

Minutes for this meeting will be confirmed at the Planning, Environment & Development Committee Meeting to be held in the Council Chambers, Council Administration Building, on 16 October 2003 commencing 5pm.



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
(CITY BUSINESS UNITS COMMITTEE)
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
2 OCTOBER 2003
Commencing at 5.00pm

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COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
(CITY BUSINESS UNITS COMMITTEE)
2 OCTOBER 2003

Mayor and Councillors

NOTICE OF MOTION

USE OF BIODIESEL FUEL IN NATIONAL TRANSPORT FLEETS

Cr Bill Wood has given notice of his intention to move at the Ordinary meeting of Council on 2 October 2003:

"That Council write to the Local Member, Mr Luke Hartsuyker MP, and the Federal Minister for Transport, Regional Services and Deputy Prime Minister, requesting his urgent attention and intercession to have the Federal Government facilitate the production and distribution of BIODIESEL for the use of transport fleets nationally.

The benefits to the nation-wide health of citizens, the environment and the economic welfare of the country demand early action to introduce this renewable, sustainable energy source to replace imported petroleum diesel."

Copies of the letter to: the Federal Minister for Health, Presidents of NSW Local Government Association, the Australia Local Government Association and the NSW Minister for Infrastructure Planning and Natural Resources.

Biodeisel can be produced from various natural resources including palm oil, soybean oil, canola, corn oil, sunflower oil, olive oil and lard.

Biodiiesel dramatically reduces greenhouse gas emissions, unburned hydrocarbons, carbon dioxide, carbon monoxide and sulphur compounds. With a flash point of 150°C, compared to petroleum diesel 77°C, biodiesel is safer and may be mixed with or directly substituted for petroleum diesel.

General Manager's comment:

Impediments to the wider use of biodiesel in Australia have been the lack of a recognised standard, quality controls, and incentives. There have been issues such as potential voiding of new car warranties, and lack of reliable supplies.

cont'd

Use of Biodiesel Fuel in National Transport Fleets (cont'd)

In March 2003, the Minister for the Environment and Heritage, the Hon Dr David Kemp MP released a discussion paper on setting an Australian fuel quality standard for biodiesel entitled "Standard for Fuel Parameters (Biodiesel)". The development of a fuel quality standard will promote biodiesel quality in the market place, certainty for the biodiesel industry and consumer confidence in the product.

This paper sets out the Commonwealth's currently preferred position on:

- a proposed Australian biodiesel fuel quality standard;
- biodiesel blends; and
- biodiesel labelling provisions.

The objective of this paper was to seek stakeholder comment on the Commonwealth's currently preferred position prior to setting the standard in legislation. This position paper also briefly details the links between the standard setting process and Government budget announcements.

Written comments were requested on the Commonwealth position paper were invited and closed on Friday, 15 August 2003, with the aim of implementing the measures contained in the late 2003. These measures should accelerate the entry of biodiesel into the Australian market.

In May 2003 the Minister for the Environment and Heritage, the Hon Dr David Kemp MP and the Treasurer, the Hon Peter Costello MP announced a package of Budget measures to support the production and use of biofuels, including subsidies, adjustment of excise rates, and inclusion of biodiesel under the on-roads grants under the Energy Grants Credit Scheme.

Several Councils are currently trialling biodiesel. The City of Onkaparinga in South Australian has converted a garbage truck to run on biodiesel. Camden Council is conducting comparative emissions testing on two Council operated garbage trucks using petro-diesel and 100% biodiesel. Newcastle City Council has been testing B20, a 20% blend of biodiesel with petroleum distillate, in a small Mitsubishi truck. Results from tests undertaken by Maitland Diesel Service (MDS) indicated a 33% reduction in carbon monoxide emissions and a 26% reduction in black smoke plus a 2% increase in road speed.

Newcastle City Council, Biodiesel Industries Australia (BIA) and MDS are undertaking a second phase of evaluation using a turbo-diesel VW Kombi van. This series of trials will establish the most efficient biodiesel blend in terms of power, economy and emissions reductions. Testing of the VW Kombi is being undertaken at MDS in partnership with the Commonwealth Government's Australian Greenhouse Office and the CSIRO's Energy Technology Division.

There are clear environmental benefits in using biodiesel, and as such this is a renewable non fossil fuel alternative which Council should seriously consider when reliable quality supplies become available.

NOTICE OF MOTION

COMPENSATION FOR LOCAL GOVERNMENT TOWARDS FUNDING TOURISM

Cr Bill Wood has given notice of his intention to move at the Ordinary meeting of Council to be held on 2 October 2003:

"That Council write to the Local Member, Mr Luke Hartsuyer MP and the Federal Minister for Small Business and Tourism, requesting:

He direct the Tourism Business Development Group, in developing The Ten Year Plan for tourism, to address the issue of providing compensatory funding for Local Government to enable their continuing support of tourism while facilitating the enhancement and maintenance of those natural assets that are the quintessence of tourism. Notwithstanding the many benefits of tourism there is an unrecouped cost to local government in providing facilities, parks, gardens, beach patrols, many services and infrastructure capacities beyond the needs of local communities in providing for tourists.

This contrasts with the various taxes which provide both State and Federal Governments with revenue directly sourced from tourists."

Copies of the letter to: Presidents of the NSW Local Government Association, the Australian Local Government Association and the NSW Minister for Tourism.

This is a national issue that concerns communities from Alice Springs to Zeehan.

General Manager's comment:

Council acknowledges the assistance provided by the Commonwealth via the Regional Tourism Program over the last three years, ie \$45,000 for the Coffs Coast website, \$75,000 for Legends Surf Museum and \$83,000 for a Co-operative winter campaign (via See Australia). However, given that Local Government is increasingly being held accountable for a number of generic services to the local community and visitors alike, that the three tiers of government examine ways to more equitably share the cost responsibility for delivery including those such as beach cleaning and surf life saving patrols. That this be incorporated for consideration into the Commonwealth Government's soon to be released 10 Year Plan for Tourism.

CITY BUSINESS UNITS DEPARTMENT REPORTS

E61 SALE OF SURPLUS COUNCIL LAND - LAGOONA CLOSE, KORORA

Purpose:

The purpose of this report is to obtain approval for the sale and disposal of part of an old Council Reserve to an adjoining owner.

Description of Item:

The Council owned property known as Lot 7 DP 227918 and Lot 13 DP 255636 at Korora was the subject of a report which went to Council on 23 November 2000 (Disposal of Surplus Open Space Land). Council resolved at this meeting to proceed with the disposal of the land in a process which involved consulting firstly with the adjoining owners and, if this was unsuccessful, putting the property to public auction.

Council resolved on 13 December 2001 to dispose of a large section of land in this locality to five separate owners who all adjoined the reserve. The settlement of these sales has not been completed to date, but is expected to be finalised shortly.

Recently, further negotiations have resulted in agreement to dispose of a further section of this reserve to the owner of Lot 32 DP 1017284 which adjoins. The land to be disposed of comprises an area of approximately 562.9 square metres and is shown more clearly on the plan attached to this report.

The proposed transfer will occur via boundary adjustment and will proceed on the following agreed terms:

1. Purchase price of \$22,000 inclusive of GST.
2. Each party being responsible for their own legal conveyancing expenses.
3. Council being responsible for all costs associated with the preparation and registration of a linen plan allowing for the required boundary adjustment.
4. Creation of appropriate easements for storm water over the land being sold.
5. The area of land being subject to survey.

The disposal process for this land has been a long and involved one with much community consultation and has been reported to Council on a number of occasions.

The relevant reports include the following:

1. Planning, Environment and Development Report No 76, Draft Local Environmental Plan 1988 (Amendment No 50), Surplus Open Space - 11 June 1998.
2. Economic and Community Enterprises report No 212, Reclassification of Council Land - 22 October 1998.

cont'd

E61 Sale of Surplus Council Land - Lagoona Close, Korora (cont'd)

3. Planning, Environment and Development No 25, Coffs Harbour City Draft Local Environmental Plan (LEP) 1988 - 18 April 1999.

The land to be disposed of is vacant and is zoned 7(a) Environmental Protection Habitat and Catchment.

The boundary adjustment required for this transaction to proceed will require Development Approval.

Sustainability Assessment:

- **Environment**

There will be no impact upon the land as this matter will only involve a change of ownership. The 7(a) zoning will remain in place and will not be altered.

- **Social**

The boundary adjustment will have minimal social impacts.

- **Economic**

The disposal of this land will save Council funds in regard to the maintenance of this land in the future. Council has previously resolved that the net proceeds from the sale of the land will be used to upgrade the Sandy Beach Drive Reserve at Korora. There will be no impact on the current budget.

Issues:

Council has already decided that negotiations with the adjoining owners should be entered into for the sale of the land at its meeting of 23 November 2000.

The main issue to be decided is that the agreement on price for the disposal is fair and reasonable.

Council's Valuer has negotiated the sale of the land and considers the price fair and reasonable, given the physical constraints of the land and its 7(a) zoning.

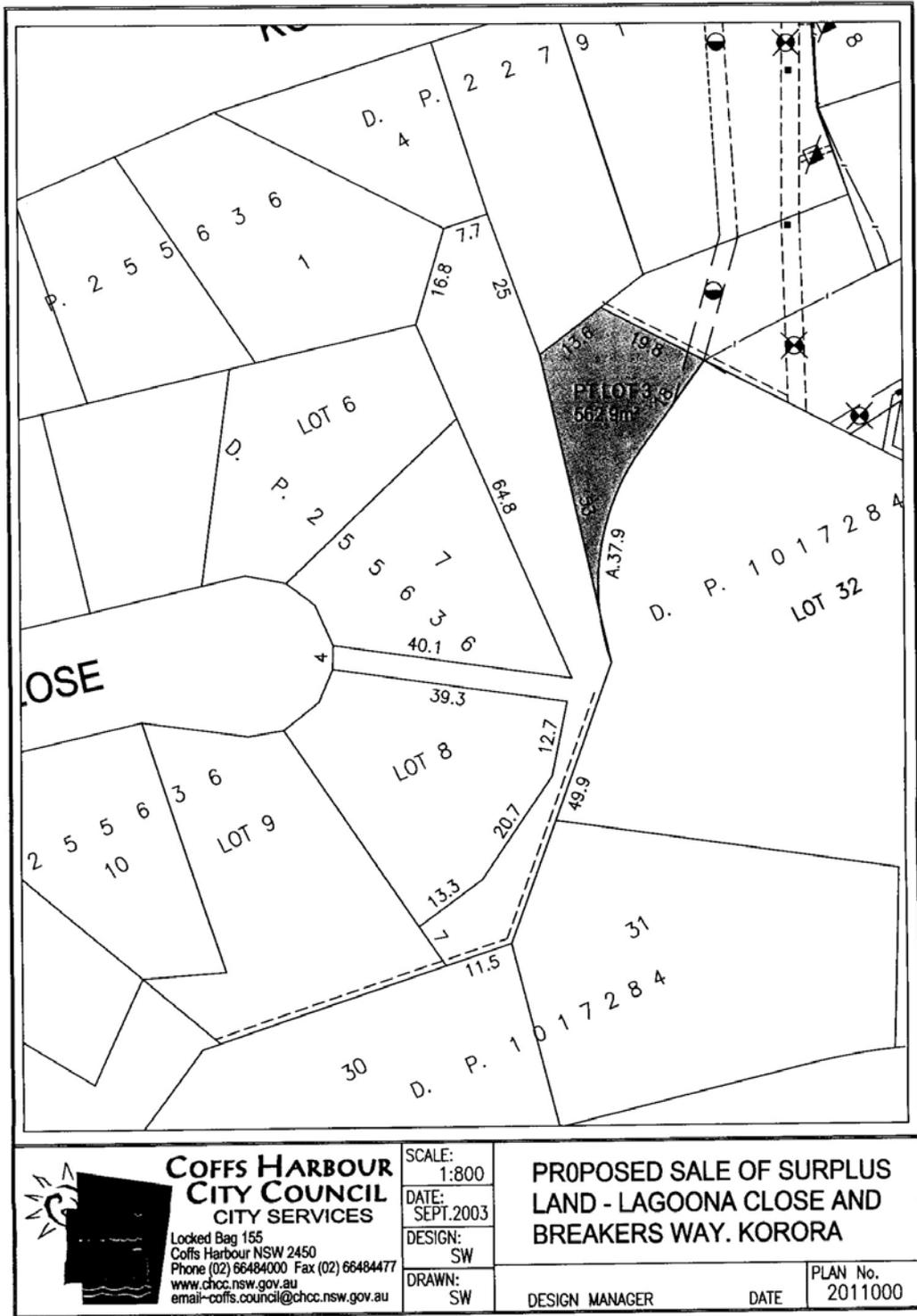
Implementation Date / Priority:

The matter will be actioned immediately.

Recommendation:

1. **That the land shown in the plan attached to this report be sold to the owner of Lot 32 DP 1017284 which adjoins on the terms set out within the body of this report.**
2. **That all necessary documents be executed under the Common Seal of Council.**

Attachments:



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SCALE:
1:800
DATE:
SEPT.2003
DESIGN:
SW
DRAWN:
SW

**PROPOSED SALE OF SURPLUS
LAND - LAGOONA CLOSE AND
BREAKERS WAY. KORORA**

DESIGN MANAGER DATE

PLAN No.
2011000

E62 NSW DEPARTMENT OF SPORT AND RECREATION - CAPITAL ASSISTANCE PROGRAM

Purpose:

To report on and seek Council's endorsement of the priority of submissions for applications for grant funds from the 2003/2004 NSW Department of Sport and Recreation Capital Assistance Program.

Description of Item:

Recently the NSW Department of Sport and Recreation sent to Council copies of the 2003/2004 Capital Assistance Program application forms. Notice of this funding opportunity had previously been advertised in local newspapers. Application forms and program guidelines were available for collection at the reception counter in Council's Administration Building. Applications were due no later than 15 August 2003.

The grants are available to assist Local Government Authorities and "not for profit" sporting and recreational organisations to develop community orientated local sporting and recreational facilities. Applicant bodies must be able to demonstrate they are able to contribute a minimum of 50% of the total cost of the project.

In recent years the statewide average successful grant through this program has been less than \$10,000. The Coffs Harbour region has been reasonably successful in recent years for funding allocated under the program.

Sustainability Assessment:

- **Environment**

Environmental considerations are minor. Installation of lighting will have some impact on the immediate locality, but would be out weighed by the community benefit.

- **Social**

Social impacts are positive as the proposed improvements will increase the usability and safety of the various sporting facilities.

- **Economic**

No funding is provided by Council nor does Council guarantee the sporting bodies 50% contribution.

Consultation:

Application forms are, in the first instance, required to be sent to the northern region office for the NSW Department of Sport and Recreation.

cont'd

E62 NSW Department of Sport and Recreation - Capital Assistance Program (cont'd)

After an initial cull the northern region office sends to Council copies of all the applications sent from the Coffs Harbour local government area which were considered to be eligible under the program's criteria. These numbered 9 in total. The Department of Sport and Recreation requested Council to prioritise the proposed funding projects and answer a series of generic questions on each application. A summary of the 9 applications are priority listed on the attached schedule.

The applications were referred to the COFFSAC Advisory Committee for comment and recommendations.

A meeting of the committee and Council's sports unit representatives was called and careful consideration was given to the order of priority based on the needs and importance of each project. The local State Member of Parliament will also be asked to comment on the applications.

The Department of Sport and Recreation will take the assessments from Local Government and the local State Member of Parliament into consideration, together with the outcomes of their own assessments.

Issues:

Council needs to determine the priority of the applications. It is recommended that Council adopt the recommendation of COFFSAC and endorse the attached list.

An announcement of the funding round is anticipated to be made by late December 2003.

Recommendation:

That Council approve the following priority listing for applications to the 2003/2004 Capital Assistance Program and the applications be forwarded to the NSW Department of Sport and Recreation for consideration:

- 1. Orara Valley Soccer Club – Installation of 4 poles and 8 lights.**
- 2. Dodgers Baseball & Sawtell Cricket Clubs – Baseball & training cricket nets.**
- 3. Woolgoolga Bluesox Baseball Club – Protective fencing.**
- 4. Coffs Harbour Amateur Swimming Club – Starting blocks.**
- 5. Woolgoolga United Soccer Club – Installation of flood lighting.**
- 6. Coffs Harbour Little Athletics – Upgrading of fields to major event standard.**
- 7. Woolgoolga Croquet Club – Installation of automatic watering system.**
- 8. Englands Park Tennis Club – Synthetic grass on 2 existing courts.**
- 9. Coffs Harbour Clay Target Club – Upgrade & improvement of field & game clay target.**

Attachments:

**NSW DEPARTMENT OF SPORT AND RECREATION
2003/2004 CAPITAL ASSISTANCE PROGRAM**

COFFSAC Recommended Priority List of Applications

Priority	Applicant	Project	Total Cost	Grant Requested
1	Orara Valley Soccer Club	Installation of 4 poles & 8 lights	\$29,711	\$8,255
2	Dodgers Baseball & Sawtell Cricket Clubs	Baseball & cricket training nets	\$17,158	\$4,000
3	Woolgoolga Bluesox Baseball Club	Construction of safety fence	\$3,080	\$1,400
4	Coffs Harbour Amateur Swimming Club	Starting blocks	\$13,310	\$6,050
5	Woolgoolga United Soccer Club	Floodlighting	\$19,070	\$8,665
6	Coffs Harbour Little Athletics	Upgrading of fields	\$17,123	\$7,700
7	Woolgoolga Croquet Club	Automatic watering system	\$9,392	\$4,269
8	Englands Park Tennis Club	Synthetic grass on 2 existing courts	\$36,960	\$9,000
9	Coffs Harbour Clay Target Club	Upgrade & improvement of field & game clay target facility	\$43,340	\$21,057

E63 DAMAGE BY VANDALS TO COUNCIL CONTROLLED PROPERTY

Purpose:

To advise Council on a review of its reward policy in respect of members of the public reporting graffiti and vandalism attacks on Council controlled property

Description of Item:

Council considered a report concerning the cost of damage by vandals to community property at its meeting held on 5 June 2003.

Following consideration of that report, Council resolved as follows –

- 1. That Council notes the information in this report concerning the cost of damage by vandals to community property.*
- 2. That incidents of vandal and graffiti attacks on Council and community property be reported to the local police.*
- 3. That Council continues to pursue installation of vandal resistant fittings and equipment, and paint with anti-graffiti surface coatings, where considered necessary to combat incidents of attack and reduce long-term maintenance and repair costs.*
- 4. That Council raises community awareness of its reward policy concerning acts of vandalism in respect of Council controlled property.*
- 5. That a report be submitted to Council on amendments to the by-laws and the possibility of a substantial increase in the reward to be offered pursuant to Council's vandalism policy.*

As a result of Council's decision, additional research has been undertaken in respect of the vandalism and graffiti problems faced by the community, with a view to reviewing the present Policy.

Sustainability Assessment:**• Environment**

The impacts of damage by vandals, as well as graffiti attacks, can be very broad and far-reaching within the community. The visual environment and amenity of the area suffers an immediate and obvious adverse impact, while the repair/remediation of the damage caused results in the use of staff resources, as well as materials and energy for repair works, which are in addition to normal maintenance requirements.

Damage by vandals may also affect habitat and nature areas, and items/areas of historical significance. Such damage can result in significant (and in many cases financially immeasurable) losses to the community.

Any solution which will result in a reduction in vandal and graffiti activity, and thus save in the waste of resources in corrective/repair action, results in a positive step toward preservation of the environment.

cont'd

E63 Damage by Vandals to Council Controlled Property (cont'd)

- **Social**

In addition to the above, damage by vandals results in adverse social impacts on the local community. Damage to amenities buildings and public toilets can expose the users of the facilities to health risks, as well as create potential hazards and injury risks for community members, and an associated public liability exposure for Council.

- **Economic**

Damage by vandals to community property results in costs that are in addition to normal maintenance and repair expenditure. As such, this impacts directly on Council's annual Management Plan/Budget. Each dollar of budget allocation that is directed to the repair of damage by vandals to community property is a demand on already limited financial resources. This then adversely impacts on the services and facilities that Council is able to provide for the community.

Various options are available to Council to try and combat vandal and graffiti attacks on community property, however such options usually require an increase in funding in the short term to achieve greater cost savings over the longer term.

Consultation:

In addition to internal liaison with various Council branches, information has been sought and obtained through the medium of the Internet. Information has been obtained which relates to various local government bodies both within and outside of New South Wales, as well as a meeting with the local Coffs Harbour Police community liaison officer.

Related Policy and / or Precedents:

Council's concerns regarding damage by vandals to community property has been ongoing over many years. There is an existing Policy in Council's "Property Management - Associated Policies" that states the following -

Council adopt as a policy the payment of a reward up to a maximum of \$300 to any person who supplies information which leads to the conviction of any person who committed an act of vandalism in respect of Council controlled property.

Issues:

As noted in the previous report in June, although damage caused by vandals is a concern within Council and the community, there does not appear to have been any instance where the reward has been paid out under Council's policy. To a large extent this relates to the times and places where vandals carry out their acts of wanton destruction. Such activities usually occur at times when the general public is not likely to be at the particular facility; or at night (under cover of darkness); or in places where they (vandals) will find seclusion and be hidden from public view.

It is noted that most acts of vandal and graffiti damage tend to result in repair bills, which fall below the insurance excess level of \$2,000. As such these repairs and graffiti removal expenditures result in a direct cost against Council's operating budgets. In those instances where the vandal damage results in repair costs well above the insurance excess level, and can be claimed against Council's insurance policy, there is still a resultant longer term effect of ever increasing insurance premium costs.

cont'd

E63 Damage By Vandals To Council Controlled Property (cont'd)

Further, activities by vandals require Council to implement additional (and costly) steps to combat the problem. This results in the diversion of resources, which would otherwise be spent in improving existing facilities/services or providing new ones for the community.

Such additional costs to Council involve, as examples, the installation of sophisticated security systems and monitoring equipment, implementation of, or increases in, security checks and patrols, upgrading of facilities by installation of vandal resistant fittings and fixtures, as well as painting facilities with anti-graffiti coatings. Vandal resistant equipment, fittings and coatings are expensive; however by helping to reduce the initial up-front costs related to vandal damage, there will ultimately be cost savings for Council.

In researching the subject of vandalism and graffiti damage to community/public property it is apparent that it is a major problem, not only in Australia, but also throughout the western world. Extensive studies and research have been carried out into the subject, with both Federal and State Government bodies being involved at varying times. One particular report, titled "Preventing Graffiti and Vandalism" (published in 1990) was prepared by the Australian Institute of Criminology. Although over ten years old, its conclusions and recommendations are still as relevant today, as when it was written.

This report discusses criminological theories on vandalism and the problems created by graffiti and vandalism. It describes planning, management, architectural and design strategies for minimizing vandalism and graffiti on public transport, in public places, in and around public telephones, in schools and in public housing. It is an extensive study that takes reference not only from the Australian experience but also from the United States of America, United Kingdom and New Zealand.

Although research indicates no guaranteed solution to the graffiti/vandalism situation in our present society, there are various suggestions and proposals relating to methods to employ, and steps to take, in order to combat the problem. A few of the numerous tips for minimizing vandalism in public places are listed below –

- Initial planning and design to incorporate design factors which minimise the opportunities for vandalism and graffiti. Architects and builders need to be aware of the use to which buildings will be put and ensure materials and fixtures will be strong enough and appropriate to the use of the buildings.
- Management practices such as constant maintenance and quick repair. Damage attracts more damage, so vandalised property should be repaired as quickly as possible, and graffiti removed before it attracts imitators.
- Wherever economically feasible, vandal proof materials should be used – such as, surfaces which resist paint or are easy to clean, unbreakable glass and plastics, durable fixtures with no removable parts, stainless steel toilet pans to replace the more easily smashed porcelain type, vandal resistant light fittings.
- Education programs - Imaginative campaigns in schools can help children and teenagers realise the consequences of vandalism and graffiti and discourage them from such activities.
- Community responsibility – Promoting a sense of responsibility and ownership in the whole community for the services and facilities, which belong to everyone.
- Increased surveillance through professional security patrols or guards, or by closed circuit television, in more heavily vandalised areas.
- Target hardening – stronger locks and frames on doors and windows.

cont'd

E63 Damage by Vandals to Council Controlled Property (cont'd)

In addition to the above, it is noted that the Minister for Local Government launched a "Crime Prevention Resource Manual for Local Councils" in 1998. This document covers such areas as the role of local government in crime prevention, setting up crime prevention committees, developing a local crime prevention plan, successful crime prevention strategies, education and promotion about local crime prevention, resources available, and examples of crime problems and strategies to address them.

Although broadly relating to crime prevention throughout the community in general, there are obviously specific references to the crimes of vandalism and graffiti damage, as well.

The suggestions/recommendations, outlined in this manual, for minimizing vandal damage to community property generally tend to reiterate the same types of steps as previously referred to in the Australian Institute of Criminology report.

A Department of Local Government Survey of Councils in 2001 revealed responding Councils' implementation of strategies to reduce graffiti and/or vandalism as including such steps as (number of Councils shown in brackets):

- arts programs (eg murals, legal walls) (23);
- rewards for information identifying offenders (8);
- rapid removal of graffiti (8);
- anti-graffiti paint/protective coatings on public buildings/council property (6);
- private security /council ranger patrols (4);
- community service order scheme (3);
- neighbourhood improvement/beautification programs (2);
- public facilities locked at night, eg toilets (2);
- CCTV (2);
- improved lighting (2);
- youth conferencing (not indicated).

Council's resolution of 5 June 2003, requests consideration of the possibility of a substantial increase in the reward to be offered pursuant to Council's vandalism policy.

An assessment of information obtained during research on this topic would appear to indicate that the offer of a reward, particularly a large reward, has not been adopted by many Councils. It was noted that where rewards form part of a Council's policy, the amount offered appeared to vary widely, with a range of around \$200 up to, in one noted instance, as high as \$5,000.

Consultation with the local Coffs Harbour Police, would appear to confirm that the offer of a reward is not regarded as a method that provides great assistance in overcoming the problem. This being mainly due to the way in which individuals who carry out these attacks operate (ie when and where the opportunity for witnesses is minimized or absent). Reference was also made to the "culture" surrounding the persons who carry out these types of activities (ie, you don't 'dob' in your mates).

It was also noted that if people are of the nature to report an incident if they see an act of vandalism or graffiti being committed, then that person will report the incident whether a reward is offered or not.

cont'd

E63 Damage by Vandals to Council Controlled Property (cont'd)

Advice given by the local police mainly referred to the need for minimizing the opportunity for attack, as well as the use of vandal resistant fittings, surface coatings, etc. In addition, immediate action needs to be taken to repair vandal damage and to remove graffiti, as damage left un-repaired and graffiti not removed only serves to attract further attack incidents.

Although most Council's do not appear to offer a reward, it was noted that many attempt to combat the problem through public awareness and education, in association with promoting contact via a "hotline", which results in Council taking immediate action to organize repair of and damage or removal of graffiti. This is in addition to pursuing the previously indicated minimization processes.

As a result of this review it is noted that Council has implemented, and will continue to implement, aspects of recommendations made in the documents mentioned in this report. It is also considered appropriate that Council continue its reward policy, with the amount of the reward being increased to the sum of \$750.

Implementation Date / Priority:

Implementation immediately following Council's decision in the matter.

Recommendation:

- 1. That Council amend its policy regarding damage by vandals to, and graffiti attacks on, community property as follows –**
 - **The payment of a reward up to a maximum of \$750 to any person who supplies information which leads to the conviction of any person who committed an act of vandalism in respect of Council controlled property.**
 - **The planning and design of Council owned and controlled buildings, structures and facilities to take into consideration design features, materials and equipment and fittings to reduce and minimize potential damage from vandal and graffiti attacks.**
 - **Council continue to pursue installation of vandal resistant fittings and equipment, and paint with anti-graffiti surface coatings, where considered economically viable and necessary to combat incidents of attack and reduce long-term maintenance and repair costs for existing Council owned and controlled property.**
 - **Incidents of vandal and graffiti attacks on Council and community property be reported to the local police.**
 - **Action be taken within 48 hours following the reporting of vandal damage to, or graffiti attack on, Council owned or controlled property, to have the damage repaired or the graffiti removed.**
- 2. That Council raise community awareness of its reward policy concerning acts of vandalism in respect of Council controlled property, including highlighting a designated contact number for the community to report vandal and graffiti incidents.**

Purpose:

Advising Council of the present position concerning proposed extensions to the Coffs Harbour Surf Life Saving Club and seeking Council approval, as corporate manager of the Coffs Coast State Park Trust, for relinquishment of part of Reserve 63966 for Public Recreation and Resting Place.

Description of Item:

The existing CHSLSC clubhouse is situated on a parcel of land that is separate (for leasing purposes) from the balance of Park Beach Reserve (being Reserve 63966 for Public Recreation and Resting Place). The club holds this site (Lot 496) under a direct leasing arrangement (Sp.L.1977/2) with the Department of Land and Water Conservation. The lease agreement is for a term of 40 years, entered into on 1 June 1980 and expiring on 31 May 2020.

A deck and storage area on the northern end of the existing clubhouse is actually located on part of Park Beach Reserve. The club holds this small site under a separate lease arrangement with the Coffs Coast State Park Trust for which Council is the appointed Corporate Manager. This lease is for 20 years from 1 June 1993, expiring on 31 May 2013.

The CHSLSC has proposed extensions to the club premises, which include a "Training Centre" that is located at first floor level above Council's existing amenities building adjacent to the clubhouse. The attached plan indicates existing buildings, existing lease site from DLAWC and approximate proposed new lease area.

Reports concerning the proposed extensions to the club premises have previously been considered by Council at its meetings on 22 February 2001 and 14 February 2002.

The report presented to Council on 14 February 2002 was based on a proposal that had been negotiated between Council, the Surf Club and representatives from the then Department of Land and Water Conservation. This proposal was basically as follows –

- Council, as corporate manager of the Coffs Coast State Park Trust, agree to relinquish that part of Reserve 63966 for Public Recreation and Resting Place adjacent to the existing Surf Life Saving Club premises, being that area required to enable creation of a new reserve for Community and Sporting Club Facilities over the whole area to be occupied by the new enlarged club building.
- Council, as corporate manager of the Coffs Coast State Park Trust, agree to accept trusteeship of the new reserve for Community and Sporting Club Facilities.
- Council, as corporate manager of the Coffs Coast State Park Trust, subject to creation of this new reserve and gazettal of Coffs Coast State Park Trust as the relevant trustee, grant a lease to Coffs Harbour Surf Life Saving Club Properties Pty Limited for a term of 21 years upon various conditions negotiated with the Club.

cont'd

E64 Coffs Harbour Surf Life Saving Club - Proposed Extensions (cont'd)

- As the proposed lease area would incorporate the existing public toilets and Council's Life Guard office and storage area, the lease arrangement included provision for Council to be responsible for ongoing cleaning and operating costs, as well as maintenance and repair costs, for the existing amenity building. Provision would also be made for Council's Lifeguard to have shared use (with the Surf Life Saving Club) of the Club's observation area.

Council granted its approval to the proposal and action subsequently followed to enable implementation as soon as possible.

However, although the Grafton office of the Department commenced the process with respect to relinquishment of part of Reserve 63966 and creation of the proposed new reserve to cover the enlarged Surf Club premises, the process ran into problems when it was referred to the main office in Sydney for ministerial approval.

Advice received from the Department in early 2003 stated that -

"Prior to the establishment of the new reserve it is a requirement under section 91 of the Crown Lands Act 1989, to either assess the land or obtain the Minister's approval to the waiving of the land assessment requirement.

A report was submitted requesting the waiving of the requirement for assessment of the land and advice has now been received that the request has been refused due to the fact that that the proposal is considered inconsistent with NSW Government Policy regarding licensing of surf clubs."

The letter went on to suggest that to enable the proposed development to proceed the Surf Club should commence negotiation with Council regarding the granting of a lease to the Club for the surf club extensions. Further, the advice from the Department also noted –

"...to comply with the NSW Government Policy regarding licensing of surf clubs, the proposed new lease must contain a condition which prohibits the liquor licensing of the club extensions."

Coffs Harbour Surf Life Saving Club is a fully licensed premises. To develop the club premises as proposed, so as to gain the most beneficial layout for the Club and the community, it would have been almost impossible, without major additional cost burdens, to proceed on the basis being required by the Department. In addition, to have premises which were partly fully licensed and partly prohibited, would in the opinion of the Surf Club committee create management imposts and responsibilities which they considered not appropriate to management and operation of the facility.

In view of this situation the Club made various representations to Council, the Minister, the Director General of the Department and the Local Member of Parliament. In addition a meeting was also held at local level between Council staff representatives, a senior government policy advisor, Surf Club representatives and the Club's legal representative, Mr Peter Wardman.

As a result, correspondence has subsequently been received from the Club's solicitor, Mr Peter Wardman, advising of the information received from the Department of Lands, and of the Club's desire to apply for the lease directly from the Department. A copy of a letter from the Department to the Surf Club includes advice as follows -

cont'd

E64 Coffs Harbour Surf Life Saving Club - Proposed Extensions (cont'd)

“The department has determined that the most appropriate action to facilitate this proposed extension is for the proposed extension and existing premises to be both incorporated into the one lease agreement from the department.”

I also note that Council has received correspondence directly from the Department of Lands, which advises –

“.....the Director-General for the Department of Lands has approved the following course of administrative action in order to allow the Club extensions to proceed:

*In principle support to the expansion of the registered Club operations; and
This in principle support being granted on the basis that the additional land required to accommodate the proposed expansion be revoked from Reserve 63966 for Public Recreation and Resting Place and incorporated into one new lease for the whole premises. This new lease to be granted by the State of New South Wales.*

In order to allow this matter to progress, the department seeks the formal concurrence of Coffs Harbour City Council, as Corporate Manager of the Coffs Coast State Park Reserve Trust, to the revocation of about 1,027 square metres adjoining Lot 496 in DP40469.....”

Sustainability Assessment:

- **Environment**

The proposed expansion of the Club's premises is considered to have minimal impact on the environment. The main Club premises already exist in this location and the expansion is aimed at providing an updated and refurbished building, with low impact deck areas, new entrance, as well as a new training area constructed over the top of existing public amenities.

The proposed extensions have been the subject of assessment under the normal development application process.

- **Social**

The proposal will result in a much improved facility providing a refurbished club premises, incorporating a large training room area, which will benefit club members, as well as being available for hire by the community. In addition, better function room facilities will also be provided for the benefit of club members, and also for use (via hiring) by the community.

The proposal will provide refurbished and upgraded public amenities for the community, particularly local and tourist visitors to Park Beach.

- **Economic**

The proposal involves expenditure by the Coffs Harbour Surf Club in providing expanded premises for its members and the community. Part of the refurbishment proposal related to the upgrade of the public amenities does involve a financial contribution by Council. However, this contribution is being funded via an allocation previously agreed to come from the caravan park budget. As such, the proposal should have no major impact on Council's Management Plan.

cont'd

E64 Coffs Harbour Surf Life Saving Club - Proposed Extensions (cont'd)

In addition, the lease over part of Reserve 63966 for the existing storage and deck area on the northern side of the building will be replaced by the direct lease to be granted by the Department. Rental for this lease is minimal in nature and the income loss to the Coffs Coast State Park Trust will not impact on the budget.

Council responsibilities concerning the ongoing operation and maintenance of the amenities section of the building do not change from previously agreed commitments and therefore should not result in any adverse impacts for Council and the Reserve Trust.

Issues:

The background details and issues are as previously indicated in this report.

Council has previously agreed to relinquish that section of Crown Reserve 63966 adjacent to the Coffs Harbour Surf Life Saving Club, and its subsequent inclusion in a new reserve to be created to enable the Club's expansion proposal to proceed. Under this original proposal, Council would have been appointed corporate manager of the new reserve area incorporating the expanded Club premises. Council would then have leased the newly created reserve to the Surf Life Saving Club.

Due to Government policy requirements, the proposal can no longer proceed as originally agreed. However, an alternative course of action has been put forward by the Department of Lands. This still involves relinquishment of part of Crown Reserve 63966, and the addition of that revoked area into a new lease arrangement to be entered into directly between the Club and the Department of Lands. Council will no longer be involved in the leasing aspects of this new arrangement.

The Club has indicated in discussions that it does not wish to see the general provisions concerning responsibilities for operation and maintenance of the public amenities, as well as use of the office and storage area by Council's Lifeguard, being changed from previous agreement. Therefore, under this revised proposal it will be necessary for Council to advise the Department of Lands of its specific requirements concerning the continuing use of, and responsibility for maintenance and repair of, the public amenity building and Lifeguard area.

This aspect has also been discussed with a representative of the Department of Lands and any requirements that Council considers necessary to protect the public's interests can be incorporated into the lease agreement to be entered into between the Department and the Club.

In view of the above, it is recommended that Council formally agree to the revised proposal as submitted by the Department of Lands. Additional provisions will need to be advised to the Department for inclusion in any lease agreement with the Club so as to ensure protection of Council's interests and to delineate responsibilities in respect of the ongoing operation and maintenance of the existing amenities building.

Implementation Date / Priority:

Immediate action will be taken following Council's decision in the matter.

cont'd

Recommendation:

- 1. That Council, as Corporate Manager of the Coffs Coast State Park Trust, agree to relinquish that part of Reserve 63966 for Public Recreation and Resting Place adjacent to the existing Surf Life Saving Club premises and being required to enable a lease to be entered into between the Department of Lands and the Coffs Harbour Surf Life Saving Club for the whole area to be occupied by the new enlarged club building.**
- 2. That relinquishment of the required section of Reserve 63966 for Public Recreation and Resting Place is subject to the inclusion of specific provisions within the lease agreement to be entered into between the Coffs Harbour Surf Life Saving Club and the Department of Lands relating to the existing amenities building, and being generally as follows –**
 - a. Lessee is to ensure that the existing amenity building is to continue to be available as a public facility for use by the community.**
 - b. Lessee is to ensure that no damage is caused to the existing amenity building and to be responsible for costs of any repairs for damage caused by construction of its proposed extension.**
 - c. Council is to be responsible for ongoing cleaning and operating costs, as well as maintenance and repair costs, for the existing amenity building.**
 - d. Lessee is to make the new first floor training room area available for hire (for appropriate meeting purposes) by responsible members of the community at a hire fee commensurate with charges applicable to similar meeting room facilities within the Coffs Harbour Local Government area.**
 - e. Council's Lifeguard officers retaining continued use, free of any rent or use fee, of the office and storage area within the existing amenity building.**
 - f. Council's Lifeguard officers being granted shared use, free of any charge, for the observation area within the Club's premises.**
- 3. That any necessary documents related to relinquishment of section of Reserve 63966 for Public Recreation and Resting Place adjacent to the Coffs Harbour Surf Life Saving Club's existing premises be executed under the Common Seal of Council.**

E65 PUBLIC SWIMMING POOLS - PUBLIC LIABILITY INSURANCE AND INCREASED OPERATING COSTS

Purpose:

Advising Council of increased operating costs for Council's three public swimming pools at Coffs Harbour, Sawtell and Woolgoolga, and seeking additional interim funding pending a more detailed re-assessment during the 2004/2005 Management Plan process.

Description of Item:

Council's public swimming pools at Coffs Harbour (8 lane x 50 metre pool), Sawtell and Woolgoolga (5 lane x 25 metre pools) are operated under leasing arrangements by separate, independent lessees. These lease agreements were renewed in July 1997 for terms of ten years plus ten year options. Rental for each pool is nominal, and at commencement of the leases the agreed operating subsidies to be paid to the lessees were \$45,000 per annum for the Coffs Harbour pool and \$30,000 per annum for the Sawtell and Woolgoolga pools.

It is noted that the above lease renewals followed on from previous 5 year leases, which contained lessee subsidy payments of the same amounts.

The lessees have managed to successfully operate the swimming pools during the period of these leases without recourse to additional subsidy payments from Council, except for the last two years. During this same period they have also managed to make various improvements to the facilities, including new learn-to-swim pools at each of the three pools.

In addition, Council has continued to provide support in the form of new chair lifts and amenity facilities for people with disabilities, as well as certain maintenance expenditures.

However, increasing operating costs arising from steep rises in public liability insurance cover, as well as changes in health, Occupational Health and Safety and duty of care requirements have resulted in large cost imposts on the pool lessees. Unless these issues are addressed by increasing the subsidy payments, then there is a danger of the pools becoming management and financial burdens for each of Council's pool lessees.

Sustainability Assessment:

- **Environment**

As this report relates to increased operating funds for each of Council's public swimming pools there is no physical change to the facilities and thus it is considered there is no notable environmental impact to be reported.

- **Social**

The public swimming pools provide structured swimming facilities for the community, which form part of the broad spectrum of sports and recreational infrastructure considered 'normal' or 'standard' for a city the size of Coffs Harbour.

cont'd

E65 Public Swimming Pools - Public Liability Insurance and Increased Operating Costs (cont'd)

They provide a safe and supervised, still-water swimming environment, and they are heavily utilised by local schools for swimming carnivals and competition events. In addition they each have local swimming clubs involved with the facilities, providing for lap swimming and training for community members. Each pool lessee also uses the facilities to provide water awareness and learn-to-swim classes for the local community.

In addition to the above, each pool provides employment within the community, not only for the pool lessees, but also for the additional staff required to ensure the safe operation of the facilities.

- **Economic**

In order for the pool lessees to continue to operate and maintain public swimming pools that comply with statutory provisions, as well as provide safe swimming facilities for community members, it is important that Council support the lessees with additional funding at this time. Failure to do so may result in untenable management and operational pressures being placed upon the lessees, leading to outcomes that would not be in the interests of all concerned, ie Council, the lessees and the community.

The payment of an additional subsidy amount to each of the public pool lessees will have a resultant impact on Council's Management Plan. However, failure to provide additional financial assistance at this time could result in financial difficulties for the lessees. If any of the lessees should find themselves in a position of not being able to continue operating their pool facility, then the role would fall upon Council and this would result in a much greater financial impact on the Management Plan, as well as a far greater administrative and management burden as well.

Consultation:

Review and consideration of the current financial situation affecting each of Council's swimming pool lessees has been undertaken in liaison with the lessees, as well as Council's Corporate Services Department which believes that the increases are warranted.

The Sports Unit Manager has advised that the current operations of swimming pools is being reviewed as a part of the Sports Unit Strategic Plan, with recommendations for reassessment for the 2004/05 season.

Issues:

In reviewing this matter, it is noted that the pool lessees have received the same level of subsidy (Coffs Harbour - \$45,000; Sawtell - \$30,000; Woolgoolga - \$30,000) for approximately 10 years, without any increase or change in that amount, not even a CPI increase during that period.

As a result of dramatic increases in their public liability insurance costs in 2002, the pool lessees made submissions to Council for additional subsidy payments to help in covering these insurance costs. Council's 2002-2003 Management Plan increased to subsidy payments to \$51,000 – Coffs Harbour; \$32,000 – Sawtell; and \$36,000 – Woolgoolga.

As a result of anticipated further increases in insurance costs for the 2003/2004 year, additional subsidy amounts were allocated in Council's 2003-2004 Management Plan. These allocations were \$52,000 – Coffs Harbour; \$35,000 – Sawtell; and \$37,000 – Woolgoolga.

cont'd

E65 Public Swimming Pools - Public Liability Insurance and Increased Operating Costs (cont'd)

However, the pool lessees have advised that they are not only being affected by increasing public liability insurance costs, but also by other factors related to Occupational Health and Safety, health standards and public safety issues which are beyond their control. Issues raised by the lessees as having adverse impacts on their financial viability are –

- **Public Liability Insurance:** Dramatic increases over the last five years, with a virtual doubling of the premium at the renewal in September 2002. The Woolgoolga lessee, Scott Hunt, has advised that his public liability insurance premium has risen from approximately \$750 up to \$10,500 over the last five years. The insurance costs for the other two pools have also increased in a similar manner.
- **Chlorine:** The Department of Local Government and the NSW Department of Health increased the minimum chlorine levels in public swimming pools from 0.2ppm to 3.00ppm. This has resulted in substantial increases in pool chemical costs.
- **Wages:** The Department of Local Government, NSW Health department and Royal Life Saving Society recommend a minimum of two trained staff at any given time. Also, for every 100 patrons there should be an additional lifeguard on the pool deck. This is three times the number of staff that was required for the same number of patrons when the lease arrangements commenced in 1992.
- **Duty of Care:** The duty of care obligations that were not evident ten years ago are now very prominent. As a result of this civil/legal accountability the pool lessees are now forced to employ more staff and implement other measures that are financially draining on their resources.
- **Occupational Health and Safety Act and Regulations:** These have been changed, with greater emphasis on risk analysis, risk reduction and consultation processes. This has also impacted on supervision and staffing levels, and also on the enhancement of safety issues and procedures at the pools.

Whereas the lessees could operate the swimming pools as a 'husband and wife' business, with back-up casual staff, back in 1992, it is not possible to do so under current management requirements. This has resulted in greater financial burdens being placed on the lessees.

Audited financial statements provided to Council by the lessees highlight the tight budget situation under which the facilities are currently operating, as well as the income level they achieve for themselves each year. This information is considered sufficient to support the recommended increases in subsidy payments to each pool lessee.

The pool lessees are now commencing operations for the 2003/2004 swimming season. Public liability insurance policies are renewed each year at the end of September. Council's insurance broker has assisted the lessees in obtaining insurance cover in previous years, however due to company policy this changed for the current year. Finding a suitable insurer is extremely difficult in the present insurance climate, and premiums have also increased further.

Information provided by the lessees indicates differing amounts for each pool facility, dependent upon the facilities situated at each swimming pool and the insurer's assessment of the relative risks involved. At the time of writing this report the indicated insurance premiums and associated costs (eg stamp duty and brokerage fees) will range from approximately \$8,500 up to \$15,000 for Coffs Harbour pool.

cont'd

E65 Public Swimming Pools - Public Liability Insurance and Increased Operating Costs (cont'd)

To ensure continuing, viable pool facilities for the community, as well as providing a reasonable return for the lessees' management and operation of the public swimming pools, it is recommended that Council increase the subsidy payments for each pool facility in line with the following –

<u>Pool</u>	<u>Present Subsidy</u>	<u>Increased Subsidy</u>	<u>Extra Cost</u>
Coffs Harbour	\$52,000 pa	\$57,000	\$ 5,000
Sawtell	\$35,000 pa	\$43,000	\$ 8,000
Woolgoolga	\$37,000 pa	\$45,000	<u>\$ 8,000</u>
		Total Extra Cost =	\$21,000

The additional subsidy will have to be funded from savings within existing budgets.

Implementation Date / Priority:

Immediate action would be taken to implement Council's decision in the matter.

Recommendation:

1. **That as a result of increasing public liability insurance costs, as well as increasing management and operating costs being encountered by Council's public swimming pool lessees at Coffs Harbour, Sawtell and Woolgoolga, Council agrees to increase the operating subsidy paid to each of the swimming pool lessees in line with the following-**

<u>Pool</u>	<u>Present Subsidy</u>	<u>Increased Subsidy</u>	<u>Extra Cost</u>
Coffs Harbour	\$52,000 pa	\$57,000	\$ 5,000
Sawtell	\$35,000 pa	\$43,000	\$ 8,000
Woolgoolga	\$37,000 pa	\$45,000	<u>\$ 8,000</u>
		Total Extra Cost =	\$21,000

2. **That the additional cost be funded from savings to be made within existing budgets.**

P C Littler
Director of City Business Units

PLANNING ENVIRONMENT AND DEVELOPMENT DEPARTMENT REPORT

**PED76 DEVELOPMENT PROPOSAL (DEVELOPMENT APPLICATION 398-11-2002)
COMPRISING 60 UNITS, ASSOCIATED CAR PARKING AND RECREATION
FACILITY, BAY DRIVE, COFFS HARBOUR: AMENDED PROPOSAL**

Purpose:

Council considered a report on this tourist proposal in March 2003. The tourist proposal has been amended and this report describes the new development proposal.

The application is for State Significant Development and the Minister, Department of Infrastructure, Planning and Natural Resources (DIPNR) is the consent authority.

This report recommends that the amended proposal be supported and that Council forward to the Minister recommended technical conditions to accompany the development consent where determined by the Minister.

Description of Item:

This application for a tourist development was reported to Council for consideration on 20 March 2003 (see attached report).

The original development proposed 60 self-contained apartments in three blocks. Each block contained three levels. The development also included a pool area and ancillary facilities.

In response to matters raised by the NSW Rural Fire Service the proposal has been amended.

The amendments propose:

	Current	Original
No. storeys	4 and 5	3
No. units	60	60
No. 1 bed	10	12
No. 2 bed	44	42
No. 3 bed	6	6
No. car parks on site	66	37 (plus 42 off site)
Maintenance Room	90 m ² approx	60 m ² approx
Reception/Conference/ Offices/Staff/Store	350 m ² approx	235 m ² approx

cont'd

PED76 - Development Proposal (Development Application 398-11-2002) Comprising 60 Units, Associated Car Parking and Recreation Facility, Bay Drive, Coffs Harbour: Amended Proposal (cont'd)

The amendments reflect a marginally bigger project:

- more ancillary staff/maintenance areas;
- more on site car spaces;
- more hard surface (roadway and car spaces, fire trail);
- a taller complex;

In total the project will now comprise 10 x one bedroom units, 44 x two bedroom units and 6 x three bedroom units.

Comment:

In general terms, the form of the current proposal is compatible with that of the previous development (same access point, three blocks, pool between the northern and central block). The project is for a taller project – from three storey buildings to four and five storey buildings. Overall, the building's footprint has been reduced. The development now contains a perimeter road (part of this road is a fire trail located along the eastern boundary). All car parking spaces are on the site (66 spaces).

Issues:

- **Residential Tourist Lands Development Control Plan (DCP)**
 - The previous proposal departed from the density and height controls of this DCP.
 - This proposal also departs from these controls.
 - The density is proposed at one tourist unit/210 m². The DCP allowance is one tourist unit /300 m².
 - The DCP height control is 7.5 m to eave. The development's height varies from approximately 7 m to eave on the north elevation of Block A to 13 m to eave on the south elevation of Block B. At no point will the development exceed 14 m to eave on any elevation of the development.
 - The site is contained within a coastal forest to the east, north and west.
 - The development will be partially visible from the south, and Block C will overlook an existing lagoon.
 - The surrounding forest comprises tall native trees: brushboxes, tallwoods, bloodwoods, ironbarks (over 20 m high).
 - The development site is in close proximity to two x eight storey tower blocks on the Pacific Bay site.

Comment: The prescriptive density and height controls specified in the Residential Tourist Lands Development Control Plan (DCP) for the Pacific Bay Resort site should be waived in so far as they apply to this particular project on this part of the tourist site.

cont'd

PED76 - Development Proposal (Development Application 398-11-2002) Comprising 60 Units, Associated Car Parking and Recreation Facility, Bay Drive, Coffs Harbour: Amended Proposal (cont'd)

The intrinsic qualities of this development site comprising the discrete access, perimeter tall native vegetation, southerly slope and aspect, buffers to adjacent development provided by lagoons and pockets of vegetation and the close proximity of the existing eight storey tower blocks clearly support a taller and denser project than that which is specified in the DCP.

The application of generic height and density controls to sites such as the Pacific Bay Resort denies the opportunity for clever and responsive designs. Departure from the prescriptive provisions of the DCP is recommended. The proposal satisfies the objectives of this DCP which include:

- encourage tourism development,
- ensure that the scale and intensity of residential and tourist development is appropriate to the environmental characteristics of the land and locality,
- promote ecologically sustainable development.

• **Biodiversity Management**

- The site is surrounded by vegetation of high significance.
- Under the previous proposal the following trees required removal:
 - 2 x tallowwoods
 - 1 x pine
 - 9 x brushbox
 - 1x banksia
 - 13
- Under this proposal the following trees are proposed for removal:
 - 1 x tallowood
 - 2 x bloodwoods
 - 1 x pine
 - 1 x banksia
 - 3 x ironbarks
 - 7 x brushbox
 - 15
- Under this proposal a number of trees require lopping to satisfy Asset Protection Zone requirements.
- Under this proposal the Bushfire Risk Management Plan requires that all non rainforest species be removed from the (south) western 7A Habitat and Catchment zone. In accordance with this plan emergent sclerophyllous trees in this zone are signalled for removal. These trees include tallowood, brushbox and bloodwood.

Comment: The following recommendations are made in response to biodiversity impacts from the proposal:

1. No sclerophyllous trees (tallowoods, brushboxes and bloodwoods) should be removed from the south western 7A Environmental Protection Zone. This area already satisfies criteria for acceptance as a coastal rainforest and any proposal to clear this rainforest of these species is viewed as a clinical exercise only.

cont'd

PED76 - Development Proposal (Development Application 398-11-2002) Comprising 60 Units, Associated Car Parking and Recreation Facility, Bay Drive, Coffs Harbour: Amended Proposal (cont'd)

Council should support the regeneration of this area as specified in the James Warren & Associates Supplementary Report which requires the removal of exotic and noxious species.

2. A significant ironbark tree (tree 29) is located outside the Asset Protection Zone. Only that portion of this tree that encroaches onto the Asset Protection zone should be judiciously lopped, to satisfy the foliage separation requirement of the Bushfire Risk Management Plan.

Under no circumstances should this tree be removed, as proposed.

3. A significant tallowood (with evidence of current koala use on 16 September 2003), a brushbox and a bloodwood – trees 41, 42 and 43 are located outside the Asset Protection Zone. The canopy of these trees partially overhang the Asset Protection Zone. Only that portion of these trees that encroach onto the Asset Protection Zone should be judiciously lopped, to satisfy the foliage separation requirements of the Bushfire Risk Management Plan.

Under no circumstances should these trees be removed, as proposed.

Sustainability Assessment:

- **Environment**

The tourist facility will be located in a sensitive environment and has the potential to impact on flora, fauna and natural drainage systems. The amended design is responsive to these constraints and it is proposed to condition the consent to address environmental controls, particularly biodiversity and stormwater management.

- **Social**

The tourist facility will have no adverse social impacts on the locality.

- **Economic**

The tourist development will have positive economic outcomes for the City from the construction to operational phase of the project. The development will complement the existing tourist resort, and contribute to the tourism industry by increasing the range of available accommodation.

Process:

The Minister, DIPNR, is the determining authority for this application.

Council should indicate its view on this application.

cont'd

PED76 - Development Proposal (Development Application 398-11-2002) Comprising 60 Units, Associated Car Parking and Recreation Facility, Bay Drive, Coffs Harbour: Amended Proposal (cont'd)

Council has already considered this development proposal, albeit for a slightly smaller project (less tall).

DIPNR state in its amended application referral letter that *“generally, the scale and use of the proposal remains very similar, there have however been changes to building layouts and footprints to take into account the asset protection zones required by the Rural Fire Service”*.

Recommendation:

- 1. That the Minister, Department of Infrastructure, Planning and Natural Resources, be advised that Council raises no objections to the amended plans for Development Application (Development Application No. 398-11-2002), Bay Drive, Coffs Harbour for a tourist facility comprising 60 units, associated car parking and recreation facilities.**
- 2. That Council forward to the Minister, Department of Infrastructure, Planning and Natural Resources, recommended technical conditions to accompany the development consent where determined by the Minister.**

Gina Vereker
Director of Planning Environment and Development

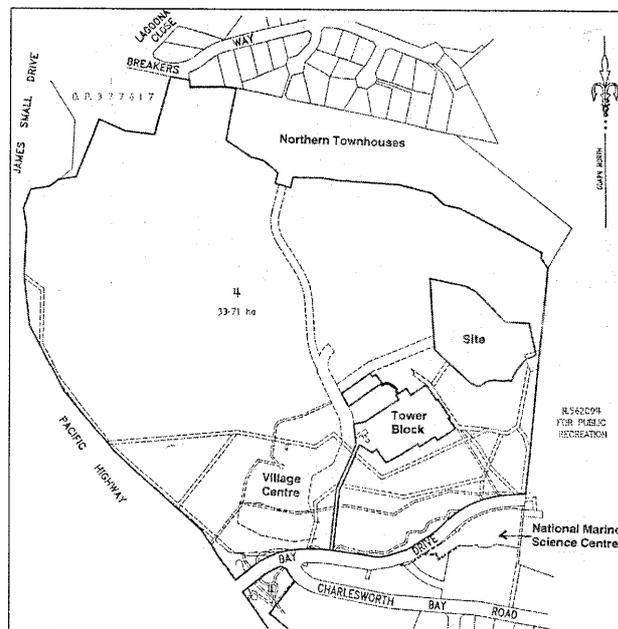
Attachments:

PED19 PLANNINGNSW DEVELOPMENT PROPOSAL (DEVELOPMENT APPLICATION 398-11-2002) COMPRISING 60 UNITS, ASSOCIATED CAR PARKING AND RECREATION FACILITY, BAY DRIVE, COFFS HARBOUR

Purpose:

This tourist proposal is to be developed at the Pacific Bay Resort.

This development proposal falls within the ambit of State Environmental Planning Policy (SEPP) 71 - Coastal Protection. The Minister for Planning is the consent authority. The report recommends that Council raise no objections to the proposal subject to certain technical conditions being applied to the Development Consent if granted by the Minister for Planning.



Process:

SEPP 71 - Coastal Protection commenced on 1 November 2002. This policy categorises this proposal as State significant development, consequently the Minister for Planning is the consent authority.

The development application has been publicly advertised and notified (by planningNSW). This agency has liaised with relevant government departments (e.g. Rural Fire Service and Department of Land and Water Conservation).

PlanningNSW has referred the application to Council for comment. On receipt of Council's comments on the proposal and evaluation of the application in accordance with statutory requirements, planningNSW will determine the application.

cont'd

Ped19 PlanningNSW Development Proposal (Development Application 398-11-2002) Comprising 60 Units, Associated Car Parking And Recreation Facility, Bay Drive, Coffs Harbour (cont'd)

Description of Item:

This development site is located at the Pacific Bay Resort and positioned north east of the tower blocks.

Council issued consent to excise this development site from the Pacific Bay Resort in April 2002. The site will be accessed by a right of way, from Bay Drive, over the resort land.

The site is isolated from the resort proper by a substantial vegetation screen. The vegetation also screens the site from the foreshore.

The development comprises 60 self-contained apartments to be accommodated in three blocks. The buildings will be constructed on a cleared section of the site. Each block contains three storeys.

The development also comprises a swimming pool, spa, wading pool, barbecue leisure area and car parking.

Thirty seven car spaces will be located on the development site. Forty two spaces are proposed to be located off the site, and just north of the existing tower blocks. It is proposed to attach these spaces to the development site via an easement, this legal restriction covering access and services in addition to the 42 car parking spaces. The developer proposes that Coffs Harbour City Council be a party to this legal restriction. This arrangement is supported.

The applicant has indicated that the development will not block or impede coastal views from any public area, and states that only filtered glimpses of the development will occur from some points along Bay Drive which is approximately 160 metres to the south of the site.

The project cost is \$11.2 million.

Statutory Requirements:

Responsibility for the statutory assessment of the application lies with planningNSW. Matters for consideration under North Coast Regional Environmental Plan, North Coast Design Guidelines, Coastal Policy, SEPP 71, Coffs Harbour City Local Environmental Plan (LEP) 2000 and Council's Development Control Plans will be evaluated by planningNSW.

The site is zoned 2E Residential/Tourist and 7A Environmental Protection Habitat and Catchment under Council's LEP 2000. The main development is contained in the 2E zone with roads encroaching onto the 7A zone. Under these zones the development is permissible with the consent of the Minister.

Other Departments' Comments:

The application has been reviewed by Council's Parks and Recreation, Engineering and Environmental Services Branches/Department. No objections to the development were raised by these Branches/Department.

cont'd

**Ped19 Planning NSW Development Proposal (Development Application 398-11-2002)
Comprising 60 Units, Associated Car Parking And Recreation Facility, Bay Drive, Coffs
Harbour (cont'd)**

Issues:

- **Residential Tourist Lands DCP**

The development proposal departs from the density and height controls listed in Council's Residential Tourist Lands DCP.

The DCP density control for Charlesworth Bay is one tourist unit / 300 m². The proposed density is approximately one unit / 210 m². The DCP height control for Charlesworth Bay is 7.5 metres to eave. The development has varying height measurements due to topography, however at no point exceeds 14 metres.

The developer has justified variation from the DCP provisions due to the unique position of the site and the design response to the site's characteristics.

Site inspection confirms that the development will not exceed the height of the surrounding vegetation to the east, north and west. The development will not enjoy beach or near ocean views and the development will be screened from the foreshore. The nearest building to the development site is the resort tower blocks which comprise eight levels so in this respect the proposal is not out of scale with surrounding development.

No objection is raised to the proposed height of the development.

Due to the unique site circumstances, the density control set by the DCP is not considered relevant. The development proposal is considered to be site responsive, of a scale and bulk suited to the site's characteristics. The development is contained, by and large, to the cleared part of the site and is positioned below the top of the surrounding tree canopy.

No objection is raised to the proposed density of the development.

- **Biodiversity and Stormwater Management**

Whilst the primary development area is cleared, the surrounding vegetation is sensitive and requires effective management during and post construction. Any consent issued for the tourist development requires the preparation of Biodiversity and Stormwater Management Plans.

- **Consent Authority**

Whilst the Minister for Planning is the consent authority for the application, Council should have "ownership" of the proposal and indicate its view on the development to the Minister.

Sustainability Assessment:

- **Environment**

The tourist facility will be located in a sensitive environment and has the potential to impact on flora, fauna and natural drainage systems. The design is responsive to these constraints and it is proposed to condition the consent to address environmental controls, particularly biodiversity and stormwater management.

cont'd

**Ped19 PlanningNSW Development Proposal (Development Application 398-11-2002)
Comprising 60 Units, Associated Car Parking And Recreation Facility, Bay Drive, Coffs
Harbour (cont'd)**

- **Social**

The tourist facility will have no adverse social impacts on the locality; the development will contribute positively to the tourist industry by improving the range of available accommodation in the City.

- **Economic**

The development will have positive economic impacts from the construction phase to operation of the facility.

Summary:

PlanningNSW is the determining authority for this Development Application. Council has the opportunity to comment on the application and should express an opinion on the proposal to planningNSW. The proposal has been reviewed by Council's technical sections and is supported subject to conditions. Whilst the development will vary from the height and density controls of the Residential Tourist Lands DCP, the design response and the site's attributes support such variation. The 60 unit tourist development has been sensitively designed and will have positive economic benefits for the City.

Recommendation:

1. That the Minister for Planning be advised that Council raises no objections to Development Application (Development Application No. 398-11-2002), Bay Drive, Coffs Harbour for a tourist facility comprising 60 units, associated car parking and recreation facilities.
2. That Council forward to the Minister for Planning recommended technical conditions to accompany the development consent where determined by the Minister.