the rules relating to type of game to be played. The equipment used includes an aluminium laser gun 15 cm long that fires a 75 mm laser beam a distance of 80 m. Sensors on the vest worn by players register hits. This game is for ages five years and up and will be played on the paintball fields.

Paintball is the main game to be played on the fields which are to be established on 2 ha of the property. It should be noted that the proposed fields are "competition fields" as opposed to "bush fields" which means that they are a lot more controlled to ensure player safety and the safety of adjoining property owners. The game uses paintball markers (paintball gun) powered by air which fire biodegradable cells (paintballs) 45 m effectively; on impact the paintballs break open releasing brightly coloured vegetable dye and it is at this point that the player marked must call 'hit' and walk from the field. This game is for 18 years and up and the objective of the game is to capture the other team's flag while protecting your own. Games run for 10-20 minutes; between games, equipment is checked and teams plan the next game. Helmets, gloves, overalls and body armour are provided for player safety. Referees that will be involved in the proposal will be accredited to ensure player safety.

The construction of a small building on the property will be necessary to accommodate the office, laundry, toilets, showers and to provide a secure lock-up facility. The materials to be used for the building's construction are timber and iron on a concrete slab with dark green shade cloth for the covered outdoor area.

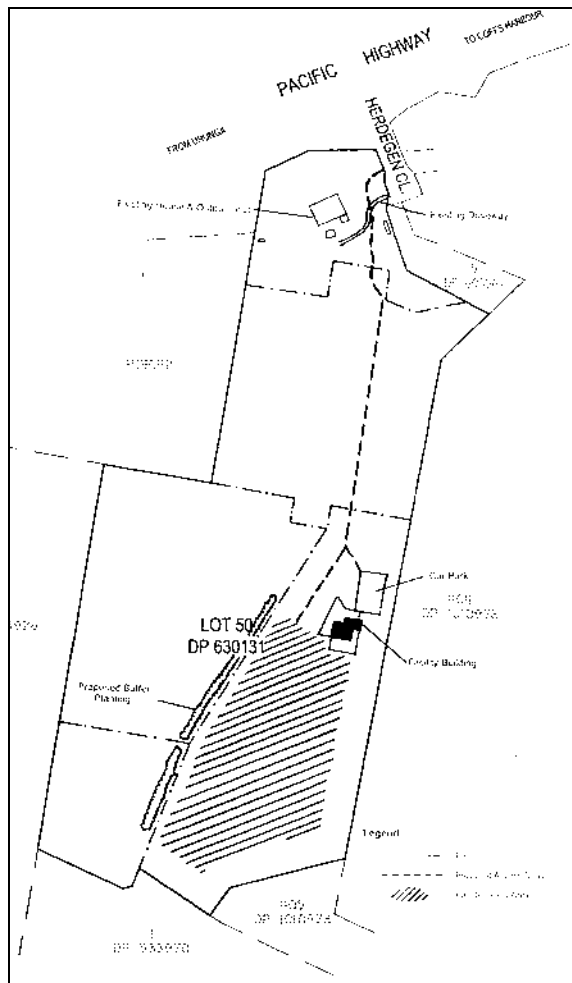
Access to the facility is via the Pacific Highway and Herdegen Close with an upgrade of the driveway being required to provide satisfactory access to the car park (15 spaces including a disabled space to be provided) and building.

The proposed hours of operation are 10 a.m. to 4.00 p.m. seven days per week with extended hours during daylight saving. The laserball component of the facility is expected to operate approximately 20-25 hours per week (predominately off-site) and the paintball games will operate for up to 15 hours per week. The operation will be licensed to hold a maximum of 30 markers. A condition restricting hours of operation is recommended.

The field area will be setback 25 m from the eastern and southern boundaries and over 80 m from the western boundary of adjoining properties. Landscaping already exists at the Highway and Herdegen Close frontages and additional tree/buffer plantings are proposed along the western boundary of the paintball fields for screening purposes (see following).

cont'd

**Ped42 Development Application No. 1006/03 - Recreation Facility Laserball And Paintball:
Lot 50, Dp 630131, 8 Herdegen Close, Bonville (cont'd)**



Consultation:

The application was initially notified to adjoining landowners and advertised in the Advocate on 8 February 2003. As a result, six submissions were received, all raising concerns with the application.

The applicant was then asked to address these concerns and the application was re-notified and re-advertised to adjoining landowners and submission makers on 29 March 2003. As a result of this process, a further 13 submissions were received with all but two objecting to the proposal. The majority of these submissions were received from the original submission makers.

To date an additional four submissions objecting to the proposal and four petitions, with a total of fifty signatories, supporting the application have been received.

Comments from the Roads and Traffic Authority, Council's City Services Department and the Environmental Services Branch have also been received.

cont'd

**Ped42 Development Application No. 1006/03 - Recreation Facility Laserball And Paintball:
Lot 50, Dp 630131, 8 Herdegen Close, Bonville (cont'd)**

Sustainability Assessment:

- **Environment**

It is considered that the proposal will have minimal impacts upon the local natural or built environment. No oils or other chemicals are proposed to be used in conjunction with the proposal. The paintballs consist of biodegradable, water-soluble food grade gelatine and food dye.

- **Social**

The notification process has shown that there is considerable dissatisfaction within the local community with the proposal. Regardless, the concerns raised within the submissions are discussed within the "Issues" section of this report. There are social positives in the establishment of recreation facilities in the Coffs Harbour area.

- **Economic**

The development is expected to provide employment directly for up to five people in the locality. Some objectors to the proposal believe that this development will impact on property values in the locality; there is no evidence to support this assertion.

Statutory Requirements:

Under the Environmental Planning and Assessment Act 1979 and Regulations, the application must be assessed in accordance with a number of statutory provisions including:

- North Coast Regional Environmental Plan 1988;
- Coffs Harbour City Local Environmental Plan 2000;
- Rural Lands Development Control Plan (DCP);
- Off Street Car Parking DCP;
- Access and Mobility DCP;
- Notification DCP;
- Draft Rural Lands Strategic Plan.

Under Coffs Harbour City Local Environmental Plan 2000, the site is zoned 1A Rural Agriculture.

The development constitutes a "recreation facility" and is permissible in this zone subject to consent.

cont'd

**Ped42 Development Application No. 1006/03 - Recreation Facility Laserball And Paintball:
Lot 50, Dp 630131, 8 Herdegen Close, Bonville (cont'd)**

Issues:

The following is a list of relevant issues raised in submissions to the application:

- **The development is incompatible with adjoining land uses and inconsistent with the aims and objectives of the zone**

The aim of the 1A Rural zone is *"to provide for the preservation of existing or potentially productive agricultural land"*.

The objectives of the zone are:

- *"to enable development which is compatible with agricultural practices, and with the amenity and character of the rural environment of the area.*
- *to enable development that can be adequately serviced"*.

The applicant will be continuing existing cattle grazing activities on the property. It is considered that the proposed recreation facility is not incompatible with this agricultural practice or surrounding activities such as agistment.

- **Amenity of area to be affected, i.e. privacy**

Dwellings on adjoining properties are between 200-400 m away from the proposed fields and outbuildings. It is highly unlikely that the privacy of these residences will be adversely affected by the proposed development. The facility's field is located between 25 m and 80 m away from property boundaries.

- **Increased noise levels**

Background traffic noise already exists in the locality due to the area's proximity to the Pacific Highway. This was highlighted at the on site inspection and demonstration. However, increases in noise levels are likely to occur from players on the fields and these will be alleviated to a degree by the proposed landscape buffer to the west of the fields. In addition buffers to the south and east will be required as a condition of development consent to screen noise levels.

The demonstration of the paintball and laserball guns clearly showed that noise levels from these devices will have a negligible impact on adjoining properties. It was interesting to note that the horses on the adjoining property to the south west did not react at all when the paintball guns were fired.

- **Safety of adjoining landowners**

Only one type of paintball marker will be permitted to be used on the property and will need to be licensed with the police. Full supervision by accredited referees of all the paintball and laserball games will ensure that the safety of players and adjoining landowners is protected. In addition, the provision of buffers on all property boundaries will afford safety to adjoining landowners.

cont'd

**Ped42 Development Application No. 1006/03 - Recreation Facility Laserball And Paintball:
Lot 50, Dp 630131, 8 Herdegen Close, Bonville (cont'd)**

- **Adverse impact on fauna**

This property and surrounding properties have been predominately cleared of vegetation. Hence it is unlikely that threatened species such as koalas will be adversely affected by the proposed recreation facility. The Bongil Bongil National Park is a considerable distance away from the site and will not be affected by the proposal. In addition, agistment and cattle grazing activities are unlikely to be adversely affected by the proposal.

- **Hours of operation**

Concern was expressed at the on site inspection and demonstration with the proposed hours of operation. It is recommended that the hours of operation be restricted to ensure that the amenity of adjoining properties is not adversely affected by the participants of the recreation facility. A condition of consent will restrict hours of operation.

- **Visual impacts**

The proposed playing fields will cover approximately 2 ha of the 14 ha site. Minor structures, including obstacles for players, will be constructed of timber and corrugated iron to ensure that they are visually unobtrusive.

- **Impact on drinking water**

The paintballs comprise biodegradable, water-soluble food grade gelatine and food dye. No other oils or chemicals are proposed to be used with the facility. These substances are unlikely to cause any adverse impacts on the environment or on underground drinking water bores on adjoining properties.

- **Traffic**

Increases in traffic volumes into Herdegen Close are likely to occur as a result of the recreation facility. However, the application was referred to the Roads and Traffic Authority for its comments and they advised Council on 28 February 2003 that they had no objection to the proposed development with respect to increases in traffic volumes.

- **Property values**

Some adjoining neighbours have stated that real estate agents have indicated that property values may fall substantially in the area as a result of the proposed recreation facility. The development will be well screened from adjoining properties by landscaped buffers and is considered relatively self contained. It is doubtful whether the development would devalue properties to any great extent.

- **Public interest**

The proposal will provide an additional recreation facility for a wide range of age groups in the Coffs Harbour locality and surrounding areas. This has been highlighted by the fact that four petitions with 50 signatories have been received by Council supporting the proposal. In addition, it will provide a boost for the local tourism industry and is in keeping with the aims and objectives of the Draft Rural Lands Strategic Plan.

cont'd

**Ped42 Development Application No. 1006/03 - Recreation Facility Laserball And Paintball:
Lot 50, Dp 630131, 8 Herdegen Close, Bonville (cont'd)**

Conclusion:

The proposed recreation facility is consistent with the aims and objectives of the Rural 1A zone under the Coffs Harbour City Local Environmental Plan 2000. It will provide an additional recreation facility for various age groups in the Coffs Harbour local government area on land which would otherwise be stagnant.

The main areas of concern expressed at the on site inspection related to increases in noise levels, hours of operation and impacts on adjoining properties. It is considered that these have been adequately addressed in this report and can be further refined in the conditions of development consent.

It is recommended that approval, subject to conditions, be granted to the application.

Recommendation:

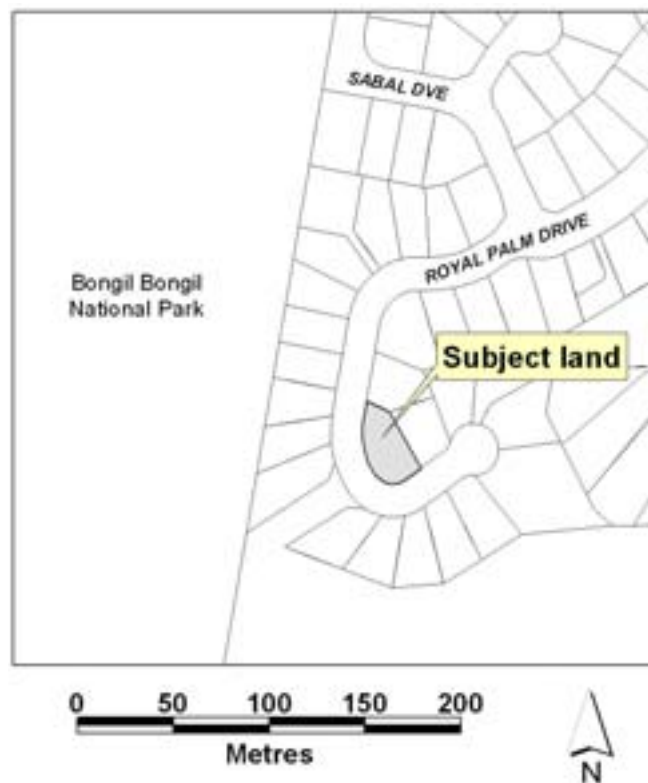
- 1. That Council approve Development Application No. 1006/03 for a recreation facility, laserball and paintball, on Lot 50, DP 630131, 8 Herdegen Close, Bonville subject to conditions foreshadowed within the report as well as technical conditions.**
- 2. That the hours of operation of the proposed recreation facility, laserball and paintball, be restricted to a maximum of 50 hours per week from 10.00 a.m. - 4.00 p.m. weekdays and 10.00 - 6.00 p.m. on weekends.**
- 3. That all those persons who made a submission on the application be notified of Council's decision.**

PED43 DEVELOPMENT APPLICATION NO. 1152/03 - DUAL OCCUPANCY AND SUBDIVISION - LOT 111, DP 1033464, 25 ROYAL PALM DRIVE, SAWTELL

Purpose:

This report presents Development Application No. 1152/03 to Council for consideration. The application is for a dual occupancy development and subdivision.

Council has received six objections to the proposal. Approval of the application is recommended.



Description of Item:

It is proposed to construct two new dwellings on Lot 111, DP 1033464, 25 Royal Palm Drive, Sawtell. It is also proposed to subdivide the land such that each new dwelling is placed on a separate property title.

The site is an 809 m² residential block in Royal Palm Drive. It is one of approximately twenty lots created in 2001.

The majority of lots in the area are built upon; there are still some vacant lots. All of the dwellings in the area were built in approximately the last two years.

Both dwellings are of single storey brick veneer construction. Both are three bedrooms and have double garages.

Royal Palm Drive arcs around the block. The front setbacks for the two dwellings vary from 3.88 m to 6.0 m. The corners of each dwelling provide the closest setback to the front boundary.

cont'd

Ped43 Development Application No. 1152/03 - Dual Occupancy And Subdivision - Lot 111, Dp 1033464, 25 Royal Palm Drive, Sawtell (cont'd)

Small retaining walls are proposed to the boundaries of the property.

Council has received six objections to the proposal. The objections to the development are largely on the grounds that the residents were not aware that dual occupancy development was permissible in the area and that the proposal will decrease the value of existing properties.

Their concerns are addressed under the "Issues" heading of this report.

Sustainability Assessment:

- **Environment**

The development can be constructed to achieve minimal impact on the environment. The completed development will have minimal impact on the environment.

- **Social**

The proposal will provide additional housing in the area.

- **Economic**

There are no significant economic issues associated with the development. The proposal will create employment during its construction.

Statutory Requirements:

- **Coffs Harbour City Local Environmental Plan (LEP) 2000**

The site is zoned 2A Residential Low Density under Coffs Harbour City Local Environmental Plan 2000. Dual occupancy development is permissible in the zone with Council approval.

- **Low Density Housing Development Control Plan (DCP)**

Council's Low Density Housing DCP specifies a minimum lot size of 400 m² per dwelling.

Private open space is required for each dwelling at a rate of 90 m² per dwelling. This can be provided in one or two areas.

Front setbacks of 6 m to the main front boundary and 3 m to the secondary street boundary are required.

Two car parking spaces are required for each dwelling over 100 m² in floor area.

The proposed development generally meets these provisions.

cont'd

Ped43 Development Application No. 1152/03 - Dual Occupancy And Subdivision - Lot 111, Dp 1033464, 25 Royal Palm Drive, Sawtell (cont'd)

Issues:

This list of issues includes matters which were raised in the written objections:

- **The development and its design**

The building type and design is similar to other dwellings in the area.

The completed development will be a single dwelling on a separate block of land. Each dwelling will have the required amount of private open space. Each dwelling will have two undercover car parking spaces. The setback between the two dwellings proposed is less than currently typical to the area.

With landscaping at the front of the property between the two dwellings as proposed and separation of the driveway between the two as proposed will reduce the close appearance of the development at the street frontage.

- **Traffic and car parking**

Objectors to the proposal have expressed concern about increased traffic that will result from the proposal.

The site has significant street frontage, greater than most blocks in the area. A large amount of on street parking will be available.

In addition, each dwelling has two car parking spaces and a 6 m long driveway for parking of additional cars on the site.

Car parking and traffic problems are unlikely as a result of this proposal.

- **Character of area**

Objectors to the proposal are of the view that the proposal is not compatible with the character of the area.

When the development is completed and with landscaping of the site normally proposed with low density dwellings, the development will be compatible with the character of the area.

Summary:

The development generally complies with Council's Low Density DCP in most respects. Dual occupancy developments are possible on many residential allotments which are 800 m² or greater in area.

The site has significant street frontage and, as a result, car parking and other traffic problems are unlikely.

When the development is completed and the land subdivided, the buildings will appear as separate dwellings on their own title, similar to other dwellings in the area.

cont'd

Ped43 Development Application No. 1152/03 - Dual Occupancy And Subdivision - Lot 111, Dp 1033464, 25 Royal Palm Drive, Sawtell (cont'd)

Recommendation:

That Council approve Development Application No. 1152/03 for dual occupancy development and subdivision at Lot 111, DP 1033464, 25 Royal Palm Drive, Sawtell subject to standard technical conditions.

PED44 PLANNING STATUS: LOT 4, DP 245955, 55 TIKI ROAD, MOONEE

Purpose:

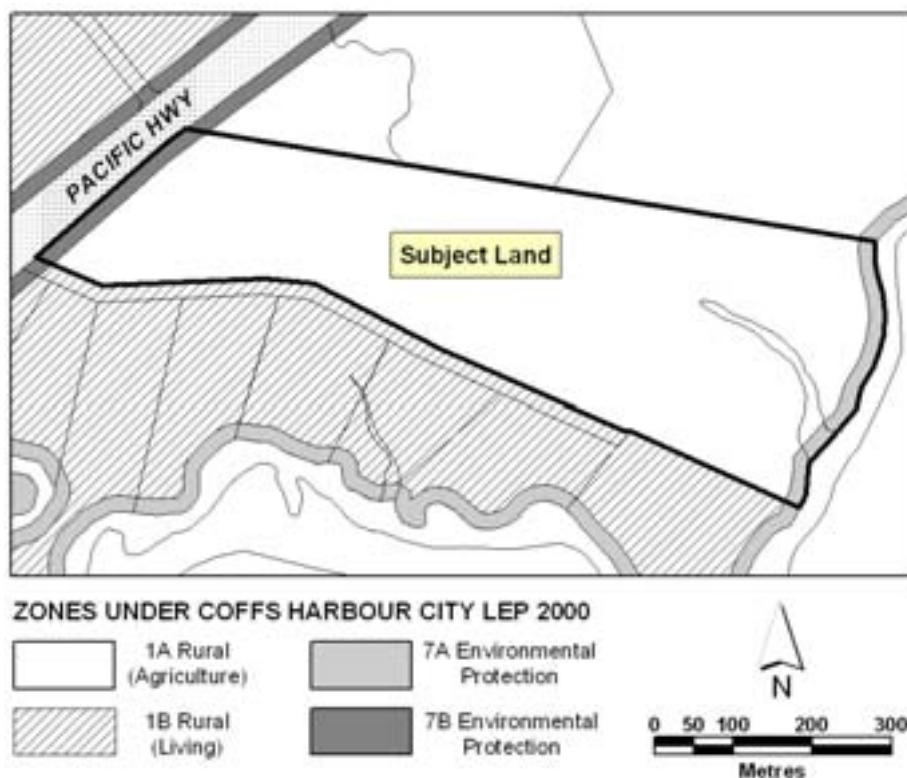
The purpose of this report is to inform Council of the planning status of land at Tiki Road, Moonee.

The report recommends that consideration of rezoning of the land be deferred, pending resolution of current planning issues identified in this report.

Background:

In 1999 Council adopted its Rural Residential Strategy. This land parcel (Lot 4, DP 245955) was identified in the Strategy as a preferred area for rezoning from Rural 1A Agriculture to Rural 1B (Living) in the short term (2000-2005). The Rural 1B (Living) zone provides for allotments of one to two hectares.

The land is currently zoned Part Rural 1A (Agriculture), Part 7A Environmental Protection (Habitat and Catchment) and Part 7B Environmental Protection (Scenic Buffer). Map A indicates these zones.



The matter is presented to Council as a result of a 'question without notice' asking for a status report.

A report was presented to Council (PED59 - July 2001) recommending that Council prepare an amendment to LEP 2000 to provide for the rezoning of the land to Rural 1B (Living) Council resolved that the matter be deferred until Council's Rural Lands Strategy is finalised.

cont'd

Ped44 Planning Status: Lot 4, Dp 245955, 55 Tiki Road, Moonee (cont'd)

Report:

The planning issues relate to traffic and access, the Pacific Highway upgrade, Council's Rural Lands Strategy and the Moonee Release Area.

Planning/Statutory/Environmental Constraints:

- **Traffic and Access**

Access to the land is provided by Tiki Road, which is a private right of way which connects to the Highway. There would need to be a public access road as part of any future subdivision of the land to service additional allotments. Consultation with the Roads and Traffic Authority will be necessary to identify any impacts increased road use may have on the highway and relevant intersection.

- **Pacific Highway Upgrade**

The Pacific Highway Planning Strategy has not yet been finalised. A decision regarding rezoning of this land would need to take into consideration the preferred option for the Pacific Highway, which is currently unknown.

- **Rural Lands Strategy**

Council's Rural Lands Strategy is yet to be formally adopted by Council. The Rural Lands Strategy contains no provisions which affect the status of the land. Under the provisions of Council's Rural Residential Strategy, the property is included as an area with potential for rezoning in the short-term (2000-2005).

- **Moonee Release Area**

The land is north of the Moonee Residential Release Area. Investigations are commencing for the proposed release of Stage One of the Release Area, which is in the vicinity of this land parcel. The implications of the Release Area need to be identified and taken into account should a rezoning of Tiki Road Rural Residential Area be considered.

Statutory Constraints:

The land is subject to the provisions of State Environmental Planning Policy (SEPP) No. 71 and the NSW Coastal Policy 1997. The Coastal Council may require a Local Environmental Study for any proposed amendment to LEP 2000 to proceed; funding would need to be allocated for this and recouped through Section 94 levies.

cont'd

Ped44 Planning Status: Lot 4, Dp 245955, 55 Tiki Road, Moonee (cont'd)

Environmental Constraints:

The land is subject to several environmental constraints including:

- secondary koala habitat as identified by Council's Koala plan of Management;
- areas of high and low risk acid sulfate soils, as shown on Council's Acid Sulfate Soils Planning Map;
- proximity of the land to Moonee Nature Reserve.

Recommendation:

1. That Council defer any rezoning proposal for the Tiki Road area pending final resolution of the Pacific Highway Planning Strategy, the Moonee Release Area and the Rural Lands Strategy.
2. That the owner of the land (Lot 4, DP 245955, 55 Tiki Road, Moonee) be informed of Council's decision.

PED45 DEVELOPMENT APPLICATION NO. 683/03 - 12 TOWNHOUSES, SWIMMING POOL AND GAZEBO - LOT 1, DP 1012104, BAY DRIVE, COFFS HARBOUR

Purpose:

This application seeks approval for 12 townhouses and a swimming pool on Lot 1, DP 1012104, which is located to the north of Pacific Bay Resort.

In 1997 Council approved the construction of 36 townhouses on this site. To date 24 townhouses have been constructed and the proposed 12 townhouses and pool form the final stage of the project. The 12 townhouses differ to that previously approved by Council, hence this application.



Description of Item:

Whilst the 1997 consent (No. 160/97) approved 36 townhouses on this site, a separate application has been received for the final 12 townhouses due to design changes from the 1997 approval.

The proposed development comprises the construction of six separate buildings, each containing two townhouses. A swimming pool and landscape area effectively separates the development into two groups of townhouses. Each townhouse contains three bedrooms, terraces and two garages.

The design of the new townhouses is marginally different from the existing development. Less parapets are proposed however the scale, form, footprint and layout of the new development is compatible with that previously approved (the previous approval for this part of the site was for 3 x 4 townhouse blocks, with no pool).

The townhouses will be developed at the western, less exposed and less prominent, part of the site. The proposal performs satisfactorily in terms of visual amenity and satisfies the objectives of a comprehensive visual analysis prepared in 1997 for the original development.

cont'd

Ped45 Development Application No. 683/03 - 12 Townhouses, Swimming Pool And Gazebo - Lot 1, Dp 1012104, Bay Drive, Coffs Harbour (cont'd)

The 12 townhouses will have filtered views to Korora Heights and Korora Bay, with existing vegetation screening the buildings from the north. The applicant has indicated that no trees will be removed from the site as a result of the project. The building platform is level and cleared.

All reticulated services are available to the site. Stormwater from roofed areas will be directed to rainwater tanks, to irrigate landscape areas.

The building project cost is \$3.186 million.

Consultation:

The application was advertised and notified in accordance with Council's Notification Development Control Plan. One submission was received. This submission raised concerns relating to emergency access for service vehicles. This issue is adequately covered in a Bushfire Management Plan submitted with the development application.

The application has been reviewed by Council's City Parks and Subdivision and Contracts Sections and is suitable for conditional approval.

The NSW Rural Fire Service has issued a Bushfire Safety Authority in respect of the application.

Statutory Requirements:

The land the subject of this development is zoned 2E Residential Tourist and is enveloped in a 6C Open Space Private Recreation zone under the Coffs Harbour City Local Environmental Plan 2000. The proposal is permissible subject to development consent.

The development satisfies other relevant statutory provisions including the NSW Coastal Policy and Council's DCP for Residential Tourist Lands.

The 1997 consent (DA 160/97) is a valid consent and the 12 townhouses approved under that consent can be acted upon. This development proposal is for the same number of townhouses, albeit in a different configuration.

Sustainability Assessment:

The development will not result in any adverse environmental, social or economic impacts. The project will incorporate a number of environmental controls including water harvesting for landscape irrigation, sediment and erosion control and preservation of important perimeter vegetation.

cont'd

Ped45 Development Application No. 683/03 - 12 Townhouses, Swimming Pool And Gazebo - Lot 1, Dp 1012104, Bay Drive, Coffs Harbour (cont'd)

Summary:

This development application for the last 12 of the originally approved 36 townhouses at this property is suitable for conditional approval. The developer has the option to proceed to construct 12 townhouses in the absence of this consent due to the approval of Development Application No. 160/97. The need to alter the originally approved development is due to current market trends, design changes to the buildings and the desire to establish a second swimming pool at the complex.

The amended architectural style of this application is compatible with and complementary to the existing 24 townhouses at the site.

The proposal satisfies Council's statutory and technical requirements and is recommended for approval.

Recommendation:

That Development Application No. 683/03 for the construction of 12 townhouses, a swimming pool and a gazebo at Lot 1, DP 1012104, Bay Drive, Coffs Harbor be approved subject to technical conditions.

PED46 DEVELOPMENT APPLICATION NO. 1005/03 - DUAL OCCUPANCY - LOT 47, DP 20607, 17 BORONIA STREET, SAWTELL

Purpose:

The purpose of this report is to advise Council on an application for medium density housing comprising two dwellings on Lot 47, DP 20607, 17 Boronia Street, Sawtell. The report recommends that consideration of the application be deferred to enable Council to undertake a site inspection.



Description of Item:

The development application is for an attached dual occupancy separated by a three car garage on the western side of Boronia Street and backing onto Middle Creek.

The proposal comprises two dwellings being two storey with a triple garage located in between. They will be finished externally with a mixture of face brick, hardiplank and metal roofing.

Lot 47 has an area of 612.6 m².

The original dwelling occupies approximately the location of the front dwelling. This dwelling is currently being removed.

Sustainability Assessment:

- **Environment**

The proposed development is considered to have a negligible impact upon the natural environment. The lower building, although close to Middle Creek at the rear, will have minimal impact on the natural features of the creek as it will be erected behind the existing rock revetment wall (which is located wholly upon Lot 47).

cont'd

Ped46 Development Application No. 1005/03 - Dual Occupancy - Lot 47, Dp 20607, 17 Boronia Street, Sawtell (cont'd)

Overshadowing will occur to the creek in the early morning however any development on this site, taking into account the slope will have an effect.

- **Social**

The proposed development will provide additional dwellings in the desirable Boronia Street area. The Medium Density zoning would permit three dwellings on this allotment if maximised, i.e. one dwelling/200 m².

Adjoining residents have made submissions and their issues are considered under the heading "Issues".

- **Economic**

The proposed development will be likely to provide local employment opportunities during the construction phase. Material suppliers would also be likely to benefit from additional development on this allotment.

Development contributions will be required to be paid for the increased demand upon local infrastructure and services.

Any impact upon property values in the immediate area due to this development cannot be quantified, however they are unlikely to be detrimental.

Consultation:

Directly adjoining and nearby landowners were notified of the proposed development.

Council received three objections within the notification period and one two months late. Objections related mainly to privacy and view loss.

The applicant erected height profiles for each of the two dwellings and photos were taken from the decks of objectors.

The issues considered are outlined under the heading "Issues".

Statutory Requirements:

As required by the Environmental Planning and Assessment Act 1979 this application must comply with a number of statutory provisions, and be taken into account during the assessment.

The application has been assessed in accordance with the following plans and policies:

- **Coffs Harbour City Local Environmental Plan 2000**

The site is zoned as 2B Medium Density. The development is permissible with the consent of Council.

cont'd

Ped46 Development Application No. 1005/03 - Dual Occupancy - Lot 47, Dp 20607, 17 Boronia Street, Sawtell (cont'd)

- **North Coast Regional Environmental Plan 1988**

Clauses 41 and 43 of the Regional Environmental Plan direct Council to consider the provision of adequate affordable and suitable housing to meet the needs of the region's population.

- **Medium Density Housing Development Control Plan (DCP)**

The application generally complies with this DCP.

Issues:

- **Privacy**

Both adjoining owners raised the issue of privacy. One related to a window near the common boundary on the southern side of Lot 47. This window is from a bedroom and as such is not considered to be a significant privacy issue; privacy is a two-way issue with both parties being interested in protecting their own privacy.

The other privacy issues raised related to the location of a car parking space located between the existing rear dwelling of 19 Boronia Street and the proposed rear dwelling of 17 Boronia Street. The car parking area is an additional off street car park above the requirements of the DCP. It is, at its closest point, 4 m from the adjoining dwelling and 1.6 m from the deck associated with that dwelling. This car parking space is not considered to be a privacy issued due to its separation to the adjoining dwelling.

- **Development Control Plan (DCP)**

19 Boronia Street: Despite the medium density zoning of the land, why should the application not be assessed under Council's Low Density DCP, as this is the most appropriate DCP for a dual occupancy development (Council's ruling in relation to our DA No. 1599/00).

The application generally complies with the Medium Density DCP and the applicant has requested that the assessment be made in accordance with this DCP. The Low Density Housing DCP does not apply to this site.

The building height has been kept to a maximum of 7.7 m for the rear dwelling and 7.1 m for the front dwelling. The Medium Density DCP requires that a maximum two storey height is permitted and this proposal therefore complies.

- **Views, Bulk and Scale**

19 Boronia Street: Have requested that the following be considered:

- *Retain the current floor level of the existing dwelling as the maximum floor level of the front dwelling.*

The applicant has subsequently lowered the floor level by 355 mm to reflect the existing dwelling floor level.

cont'd

Ped46 Development Application No. 1005/03 - Dual Occupancy - Lot 47, Dp 20607, 17 Boronia Street, Sawtell (cont'd)

- *Replace pitched roof lines with flat or curved roof lines.*

The applicant does not wish to change the roof design and advises that even though the zoning of 2B Medium Density has been complied with, a 7.5 m 2A Low Density height limit has been incorporated into the design to minimise any impacts. The rear dwelling is 7.7 m in height.

Sawtell has a predominance of pitched roof designs in its residential areas and, therefore, is considered the most appropriate style for these dwellings.

View loss from the front dwelling of 19 Boronia Street was assessed from the upper level rear verandah and was found to be minimal.

View loss from the rear dwelling of 19 Boronia Street was assessed from side verandahs/balconies and it was found that an impact would be made. This impact lessened toward the rear of the decks and was also lessened on the upper floor. A view line from inside a sliding glass door on the upper level provided a view along the creek to the entrance, including the headland. This view was still considered substantial.

Unit 8, 21 Boronia Street: Concerned that loss of ocean views, currently enjoyed, for her unit would occur as a result of the proposed development.

A photo taken from the balcony of Unit 8 ascertained that the roof of the lower proposed dwelling would remove the sea view including the breaking surf. The headland adjacent to the creek entrance and the ocean horizon would remain. This would be considered to be a significant view loss which happens to be across two allotments.

Any development upon this land, optimising the permissible densities for housing, would, more than likely, impact upon views currently experienced and enjoyed across this land. View loss across an allotment not adjoining the proposed development site would likely suffer more impact upon view loss in a proportional manner.

- **Sewer Line**

The ability to build over the sewer main has been questioned.

Council's Policy (28 September 2000) – Building in the vicinity of Sewer Mains” contains an allowance whereby Council can consider (upon application to Council) alternatives. These alternatives include the relaying of the sewer main with high density poly ethylene pressure pipe, which has been the request in this instance. This incorporates bridging of the main with footings and piers, to an engineer's detail.

- **Building Alignment to Middle Creek**

The setback to Middle Creek and proximity to the rock revetment wall is questioned. In this regard reference to the Department of Land and Water Conservation (DLWC) comments are cited.

cont'd

Ped46 Development Application No. 1005/03 - Dual Occupancy - Lot 47, Dp 20607, 17 Boronia Street, Sawtell (cont'd)

DLWC has imposed a number of conditions upon the proposed development and includes a section headed "other Issues" where wave run-up is discussed and the need to consider any failure of the rock revetment wall. It is further suggested that engineer's details /certification of the structure are required to be provided for the scenario of wave overtopping and the resultant forces on the structure.

Council's attention is also drawn to the DLWC social concerns in relation to building alignments and recommends that alignments off the creek are consistent with other dwelling/structures along Middle Creek. With regard to building alignments to Middle Creek, Council has no setback identified in the Medium Density Housing DCP.

Conclusion:

This development proposal complies with Council's Medium Density Housing DCP. It is located on a 613 m² allotment of land adjoining Middle Creek.

It is anticipated that this section of Boronia Street will be redeveloped over time with development densities maximised. The generally small sites will most likely generate dual occupancy style developments.

The impacts to adjoining owners appear to be mainly in the scope of "view loss" centering around the location of the rear dwelling. View loss will be experienced which varies from substantial to minimal.

Recommendation:

That consideration of Development Application No. 1005/03 for two dwellings on Lot 47, DP 20607, 17 Boronia Street, Sawtell be deferred to enable Council to undertake a site inspection.

PED47 DEVELOPMENT APPLICATION NO. 1362/03 - EXTENSION TO EXISTING AGED CARE FACILITY AND AFTER HOURS MEDICAL CLINIC - LOT 1, DP 836140, 49 HIGH STREET, WOOLGOOLGA

Purpose:

The purpose of this report is to advise Council on Development Application (DA) No. 1362/03 which proposes a 34 bed extension to an existing aged care facility and after hours medical clinic in Woolgoolga. The report recommends conditional approval of the application.



Background:

The original development of the village was commenced in 1981 and comprised of 12 self care units. In March 1990, a DA (No. 96/90) was lodged with Council for an overall development of the site and comprised of a masterplan with the following components:

- 32 villa units;
- 51 hostel places;
- 50 bed nursing home;
- administration building;
- two additional self-care units attached to the 12 original units.

Over subsequent years, a number of DAs were approved by Council bringing the current development to its present layout:

- 12 self care apartment units;
- 18 self care villa units;
- 38 hostel places.

cont'd

Ped47 Development Application No. 1362/03 - Extension To Existing Aged Care Facility And After Hours Medical Clinic - Lot 1, Dp 836140, 49 High Street, Woolgoolga (cont'd)

Over a number of years, the Woolgoolga and District Retirement Village Limited (WDRV) recognised that there was an increasing demand for its facilities. The nursing home in the original application no longer conforms to accreditation requirements and any future expansion would need to incorporate hostel places conforming to current ageing-in-place criteria.

Description of Item:

The development is proposed on land immediately west of the existing aged care facility in High Street, Woolgoolga.

The application seeks approval for a 34 bed extension to the existing aged care facility plus an after hours medical clinic. This will increase the number of hostel places to 65 from the current number of 38. Some demolition works of the existing facility, such as nine hostel rooms and amenity areas are proposed to accommodate the new works.

The proposal will be constructed in a single continuous operation to minimise the disruption to existing residents and to maintain the day-to-day functioning of the facility.

The after hours clinic is considered to be an ancillary component of the aged care facility and is therefore permissible under Coffs Harbour City Local Environmental Plan (LEP) 2000. The main function of the clinic will be to provide a quality medical service to existing and future residents of the facility and improve the opportunity of the WDRV to attract government funding.

The proposed extensions amount to an area of 1,495 m² (existing area of buildings is 1,800 m²) and it is considered that the external brickwork and metal roof will complement the existing facility.

Access to the proposed extensions and after hours clinic will still be from High Street with a new concrete driveway being constructed in the south eastern part of the facility to accommodate services associated with the clinic, for example the ambulance service. The functioning of and access to the existing service bay remains unaltered.

Ten additional staff car parking spaces are provided in the new car park to the west of the proposed new buildings. Six visitor parking spaces are proposed in angled bays on High Street. Currently seven car parking spaces are provided for staff with this being reduced to six due to the encroachment of the new building.

Currently 14 full time staff are employed at the facility and this will increase to 26 once it is completed.

The Northern Beaches sewer moratorium is considered irrelevant to the proposal as credits exist from previous approvals to allow this development to proceed.

The project cost is \$3.8 million.

cont'd

Ped47 Development Application No. 1362/03 - Extension To Existing Aged Care Facility And After Hours Medical Clinic - Lot 1, Dp 836140, 49 High Street, Woolgoolga (cont'd)

Sustainability Assessment:

- **Environment**

The proposed development will necessitate the removal of a number of swamp turpentine (35), three forest red gums and one paperbark tree. However, these are not identified as koala habitat trees or hollow bearing trees. It is proposed to landscape the site with appropriate species on completion of the building work. Therefore, it is considered unlikely that the proposal will result in any significant impacts on the local natural and built environment.

The proposed development is compatible with adjoining land uses with the St Francis Xavier Catholic School to the north, land owned by Coffs Harbour and District Aboriginal Land Council to the south, public recreational land to the east and low density housing development to the west.

- **Social**

The social impacts on the current and future residents of the facility are positive. The proposal will provide a specifically designed ageing-in-place extension to the existing facility and ensure a more satisfactory and safe environment for the elderly.

- **Economic**

The economic impacts associated with the development are again expected to be positive as staff numbers will increase from 14 to 26 and work will be available for local trades people during the construction phase. Once the facility is fully constructed, it will be completely self sufficient as future maintenance costs are expected to be low. This is due to the design of the building and the materials used in its construction which will endeavour to keep ongoing running costs to a minimum.

Consultation:

The application was advertised and notified for a period of 14 days from 14 May 2003 to 27 May 2003. As a result, one submission was received providing generic comments with respect to the proposal, e.g. stormwater should be managed on site; development should not encroach onto adjoining properties; the proposal should comply with new Bushfire Protection Guidelines; appropriate erosion and sediment control measures to be put in place; footings of proposed fencing to be contained on proponent's land; and stockpiled material should be used on site.

The application is an integrated development proposal and has been referred to the NSW Rural Fire Service (RFS) for its comments with respect to bush fire risk. Once comments and conditions of development consent have been received from the RFS, a formal determination of the application can be made and the consent can be issued.

Comments from Council's City Services Department, City Parks and Environmental Services Branches have also been received. These will be incorporated into the conditions of development consent for the proposal.

cont'd

Ped47 Development Application No. 1362/03 - Extension To Existing Aged Care Facility And After Hours Medical Clinic - Lot 1, Dp 836140, 49 High Street, Woolgoolga (cont'd)

Statutory Requirements:

The application, amongst other Council policies/codes, has been assessed in accordance with the relevant provisions under the following legislation:

- NSW Coastal Policy;
- North Coast Regional Environmental Plan 1988;
- Planning for Bushfire Protection Guideline 2001;
- Coffs Harbour City Local Environmental Plan (LEP) 2000;
- Residential 2A Low Density Development Control Plan (DCP);
- Notification DCP;
- Off Street Car Parking DCP; and
- Access and Mobility DCP.

Under LEP 2000, the land is zoned 2A Residential (Low Density). The proposed development is consistent with the aims and objectives of this zone.

Summary:

The proposed 34 bed extension to the existing WDRV facility and after hours medical clinic will provide an important and essential service for the elderly in the locality. The proposal has been specifically designed to allow for ageing-in-place and has been designed to achieve a more satisfactory and safe environment for the residents. Furthermore, the inclusion of the after hours clinic to the facility provides convenience for the residents of the WDRV.

The Northern Beaches sewer moratorium is considered to be irrelevant to the proposal as sewer credits exist from previous approvals will allow this development to proceed.

It is recommended that consent, subject to technical conditions, be granted to the application.

Recommendation:

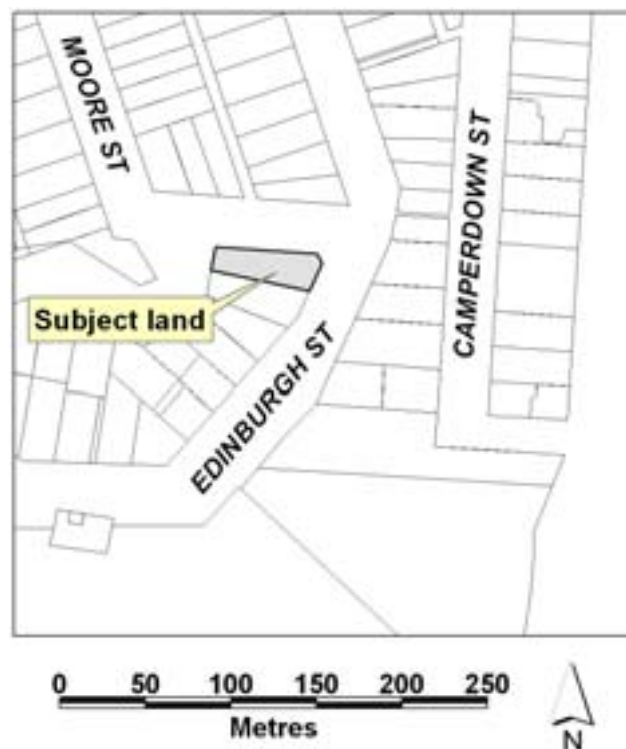
That the General Manager be authorised to issue development consent for the construction of a 34 bed extension to the existing aged care facility on Lot 1, DP 836140, 49 High Street, Woolgoolga upon resolution of conditions recommended by the NSW Rural Fire Service.

PED48 DEVELOPMENT APPLICATION NO. 1389/03 - MULTI UNIT HOUSING (SEVEN TOWNHOUSES) - LOT 1, SECTION 62, DP 758258, 149 EDINBURGH STREET, COFFS HARBOUR

Purpose:

The purpose of the report is to advise Council on Development Application No. 1389/03. The application is a multi unit housing proposal for seven townhouses.

Council has received four objections to the proposal from residents in the area. Conditional approval of the application is recommended.



Description of Item:

This is an application for seven townhouses. The development is three storeys in height. Garages and studies are provided on the lower ground floor of the development. For five of the seven units, living areas are proposed for the middle storeys and bedrooms proposed for the upper storeys. The remaining two units have the use of the upper two storeys reversed; bedrooms to the middle storeys and living areas to the upper storey.

The ground floor will be contained within significant site excavation. The development will appear as three storeys from the Moore Street frontage.

The site has moderate slope. It falls to the north and west. The property fronts three Streets; Moore, Edinburgh and Jarrett. The land adjoins one other property which is 147 Edinburgh Street.

Vehicular access will be from Moore Street for six of the units. The seventh unit has vehicular access from Jarrett Street. All proposed units have double garages.

cont'd

Ped48 Development Application No. 1389/03 - Multi Unit Housing (Seven Townhouses) - Lot 1, Section 62, Dp 758258, 149 Edinburgh Street, Coffs Harbour (cont'd)

There are significant views available from this property. The units are oriented to the north and east to make best use of the available view. Decks and large expanses of window and glass are provided on the northern frontage. Few windows are provided to the south of the units.

The site is zoned 2C Residential Medium-High Density.

The project cost is estimated at \$1.6 million.

Consultation:

Council received four objections to the proposal following advertisement of the proposal and written notification to adjoining property owners.

The concerns expressed in the submissions vary and these are considered under "Issues".

Sustainability Assessment:

- **Environment**

The development can be constructed to achieve minimal impact on the environment. The completed development will have minimal impact on the environment.

- **Social**

The proposal will provide additional housing in the area. There are a number of social advantages to medium density housing.

- **Economic**

There are no significant economic issues associated with the development. The proposal will create employment during its construction.

Statutory Requirements:

- **Coffs Harbour City Local Environmental Plan (LEP) 2000**

The site is zoned 2C Residential Medium-High Density under LEP 2000. The development is permissible in the zone with Council approval.

Council's Residential Medium-High Density Housing Development Control Plan (DCP) specifies the density to which the site can be developed and other physical criteria that the development should meet.

cont'd

Ped48 Development Application No. 1389/03 - Multi Unit Housing (Seven Townhouses) - Lot 1, Section 62, Dp 758258, 149 Edinburgh Street, Coffs Harbour (cont'd)

- **Medium-High Density Housing DCP**

This proposal fails to comply with some numerical standards contained in this DCP as discussed below under setbacks and building length. It meets the intention of these standards.

- **Setbacks**

The property fronts three roads.

The specified front road setback is 5 m for a two-storey building. Additional storeys should be contained within a 30-degree building plane from the top corner of the second storey.

At Moore Street, the proposal encroaches these setbacks at corner points for each unit. The encroachments are by partly enclosed deck areas. These encroachments do not significantly add to the visual prominence of the development.

Developments are generally required to meet the front setback requirement for one property frontage. The side setback requirement is 3 m where the building height is less than 6 m. At the Edinburgh Street frontage the proposal is 6 m in height with a setback of 2 m to 4 m. At the Short Street frontage the proposal is 9 m in height with a setback of 3.5 to 4.35 m. These encroachments are not considered to add to the visual prominence of the development.

The proposal is generally 6 m in height along the southern boundary. It encroaches into the 3 m setback at certain points, not for extensive lengths of the building. Council has received no objection from the owner of the property to the south.

- **Building length**

The design controls of the DCP states:

“Buildings should not exceed a total length of 45 metres. Wall planes should not exceed 30 metres in length without the roof and wall design being broken”.

The total length of this building exceeds this. This is achieved through seven separate wall panels which are articulated and do not run parallel to the property boundary. Balconies break up the building façade to the street.

The proposal meets the intention of this standard which is to minimise the general appearance of bulk to buildings of significant length.

cont'd

Ped48 Development Application No. 1389/03 - Multi Unit Housing (Seven Townhouses) - Lot 1, Section 62, Dp 758258, 149 Edinburgh Street, Coffs Harbour (cont'd)

Issues:

This list of issues includes matters which were raised in the written objections:

- **Stormwater**

Concern about the potential impact of additional stormwater from the development has been expressed in all submissions to the proposal.

It is normal Council practice to require developers of significant developments to provide on site stormwater detention. The intention of this is to reduce peak flow velocities to a level similar to that of an undeveloped site. With imposition of this requirement on the development, the impact on stormwater drainage to the area should be negligible.

It would appear that the residents are largely concerned about an existing stormwater problem in the area.

This has been referred to Council's City Services Department for separate investigation. This should not affect Council's consideration of this application.

- **Appearance and density of development**

Any development on this site will be visually prominent due to the topography of the area and the significant street frontage of this parcel of land.

As described in the section of this report addressing the design provisions of the Medium-High Density Housing DCP, the development contains a number of structural features to address the appearance of the building. These include balconies, broken building facades and landscaping.

The application complies with the density requirements.

- **Character of area**

While the Jetty area as a whole is going through significant redevelopment, this area is currently largely undeveloped for multi-unit housing.

The character of the area will change over time with further redevelopment in the area. The zoning of the area has depicted that the area will change with redevelopment and developments such as this one will be more common.

The fact that this development would appear unlike other developments in this area does not warrant refusal of the application.

- **Landscaping**

Council has successfully negotiated with the applicant for additional landscaping to the development.

The proposal is now considered satisfactory with respect to landscaping.

cont'd

Ped48 Development Application No. 1389/03 - Multi Unit Housing (Seven Townhouses) - Lot 1, Section 62, Dp 758258, 149 Edinburgh Street, Coffs Harbour (cont'd)

- **Site access and manoeuvring**

Driveway profiles for the development have been closely examined and Council is now satisfied that the development will be satisfactory in respect of driveway and manoeuvring areas.

Summary:

The site is zoned to allow for this sort of development and the proposal is typical of what may have been expected for the site. It is recommended that the proposal be approved subject to conditions.

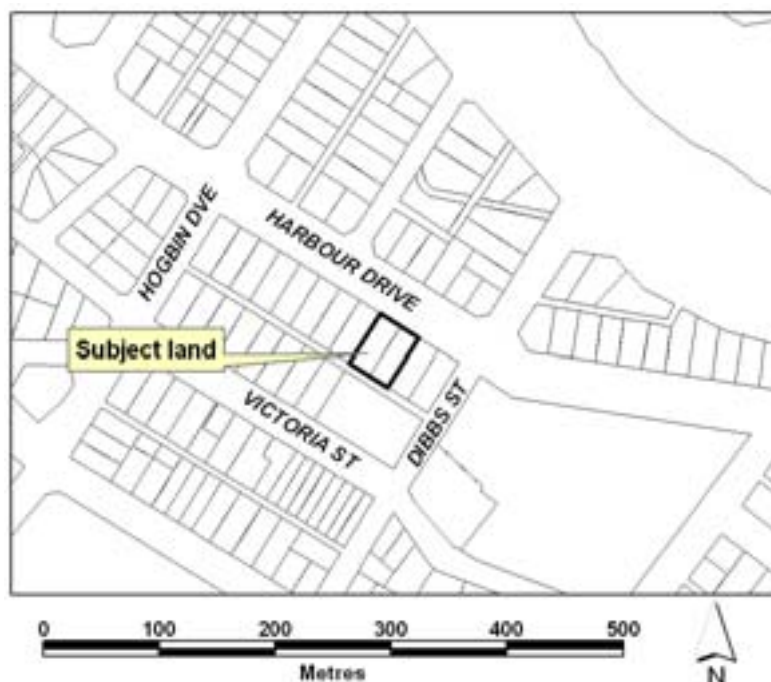
Recommendation:

That Council approve Development Application No. 1309/03 for multi unit housing (seven townhouses) on Lot 1, Section 62, DP 758258, 149 Edinburgh Street, Coffs Harbour subject to standard technical conditions.

PED49 DEVELOPMENT APPLICATION NO. 1430/03 - MULTI UNIT HOUSING AND STRATA SUBDIVISION - LOTS 9 AND 10, SECTION 39, DP 758258, 268 HARBOUR DRIVE, COFFS HARBOUR

Purpose:

The purpose of the report is to advise Council on Development Application No. 1430/03 which proposes the construction of 10 townhouses and strata subdivision in the Jetty area, Coffs Harbour. The report recommends conditional approval of the application.



Description of Item:

The development is proposed on land located on the southern side of Harbour Drive between Dibbs Street and Hogbin Drive/Barrie Street, Coffs Harbour.

The site moderately slopes from north to south with an older style dwelling currently located on it which is proposed to be demolished prior to construction.

Ten townhouses are proposed for the site, with access being provided by a common driveway to Harbour Drive. This access is located in the centre of the site. A rear lane forms the southern boundary of the site but does not form part of the access arrangements for the proposed development. It may be used during the construction phase for service vehicles.

The townhouses are mostly two storey with the front two units (facing Harbour Drive) and back two units (facing the rear lane) containing a third storey roof deck and vaulted roof. This part of the development is accessed through an internal stairwell and is inconsistent with the roof form of the main complex. However, a mix of building materials and colours will assist in integrating this component of the development with the remainder of it.

cont'd

Ped49 Development Application No. 1430/03 - Multi Unit Housing And Strata Subdivision - Lots 9 And 10, Section 39, Dp 758258, 268 Harbour Drive, Coffs Harbour (cont'd)

A variation to the front boundary setback has been requested by the applicant and is considered well founded when comparing the proposal to adjoining developments. The building will have a staggered building line between 5 and 7 m. The bulk of the street elevation is less than 6 m as required by the Residential Medium-High Density Development Control Plan (DCP) and only the balcony and stairwell area with void could be considered a third storey. This component of the development was designed in this manner to create an interesting façade to the streetscape and take advantage of the views to Coffs Creek and surrounding Jetty area.

All units have been provided with two undercover car parking spaces which are not visible from the street.

A mix of pitched and gabled roofs is proposed to achieve a variety of built form and to enhance the street frontage. North facing windows have been provided with sun protection devices to improve energy efficiency within the development.

A 1.2 m high cement rendered fence is to be provided in the front boundary to provide privacy and security to residents but not detract from the streetscape.

The project cost is \$1.7 million.

Sustainability Assessment:

- **Environment**

It is considered that the proposal will have no significant impacts upon the local natural or built environment. The development will provide an interesting addition to the built form in the area given the site's location and the size of the development.

- **Social**

The notification process has shown that the local community considers the proposal to be acceptable and in keeping with the area as no submissions were received. The proposed development will provide an additional housing choice for the local population and for a varied age group with the site being in close proximity to shops, parks, medical services and other essential services.

- **Economic**

There are no significant economic impacts associated with the development except that were consent granted to the application and the development constructed, then a brief period of employment during the construction phase for local trades people would likely occur, with ongoing maintenance jobs available. As well, the development will provide housing in an established urban area, achieving a density commensurate with its zoning.

cont'd

Ped49 Development Application No. 1430/03 - Multi Unit Housing And Strata Subdivision - Lots 9 And 10, Section 39, Dp 758258, 268 Harbour Drive, Coffs Harbour (cont'd)

Consultation:

The application was advertised and notified for a two-week period from 9 April 2003 to 22 April 2003; no submissions were received.

Council's City Services Department, City Parks and Environmental Services Branches have all commented on the application.

Statutory Requirements:

The application has been assessed having regard to, amongst other things:

- NSW Coastal Policy;
- North Coast Regional Environmental Plan;
- North Coast Design Guidelines;
- Coffs Harbour City Local Environmental Plan (LEP) 2000;
- Medium Density Development Control Plan (DCP);
- Off Street Car Parking DCP;
- Notification DCP;
- Energy Efficiency Information Sheet.

Under LEP 2000, the site is zoned Residential 2C Medium-High Density. The proposed development is consistent with the aims and objectives of this zone.

Summary:

The application provides for an interesting medium high density housing development in the Jetty area. Although the front boundary setback is not consistent with the Residential Medium-High Density DCP, the proposal will not adversely impact on the streetscape in the area.

The access arrangements for the proposed development are considered satisfactory and an increase in traffic along Harbour Drive is not likely to have any significant impacts on the road infrastructure.

Residents on adjoining properties during construction may experience some inconvenience, however adequate control is available to minimise this so as to permit the development.

It is recommended that consent, subject to conditions, be granted to the application.

Recommendation:

That Council approve Development Application No. 1430/03 for demolition of existing dwelling and construction of multi unit housing (ten townhouses) and strata subdivision on Lots 9 and 10, Section 39, DP 758258, 268 Harbour Drive, Coffs Harbour subject to technical conditions.

PED50 REGIONAL WASTE MANAGEMENT

Purpose:

This report outlines the progress and achievements of the Mid North Coast Waste Forum group, now known as MIDWASTE, and the successful application for grant funding from Resource NSW. The grant of \$150,000 is for the implementation of programs under the Mid North Coast Regional Waste Strategy.

Background:

At the Waste '97 Conference in Coffs Harbour, regional waste management issues were covered in papers presented to the conference and in the workshop sessions. It became obvious that there were significant benefits both administrative and operational for individual Councils to form regional affiliations.

A meeting of waste managers was held at Port Macquarie in December 1997 with representatives from Great Lake Shire, Gloucester Shire, Greater Taree City, Kempsey Shire, Bellingen Shire, Nambucca Shire, Hastings City and Coffs Harbour City Councils. The meeting identified the following areas as potential benefits to Councils in the region:

- development of information networks;
- cost comparisons and benchmarking;
- sharing of costs and infrastructure;
- combining public education and media campaigns;
- development of waste strategies;
- development of waste policies;
- potential economies of scale for specialised waste processing and recovery;
- greater opportunities for grant funding.

From the meeting it was resolved to develop the concept of regional co-operation on waste issues on the mid north coast. As a result the Mid North Coast Waste Forum (now known as MIDWASTE) was established comprising waste managers from the eight Councils in the region. This group has met regularly since on a quarterly basis. Council's Senior Environmental Health Co-ordinator Brett Taylor is the chairperson of MIDWASTE.

Sustainability Assessment:

- **Environmental**

There is expected to be synergy in outcomes that should assist in the delivery of environmental projects across the region. These may include waste strategies and policies, opportunities for region wide waste processing and recovery, common focus on environmental needs and outcomes. It is expected that long-term advantages will occur in the environmental domain.

cont'd

Ped50 Regional Waste Management (cont'd)

- **Social**

It is anticipated that a variety of social benefits will flow from the project. These include the development of information networks, combined and co-ordinated education programs, greater potential to attain grants and common occupational health and safety and other training for staff. These advantages are considered long-term.

- **Economic**

The focus of MIDWASTE is to ensure the best use of resources particularly from a regional perspective. Expected benefits will be the buying power as a larger organisation to attract solutions for problem wastes (hazardous, concrete, steel, etc), reduced pressure for waste rate rises, common survey, trial systems and projects thereby reducing costs, common waste strategies and the possible regional harvesting of waste by products that may assist in cost reduction and carbon tracking schemes. This regional approach may attract further opportunities for grant funding. Long-term significant advantages are deemed probable in the economic domain.

Economic Implications:

MIDWASTE has been negotiating with Resource NSW to develop regional and sub regional frameworks for efficient waste management. A detailed survey on behalf of MIDWASTE has been undertaken of the current waste management practices and issues facing each local government area within the region. This survey has resulted in the preparation of the Mid North Coast Regional Resource Recovery and Waste Management Overview Strategy. With the completion of this strategy, funding was sought from Resource NSW for the appointment of a co-ordinator for the group. On the 10 March 2003 MIDWASTE was advised that the Minister for the Environment had approved Resource NSW to provide funding for one year with further funding subject to a review of the progress in the first year.

One hundred and fifty thousand dollars has been approved for the first year and a summary of the Milestones is as follows:

- appointment of a co-ordinator;
- complete regional survey on landfill capacities;
- complete contracting for co-ordinated metal waste recovery;
- investigate regional collection program for hazardous waste;
- complete survey for greenwaste processing;
- conduct foodwaste trials at Hastings and Coffs Harbour;
- survey current contracts for concrete processing;
- regionalise waste occupational health and safety training;
- conduct media campaign adapting "Living Thing" campaign;
- conduct regional community survey on "aspects of concern";
- integrate Councils' waste strategies and submit to Resource NSW.

At the recent meeting of MIDWASTE held on 27 March 2003, the group agreed to accept the funding and the terms and conditions that apply.

cont'd

Ped50 Regional Waste Management (cont'd)

Hastings Council has agreed to administer the project, including being responsible for the financial payments, preparation of statements and auditing on behalf of the member Councils of MIDWASTE. Mr. Robert Bailey, Manager of Waste and Building, has been appointed interim co-ordinator for the project so that various aspects in relation to milestones can be commenced without delay.

There are no budgetary implications for Council in respect of the receipt of the \$150,000 by MIDWASTE from Resource NSW in this financial year (2002/03).

The issue of funding future applications to Resource NSW was discussed at the 27 March 2003 meeting of MIDWASTE. Whilst nothing has been recommended at this stage, negotiations have been entered into with Resource NSW as to what may be appropriate levels of funding for future programs and projects. The results of these discussions will determine the contribution by MIDWASTE and subsequently each member Council in the future. Completion of the Milestones agreed to in the first stage of the funding will provide the information required to determine future funding levels.

It has been suggested that an amount per head of population may be the most appropriate mechanism for Councils to contribute towards funding future applications by MIDWASTE to Resource NSW. This formula is used by a number of similar waste groups throughout NSW. At this stage the contribution from the member Councils is estimated to be between 25 and 50 cents per capita which converts to a contribution of between \$15,500 and \$31,000 per annum. It is proposed that this funding would come from within existing waste budgets. A further report will be submitted to Council at such time as the level of funding has been confirmed.

Consultation:

This report has been prepared as a result of consultation between waste managers representing each of the eight Councils comprising MIDWASTE and Resource NSW following the group meeting on 27 March 2003.

Recommendation:

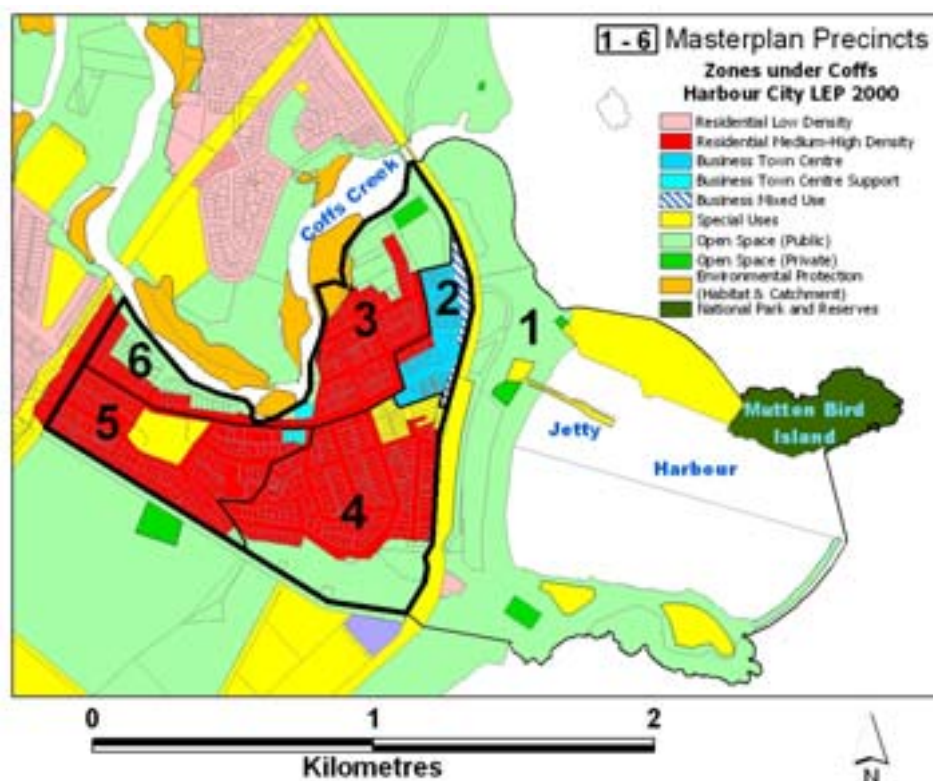
- 1. That the report on the success of MIDWASTE receiving a grant of \$150,000 from Resource NSW for the implementation of programs under the Mid North Coast Regional Waste Management Strategy be received and noted.**
- 2. That a further report be presented to Council at such time as the level of funding has been determined by MIDWASTE.**

PED51 DESIGN QUALITY PROGRAM

Purpose:

To advise Council of its successful application to the New South Wales Design Quality Program – Residential Design Fund; \$40,000 is being offered on a dollar for dollar basis to prepare urban design guidelines for the Jetty Area west of the railway line (Precincts 2-6).

The report recommends that \$40,000 be allocated to the project in the 2003/2004 Management Plan and that the Memorandum of Understanding (MoU) be executed under the Common Seal of Council.



Description of Item:

- **Background**

In 2002 planningNSW began implementing the Design Quality Program, the New South Wales Government's \$1.5 million package to improve the design quality of residential flat developments in New South Wales.

One component of the program is the Residential Design Fund. This fund provides grants and works in kind, matched dollar for dollar by Council, to prepare design based Development Control Plans (DCPs), Masterplans, precinct plans, structure plans and other planning documents.

In February 2002, Council lodged an expression of interest to access the fund as a component of the Strategic Masterplan for the Jetty Area.

cont'd

Ped51 Design Quality Program (cont'd)

- **Report**

Coffs Harbour City Council's application to the fund has progressed. Council's endorsement of the MoU is now sought and commitment of \$40,000 to receive monies (\$40,000) from the State Government to undertake the project. A copy of the terms and conditions from the MoU is attached.

Sustainability Assessment:

- **Environment**

The preparation of a design based DCP will enable best practice measures to achieve suitable environmental outcomes for the area. This includes improved biodiversity and water quality of Coffs Creek and the Harbour.

- **Social**

A substantial part of the proposed Masterplan area consists of land zoned 2C Medium-High Density Residential under Coffs Harbour City Local Environmental Plan 2000.

The 2C Medium-High Density zone allows three storey residential flat buildings with undercover parking facilities.

There are also many places of historic value, which are listed as being of heritage significance. Some are:

- Coffs Harbour Jetty;
- Coffs Harbour Jetty Post Office;
- Jetty Theatre;
- Buried Trestle Bridge - foreshore;
- Tramway Line Site - foreshore.

The area is in transition, as land prices, location, outlook, etc. plays its part in redevelopment of the City. For these reasons, the area requires guidelines for redevelopment to ensure the social impacts are positive.

- **Economic**

The program will enable the provision of a framework for the development and growth of the Coffs Jetty Area.

The project proposed will include a Masterplan and DCP. These will also provide guidelines for a vibrant business area which will provide additional employment opportunities.

The impact on the budget will be \$40,000 from the Jetty Area Masterplan.

cont'd

Ped51 Design Quality Program (cont'd)

Consultation:

This application is fully supported by the Jetty Internal Working Group.

Council's General Manager and Special Projects Manager met with the Director of the Urban Design Advisory Service (administrator of the fund) in February 2003 to progress the application.

Conclusion:

The securing of State Government funding will enable a project that provides the Jetty area with the opportunity for vibrant and sustainable development in terms of residential, commercial/retail and recreational uses.

Funding from the Residential Design Fund will significantly contribute to the overall success of the proposed plan.

Recommendation:

- 1. That the Memorandum of Understanding between Coffs Harbour City Council and Urban Design Advisory Service be executed under the Common Seal of Council.**
- 2. That \$40,000 be allocated to the project in the 2003/2004 Management Plan.**

Attachments:

Coffs Harbour Jetty DCP
MOU

Urban Design Advisory Service
June 2003

TERMS AND CONDITIONS

Contributions

As set out under the residential design fund \$40,000 will be contributed by the department. Coffs Harbour City Council will supply \$40,000 to fund this urban design consultancy adding to a total of \$80,000.

Instalments will be paid to the urban design consultants on delivery of project tasks at stages as set out in the more detailed urban design brief. Sub-consultant or specialist's reports and fees are not to be included in the \$80,000. GST is included in this amount.

Project Timeframe

The project is to be completed and full payments made to the urban design consultant within one year of the signing of this MOU. Payments are to be paid to the urban design consultant throughout the project on delivery of project stages set out in the more detailed urban design brief to be developed by the urban design consultant and agreed to by council.

Disbursements

A limited number of disbursements are to be included in the \$80,000 as us required to undertake the urban design consultancy and will be more finely detailed in the urban design brief.

Additional disbursements may include:

- printing and binding of additional reports required by Council;
- additional meetings;
- travel expenses and an hourly rate will be charged for attendance at any meetings additional to those in the urban design brief;
- photography including aerial photographs;
- couriers or express post;
- specialist presentation material including exhibition illustrations such as perspective drawings, exhibition material such as display panels, and specialist graphic design and printing of information brochures and newsletters

Additional disbursements will be forwarded with the invoice for each stage of the project at cost.

Sub-consultants

Sub-consultancies or specialist reports are not included as part of this agreement.

Variation of Agreement

The agreement may only be varied in writing and both parties shall sign such variations.

Additional work or meetings with regard to this project falling outside the tasks outlined in this brief may involve additional costs. Any additional work authorised by the client will be charged at hourly rates as set out.

Development application reviews are not part of this project and if required can be billed at hourly rates.

PED52 ILLEGAL VEGETATION CLEARING AND LANDFORM MODIFICATION, MOONEE

Purpose:

The purpose of this report is to inform Council of illegal clearing of vegetation in the Moonee Residential Release Area, and initiate action for breaches under Coffs Harbour City Local Environmental Plan (LEP) 2000.

Description of Item:

Substantial clearing has been undertaken without consent on Lot 7, DP 252223. This clearing appears to be a pre-emptive action prior to lodging a development application for residential subdivision of the land. This is contrary to Council's Tree Preservation Order and may also breach the provisions relating to acid sulfate soils.

History:

Council has commenced a review of the Moonee Development Control Plan due to recent legislative changes and increasing information collection:

- State Environmental Planning Policy No. 71 – Coastal Protection;
- Rural Fires Act;
- Vegetation Management Study;
- Pacific Highway Planning Strategy;
- Water and Sewerage Strategies.

An initial workshop was held with landowners in the Moonee area on 12 May 2003. This workshop provided advice on these new legislative requirements and gave a preliminary indication that development expectations on some land may not be realised.

The landowners were informed that Council was seeking to compensate affected landowners through the process of a Developer Contributions Plan to purchase valuable habitat areas, similar to North Boambee Valley Contributions Plan.

Landowners were shown Council's vegetation mapping of valuable vegetation in the Moonee area. Some landowners disputed the mapping of their land as having valuable vegetation. Staff offered to meet with landowners on site to determine whether or not the mapping was accurate.

On the 2 June 2003, site inspections were arranged with four landowners in the Moonee Release Area. The owner of the land the subject of this report was contacted, but advised he could not attend a site visit on the 2 June. He advised the earliest he would be available was 12 June. An inspection was organised for 12 June.

During the site inspection of land to the north on the 2 June, a distant view of the subject land indicated some burning of timber on the land and some clearing activity. As a result, a visit to the site was conducted on 5 June to ensure clearing was not contrary to the TPO. This visit revealed extensive clearing and underscrubbing. Evidence was gathered including an interview with the earthmoving contractor and photos. A subsequent meeting with one of the company directors, that owns the land, occurred on 6 June.

cont'd

Ped52 Illegal Vegetation Clearing And Landform Modification, Moonee (cont'd)

Related Policy:

Council is due to lift the moratorium on the Northern Beaches in the near future. The current surge in land values and development rate may cause many similar pre-emptive clearing actions to avoid environmental legislation.

Council needs to send a clear message to landowners that such pre-emptive clearing will not be tolerated. While landowners can be fined for breaches of the TPO, these fines are minimal compared to the perceived increase in land value resulting from clearing.

Summary:

Council has collected substantial evidence and believes a case for a breach of the TPO could be proved. The landowner was advised that the vegetation was mapped as being significant, and given the opportunity for Council's officers to inspect the vegetation, to verify the value of vegetation.

There may also be a breach in relation to the acid sulfate soils provisions of LEP 2000. Council's solicitor has provided preliminary advice and is still considering advice on this matter.

Recommendation:

- 1. That legal action be taken against the owner of Lot 7, DP 252223 for a breach or breaches of Coffs Harbour City Local Environmental Plan 2000, as advised by Council's solicitor.**
- 2. That Council adopt the following approach:**
 - (a) In release areas, seek to raise developer contributions for purchase of land for conservation where feasible, so that landowners are not disadvantaged for having protected valuable vegetation and habitat.**
 - (b) Where landowners clear land prior to lodging an application for development, as a means to avoid environmental protection legislation, assessment be based on the environmental values prior to the illegal clearing.**

Purpose:

To endorse the actions taken by the Koala Management Advisory Committee.

Description of Item:

The Koala Management Advisory Committee meets monthly to implement actions under the Koala Plan of Management. The Committee has endorsed a six-part Action Plan for 2003. The actions are shown in the table attached to the Minutes.

Issues:

- **Action 1 – Fine Scale Mapping of Koala Habitat**

The mapping of native vegetation for the whole Coffs Harbour City Council areas was undertaken in 1996. Due to the size of the area, only native vegetation of more than 0.5 ha was mapped. In the urban/urban fringe areas, koala habitat areas of less than 0.5 ha may be immensely important to koalas. This action proposes to provide accurate mapping of these small remnants and improve the accuracy of the 1995 vegetation mapping, in identified priority areas.

This study will be undertaken in house, with casual staff with necessary expertise. The cost of casual staff, data collection, field visits, report and map production is expected to be about \$10,000.

The Environmental Levy program 2002/2003 provided \$20,000 to implementation of Koala Plan of Management, including public awareness programs, tree propagation, enhancement of habitat, management of habitat areas and investigation of ecotourism opportunities. It is proposed to allocate \$5,000 from the existing Environmental Levy allocation to carry out the fine scale mapping as a priority action for koala management.

- **Action 2 – National Parks and Wildlife Service (NPWS) Koala Recovery Plan Submission**

The NPWS has produced a Koala Recovery Plan under the Threatened Species Management Plan. It is proposed to prepare a Council submission for Council to endorse at its 17 July 2003 meeting.

- **Action 3 – Priority Areas for Revegetation**

The Committee is identifying key koala habitat linkages in the urban areas, to enable a program for replanting to be undertaken, subject to funding. It is proposed to prepare a program to engage community groups, and schools, in the program. The process will need to include Council's City Parks Branch in determining suitable areas and implementation of works.

cont'd

Ped53 Koala Management Advisory Committee - Minutes Of Meeting, 2 June 2003 (cont'd)

- **Action 4 – Brochure**

The Committee has compiled an education brochure. Environment Levy funding has been allocated to printing and distribution of the brochure.

The Committee has previously distributed the brochure with The Advocate, however, do not believe inserts in The Advocate are an effective means of education. The Committee would prefer to insert the brochure with the next rate notice mail out. Council practice has been to limit enclosures with the rate notice. The Committee requests that Council endorse the koala brochure being inserted in the rates notice mail out.

- **Action 5 – Seed Collection and Propagation**

Council has Environment Levy funds for ongoing seed collection of koala food trees and propagation at Council's nursery. This program is to continue and to be expanded to include Forest Red Gum, Swamp Mahogany, Forest Oak and Broad Leaved Paperbark.

- **Action 6 – Review Hogbin Drive Extension Environmental Impact Statement**

The Committee was concerned at the possibility of the approved Hogbin Drive extension across Coffs Creek not being consistent with the subsequently adopted Koala Plan of Management. The Committee is to review the EIS and may identify some recommendations for mitigating measures to be considered when the road is constructed.

Other Departments' Comments:

- **Corporate Services Department**

The inclusion of the koala brochure with the rate notices is **not** recommended. Brochures, letters, etc. which are not related to the rate issue, have not been included in the past for a number of reasons, which include:

- There will be a duplication of brochures to business and private owners.
- People who rent accommodation will not receive the brochure.
- External owners of residences and businesses will receive the brochure.
- It is preferred that only rate related information be forwarded with rate notices so that ratepayers focus on the rate notice and its payment schedule.

Recommendation:

1. **That the Minutes of the Koala Management Advisory Committee of 2 June 2003, attached to the report, be noted.**
2. **That Council approve the variation of funding within the Environmental Levy program 2002/2003 of \$5,000 from Implementation of Koala Plan of Management to Fine Scale Mapping of Koala Habitat.**

Rick Bennell
Acting Director
Planning Environment and Development

Attachments:



**MINUTES OF MEETING OF THE
KOALA MANAGEMENT ADVISORY COMMITTEE
MONDAY, 2 JUNE 2003**

PRESENT: Councillor Pam Howe, Coffs Harbour City Council
Mr Tony Blue, Coffs Harbour City Council
Mr Mark Graham, Coffs Harbour City Council
Ms Michelle Whackett, WIREFS
Mr Rod McKelvey
Ms Nicky Owner, National Parks and Wildlife Service

APOLOGIES: Mr Dennis Murray
Mr Chris Moon

1. CONFIRMATION OF MINUTES -- 5 MAY 2003

The Minutes of the Koala Management Advisory Committee meeting of 3 May 2003 were confirmed as a true and correct record of proceedings.

2. BUSINESS ARISING

(a) Island View Close

Tony Blue advised that Council has had no response from DSNR through telephone contact. Council has subsequently written to DSNR, but has received no reply to date.

(b) Fire Scale Mapping

• **Funding** -- it was agreed that \$5000 be allocated to this project from the Koala Environmental Levy funds available, subject to appropriate variation to the original project approved for funding from Environmental Levy. Mark Graham advised that this process would be followed. He also advised that the funding was not to pay for his time, as he was employed through other sources. The funding would pay for Peter Knocks time, who is a casual employee, and also for "consumables" such as report production, maps etc. Mark advised he would provide a more precise breakdown of costs.

• **Potential Mapping Areas** -- Michelle Whackett provided the following three areas as priorities, and agreed to provide a written documentation of the methodology for selection of these.

1. Korora: Diggers Beach Road to Pine Brush Creek
2. Coffs Creek: Promenade to Botanic Gardens, former hospital site, Howard Drive
3. Mackays Road: Shepherds Lane to Bruxner Park?

Mark Graham to table a map of the areas at the next meeting.

(c) Road Sign -- Hogbin Drive near CHEC Roundabout

Tony Blue confirmed the sign had been changed to the preferred type.

(d) Brochure

- After some discussion, agreed that it should be sent with rate notices, and not with the Advocate as the Committee believed many people did not read the inserts in the Advocate.
- That a quote be obtained to print 30,000 or 40,000 brochures, and that following approval of a "proof" copy by Rod McKelvey, Tony organise printing of brochures to go with the next rate notices.
- Tony to investigate placing a notice on the reverse side of Council envelopes to maximise community knowledge of koalas.
- Tony to check World Environment Day advertising and City Roundabout.

3. GENERAL BUSINESS

- (a) Pam Howe requested that the minutes be reported to Council similar to the other Committees, to improve communication on the activities of the Committee.

(b) NPWS Koala Recovery Plan Submission

It was agreed that Mark Graham and Chris Moon prepare a submission, and provide it to the next meeting for endorsement, and then report to Council for it to be Council's submission on the Recovery Plan.

Mark Graham asked for input from the Committee. It was agreed that a supportive submission be made, that it be noted that Coffs Council had led the way in Koala Plans of Management preparation and could provide support to other Council's from its experience; that Action 7.1 "appointment of a Koala Recovery Plan Co-ordinator" was an action on which Council would like to be kept informed; that Action 1.2 "identify koala strong holds for active management and approach by key stakeholders" was particularly supported and that Council should identify these from its knowledge, inform NPWS and pursue a cooperative approach; Mark invited all committee members to provide input to him or Chris before the next meeting for inclusion in the submission.

(c) Priority Areas for Revegetation

- Seed collection and propagation was preliminary step in this action. See (d) below.
- Mark Graham, Michelle Whachett and Chris Moon to identify areas for the next meeting.
- Process to be developed utilising schools and Landcare to ensure community ownership and contribution to revegetation.
- Pam Howe to make informal contact with Coffs Primary Principal, and Rod McKelvey to make informal contact with Friends of Coffs Creek.

(d) Seed Collection and Propagation

- Need to collect seeds for Forest Red Gums and Swamp Mahogany, as priority, then target all other koala habitat tree seeds, not yet collected.
- Ensure propagation keeps up with demand, especially Tallowood.

(e) Hogbin Drive Extension EIS Review

Rod McKelvey raised issue with the problem of historical approvals being acted upon that are contrary to the Koala PoM. It was agreed to initially review the Hogbin Drive Extension EIS, to identify any improvements to its construction or additional mitigation measures to reflect current koala management requirements. Other projects may then be reviewed if this proves useful.

(f) **Koala Action Plan 2003**

Tony Blue tabled an Action Plan, to set out a timetable of all the actions discussed by the Committee. This was to be updated at each meeting, to provide a focus for the Committee's efforts (copy attached to minutes).

(d) **Review of Koala PoM**

Tony Blue to investigate appropriate process to be followed.

4. DATE OF NEXT MEETING

Monday, 7 July 2003 at 4.15 pm in Committee Room 2.

Pam Howe suggested the Committee consider bimonthly meetings in the future ~ no change at this stage.

Meeting closed at approximately 6.00pm

Koala Action Plan 2003

Action 1	Timing
Fine Scale Mapping of Koala Habitat	
Brief Prepared and Endorsed by Committee	Jun-03
Funding Sources Agreed	Jun-03
Commission Study	Jun-03
Progress reports	Jul, Aug 03
Final Report/Map	Sep-03
Identify Recommendations	Oct-03
Implement Actions	Nov-03
Action 2	
NPWS Koala Recovery Plan Submission	
Committee Review	Jun-03
Submission Prepared and Endorsed by Committee	Jul-03
Submit to NPWS	Jul-03
Action 3	
Priority Areas for revegetation	
Committee Identifies and Endorses priority List	Jul-03
Process for engaging community identified	Jul-03
Program of works prepared and costed	Aug-03
Stakeholders Responsibilities identified and agreed	Aug-03
Funding Sources Identified (EL Applications etc)	Sep-03
Funding Secured	Mar-04
Implement Program of Works	Jul-04
Action 4	
Brochure	
Brochures Printed	Jun-03
Brochures Distributed	Jul-03
Action 5	
Seed Collection and Propagation	
Collection of Forest Red Gum and Swamp Mahogany seed	from Sep 03
Collection of other koala feed tree seed (forest oak, broad leaved paperbark)	when seeding
Propagation of koala food trees	ongoing
Action 6	
Review Hogbin Drive Extension EIS	
Review Koala considerations of EIS	Jul-03
Identify any recommendations for mitigation measures	Aug-03
Investigate possibilities for implementing recommendations	Sep-03

CORPORATE SERVICES DEPARTMENT REPORT

F35 BUDGET FOR 2003/2004 - FORMAT REQUIRED BY ACCOUNTING CODES

Purpose:

To meet requirements in the Local Government Accounting Codes in respect of budgets.

Description of Item:

The Code of Accounting Practice Update No. 11 of May 2003 included the following:

11.1.1. Councils must prepare on an annual basis, a detailed statement of income and expenditure (budget) on an accrual basis presented to council on both a type/item and function/activity basis before commencement of the new financial year (1 July).

11.1.2. A summary of the detailed budget format per policy 11.1.1 above, must also be prepared in type format which is consistent with that shown in the statement of financial performance; and also in activity format consistent with that shown in Note 2a. A copy of both summary forms must be forwarded to the Department of Local Government by no later than 4 weeks after commencement of the financial year.

Attached is the budget for 2003/2004, in both "type" and "function" formats to meet the requirements of the Code.

The two budgets bear little comparison to Council's draft budget although they are based on it. The format required is in accordance with the Statement of Financial Performance and Note 2a of the consolidated annual financial reports. The differences include:

1. They are prepared on a consolidated basis, ie, the General, Water and Sewerage operations are combined.
2. Capital expenditure is not included.
3. Depreciation is included. Depreciation is included in the adopted budget at function level but eliminated by restricted equity transfer, ie, it has no effect.
4. Loan borrowings are not included.
5. Principal repaid on loans is not included.
6. Internal transactions between operations are eliminated.

Statutory Requirements:

The State Government requirements have been listed previously in the report. It should be noted that there is a requirement to adopt the required budgets "before" commencement of the new financial year.

Variations between the actual results and the budgets are required to be reported to Council at the meeting when the financial reports are considered.

cont'd

F35 Budget For 2003/2004 - Format Required By Accounting Codes (cont'd)

Recommendation:

That the two 2003/2004 budgets, prepared in Type and Function format and in accordance with the Statement of Financial Performance and Note 2a of the annual financial reports, be adopted, subject to any variations made when the Management Plan is adopted.

**Kyme Lavelle
Director of Corporate Services**

COFFS HARBOUR CITY COUNCIL
BUDGET FOR 2003/04 IN NOTE 2a (FUNCTION) FORMAT

Description	Original Budget for 2003/2004		
	Ordinary		
	Revenues	Expenses	Results
	\$,000	\$,000	\$,000
City Image	500	2,517	-2,017
Basic Infrastructure	1,332	9,130	-7,798
Transport	2,108	10,700	-8,592
Environment	7,833	8,438	-603
Rural Lands	1,126	410	716
Cultural & Community Development	1,091	2,837	-1,746
Employment & Investment	1,687	2,542	-855
Supplement Council's Income Base	28,463	2,706	25,757
Water & Sewerage	42,694	17,810	24,884
Organisational Support	146	8,484	-8,338
TOTALS	86,980	65,572	21,408

BUDGETED FOR 2003/04 IN STATEMENT OF FINANCIAL PERFORMANCE (TYPE) FORMAT

Description	Budget 2003/04
	\$,000
EXPENSES FROM ORDINARY ACTIVITIES	
Employee Costs	20,417
Materials & Contracts	19,738
Borrowing Costs	6,014
Depreciation & Amortisation	15,749
Other Expenses	3,654
Total Expenses from Ordinary Activities	65,572
REVENUES FROM ORDINARY ACTIVITIES	
Rates & Annual Charges	40,432
User Charges & Fees	11,955
Investment Revenues	4,047
Grants & Contributions - Operating	7,729
Other Revenues	2,484
Revenues from Ordinary Activities before Capital Amounts	66,647
SURPLUS(DEFICIT) FROM ORDINARY OPERATIONS BEFORE CAPITAL AMOUNTS	1,075
Grants & Contributions - Capital	20,333
NET SURPLUS ATTRIBUTABLE TO COUNCIL	21,408