



COFFS HARBOUR CITY COUNCIL

**ORDINARY MEETING
(PLANNING, ENVIRONMENT AND DEVELOPMENT COMMITTEE)**

**COUNCIL CHAMBER
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR**

**20 NOVEMBER 2003
COMMENCING AT 5.00 P.M.**

Contents

ITEM	DESCRIPTION	PAGE
NOTICE OF MOTION		
	INCREASING VOLUME OF TRAFFIC ON THE PACIFIC HIGHWAY	1
GENERAL MANAGER'S REPORTS		
23	DRAFT 2002/2003 ANNUAL REPORT	2
24	QUARTERLY PERFORMANCE REPORTING FOR QUARTER ENDING 30 SEPTEMBER 2003	4
PLANNING, ENVIRONMENT AND DEVELOPMENT DEPARTMENT REPORTS		
PED81	DEVELOPMENT APPLICATION NO. 1800/03 - MULTI UNIT HOUSING (18 DWELLINGS) - LOTS A, B AND C, DP 364007, EDGAR STREET, COFFS HARBOUR	9
PED82	DEVELOPMENT APPLICATION NO. 54/04 - INTEGRATED COMMUNITY TITLE DEVELOPMENT - LOT 22, DP 270222, 95 JAMES SMALL DRIVE, KORORA AND APPLICATION TO MODIFY DEVELOPMENT CONSENT 116/97	14
PED83	DEVELOPMENT APPLICATION NO. 154/04 - BOUNDARY ALTERATION, DUAL OCCUPANCY AND SUBDIVISION - LOT 24, DP 1001621 AND LOT 3, DP 1012104, BREAKERS WAY, KORORA	18
PED84	DEVELOPMENT APPLICATION NO. 395/04 - BUSINESS PREMISES - LOTS A AND B, DP 366102, 151 AND 153 EDINBURGH STREET, COFFS HARBOUR	22
PED85	ENVIRONMENTAL LEVY PROJECTS REPORT	28
PED86	TREE PRESERVATION ORDER: ADDITIONAL LAND	31

PED87	DRAFT WEST WOOLGOOLGA DEVELOPMENT CONTROL PLAN AND DRAFT WEST WOOLGOOLGA CONTRIBUTIONS PLAN	33
PED88	STATE ENVIRONMENTAL PLANNING POLICY NO. 64 - ADVERTISING AND SIGNAGE	38
PED89	COFFS HARBOUR JETTY MASTERPLAN - PRECINCTS WEST OF THE HARBOUR	41
PED90	DEVELOPMENT POTENTIAL - LOT 1 AND LOT 2, DP 840016, PACIFIC HIGHWAY, EMERALD BEACH	44
PED91	RURAL LANDS STRATEGIC PLAN: ASSESSMENT BY COMMISSIONERS OF INQUIRY, TERMS OF REFERENCE	53
CITY BUSINESS UNITS DEPARTMENT REPORT		
E73	RELOCATION OF ACCESS HANDLE - LOT 2 DP 863703, GUNDAGAI STREET, COFFS HARBOUR	76



COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

(PLANNING, ENVIRONMENT AND DEVELOPMENT COMMITTEE)

20 NOVEMBER 2003

Mayor and Councillors

NOTICE OF MOTION

INCREASING VOLUME OF TRAFFIC ON THE PACIFIC HIGHWAY

Purpose:

Cr Williams as given notice of his intention to move at the Planning Environment and Development Committee meeting on 20 November 2003:

That Council, together with other councils along the coast, lobby the State and Federal Government for an immediate review of the regulations governing the heavy transport industry, including but not limited to occupational health and safety, driver education, use of alternate routes in times of highway blockages caused by the ever increasing volume of traffic on the Pacific Highway.

General Manager's comment

Heavy vehicle road safety is an issue currently being investigated by a number of State and Federal Government agencies. WorkCover, RTA, NRMA and a number of other agencies and government departments would be involved in a review of the heavy transport industry.

A co-ordinated, statewide review of heavy vehicle transport policies and regulations would be desirable, however this would require high level negotiation on the scope and terms of reference of the review.

It is recommended that Council make representations to State and Federal government to instigate a review or publish outcomes of any current reviews being undertaken.

GENERAL MANAGER'S REPORTS

23 DRAFT 2002/2003 ANNUAL REPORT

Purpose:

To provide Council with the recommended Annual Report for the 2002/2003 financial year, and the 2003 State of the Environment Supplementary Report. This report recommends that the Draft 2002/2003 Annual Report, and the 2003 SoE Supplementary Report be adopted. The Supplementary SoE report is distributed with this business paper. A copy of the Annual Report is to be distributed to Councillors prior to the meeting.

Description of Item:

The Annual Report describes Council's achievements for the 2002/2003 financial year and reports on various matters required by legislation. Legislative requirements include, among other things, Annual Financial Report, Performance Report, and Supplementary State of the Environment Report.

Council is obliged to prepare a comprehensive SoE Report for the year after each local government election, and supplementary SoE Reports are required in the intervening years. A comprehensive SoE Report was produced for the period 1 July 1999 to 30 June 2000.

A supplementary SoE Report for the period 1 July 2002 to 30 June 2003 is now submitted to Council for consideration.

The purpose of the supplementary report is to identify new environmental impacts since the last SoE report and to update trends in environmental indicators.

The Annual Report is to be printed as two separate documents: a Summary Report; and a Regulatory Report. Similar to Council's Management Plan, a summary document is prepared for the community and a detailed version is also prepared to comply with legislative requirements.

Consultation:

Council's Corporate Services Department advises that the Statement of Financial Performance for 2002/2003 shows a surplus of \$19.67 million, compared to a net deficit of \$4.826 million in the previous year. The major contributors to the turnaround include:

1. In 2001/2002 there were asset write-downs of \$14.285m (nil in 2002/2003).
2. In 2001/2002 there was \$3.93m write-off in relation to the Regional Supply Scheme (nil in 2002/2003). (Note 1, Item 8.4 of the Financial Report outlines the treatment in 2002/2003).
3. In 2002/2003 capital grants are \$5.496m greater than in 200/2002.

The Statement of Financial Performance does not include capital movements, such as the acquisition of assets.

Appropriate submissions from all Council departments are included in the Draft Annual Report.

cont'd

Sustainability Assessment:

- **Environment**

The environmental issues are addressed throughout the Annual Report and the State of the Environment Summary Report.

- **Social**

Similarly, the Annual Report picks up the community benefit of the works and services undertaken by Council through the year reported.

- **Economic**

There are no economic implications to report, other than the comments of the City Treasurer, included among the other Departments' Comments, above.

Related Policy and / or Precedents:

Council has previously considered and adopted the Annual Report each year prior to distribution.

Statutory Requirements:

Section 428 of the Local Government Act 1993 requires Council to produce an Annual Report by 30 November each year.

Issues:

This year Council recorded many achievements, as outlined in the Draft Annual Report. A total of 161 Performance Measures were identified in Council's 2002/2003 Management Plan, and almost 90 per cent of those objectives were met in the 2002/2003 financial year.

Targets not met for the 2002/2003 financial year were as a result of a number of factors, including delays due to extended studies and consultation, resource constraints, or external influences.

Implementation Date / Priority:

Subject to Council approval, the Annual Report and SoE Report will be printed and distributed accordingly.

Recommendation:

That Council adopts the 2002/2003 Annual Report and the Supplementary State of the Environment Report for the period 1 July 2002 to 30 June 2003.

Purpose:

To report on the achievement of customer service guarantees and performance targets for the July to September 2003 quarter.

Description of Item:

Council's Management Plan contains, among other things, customer service guarantees and performance targets for the year. The quarterly performance report describes the actual performance results as compared to the expected performance results.

A summary of results for each customer service guarantee is provided in Attachment 1 to this report.

A list of significant achievements for the quarter is provided in Attachment 2 to this report.

A summary of actual performance against each performance target is detailed in a separate booklet that is distributed with this business paper.

Sustainability Assessment:

This report monitors Council's performance of strategies as outlined in the 2003/04 Management Plan. An assessment using social, economic, and financial indicators applies to individual strategies and an overall assessment is not required.

Consultation:

Managers from all Council departments have submitted performance reports for objectives that relate to their areas of responsibility. This involved consultation with appropriate staff and capturing data from Council's computer system.

Related Policy and / or Precedents:

Quarterly Performance Reports have been submitted to Council since the implementation of Council's first Management Plan in the 1994/95 Financial year.

Statutory Requirements:

Section 407 of the 1993 Local Government Act requires the General Manager to submit performance reports to Council within two months following the end of each quarter (i.e. July to September, October to December, January to March and April to June). The report is to describe the extent to which performance targets set out in Council's Management Plan have been met during the quarter.

Council's Annual Report is to include a yearly review on the achievement of performance targets set out in Council's Management Plan for that year.

cont'd

24 Quarterly Performance Reporting For Quarter Ending 30 September 2003 (cont'd)

Issues:

There are 50 principal objectives incorporating 246 performance measures identified in Council's 2003/2004 Management Plan. Of the performance measures 7 were not achieved during the quarter. These measures account for 2.8% of the total performance measures. Table 1 lists those measures that were not achieved. Some measures were not achieved as a result of influences beyond the control of Council e.g. Late receipt of ABS Statistics. It is important to note that many performance measures are not yet due for completion yet when looking at the Quarterly Performance Report booklet the majority of measures are on schedule and a number of measures have been completed prior to schedule.

TABLE 1

Original Measure	Revised Measure	Comment
City Image		
Promote and instill Triple Bottom Line Decision making into: - Purchasing due Sept 2003	December 2003	Work has commenced on this project
Basic Infrastructure		
Implement the Coffs Coast Sport and Leisure Park Plan in line with funding	To be determined	No funding is available to implement the plan
Identify and pursue funding sources for the Coffs Coast Sport and Leisure Park	To be determined	Discussions held with Acting Director General, Department of Sport and Recreation
Rural Lands		
Resolution of settlement issues by 31 July 2003	To be determined	A report on this issue will go to the November meeting
Transport		
Pedestrian Access and Mobility Plan schedule of works updated annually and adopted by Council	To be determined	PAMP review has not yet commenced
Employment and Investment		
Encourage new investment to the city, and expansion of existing industries - Employment level - Median income	Next Quarterly report Next Quarterly report	Delayed by the late receipt of ABS data Delayed by the late receipt of ABS data

Comments:

Comparison of Council's customer services guarantees as detailed in attachment 1 to this report show the response time has generally remained at a satisfactory level, significant improvements were made in the response times to Water disruptions and the Grading of Gravel Roads. Performance measures recorded a 97.2% achievement rate, which is an excellent result for the quarter.

cont'd

24 Quarterly Performance Reporting For Quarter Ending 30 September 2003 (cont'd)

Implementation Date / Priority:

Management will continue to monitor the organisation's performance with a view to improving service delivery.

Recommendation:

1. That Council notes the issues surrounding those measures that have not been achieved for the period ending 30 September 2003:

Original Measure	Revised Measure	Comment
City Image		
Promote and instill Triple Bottom Line decision making into: - Purchasing - Due Sept 2003	December 2003	Work has commenced on this project
Rural Lands		
Resolution of settlement issues by 31 July 2003	December 2003	A report on this issue will go to the December meeting

2. That Council note the achievements of customer service guarantees, as outlined in Attachment 1 of the General Manager's Report, for the July to September 2003 quarter.
3. That Council note the organisation's significant achievements, as outlined in Attachment 2 of the General Manager's Report, for the July to September 2003 quarter.
4. That Council note the achievement of performance targets, as outlined in a separate booklet, which is available in the Councillors room, for the July to September 2003 quarter.
5. That Council continues to monitor its performance with a view to improving service delivery.

Mark Ferguson
General Manager

Attachments:**ATTACHMENT 1****CUSTOMER SERVICE GUARANTEES – QUARTERLY COMPARISON**

Guarantee	2003/2004 July/Sept	2002/2003 July/Sept
Inquiry Service		
Respond to verbal enquiries within three working days.	99% (609)	96% (1076)
Ensure waiting time at the customer service counter does not exceed five minutes	100%	100%
Respond to major pollution incidents within one hour.	100% (2)	100% (6)
Investigate 90% of complaints relating to stray dogs and stock within four hours	96% (170)	98% (164)
Attend to 90% of all emergency call outs within one hour of reporting.	100% (3)	100% (5)
Reply to requests for work in public parks within seven days.	99% (143)	98% (290)
90% of all requests for building inspections will be attended to within two days'	100% (125)	100%
All development applications will be processed within 40 days	89% (557)	92% (511)
Seal potholes on local roads within seven days of being reported.	100% (31)	100% (18)
Repair or remove dangerous signs within one day.	92% (12)	100% (13)
Repair defective signs within seven days.	100% (23)	100% (30)
Grade gravel roads at least once per year.	60%	25%
Clear blocked drains causing property damage within one day.	100% (5)	100% (10)
Issue payment certificates within 14 days of receipt of claim from the contractor.	100% (9)	100% (9)
Respond to water supply disruptions within two hours.	100% (33)	84% (43)
Respond to sewer system failures within two hours.	100% (309)	100% (346)

Significant Achievements during the quarter

- University Games were held with over 3,500 participants
- Stage 1 works at Coramba have been completed
- "Have your say" web page developed under the Public comment section of Council's website.
- No closures to the Jetty or the Boat Ramp during the September Quarter.
- University Ruby League Test held between Australia and Great Britain
- 61% of waste is currently being diverted from landfill
- The "Handmade in Coffs Harbour" booklet was launched
- Major conference resorts report outstanding July/August conference bookings.
- The Coffs Coast Brand is achieving excellent marketing results
- Swimming Pool and Games room are near completion at Park Beach Holiday Park
- "Night Cruiser" bus service a success for Coffs Cup Race Day, a joint venture between Council, RTA and the Coffs Harbour Racing Club to discourage drink driving and ensure patrons safety.
- Official opening of the Woolgoolga Community Sports Council Reserve
- Official opening of the Morgans Road Reclaimed Water Reservoir at Sandy Beach
- Coffs Harbour Visitors Information Centre named as the winner for the North Coast Business Excellence Awards in the General Tourism Category for 2003
- Wallaby Captains unite at Coffs Harbour for the direct International Flight out of Coffs Harbour to the Bledisloe Cup in New Zealand
- Coffs Harbour City Council announced as the winner of the Best Local Youth Week Program for 2003 at the annual Local Government Awards Ceremony.
- Regional Water Supply project continues
- Deep Sea release project well underway with significant works completed
- Founder of the Clean up Australia movement Ian Kiernan has congratulated Coffs Harbour City Council on its implementing a state of the art water re-use scheme
- Works continuing on schedule for the refurbishment of the Jetty Theatre
- Jetty Foreshores Materplan project continues
- Work has commenced on the Moonee Creek Estuary Management Plan
- Park Avenue bus zone and taxi rank designs have been completed
- A trial site for rainwater tank usage is being constructed at Boambee Community Centre
- Sunshine Express commenced air transport services between Coffs and Brisbane
- 1st Anniversary of the Commencement of flights into Coffs Harbour by Virgin Blue Airlines
- Council's new website was launched in the quarter delivering a better online service to customers
- Council and the Royal Volunteer Coastal Patrol have entered a leasing arrangement that will allow the use of Beacon Hill as a Marine Search and Rescue Centre that will allow optimum scope for marine surveillance

PLANNING, ENVIRONMENT AND DEVELOPMENT DEPARTMENT REPORTS

PED81 DEVELOPMENT APPLICATION NO. 1800/03 - MULTI UNIT HOUSING (18 DWELLINGS) - LOTS A, B AND C, DP 364007, EDGAR STREET, COFFS HARBOUR

Purpose:

The purpose of this report is to seek Council's approval for the erection of a three storey residential flat building comprising 18 dwellings, with a basement car park, at the corner of Collingwood and Edgar Street, opposite the Jetty Village shopping centre.



Description of Item:

The site is located immediately to the west of the Jetty Village shopping centre, and is bounded by Collingwood and Edgar Streets and Gilbey Lane.

The development is a residential flat building three storeys in height, with a basement car park, and is essentially comprised of two wings, one of which faces Edgar Street and the other Collingwood Street. Two lifts are included within the wing fronting Collingwood Street, and a glassed corridor connects the two wings so as to provide lift access to a number of the dwellings in the Edgar Street wing.

Access to the site is via a driveway located in the north western corner of the site.

A large common landscaped area, which includes a drying yard and barbecue, is to be provided in the south western corner of the development, and a small-enclosed building is proposed to Gilbey Lane for storage of a bulk waste container.

The building is to be constructed of brick, and has gable end roofs (corrugated iron) with other flat sections scattered throughout.

The cost of construction of the development is estimated at \$3.6 million.

cont'd

Ped81 Development Application No. 1800/03 - Multi Unit Housing (18 Dwellings) - Lots A, B And C, Dp 364007, Edgar Street, Coffs Harbour (cont'd)

Sustainability Assessment:

- **Environment**

The site is located within an urban area and therefore will have little impact upon the natural environment. In terms of the built environment, the building is considered of an appropriate size and design for its location, and will provide an appropriate transition from the Jetty Village shopping centre to residential development along Collingwood Street.

- **Social**

The development will provide additional housing within the area and, importantly, maximises densities. It will have no adverse social impacts, and will increase safety within the neighbourhood simply by providing for more persons to be resident in it.

- **Economic**

The development may provide short-term employment within the area for local trades during construction, with the possibility of ongoing employment through such activities as cleaning and landscaping maintenance.

Statutory Requirements:

- **Section 79C Evaluation**

Section 79C of the Environmental Planning and Assessment Act 1979 sets out the matters to be considered in the determination of a development application (DA). The consideration of matters is limited in so far as they must be of relevance to the development being considered. A report setting out the consideration of the development in terms of section 79C is attached to DA No. 1800/03, and will be tabled at the Council meeting. The development does propose the variation of a number of controls under the Medium-High Density Housing Development Control Plan (DCP), and these are detailed below.

- **Medium-High Density Housing DCP**

- **Density**

The development proposes 18 dwellings, which, by virtue of their size, require a total of 1980 m². The site is only 1804.6 m² in area.

cont'd

Ped81 Development Application No. 1800/03 - Multi Unit Housing (18 Dwellings) - Lots A, B And C, Dp 364007, Edgar Street, Coffs Harbour (cont'd)

The DCP controls the density of development according to the size of proposed dwellings. Generally speaking, a site will accommodate a greater number of small dwellings than a development proposing very large dwellings. The DCP provides four categories for classifying a dwelling in terms of size. The dwellings proposed range in size from approximately 91 m² to 121 m², with an average size of 106 m². The DCP provides that a site area of 110 m² is required for dwellings with sizes between 85-125 m², and this is how the required 1980 m² is calculated. These provisions are broad in nature, as the development could, for instance, provide the same number of dwellings but with an average size of 124 m², and so still be included within the 85-125 m² dwelling size category. Given that there will be no adverse impacts as a result of the development exceeding the density provision, and that the objectives of the DCP will be met, the variation is considered acceptable.

- Setbacks

The application of setbacks to the site are complicated by its unusual location; it fronts three roads. In practice, the site has two front setbacks (Collingwood and Edgar Streets), a side boundary to the western neighbour, and a rear boundary to Gilbey Lane.

The development encroaches into the front setbacks set by the DCP for the ground, first and second storey. The encroachments to Collingwood Street involve the balconies of the ground and first storey, while the balconies and building at the second storey encroach into the setback. To the Edgar Street frontage, it is the balcony and roof, which encroach.

The front boundary encroachments are considered acceptable given that the road reserves for both these streets are particularly wide, and the encroachments mostly involve balconies, which are open structures. The development in these locations still displays an element of stepping back from the property boundaries as they increase in height, fulfilling the aim of the setback requirements; and, the proximity of the building to the corner of Collingwood and Edgar Street provides for the better definition of this corner.

Along the side (western) boundary, a portion of the second storey encroaches, while all floors along the rear (Gilbey Lane) setback are encroached. These encroachments are considered acceptable, given that the length of building provided to these boundaries is small in length, leaving the south western portion of the site undeveloped. This provides the adjoining property with a view corridor to the south east, across the site.

cont'd

Ped81 Development Application No. 1800/03 - Multi Unit Housing (18 Dwellings) - Lots A, B And C, Dp 364007, Edgar Street, Coffs Harbour (cont'd)

The table below summarises the setback encroachments.

	DCP required setback	Developments setback
Front boundary (Collingwood Street)	3.5 m ground floor	Balcony encroaches
	5 m first floor	Balcony and central portion of building encroaches
	All successive storeys within 30 degree plane	Balcony and second floor encroaches
Front boundary (Edgar Street)	3.5 m ground floor	Complies
	5 m first floor	Complies
	All successive storeys within 30 degree plane	Roof and portion of balcony encroaches
Side boundary (west)	3 m for first 6 m in height	Complies
	6 m thereafter	Corner of building encroaches
Rear setback (Gilbey Lane)	3 m for first 6 m in height	Ground and first floor and bulk waste building encroach
	6 m thereafter	Second floor encroaches

Issues:

The application was initially lodged with Council in early June of this year. Concerns with the design of the development prompted Council to engage the Urban Design Advisory Service (UDAS), the design arm of the Department of Infrastructure, Planning and Natural Resources, to review the design of the development and to attend a workshop involving the applicant, to discuss redesign options. A number of design principles were established at the workshop and these have been incorporated into the amended design now being considered.

The Medium-High Density DCP is a generic set of controls, which applies to a range of areas within the City. The controls therefore do not always acknowledge the circumstances of a particular site and, in this instance, their strict application is not considered appropriate. Further to this, it is of note that a separate report within the Business Paper seeks the endorsement of Council for the commencement of a project, involving UDAS, for the preparation of a Masterplan and DCP for the residential and business precincts of the Jetty area. This Masterplan and DCP will result in site-specific controls, which will replace the generic controls of the Medium-High Density DCP for the Jetty area.

No submissions were received in the advertising and notification of this application.

There are no further issues of note associated with the development.

cont'd

Ped81 Development Application No. 1800/03 - Multi Unit Housing (18 Dwellings) - Lots A, B And C, Dp 364007, Edgar Street, Coffs Harbour (cont'd)

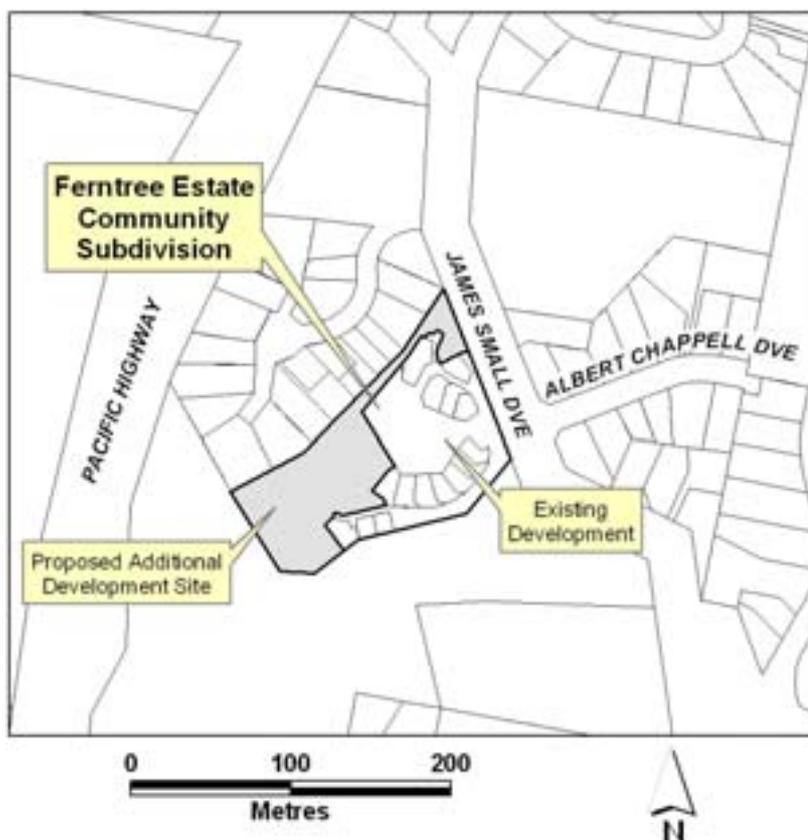
Recommendation:

That Development Application No. 1800/03 for multi unit housing (18 dwellings) on Lots A, B and C, DP 364007, 7 Edgar Street, Coffs Harbour be approved subject to standard technical conditions as attached to Development Application No. 1800/03 file and tabled at the Council meeting.

PED82 DEVELOPMENT APPLICATION NO. 54/04 - INTEGRATED COMMUNITY TITLE DEVELOPMENT - LOT 22, DP 270222, 95 JAMES SMALL DRIVE, KORORA AND APPLICATION TO MODIFY DEVELOPMENT CONSENT 116/97

Purpose:

To report on Development Application (DA) No. 54/04 which is an application for an integrated community title development consisting of nine dwellings on separate lots. Also considered in this report is an application to modify an existing approval for this site (development consent 116/97). The proposed modification will allow the two approvals to work together by providing a “linking road”. Conditional approval of both applications is recommended.



Description of Item:

This site contains an existing community title development. The development was approved in 1998 and all but two of the dwellings originally proposed have been built.

The existing development consists of a number of dwellings clustered around a watercourse on the site and one access road which services all dwellings. The new application (DA No. 54/04) is for similar development with the exception that the new dwellings will be for permanent residential accommodation only. Nine additional dwellings and community title allotments are proposed.

Also proposed is a new “linking road” to the original community title development (modification to development consent 116/97). It is logical to consider these two applications together as there are similar issues to consider.

cont'd

Ped82 Development Application No. 54/04 - Integrated Community Title Development - Lot 22, Dp 270222, 95 James Small Drive, Korora And Application To Modify Development Consent 116/97 (cont'd)

The site has one access point off James Small Drive. The new development will utilise the existing access. The new development will also utilise existing "community land" which includes a swimming pool and recreation areas. This area will provide private open space for the entire community title complex.

The development and proposed modification will result in some loss of vegetation to the site; some clearing of native vegetation from the site has already occurred, no Council approval given. With some compensatory planting on the site, as part of overall landscaping for the site, the environmental impact of the development will be minimised.

A number of objections were received on the development. These objections were mostly on environmental grounds.

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

Sustainability Assessment:

- **Environment**

The proposed development will have an impact on the natural environment. This can be minimised with compensatory planting for the site.

Appropriate sediment and erosion controls will need to be implemented during and after construction due to the proximity of the watercourse to proposed development.

This can be imposed as a condition of development consent.

- **Social**

The proposed development will provide additional housing to the area. Adverse social impacts from the development are unlikely.

Appropriate screening of the development can occur through landscaping and fencing.

- **Economic**

The development will result in additional work for the construction industry and additional housing for the property market.

Consultation:

Council notified all adjoining owners of the proposal. Five written objections were received to the development. The majority of these were from residents of the adjoining "Ferntree Estate" community titles subdivision.

Their concerns relate mostly to potential for environmental impact from the development.

cont'd

Ped82 Development Application No. 54/04 - Integrated Community Title Development - Lot 22, Dp 270222, 95 James Small Drive, Korora And Application To Modify Development Consent 116/97 (cont'd)

Statutory Requirements:

- **Section 79C Evaluation**

Council is required under the Environmental Planning and Assessment Act to consider those matters under section 79C of the Environmental Planning and Assessment Act. A detailed report considering these matters is attached to DA No. 54/04 file and will be tabled at the Council meeting. This report addresses, amongst other things, State Environmental Planning Policy No. 71 and the North Coast Regional Environmental Plan.

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

The site is zoned 2A Residential Low Density under LEP 2000. The proposed development is permissible in the zone with Council approval.

There are no other matters of LEP 2000 that require consideration.

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

The site is zoned for Low Density Housing and the Low Density Housing DCP applies to this development.

Density provisions of the DCP specify that sites may be developed to a density of one dwelling per 400 m². Landscaping is required at a rate of 185 m² for each dwelling. The DCP also requires minimum private open space areas of 90 m² per dwelling.

This development meets these standards by providing community land with recreation areas. These will be shared as communal open space areas.

A maximum height of 6 m to the eaves of the building is specified. Proposed dwellings 21, 22 and 23 exceed this provision as they are proposed for sloping areas of the site and suspended pole construction is proposed. These buildings will be approximately 8 m high to the eave on the lower side.

The height of these buildings will have no impact on residential amenity. The type of construction proposed is more satisfactory in this location as less site excavation is required than would be so for slab on ground style construction (which is likely to involve less height).

Issues:

- **Loss of Vegetation**

The proposed development will result in some loss of native vegetation from the site but with compensatory planting in sufficient numbers and in appropriate locations the impact on the natural environment will be satisfactory.

A condition of consent requiring compensatory planting will form part of the approval.

cont'd

Ped82 Development Application No. 54/04 - Integrated Community Title Development - Lot 22, Dp 270222, 95 James Small Drive, Korora And Application To Modify Development Consent 116/97 (cont'd)

- **Site Retaining**

The site contains some steep sections and with the close proximity of the watercourse to this site satisfactory site retention is important.

Provision of a sediment and erosion control plan prior to commencement of work will be a condition of development consent.

All road works and retaining walls will require structural certification by a structural engineer.

- **Residential Amenity**

Some impact on residential amenity may occur during construction of the development. These matters can be addressed by conditions of development consent that make the developer responsible for ensuring dust emission is minimised, construction only occurs during acceptable hours and no burning of cleared vegetation occurs on site.

Recommendation:

That Development Application No. 54/04 for Integrated Community Title Development at Lot 22, DP 270222, 95 James Small Drive, Korora be approved subject to the following conditions:

1. **Compensatory Planting**

Compensatory planting for trees removed by this development being undertaken on the site. Compensatory planting is to be at a rate of four trees to every one tree removed. All work is to be completed to the satisfaction of Council prior to occupation.

All trees at time of planting are to have a minimum height of 1.2 metres.

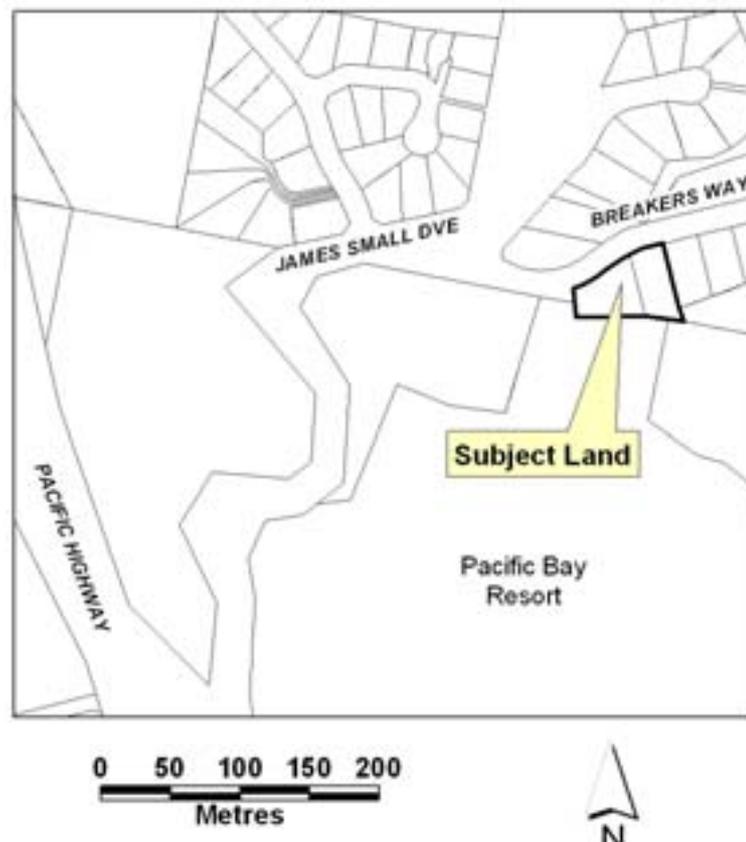
A detailed plan showing the location and all proposed compensatory planting and nominated tree species is to be submitted to Council and approved prior to commencement of any work on site. The plan is also to include proposed methods to ensure survival of the planting.

2. **Technical conditions as attached to Development Application No. 54/04 file and tabled at the Council meeting.**

PED83 DEVELOPMENT APPLICATION NO. 154/04 - BOUNDARY ALTERATION, DUAL OCCUPANCY AND SUBDIVISION - LOT 24, DP 1001621 AND LOT 3, DP 1012104, BREAKERS WAY, KORORA

Purpose:

The purpose of this report is to advise Council on an application for a boundary alteration, dual occupancy and subdivision involving two lots at Breakers Way, Korora.



Background:

Council refused a previous Development Application (DA No. 1727/02) for the subdivision of Lot 24 on 21 November 2002. The proposed subdivision would create two lots with an area of 584 m² and 754 m². This was not considered acceptable, as there was no guarantee the size of these allotments would promote a future dwelling of a scale comparable to existing dwellings and therefore may compromise the character of the estate. The applicant prepared an appeal to the Land and Environment Court, however elected to discontinue proceedings and lodge the subject DA.

Description of Item:

The proposed development involves two existing lots along Breakers Way within the "Pacific Horizon Estate" Korora. This is a prestige residential estate characterised by large allotments and large dwellings.

cont'd

Ped83 Development Application No. 154/04 - Boundary Alteration, Dual Occupancy And Subdivision - Lot 24, Dp 1001621 And Lot 3, Dp 1012104, Breakers Way, Korora (cont'd)

Lot 24 is a vacant site and has an area of 1339 m².

Lot 25 has an area of 1310 m², and has an existing single detached dwelling.

The proposed boundary alteration will relocate the common boundary between Lot 24 and Lot 25 resulting in two new allotments with an area of 1084 m² (proposed Lot 240) and 1565 m² (proposed Lot 241) respectively.

The proposed dual occupancy will be positioned on proposed Lot 241 and will consist of two new freestanding two-storey dwellings. Each dwelling will be constructed of rendered brickwork and fibre cement sheeting and a metal skillion roof.

The front dwelling will be setback 6.0 m off the front boundary with direct access off Breakers Way. The rear dwelling will be set back 7.5 m behind the front dwelling with access via a proposed right of carriageway off Breakers Way. The site slopes steeply towards Breakers Way therefore allowing each of the dwellings to be visible from the street.

The proposed subdivision will involve the subdivision of the newly created Lot 241 into two lots allowing a separate Torrens title for each of the new dwellings. The front dwelling will have a lot with an area of 730 m² (proposed Lot 2410) and rear dwelling will have a lot with an area of 835 m² (proposed Lot 2411).

In summary the overall development will create three separate residential allotments, the existing dwelling on proposed Lot 240 and a new dwelling on each of the proposed Lot 2410 and Lot 2411.

Sustainability Assessment:

- **Environment**

The proposed dual occupancy will not have a detrimental impact on the natural environment. The subject property is a clear site with no significant vegetation. The slight increase to the population within the locality will not threaten the natural features of the nearby coastal reserve. Sediment and erosion control measures will be in place during construction.

- **Social**

The proposed dual occupancy will provide additional housing in a desirable residential area. Future occupants will benefit from the proximity of natural features/attractions such as Korora Beach. Council has received submissions from property owners within the estate, objecting to the proposed developmental (see "Issues" below).

- **Economic**

The construction of the proposed dual occupancy is likely to provide work for local trades and sales for local suppliers. Development contributions will be payable for additional demand on local infrastructure and services.

cont'd

Ped83 Development Application No. 154/04 - Boundary Alteration, Dual Occupancy And Subdivision - Lot 24, Dp 1001621 And Lot 3, Dp 1012104, Breakers Way, Korora (cont'd)

Consultation:

The owners of the 30 lots within the "Pacific Horizon Estate" were notified of this application. A submission was received from the owners of five of these lots.

Statutory Requirements:

Council is required under the Environmental Planning and Assessment Act to consider those matters under Section 79C of the Environmental Planning and Assessment Act. A detailed report considering these matters is attached to DA No. 154/04 file and will be tabled at the Council meeting.

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

The site is zoned 2A Residential Low Density. The development is permissible with the consent of Council.

- **North Coast Regional Environmental Plan (REP) 1988**

Clause 41 and Clause 43 of the REP direct Council to consider the provision of adequate and suitable housing to meet the needs of the region's population.

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

The DA complies fully with the provisions of this DCP.

- **Subdivision DCP**

The DA complies fully with the provisions of this DCP.

Issues:

- **The impact on the character of the estate**

The submissions received have raised concerns with the impact of creating two smaller lots within the estate. These concerns are generally to do with the impact on the existing visual amenity and the effect on the property value within the estate.

Comment: The estate is characterised by large allotments ranging from 889 m² to 2754 m², with large single dwellings surrounded by generous amounts of open space and landscaping. The subdivision proposes two lots with an area of 730 m² and 835 m².

While these lots are smaller than the rest of the lots within the estate, the size, design and position of the proposed dwellings on these lots will ensure that visually the development will be comparable to existing development and will not detrimentally impact on the character of the estate. The proposed dwellings will be large two storey buildings with floor areas of 266 m² and 429 m². The separation between the dwellings will be a minimum of 7.5 m. The size and separation of these dwellings is comparable to existing dwellings off Bay View Place and Coastwatch Close.

cont'd

Ped83 Development Application No. 154/04 - Boundary Alteration, Dual Occupancy And Subdivision - Lot 24, Dp 1001621 And Lot 3, Dp 1012104, Breakers Way, Korora (cont'd)

Council cannot consider impacts on property prices due to the many variables within the property market.

- **Precedent set for future subdivision**

The submissions have also raised concerns with the precedent that may be set for future applications to subdivide other allotments within the estate.

Comment: The size, shape and topography of the allotments within the estate vary considerably. With this particular application, the applicant has proposed a boundary alteration to create a lot with an area of 1565 m². This area is exceeded by only six other allotments within the estate. The large lot size has allowed the applicant to design a dual occupancy that will be comparable with existing development. Future applications for dual occupancies and subdivision will also need to demonstrate compatibility. This will be difficult for the majority of the allotments within the estate due to either size constraints, topography or site coverage of existing development on the allotment.

Summary:

The development application involves three stages. Stage one is a boundary alteration to create an allotment capable of supporting a suitable dual occupancy development for the locality. Stage two is the construction of the dual occupancy and stage three is the subdivision of the allotment to allow for a separate title for each dwelling.

The proposed subdivision has been made plausible due to the ability to increase the allotment size of the parent property, and design a dual occupancy of a scale that will not compromise the visual amenity of the estate.

The development proposal is suitable for approval. The proposal complies fully with the requirements of Council's Low Density DCP. Matters raised in the submissions are respected, however no valid grounds have been raised to amend or refuse the application.

Recommendation:

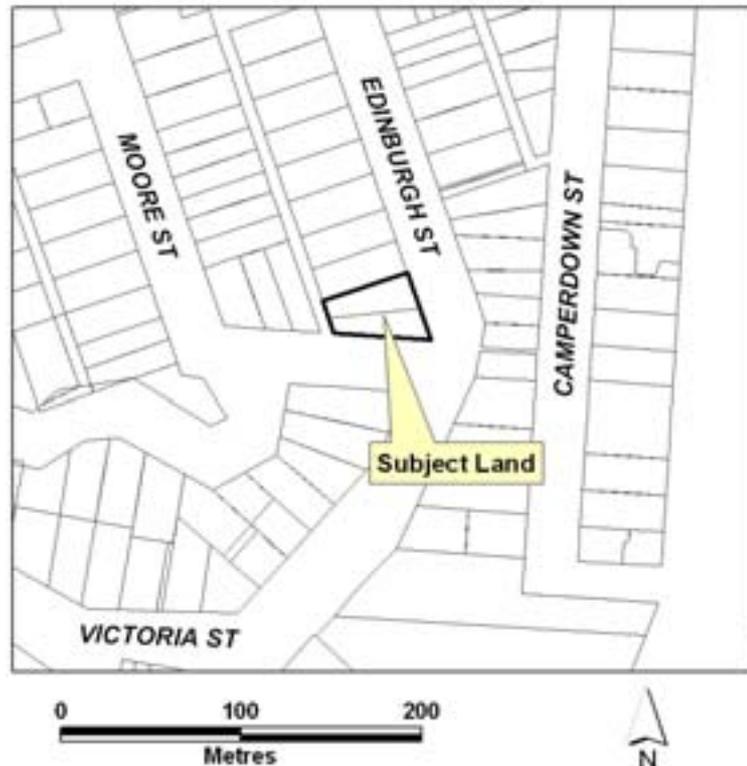
That Development Application No. 154/04 for a boundary alteration, dual occupancy and subdivision at Lot 24, DP 1001621 and Lot 25, DP 1012104, Breakers Way, Korora be approved subject to the following conditions:

1. **Evidence of the registration of the boundary alteration between Lot 24 and Lot 25 is to be submitted to Council prior to the issue of the Construction Certificate for the dual occupancy.**
2. **The linen plan for the subdivision of the dual occupancy not being released until the ground floor level of each dwelling has been constructed.**
3. **Standard technical conditions as attached to Development Application No. 154/04 file and tabled at the Council meeting.**

**PED84 DEVELOPMENT APPLICATION NO. 395/04 - BUSINESS PREMISES - LOTS A AND B,
DP 366102, 151 AND 153 EDINBURGH STREET, COFFS HARBOUR**

Purpose:

To report on Development Application (DA) No. 395/04 for conversion of an existing heritage building at 151 Edinburgh Street to a Business Premises. Conditional approval of the application is recommended.



Description of Item:

151 to 153 Edinburgh Street is the site of an existing 'heritage' dwelling in the Jetty area. This application is a proposal to use the existing building as a Business Premises.

Approval of the site for a Business Premises will allow use of the building for professional uses and the like such as architect's office, accountant's office.

The site is within an established residential area which is going through some redevelopment to medium density housing. Non-residential uses are normally prohibited in Residential zones. They can be approved within heritage buildings in accordance with Council's "Conservation Incentives" provisions, subject to certain matters.

The proposal is to use the building with minimal changes to the existing built structure and site. A new disabled persons access ramp and disabled persons off street car park are the only structural changes proposed. The limited changes proposed are designed to minimise impact on the heritage structure and retain the character of the building and area.

cont'd

Ped84 Development Application No. 395/04 - Business Premises - Lots A And B, Dp 366102, 151 And 153 Edinburgh Street, Coffs Harbour (cont'd)

The development will require use of some on street car parking; three off street car parking spaces are proposed. The proposal is considered acceptable for the area given the minimal impact the proposal will have on residential amenity. Approval of the building for professional use will assist conservation of the building.

It is recommended that the application be approved subject to appropriate conditions.

Sustainability Assessment:

- **Environment**

The proposed development will have no adverse impact on the natural environment.

- **Social**

Council is satisfied that there will be minimal impacts on residential amenity. Adverse social impacts from the development are unlikely.

- **Economic**

Approval of this development will allow a business use that would normally only be permissible in a town centre. The economic impact from a single business approval will be negligible.

Consultation:

Council notified the application by advertisement in the Advocate and by letter to adjoining owners.

No objections to the development have been received.

Council also consulted with the Disabled Access Advisory Committee for its comments in relation to disabled provision within the development. This involved an on site meeting between relevant committee members and Council staff.

The proposal has now been modified by provision of a designated, disabled person's car parking space and is now considered satisfactory by the Committee.

Statutory Requirements:

- **Section 79C Evaluation**

Council is required under the Environmental Planning and Assessment Act to consider those matters under section 79C of the Environmental Planning and Assessment Act. A detailed report considering these matters is attached to DA No. 395/04 file and will be tabled at the Council meeting.

cont'd

Ped84 Development Application No. 395/04 - Business Premises - Lots A And B, Dp 366102, 151 And 153 Edinburgh Street, Coffs Harbour (cont'd)

- **Permissibility of Development**

The site is zoned 2C Residential Medium High Density under Coffs Harbour City Local Environmental Plan (LEP) 2000.

Clause 21(8) of LEP 2000 "Conservation Incentives" allows approval to be granted for use of a heritage building for any use other than those specified in the zoning table, subject to Council being satisfied that:

"(c) the proposed use would have little or no adverse effect on the amenity of the area, and

(d) the conservation of the building depends on the consent being granted."

These two issues of "residential amenity" and "heritage" are considered in greater detail in the "Issues" section of this report.

It is considered that Council can be satisfied as to both these matters and the development is therefore permissible with Council consent.

- **Heritage Provisions**

Clause 21 of LEP 2000 specifies a number of matters that Council must consider when determining a development application for items of heritage significance.

The proposed development is generally satisfactory in relation to all these matters due to the minimal number of structural changes proposed to the building. A "conservation plan" will be required as a condition of development consent. A conservation plan must address ongoing maintenance of the building in the future.

Issues:

- **Heritage**

With the exception of the current owner, this dwelling is a genuine two owner property. The building was occupied by the original owner (and builder) from the time it was built in approximately 1929 to 1949 when purchased by the second owner. The dwelling was owned and occupied by the "Rileys" (second owners) from 1949 to 2003 when purchased by the current owner. There has been very little change to the building during the entire occupation of the second owner. As a result the building is significantly intact and in good condition.

The dwelling has heritage significance as an example of a "Californian Bungalow", a style which is representative of the era in which it was built. The dwelling also has local significance on the basis of being built by a local timber merchant using local hardwood.

Preserving the heritage value of the building requires physical retention of the building (and associated structures) and also retention of the character of the site and area.

The "Conservation Incentive" provision of Council's LEP is intended to assist property owners with the "financial burden" of heritage building ownership.

cont'd

Ped84 Development Application No. 395/04 - Business Premises - Lots A And B, Dp 366102, 151 And 153 Edinburgh Street, Coffs Harbour (cont'd)

To approve a non-residential use for this site, Council must be satisfied that conservation of the building depends on approval being granted. The following arguments have been put forward on this matter:

- Office use will have less impact on the physical structure of the building as opposed to use of the building for rental residential accommodation.
- Interior components such as kitchens and bathrooms will receive less use as an office than as residential use
- The building will be more recognised for its heritage content as a non residential landmark in the jetty area
- Higher rental return from office use as opposed to rental use will provide financial assistance for building upkeep

All of these arguments are acceptable. It is recognised that approval of this development will assist long-term preservation of this item of heritage significance.

- **Car Parking**

The application proposes three off street car parking spaces, one of which is a designated disabled persons car parking space.

Council's Off Street Car Parking DCP requires provision of one car parking space for every 40 m² of Business Premises floor space. The building contains approximately 220 m² of usable floor area which requires 5.5 car parking spaces for the development.

The site has significant street frontage (being a corner block) of approximately 100 m. Approximately 10 car parking spaces will be available on the streets of Moore and Edinburgh Street which front this site.

The proposal is considered satisfactory with respect to car parking. Provision of footpath for the frontage of the site (required by condition of consent) will assist users of on street car parking.

- **Residential Amenity**

No objections to this development have been received from residents of the area. The proposed operating hours are 8:30 a.m. to 6:30 p.m., Monday to Friday, including public holidays.

The proposed development will not result in offensive noise, dust or odours. It will allow for the operation of approximately three professionals and associated staff.

The most likely adverse impact on residential amenity of the area may be impact associated with traffic movement but with the significant street frontages of this site and majority of car parking being provided on street the impact should be minimal.

cont'd

Ped84 Development Application No. 395/04 - Business Premises - Lots A And B, Dp 366102, 151 And 153 Edinburgh Street, Coffs Harbour (cont'd)

Council can condition the operating hours for the use. The approved hours should be as proposed with the exception of public holidays. It is a reasonable community expectation that businesses do not operate on public holidays and precluding operation from these days will meet with community expectation and minimise impact on residential amenity.

Also appropriate is a condition specifying a maximum noise level of no greater than 5 dB(A) above background noise levels.

- **Provision for Disabled Persons**

One of the few structural changes proposed to the building is provision of a new disabled persons access ramp and a new, designated, disabled persons car parking space. Specific construction detail as to how these will be built is still required and should be submitted to Council prior to any construction work commencing.

Some variations to the minimum requirements specified in Council's Access and Mobility DCP are proposed. The variations proposed relate to minor building elements such as door handle height and in some cases door width.

The stated reason for these variations is to maintain as much of the original building content as possible.

It is usual practice for Council to consult the expertise of the Access Advisory Committee in circumstances where disabled provision may be an issue. Members of the Committee were generally satisfied that the proposed access and car park arrangement will be satisfactory and that the variations proposed are minor and will not affect the overall useability of the premises by disabled persons.

Recommendation:

That Development Application No. 395/04 for Business Premises on Lots A and B, DP 366102, 151 and 153 Edinburgh Street, Coffs Harbour be approved subject to the following conditions:

1. Footpath Construction

A footpath being constructed along the Moore and Edinburgh Street frontages of the site in accordance with Council's Plan No. 2011007. The footpath is to be in concrete unless Council's approval is obtained for any alternative footpath treatment.

These works are to be completed prior to operation of the site as a Business Premises unless other arrangements satisfactory to Council for their completion at some other time are made.

2. Hours of Operation

This site is only to be used as a Business Premises during the hours of 8.30 a.m. to 6.00 p.m., Monday to Friday. No business is to occur on Saturday, Sunday or public holidays.

cont'd

3. Maximum Noise Levels

Noise emission from the premises is not to exceed 5dB(A) above background noise level at any time during operation.

4. Access for Disabled Persons

A disabled persons access ramp and disabled persons car parking space being provided in accordance with the Building Code of Australia provisions. Details are to be submitted to and approved by Council prior to commencement of any work on site. The developer's attention is drawn to the provisions of the Disability Discrimination Act 1992.

All work is to be completed prior to operation of the site as a Business Premises.

5. Conservation Management Plan

A Conservation Management Plan, prepared in accordance with the NSW Local Government Heritage Guidelines, being submitted to Council and approved prior to operation of the site as a Business Premises and prior to any work commencing on site. The Conservation Management Plan is to guide the future development and management of the property.

6. Signs

Only one separate sign structure may occur on site. Details of the proposed sign are to be submitted to Council and approved prior to operation of the site as a Business Premises and prior to any work commencing on site. Any proposed amendments to sign detail are to be submitted to Council for approval. The sign is only to be provided in accordance with the approved Council arrangement.

7. Painting

Details of all proposed paint finishes being submitted to Council and approved prior to any work commencing on site.

PED85 ENVIRONMENTAL LEVY PROJECTS REPORT

Purpose:

To provide Council with a quarterly status report on the projects funded under the Environmental Levy Program.

Description of Item:

A description of the status of the Environmental Levy Program as at 30 September 2003, including total funding against actual expenditure, is included in this report. A broad description of outstanding projects by year of funding allocation is included in this report.

Sustainability Assessment:

- **Environment**

Projects included in the Environmental Levy Program all address State of the Environment Report priority one issues.

- **Social**

The criteria used in assessing Environmental Levy submissions includes:

- generate a community benefit,
- be community based.

Many projects included in the program are undertaken by community groups.

- **Economic**

The Environmental Levy Program funds projects that would not normally be undertaken with revenue funding. The program is operating within budget.

Consultation:

Council staff and relevant community groups have been consulted in preparing this report.

Related Policy and / or Precedents:

Council has previously received quarterly reports on the status of Environmental Levy Projects.

Statutory Requirements:

The Ministerial approval for the Environmental Levy Rate increase was obtained in June 1997 in accordance with the provisions of section 508 (2) of the Local Government Act 1993.

cont'd

Ped85 Environmental Levy Projects Report (cont'd)

Issues:

- **Status of Environmental Levy Program as at 30 September 2003**

Funding available from the Environmental Levy to 30 September 2003 is summarised as follows:

Details	Year of Allocation of Funds							Total
	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	
Environmental Levy funds available	15,000	4,376	39,499	45,940	172,525	292,620	794,510	1,364,470
Expenditure to 30 Sept 2003	0	0	6337	6,944	33,608	70,652	93,974	211,515
Remaining funds	15,000	4,376	33,162	38,996	138,917	221,968	700,536	1,152,955

This represents expenditure of \$211,403 of available Environmental Levy funds for the period ending 30 September 2003.

- **Project Issues**

1997-98 funding: Bank Protection Works (\$15,000). This has been an issue needing considerable negotiation. Currently the Department of Infrastructure, Planning and Natural Resources (DIPNR) require additional works for improved environmental outcomes. It is estimated works as required increase cost to the sum of \$35,000. Negotiations continue.

2001-02 funding: Dry weather sees the Bitou Bush Program deferred until February 2004.

2002-03 funding: With the recent release of the Draft Harbour Masterplan the sewerage of Jetty amenities has been deferred.

- **Project Status Reports**

Most projects are operating to schedule and budget.

The following details the status of outstanding projects by year of funding allocation.

1997-98 funding: \$15,000 allocated for Bank Protection works in Coffs Creek near the Catholic Club. Extra works are being sought by DIPNR and negotiations continue.

1998-99 funding: Minor works at Woolgoolga Lake are to be completed early in 2003-04 financial year.

1999-00 funding: Woolgoolga Lake Sea Wall Design works are continuing. Woolgoolga/Mullaway headland works aim to be conducted this financial year. Moonee Creek Bank Revetment works commenced August 2003. Brodie Drive works, which involves the creation of a bush tucker trail by the Local Aboriginal Land Council, continue to be reviewed.

2000-01 funding: Majority of funding outstanding relates to Solitary Islands Coastal Walkway (\$29,742). Coastal walkway works are complete at Macauleys Headland. An amount of \$3,831 is held for emergency opening works at Arrawarra Creek and will be expended when required. Harbour siltation discussion paper is complete. Monitoring of Coffs Creek Stream restoration works is underway following recent rains.

cont'd

Ped85 Environmental Levy Projects Report (cont'd)

2001-02 funding: Projects are generally progressing well. \$15,000 was allocated to Project Big Fish September 2002 and work continues. Dolmans Point works are nearing completion. Bonville Creek revegetation works are scheduled for commencement in November under the supervision of Coffs Regional Landcare. The Steep Lands Study is complete. Stormwater Management Plan Works are under review with anticipated changes to works. Bush Regeneration works in upper Coffs Creek are programmed for completion this financial year. Seeding works under the Coastcare Bitou Bush project are scheduled for July/August 2003 but have been deferred until February 2004 due to dry conditions.

2002-03 funding: Works in accordance with the Koala Plan of Management including tree propagation and koala signage erection are complete. Fine scale mapping is nearing completion. \$32,452 is held for matching grants. Orara River works are progressing well with efforts being concentrated on Camphor eradication and site regeneration. Works are continuing on the Toormina-Boambee nature trail. Weed eradication programs continue to schedule and budget. Sewering of Jetty Beach toilets is on hold pending the outcome of the Harbour Masterplan. Biodiversity strategy is complete and published. The Flying Fox strategy is in a draft format and consultation continues. Fox Control and Dung Beetle works are complete.

Recommendation:

- 1. That Council notes the status of Environmental Levy Projects as at 30 September 2003 as outlined in the report.**
- 2. That Council continues to monitor the Environmental Levy Program to ensure the earliest completion of projects.**

PED86 TREE PRESERVATION ORDER: ADDITIONAL LAND

Purpose:

To report on the possibility of extending the Tree Preservation Order (TPO) to include adjoining residential allotments (land zoned 2A, 2B or 2E) in the same ownership that individually are less than 2000 m², but collectively exceed 2000 m²; the TPO currently applies to residential land parcels over 2000 m² in area.

Description of Item:

Council considered a report on the adoption of an amended TPO pending the adoption of the Vegetation Conservation Development Control Plan (DCP). Council adopted the TPO and resolved that a further report be submitted on extending the TPO to include adjoining residential allotments (land zoned 2A, 2B or 2E) in the same ownership that individually are less than 2000 m², but collectively exceed 2000 m².

As at the time of a search of the property database in mid October 2003, 29 properties would be directly affected. Applying the TPO to these allotments creates administrative difficulties as properties may change hands, thereby nullifying the effect of the TPO.

Sustainability Assessment:

- **Environment**

The proposal would increase the number of land parcels that this TPO covers.

- **Social**

There are no significant social issues in relation to this matter.

- **Economic**

It is not expected that the proposal would have any significant economic impacts.

Consultation:

During the preparation of the Vegetation Strategy internal consultation indicated that the focus of tree protection should be addressed through the development process. Once subdivision is approved, the decision on tree retention needs to pass to the householder.

Related Policy:

The TPO is intended to be an interim measure pending the final adoption of the Vegetation Conservation DCP. The purpose of the DCP is to prevent clearing on large parcels prior to an application for residential development being considered.

cont'd

Ped86 Tree Preservation Order: Additional Land (cont'd)

Statutory Requirements:

Notification of amendments to the TPO needs to be given in a local newspaper.

Issues:

The 2000 m² threshold represents a parcel size that is capable of further subdivision. Most properties with an area less than this are less likely to be subdivided. Extending the TPO to adjoining land parcels in the same ownership would be inconsistent with the purpose of the TPO, as previously adopted. The purpose is to protect vegetation on large development parcels before development consent is obtained. The assessment of impacts happens at application stage and appropriate protection measures applied.

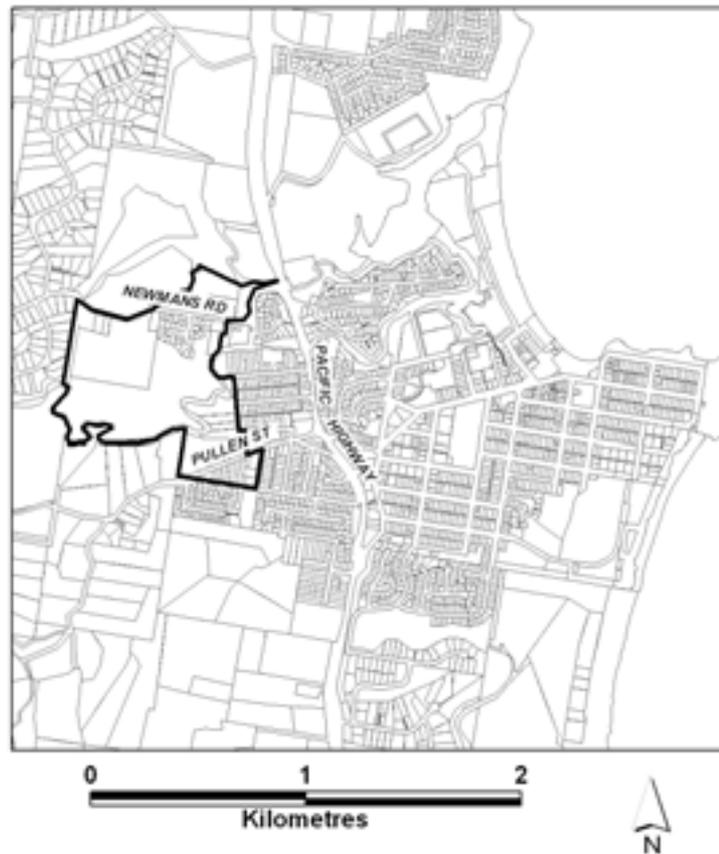
Recommendation:

That the Tree Preservation Order remain as previously adopted.

PED87 DRAFT WEST WOOLGOOLGA DEVELOPMENT CONTROL PLAN AND DRAFT WEST WOOLGOOLGA CONTRIBUTIONS PLAN

Purpose:

The purpose of this report is to present to Council the West Woolgoolga Development Control (DCP) and Contributions Plan (CP) (supplied separately to Councillors). The report recommends that these plans be placed on public exhibition.



Description of Item:

Land in West Woolgoolga has been zoned for residential purposes for many years. With the lifting of the sewer moratorium on the Northern Beaches, development is now able to proceed. Significant public facilities and services will be demanded by new residential development in this area. Currently, no local DCP or CP applies in this release area.

A preliminary estimate of lot yield in the release area is 330 lots. This equates to an additional 944 people for the Woolgoolga catchment.

cont'd

Ped87 Draft West Woolgoolga Development Control Plan And Draft West Woolgoolga Contributions Plan (cont'd)

Report:

The draft plans are generally self-explanatory, nevertheless the following main issues warrant comment:

- **Urban Design**

The design of the subdivision layouts within the release area has been based on the grid pattern principles. This concept aims to achieve energy efficient design through alignment of roads in an east/west configuration, and the arrangement of lots facing north/south.

In addition to the above, a perimeter road is to be constructed adjacent to Woolgoolga Creek to maintain appropriate water quality levels, minimise the impact of bushfire hazards and reduce human impacts upon the Creek.

- **Access**

The road layout has been designed to provide adequate access to all of the zoned residential area in West Woolgoolga. Access is to be obtained from Newmans Road and Pullen Street, with the main emphasis being to provide a suitable connection between these arterial roads and ensure the safe movement of vehicles and pedestrians.

The DCP also provides for the development of a pedestrian/cyclist network to reduce the reliance on car use.

- **Bridge**

The main constraint that determined the design of the road layout was the need to reduce traffic loads on Newmans Road and hence provide for a safer travel option for residents in the release area. This has necessitated the need for the construction of a bridge across Woolgoolga Creek with the preferred option providing a direct connection from Dalgety Street to the new release area. This may result in an increase in traffic volumes along Dalgety Street. However, it is intended to include traffic management and design measures that will encourage residents to utilise the Nash Street to Pullen Street connection back on to the Pacific Highway instead of Dalgety Street. An alternate location for the bridge is across private land on to Pullen Street, with this option being slightly more expensive to construct.

The construction of the bridge across Woolgoolga Creek will be dictated by the impact of additional traffic loads on the Newmans Road/Pacific Highway intersection. It is considered appropriate that this occur when half the release area lots have been developed, i.e. 165 lots.

- **Dam Wall Break**

An analysis of the probability of Woolgoolga Reservoir (i.e. dam) breaking was undertaken by Resource Design and Management (RDM) in 1991. The dam break line of influence was revised by RDM as more up-to-date information recently became available and the findings have been included in the Draft DCP. The main issue here is that the dam break line dissects land zoned for residential purposes. In addition, the dam break scenario identifies the impact downstream should the dam break due to flood/storm overtopping, earthquake or other disasters. In order to address this matter effectively, affected properties will be required to designate building envelopes outside the line of influence and Section 149 Certificates (i.e. zoning certificates) will be notated accordingly.

cont'd

Ped87 Draft West Woolgoolga Development Control Plan And Draft West Woolgoolga Contributions Plan (cont'd)

- **Recreation Facilities and Community Services**

The draft plans provide for the development of one neighbourhood park with a playground. The playground is to be located within walking distance (i.e. 500 m) of the majority of residences.

Land adjacent to Woolgoolga Creek is to be acquired for open space purposes as well as for stormwater management.

The provision for a West Woolgoolga Community Centre is considered unnecessary, as the existing Woolgoolga Neighbourhood Centre, Senior Citizens Centre and Woolgoolga Health Community Centre will accommodate the needs of the residents of the release area.

- **Fire Hazard**

Part of the development area is located adjacent to Woolgoolga Creek, making the risk of bush fire hazard moderately low. The requirement for a perimeter road to be constructed adjoining the Creek will further reduce the impacts of bushfire hazard within the release area.

Developers of land in the release area will be required to provide a bush fire risk assessment in accordance with the controls outlined in the Environmental Assessment Legislation Amendment Act 2002 and Council's Bushfire Information Sheet.

- **Water Quality**

A large portion of the release area adjoins the Woolgoolga Creek. Maintenance of the water quality in the waters that drain into the Creek is an integral part of the draft plans. It is proposed to acquire land adjacent to Woolgoolga Creek for open space purposes as well as to act as a buffer between the Creek and residential development.

The draft plans seek to have a "neutral" impact upon the water quality of Woolgoolga Creek. This is to be achieved by incorporating water sensitive urban design measures into subdivision proposals.

- **Servicing**

Water can be supplied to the West Woolgoolga area from existing mains and by completion of a 150 mm diameter loop main from St Andrews Drive through to Newmans Road. The supply mains are shown in Council's Developer Contributions Plan for Water Supply.

The West Woolgoolga area will be serviced with sewer from existing sewer infrastructure which includes both gravity mains and pump stations. Pump station no. 14 and rising mains south of pump station no. 14 now need to be upgraded to service the proposed West Woolgoolga area. The gravity main across the highway at Pullen Street will be upgraded to cater for the pump station no. 14 upgrade and current overloading within this catchment. The timing of the upgrades will be linked to the population growth of the West Woolgoolga area.

The Woolgoolga water reclamation plant is being upgraded to cater for the forecasts in population growth.

cont'd

Ped87 Draft West Woolgoolga Development Control Plan And Draft West Woolgoolga Contributions Plan (cont'd)

Several small pump stations will have to be constructed by developers to service their parcels of land.

Sustainability Assessment:

- **Environment**

The draft plans integrate a traffic and transport strategy which aims to provide for a safe, convenient and efficient movement of people. This includes the establishment of a bus route, pedestrian and cycling links and an appropriate road hierarchy which will also assist in reducing car use and greenhouse gas emissions. The incorporation of water sensitive urban design measures will assist in protecting water quality in the release area and the catchment.

- **Social**

The draft plans provide for equitable sharing of costs for facilities and services by applying a user pays principle. Community well being, amenity and health will be enhanced through protection of natural areas, provision of social services and recreational facilities.

- **Economic**

- **Broader Economic Implications**

The provision of infrastructure includes construction of a bridge over Woolgoolga Creek. Fourteen hectares of land are also proposed to be purchased within the release area. These items are to be paid for from contributions. The items come at a high cost and have resulted in the "per lot" contribution rate, inclusive of regional and district facilities and water and sewer contributions, being \$30,802.51.

A review of all contribution plans is currently being undertaken. It is possible that additional facilities will further increase the contribution rate.

It is anticipated that much of the works contained in the CP will be required prior to the release area being fully developed. This will require works to be forward funded by Council.

Whilst it is difficult to determine the anticipated rate of development, it is envisaged that approximately 50% of the works within the CP will require forward funding. The CP includes provision for a loan to be raised to fund the works. Interest on the loan will be paid by contributions. Forward funding of this nature has some risks in that it assumes a consistent level of development and assumes loan payments can be met from contributions. However, if landholders elect not to develop in the short term, or the market stalls, then cash flow issues may arise. The level of contributions may also have an effect on the rate of development.

cont'd

Ped87 Draft West Woolgoolga Development Control Plan And Draft West Woolgoolga Contributions Plan (cont'd)

- Management Plan Implications

The population projection (estimated number of people) used in the CPs has been derived from a projection of expected lot yields within West Woolgoolga. This will ensure that community facilities and services are equitably provided in line with population growth and subsequent demands. In addition, the draft plans aim to ensure the economic impacts of providing new facilities and services are not borne by the existing population but are met by the new population.

Consultation:

The Roads and Traffic Authority, and various service providers, such as Telstra, Country Energy, Optus, etc. have been consulted during the preparation of the draft plans.

Written submissions supporting the preparation of the draft plans have been received from the majority of these organisations. In addition, preliminary discussions with the residents of Dalgety Street have also been undertaken to determine the preferred location for the bridge across Woolgoolga Creek.

The Draft DCP and CP have been prepared by a multi-disciplinary team with representatives from all Departments within Council, and the Rural Fire Service.

The draft plans are required to be exhibited for at least 28 days for public comment.

Statutory Requirements:

The Draft DCP and CP have been prepared in accordance with Section 70 and Section 94, respectively, of the Environmental Planning and Assessment Act 1979, as well as the following legal instruments:

- Coffs Harbour City Local Environmental Plan 2000;
- North Coast Regional Environmental Plan 1988;
- Coffs Harbour Urban Development Strategy; and
- Draft Vegetation Strategy.

Recommendation:

- 1. That Council exhibit the Draft West Woolgoolga Development Control Plan and the Draft West Woolgoolga Contributions Plan.**
- 2. That all landowners within and adjoining the release area covered by the Draft Plans be advised of Council's decision.**

PED88 STATE ENVIRONMENTAL PLANNING POLICY NO. 64 - ADVERTISING AND SIGNAGE

Purpose:

The purpose of this report is to inform Council of the result of its request to the Department of Infrastructure, Planning and Natural Resources (DIPNR) requesting exemption from State Environmental Planning Policy (SEPP) No. 64.

The report recommends that Council consider the report and respond to DIPNR following consideration of a 'user-friendly' document of SEPP 64 which is due for release by DIPNR in early 2004.

Description of Item:

SEPP 64 - Advertising and Signage was gazetted on 16 March 2001, taking effect from that date. Council received Explanatory Notes from DIPNR on 17 April 2001.

At its meeting of 28 June 2001, Council resolved to seek DIPNR's exemption from the provisions of SEPP 64, on the grounds that the Signs Development Control Plan (DCP), in conjunction with Coffs Harbour City Local Environmental Plan 2000 makes sufficient provisions to regulate signs and advertising in the Coffs Harbour local government area. It was also recommended that a report be brought back to Council when the outcome of Council's application for exemption had been received.

On 13 October 2003, advice was received from DIPNR in response to Council's application for exemption from SEPP 64.

DIPNR has not supported Council's application for exemption, citing the following reasons:

- all SEPPs are currently under review and it is proposed to make the documentation more 'user-friendly', which is expected to be made available in early 2004.
- DIPNR does not propose to consider allowing any local government authorities to depart from the provisions of SEPP 64 (or any other SEPP) until the review of all policies is complete.

Sustainability Assessment:

• Environment

The provisions of SEPP 64 and Council's policies relating to signs are committed to contributing to a minimum environmental impact arising from the erection of signs and advertising structures.

• Social

There may be social benefits due to signs and advertising being less intrusive on environmental protection areas and controls in residential areas.

cont'd

Ped88 State Environmental Planning Policy No. 64 - Advertising And Signage (cont'd)

- **Economic**

There may be some economic impacts on the advertising industry, given that there are some areas nominated by SEPP 64 which prohibits the erection of signs and advertising structures in some land use zones.

Issues:

- **SEPP 64 Provisions**

The main provisions of SEPP 64, which are supplementary to Council's Signs DCP, are:

- addition of prohibitions in respect of certain signs; and
- a limit on the duration of a consent for a sign to 10 years for a roof or sky sign and 15 years for all other signs.

- **Signs DCP**

The Signs DCP has been in force since 20 April 2000. It was prepared in consultation with the community and the advertising industry. It uses best practice guidelines to provide controls seeking to:

- enhance visual amenity;
- provide equity for outdoor advertisers; and
- provide safety guidelines for outdoor advertisers.

The Signs DCP also details:

- signs that require consent;
- signs that do not require consent; and
- controls and principles for signs in business, tourist, rural, industrial, roadside and residential settings.

The essential issue in Coffs Harbour in relation to signs is the policing of illegal signs. This matter is to be addressed in the 2004/05 Management Plan.

Conclusion:

It is clear from DIPNR's response that Council will not be exempted from the provisions of SEPP 64, at least until the review of SEPP 64 has taken place and Council has been informed of any implications to its current policies relating to signs.

At this stage, it would be prudent to await the results of the DIPNR review of SEPP 64, and that the provisions of SEPP 64 be implemented by Council in the interim. The provisions of SEPP 64 override Council's controls; they can be made available to proponents of signs in conjunction with Council's DCP and no amendment to the DCP is warranted at this point in time.

cont'd

Ped88 State Environmental Planning Policy No. 64 - Advertising And Signage (cont'd)

Recommendation:

- 1. That Council note the Department of Infrastructure, Planning and Natural Resources decision not to support Council's application for exemption from State Environmental Planning Policy No. 64 - Advertising and Signage.**
- 2. That Council review Coffs Harbour City Local Environmental Plan 2000 and the Signs Development Control Plan when the results of the Department of Infrastructure, Planning and Natural Resources' review of State Environmental Planning Policy No. 64 - Advertising and Signage is completed.**

PED89 COFFS HARBOUR JETTY MASTERPLAN - PRECINCTS WEST OF THE HARBOUR

Purpose:

The purpose of this report is to present to Council an expression of interest from the Urban Design Advisory Service (UDAS) to produce a Masterplan and Development Control Plan (DCP) for the residential and business precincts of the Coffs Harbour Jetty area, west of the railway line.

The report recommends that Council form an internal working group to work with UDAS to prepare the Masterplan and DCP.

Description of Item:

Council was advised of the preparation of the Masterplan at its meeting on 14 February 2002. Stage 1 of the Masterplan has been presented to Council in the form of the Draft Harbour Plan. This project deals with the remaining precincts.

In January 2002, UDAS (a division of the Department of Infrastructure, Planning and Natural Resources (DIPNR)) informed Council of its implementation of the Design Quality Program, which is a \$1.5 million package to improve the design quality of residential flat developments in New South Wales.

The design program provided work in kind and grants to be matched dollar for dollar by Council to fund appropriate projects.

Council submitted an expression of interest to UDAS for the funding of production of a DCP for the Coffs Harbour Jetty area.

Council was granted funding of \$40,000 for the project and has committed matching funding.

UDAS has since provided a detailed expression of interest, fee proposal and has been involved in preliminary fieldwork and discussion relating to the project.

Sustainability Assessment:

- **Environment**

Implementation of this project will be of great benefit to the environmental assets in the Jetty area. It is expected that any provisions for building design will include advice for energy efficiency maximisation, conservation and enhancement of environmentally significant areas, and water sensitive design.

- **Social**

Population growth is expected as the area is developed; most of the area is zoned 2C Medium-High Density Residential under Coffs Harbour City Local Environmental Plan 2000. The local population should benefit socially from an expected increase in local facilities from development levies.

cont'd

Ped89 Coffs Harbour Jetty Masterplan - Precincts West Of The Harbour (cont'd)

- **Economic**

An investment of \$40,000 by Council will result in a comprehensive Masterplan and DCP that will stimulate economic growth in the Jetty area. The detailed controls arising from the project will create greater certainty for investment.

Issues:

- **Extent of the DCP Area - The Harbour Plan**

The area covered by Council's expression of interest is shown on the map below:



The recently exhibited Harbour Plan is not part of the study area, although the proposals put forward by the Harbour Plan will be taken into account and considered by UDAS as part of an overall strategy for the Jetty area.

- **Council's Role in the Project**

UDAS staff will be the primary project managers. Council will be co-ordinating all public consultation aspects of the project and will liaise with UDAS throughout the project. In order to achieve this, it is desirable that Council form an working group consisting of the following representatives:

- Two Councillors;
- City Beaches Streets Ahead;
- Council staff; and
- DIPNR.

cont'd

Ped89 Coffs Harbour Jetty Masterplan - Precincts West Of The Harbour (cont'd)

Recommendation:

- 1. That Council endorse the commencement of the project as outlined in the Expression of Interest from the Urban Design Advisory Service (supplied separately to Councillors).**
- 2. That Council form a working group consisting of two Councillors, Council staff and a representative from:**
 - City Beaches Streets Ahead, and**
 - Department of Infrastructure, Planning and Natural Resources.**

**PED90 DEVELOPMENT POTENTIAL - LOT 1 AND LOT 2, DP 840016, PACIFIC HIGHWAY,
EMERALD BEACH**

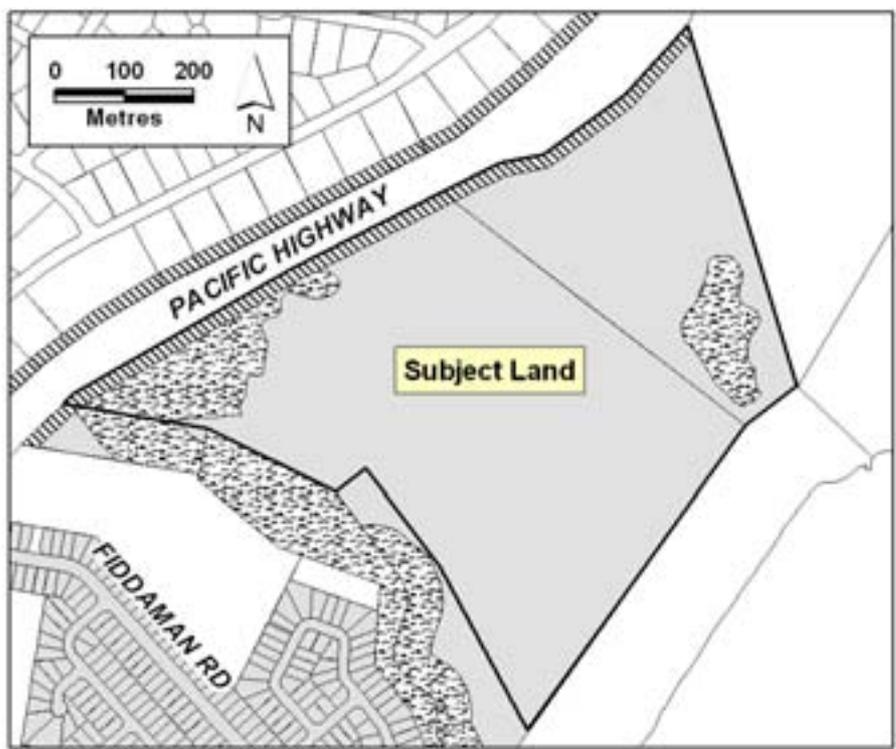
Purpose:

The purpose of this report is to enable Council to respond to a request from the Department of Infrastructure, Planning and Natural Resources (DIPNR) regarding the development potential of Lot 1 and Lot 2, DP 840016, Pacific Highway, Emerald Beach.

The report recommends that Council invite the DIPNR and the National Parks and Wildlife Service (NPWS) to negotiate with Council with a view to acquisition of the land by the State Government.

Description of Item:

The land is situated north of Emerald Beach, east of the Pacific Highway. The land is zoned mainly 2A Residential (Low Density) by Coffs Harbour City Local Environmental Plan (LEP) 2000. Parts of the land are zoned 7A Environmental Protection (Habitat and Catchment) and 7B Environmental Protection (Scenic Buffer). A map indicating the location and zoning of the land is included below.



**Zones under Coffs Harbour City
Local Environmental Plan 2000**

- 2A Residential (Low Density)
- 7A Environmental Protection (Habitat and Catchment)
- 7B Environmental Protection (Scenic Buffer)

cont'd

Ped90 Development Potential - Lot 1 And Lot 2, Dp 840016, Pacific Highway, Emerald Beach (cont'd)

Background/History of the Property:

This land was mainly zoned for residential purposes by Coffs Harbour City LEP 1988. Part of the land was rezoned to 7A Environmental Protection (Habitat and Catchment) upon Council's adoption of Coffs Harbour LEP 2000.

- **Recent History**

- **Proposed Canal Estate Development**

In July 1988, Council received a Development Application (DA No. 105/99) for a canal type subdivision for the land, which included part of Lot 1, DP 840016, the adjoining parcel to the north. The application was accompanied by an Environmental Impact Statement. The proposal was deemed to be prohibited under the provisions of State Environmental Planning Policy (SEPP) No. 50 - Canal Estate Development.

The applicant subsequently submitted a revised subdivision proposal in August 1999. Council requested further information regarding soil testing and water supply; no response was received.

- **September 2003**

Council received a request from DIPNR seeking comment on a subdivision masterplan proposal which had been discussed with DIPNR. The applicant proposes a concept masterplan for a 131 lot subdivision, for which DIPNR has requested comments from Council.

- **Development History of Lot 1, DP 840016**

This land was granted development consent (with 12 conditions) for a caravan park (DA No. 15/82). The history of the application and actions taken by the applicant are attached to this report.

Sustainability Assessment:

This assessment will outline the implications of development of the subject land to the extent outlined in DIPNR's correspondence.

- **Environment**

Development of this nature has the potential to have a deleterious effect on the environmental values of the land; this includes very high value vegetation and koala habitat trees which have been identified by Council's Draft Vegetation Strategy and Koala Plan of Management. These will be expanded upon in the "Issues" section of this report.

cont'd

Ped90 Development Potential - Lot 1 And Lot 2, Dp 840016, Pacific Highway, Emerald Beach (cont'd)

- **Social**

The village of Emerald Beach would be subject to significant expansion to the north. There is also only one vehicular access point to the Pacific Highway which would create traffic problems at any proposed intersection at the Pacific Highway. Additional housing would expand Emerald Beach, which may require provision of additional social services for the resultant population growth.

- **Economic**

A significant housing development at Emerald Beach would provide economic stimulus to the building industry and possibly provide employment opportunities. The additional population may provide more retail opportunities for the existing neighbourhood shopping centre at Emerald Beach.

Issues:

- **Constraints**

- **Council's Draft Vegetation Strategy (currently on public exhibition)**

The land has been identified by the Draft Vegetation Strategy as being of very high conservation value. The Strategy's objective for very high conservation value is *"to prevent further clearing, disturbance, fragmentation or isolation of very high value vegetation and, where appropriate, recreate vegetation connections between areas of very high vegetation"*.

To develop the land according to the concept plan would not be consistent with this objective.

- **State Environmental Planning Policy (SEPP) No. 71 - Coastal Protection**

SEPP 71 - Coastal Protection was gazetted on 1 November 2002. Aims of SEPP 71 include:

- protection and preservation of native coastal vegetation;
- protection and preservation of the marine environment;
- protection of the visual amenity of the coast; and
- ensuring that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area.

The land is affected by the provisions of SEPP 71 and the NSW Coastal Policy 1997. The proposed plan of subdivision is required to be referred to, and may be determined by, the Department of Infrastructure, Planning and Natural Resources.

Such a scale of subdivision would be in conflict with the provisions of SEPP 71, and is not considered appropriate given the other environmental constraints which apply to the land.

cont'd

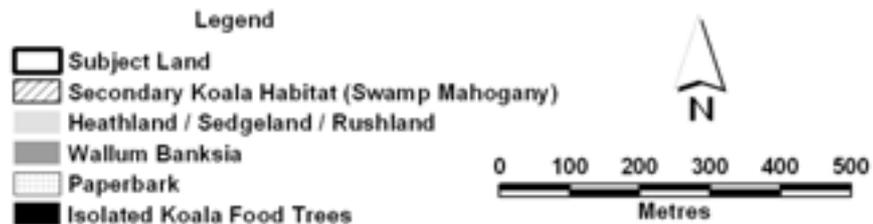
Ped90 Development Potential - Lot 1 And Lot 2, Dp 840016, Pacific Highway, Emerald Beach (cont'd)

- Koala Plan of Management (KPoM)

A significant portion/part of the land is identified by the KPoM as being secondary koala habitat. Council's Environmental Services Branch has advised that there is a koala colony living in this habitat, which is mainly swamp mahogany trees; the swamp mahogany is identified by the KPoM as a koala food tree.

- Significant Vegetation

Council's Environmental Services Branch has undertaken fieldwork on the land and has identified the eastern part of the land as being an environmentally sensitive heathland/sedgeland area. Isolated trees within this area are also known to support koalas. A map of the vegetation mapping, which includes koala habitat as identified by the KPoM, is shown below:



cont'd

Ped90 Development Potential - Lot 1 And Lot 2, Dp 840016, Pacific Highway, Emerald Beach (cont'd)

- Flood Prone Land

A large proportion of the land is identified as being affected by the 1 in 100 year flood level, which is indicated on the map below:



It is clear from this map that residential development of the land would be severely limited given the extent of impacts caused by flood prone land. Filling to avoid flooding would create new problems in relation to water movement and may create adverse impacts on adjoining land.

- Access from the Pacific Highway

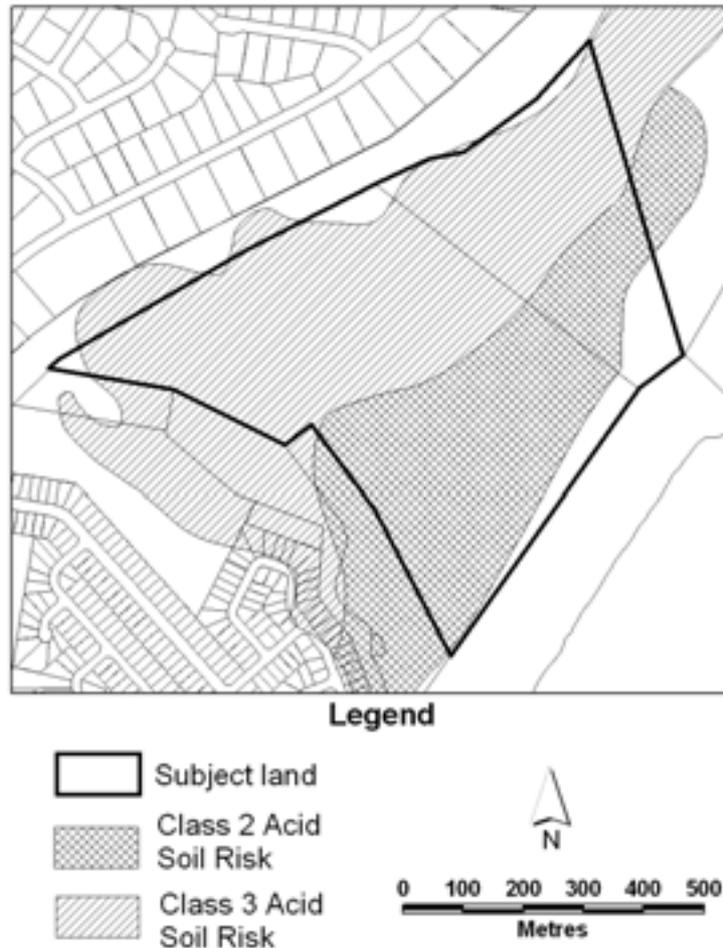
The proposed subdivision indicates a single access point with the Pacific Highway. This situation may raise concerns from the Roads and Traffic Authority (RTA) as to the volume of traffic created at a new intersection. Recent dialogue with the RTA has indicated that the RTA will not support the construction of such an intersection. This opinion has also been expressed in comments made by the RTA during consultation relating to the DA for extensive landform modification (DA No. 105/99).

cont'd

Ped90 Development Potential - Lot 1 And Lot 2, Dp 840016, Pacific Highway, Emerald Beach (cont'd)

- Acid Sulfate Soils

The majority of both allotments are subject to a probability of low risk acid sulfate soils. The part of the land which is subject to the subdivision proposal is designated as Class 2 acid sulfate soils by Council's classification. Class 2 presents the second highest risk likelihood of the presence of acid sulfate soils on the site. The extent of the low risk acid sulfate soils is shown on the map below.



- Bushfire Hazard

The large amount and type of vegetation which exists on the property may present a significant bushfire risk. Concern has also been raised by the RTA that one access road to the Pacific Highway may be a problem for emergency services vehicles accessing the area and also for evacuation of residents if that road is cut off by bushfire. Any subdivision proposal is also subject to the Rural Fire Service's requirements for asset protection zones and buffers to vegetation; this in turn may require substantial vegetation clearing to meet these requirements.

cont'd

**Ped90 Development Potential - Lot 1 And Lot 2, Dp 840016, Pacific Highway, Emerald Beach
(cont'd)**

Conclusion:

The issues outlined in this report indicate that the subject land is so severely constrained that such constraints prohibit development for residential purposes.

Recommendation:

- 1. That Council invite the Department of Infrastructure, Planning and Natural Resources and the National Parks and Wildlife Service to negotiate with Council with a view to possible acquisition of the land by the State government.**
- 2. That the owners of Lot 1 and Lot 2, DP 840016, be informed of Council's decision.**

Attachments:

**HISTORY – MINHINNET CARAVAN PARK CONSENT
LOT 1, DP 840016, PACIFIC HIGHWAY, EMERALD BEACH**

9.12.81	DA No. 15/82 lodged.
27.5.82	Council resolved to place TPO on Lot 2, DP593557.
11.8.82	RTA letter requiring caravan park: <ul style="list-style-type: none"> ▪ to have no direct access to the highway ▪ access to be from Fiddamans Road ▪ or for Council to relocate Fiddamans Road intersection to the north, and on "Lot 2" adjoining proposed caravan park to the south.
28.9.82	Letter to Cooper Blackley and Lockett requesting additional information on impact of development on flooding, effluent disposal and finished levels.
14.10.82	Letter from Lockett & Montgomery requesting that consent be subject to flood study defining impacts on flood levels.
28.10.82	Consent granted to caravan park subject to 12 conditions.
9.10.84	Request from Lockett & Montgomery to extend consent.
19.11.84	Council granted approval to extend consent to 3.11.85.
11.6.85	Letter from Lockett & Montgomery requested approval to clear trees, as required by development consent, and to allow access road to be built.
1.7.85	Letter advising that prior to approval for tree removal, provide advice that Traffic Authority has given approval to point of access as required by condition 4 of consent.
3.7.85	Letter from Lockett & Montgomery stating the proposed location is in accordance with condition 4 of consent.
3.7.85	Engineering design plans for road from Lockett & Montgomery.
26.7.85	Letter to Lockett & Montgomery stating Traffic Authority had not given approval, and requesting intersection plans to forward to DMR. Also advised condition 9 requires consent from Council before any filling is done, also points out flood impact problems of filling. Refers to Council letter 15.5.84 (not on file) saying must demonstrate no affect on flood levels, but no attempt has been made to so demonstrate. No approval to causeway or tree removal given.
19.8.85	Letter from Lockett & Montgomery arguing condition 4 of consent approves access from within Lot 3 to the Highway, and that upgraded intersection was not condition of approval therefore cannot be asked of developer to fund. Also argues engineering drawings demonstrate compliance with flooding condition.
23.9.85	Letter to Lockett & Montgomery confirming DMR approval to intersection will be required; requesting design of road and culvert in accordance with Council's letter of 15.5.84 to demonstrate flooding impacts are acceptable. Advising any works undertaken are of clients risk.
5.11.85	Letter from Lockett & Montgomery referring to site inspection between Bob Wyllie (Council subdivision engineer) and Michael Lamont requesting confirmation that substantial work had commenced, to preserve development consent.
27.11.85	Letter to Lockett & Montgomery "It is confirmed that in Council's opinion" the consent has commenced in terms of section 99(2)(a).
13.11.85	Letter from DMR advising that as Fiddamans Road intersection had been upgraded, access option for the caravan park should be via Fiddamans Road, and direct access to the Highway from Lot 3 be denied; consent should be void as "token work carried out does not constitute a substantial commencement".
26.11.85	Memo to Chief Planner from Shire Engineer regarding DMR letter advising that access to Fiddamans Road was impractical.

7.1.86	Letter to DMR stating that the access options are all impractical, and that the option for access from Lot 3 was only possible option; request intersection standard for this access.
7.2.86	Opposes development, but if proceeds with access from Lot 3, then high standard of intersection required. Design work and construction work to be subject to DMR approval.
26.2.86	Letter to Lockett & Montgomery advising of DMR requests.
4.3.86	File note of meeting of DMR, Council, Minhinnets and G Lockett. DMR conceded that Type 4 intersection would be acceptable, at a cost of about \$100,000. Developers advised this was unacceptable to them and would seek to have standard and cost reduced.
10.3.86	Letter from Lockett & Montgomery arguing right for access, and confirming Type 4 intersection would be acceptable to DMR.
30.7.86	Letter from DMR requiring upgrading to four lanes for 600m and sheltered right turn lane.
11.3.92	Letter to Council (Pat Littler) from LJ Hooker on behalf of Minhinnet offering land to Council for \$1.25 million.
11.3.94	Cr Essex-Clark matter of urgent nature raised at Council meeting: clearing of land at Emerald Beach (Paul Reid).
15.3.94	Letter to Emerald Beach Estates and M Minhinnet directing clearing works to cease.
14.3.94	Note to file from Kerry Power recording interview with Keith Minhinnet. KP advises KM that the work requires development consent. KM said "what if we are acting on the caravan park approval", KP said "that is a very old approval, it may not be valid now". KM replied "I got a letter from Council years ago saying it was alright, irrevocable I think it said". KP said "I am not certain if that is still the case. You should get legal advice on that".
10.5.94	Report to Council – no action to prosecute for illegal clearing.

PED91 RURAL LANDS STRATEGIC PLAN: ASSESSMENT BY COMMISSIONERS OF INQUIRY, TERMS OF REFERENCE

Purpose:

The purpose of this report is to seek Council's endorsement to the attached Draft Terms of Reference for the Rural Lands Strategic Plan subdivision provisions.

The report recommends adoption of the Draft Terms of Reference.

Description of Item:

Council, at its meeting held on 21 August 2003, adopted the Rural Lands Strategic Plan and resolved to hold an Assessment by the Commissioners of Inquiry into the following:

- *"the proposed subdivision provisions referred to as 'deferred matters' in the Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 15)."*

Council also resolved:

- *"that the terms of reference for the Assessment by the Commissioners of Inquiry not be restricted by any assumptions contained in the Rural Lands Strategic Plan.*
- *that the draft terms of reference be submitted to the Steering Committee and after the Committee's endorsement, be reported to Council."*

Sustainability Assessment:

The sustainability assessment for the Rural Lands Strategic Plan has been addressed in previous reports to Council.

- **Economic**

The Assessment by the Commissioners of Inquiry is estimated to cost Council in the order of \$25,000 - \$30,000, together with additional costs of staff time.

- **Social**

The Assessment will involve an additional level of public participation in decision making.

- **Environmental**

There are no significant environmental implications.

cont'd

Ped91 Rural Lands Strategic Plan: Assessment By Commissioners Of Inquiry, Terms Of Reference (cont'd)

Consultation:

The Draft Terms of Reference for the Assessment were referred to members of the Rural Lands Strategic Planning Steering Committee and the Coffs Harbour Chamber of Commerce. Attached to this report are the comments received from members of the Committee, the Coffs Harbour Chamber of Commerce and others.

The issues suggested in the submissions are addressed as follows:

- **Issues**

- **Submission 1**

- *Concerned over use of "connotatively coloured word 'sustainability'" which should be replaced by "perceived outcomes".*

Comment: The use of the term "sustainability" is appropriate as it is in accordance with Council's vision and the community feedback during the widespread consultation to develop the Rural Lands Strategic Plan.

- **Submission 2:**

- *Should assess "arbitrary" minimum lot sizes (i.e. 10, 40 and 80 ha) with reference to agricultural capability, geographic factors affecting agronomy and historical settlement patterns.*
- *Review Draft Coastal and Hinterland Development Control Plan (DCP).*
- *Examine environmental merit, practicality and feasibility of environmental subdivision trial.*
- Consider alternative settlement strategies.

Comment: The Commissioners of Inquiry will be considering the existing and proposed lot sizes in relation to a broad range of factors including agricultural capability, agronomy, settlement patterns and many others. The Terms of Reference can be reworded to clarify that smaller lot sizes will be looked at.

The Coastal and Hinterland DCP is no longer a draft as it has been adopted by Council; it includes deferred matters relating to subdivision that will be the subject of the Assessment. As it is one of a number of documents that form the Rural Lands Strategic Plan, it will be considered by the Commissioners of Inquiry.

The Commissioners of Inquiry will consider all relevant aspects of the environmental subdivision provisions and can consider any alternative settlement strategies presented to the Commissioners; while the Commissioners may make recommendations to conduct new studies or investigate new strategies, it is not their role to carry these out.

cont'd

Ped91 Rural Lands Strategic Plan: Assessment By Commissioners Of Inquiry, Terms Of Reference (cont'd)

- Submission 3

- *Emphasis should be on longer time horizon of sustainability of growth and development of Orara Valley.*
- *Stakeholders should be identified (i.e. National Parks and Wildlife Service, Forestry, Department of Infrastructure, Planning and Natural Resources (DIPNR) and previous reports such as the Healthy Rivers Commission).*
- *Need to assess the ability of infrastructure to cope with change of increasing population (i.e. health services, transport, lack of water, sewerage, road systems, policing, toilets, youth facilities, et cetera).*

Comment: The Plan does not set a planning horizon as it is expected to evolve over time in line with sustainability principles.

The plan does identify stakeholders and any person or organisation will be welcome to have input into the Assessment. A list of stakeholders will be referred to the Commissioners.

Infrastructure is one of the main issues addressed in the Plan and the supporting documents that the Assessment will need to address. The infrastructure issue is covered by social, economic and environmental sustainability factors without the necessity for special reference.

- Submission 4

- *Concern that 95% of land will be outside of the Assessment by the Commissioners of Inquiry as it will only look at areas where "environmental subdivision" is permitted.*

Comment: The terms of reference could be reworded to make it clear that the broader issue of rural lands subdivision for all Rural 1A Agricultural land will be considered.

- Submission 5

- *Concern that Commissioners will not look at issue of subdivision outside trial areas.*
- *Should amplify the terms of reference relating to dispersed and concentrated settlement.*

Comment: The Terms of Reference can be reworded to make it clear that subdivision provisions for land outside trial areas will also be looked at.

The Terms of Reference for looking at dispersed settlement can be clarified by removing the requirement to compare with concentrated settlement.

- Submission 6

- *Should delete review of the deferred matters in the Local Environmental Plan (LEP) (Amendment No. 15).*
- *Should not restrict Commissioners in carrying out a free and broad study of the Rural Lands Strategic Plan.*

cont'd

Ped91 Rural Lands Strategic Plan: Assessment By Commissioners Of Inquiry, Terms Of Reference (cont'd)

Comment: It is essential that the Commissioners of Inquiry consider the deferred matters in LEP (Amendment No. 15); this is the basis for the Assessment.

The Assessment will be reasonably broad, with the Commissioners considering any material that is presented.

- Submission 7

- *Core issue to be dealt with relates to dispersed settlement of 1A land.*
- *Commissioners should look at sustainable dispersed settlement options.*

Comment: The Terms of Reference can be reworded to make it clear that the issue of dispersed settlement will be given consideration.

- Submission 8

- *Concern over limiting Assessment to the deferred matters.*
- *Concern over limit of comparison between dispersed and contained settlement patterns.*

Comment: Refer to above comments concerning deferred matters. The Terms of Reference can be reworded to remove requirement for comparison between dispersed and contained settlement.

- Submission 9

- *Commissioners should consider suitability of cluster developments in the hinterland especially Coramba and Nana Glen.*
- *Allowing or not allowing case-by-case aesthetic, environmentally friendly, dispersed rural lifestyle developments should also be considered.*
- *Commissioners should consider the worth and value of present future agricultural industries and compensation for landholders prevented from developing rural lifestyle areas.*

Comment: The comments above deal with the issues raised in this submission.

A letter (see attached) was also received from DIPNR in relation to the banana subdivision provisions. The Plan proposes removing the requirement to grow bananas for 6 ha subdivisions on mapped banana lands. DIPNR has suggested that this provision also be dealt with by the Commissioners of Inquiry. A meeting with Council officers and DIPNR officers concluded that referral of this matter to the Commissioners of Inquiry is the most appropriate course of action.

cont'd

Ped91 Rural Lands Strategic Plan: Assessment By Commissioners Of Inquiry, Terms Of Reference (cont'd)

Recommendation:

1. That Council modify Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 15) to include the following as additional 'deferred matters':

"Delete clause 18(3) and insert instead:

(3) Consent may be granted to the subdivision of land within Zone 1A and shown in the Coastal Agriculture Area map in Council's Coastal and Hinterland Rural Lands Development Control Plan provided each lot contains an area of not less than 6 hectares."

2. That Council adopt the revised Terms of Reference, attached to the report, for the Assessment by the Commissioners of Inquiry.
3. That Council seek engagement of the Commissioners of Inquiry to conduct the Assessment.
4. That the Department of Infrastructure, Planning and Natural Resources be advised of the modification to Coffs Harbour City Local Environmental Plan (Amendment No. 15) and the adopted Terms of Reference for the Assessment.
5. That the community be advised of the above recommendation through the Rural Lands Bulletin.

Gina Vereker
Director, Planning Environment and Development

Attachments:



**RURAL LANDS STRATEGIC PLAN
ASSESSMENT BY COMMISSIONERS OF INQUIRY**

TERMS OF REFERENCE

BACKGROUND

Council has adopted the Coffs Harbour City Rural Lands Strategic Plan which provides a range of strategies for the growth and development of the rural lands within Coffs Harbour. In adopting the Plan, Council has deferred the matters relating to the replacement of the existing 40-hectare subdivision standard with a new "Environmental Subdivision" standard.

The new environmental subdivision standard was proposed to be used as a trial program for the Coramba and Nana Glen areas only. A total of 50 new lots (25 in Coramba and 25 in Nana Glen) were to be permitted over a five-year period. Subdivision proposals would be required to be accompanied by a Property Management Plan detailing how the objectives of economic, social and environmental sustainability could be met.

The issues relating to environmental subdivision provisions were the subject of considerable discussion during the preparation of the Draft Plan and represented the bulk of comment in the submissions. Fifty-one submissions made reference to proposed environmental subdivision provisions.

A suggested resolution reported to Council was for the engagement of the Commissioners of Inquiry to undertake an independent 'Assessment' of this matter.

TERMS OF REFERENCE

1. The Assessment is to consider the proposed subdivision provisions referred to as 'deferred matters' in Coffs Harbour City Local Environmental Plan (Amendment No. 15) including:
 - the implications of the 'environmental subdivision' provisions (Clause 18A) which limit subdivision to the trial areas of Coramba-Karangi-Upper Orara and Nana Glen-Bucca;
 - the implications of preventing subdivision in the Drinking Water Catchment of Karangi dam and areas outside of Coramba-Karangi-Upper Orara and Nana Glen-Bucca during the trial period;
 - the implications of allowing subdivision of mapped banana lands without the requirement to use the land for the purpose of banana growing (Clause 18(3)).

2. The social, economic and environmental sustainability of dispersed settlement (small holdings) for the land zoned 1A Rural Agriculture.
3. The issues raised in the submissions received in relation to the exhibition of the Draft Rural Lands Strategic Plan that are relevant to the points above.

Note: The Assessment should not be limited to any assumptions contained in the Rural Lands Strategic Plan.

ATTACHMENTS

- Rural Lands Strategic Plan;
- Submissions to Draft Rural Lands Strategic Plan; and
- Council Reports on Rural Lands Strategic Plan.



Coffs Harbour Chamber of Commerce and Industry Inc.
ABN 74 324 769 754
Coffs Promenade
321 High Street Coffs Harbour 2450
Phone: 02 6651 4101 Fax: 02 6651 4081
Email: exo@midcoast.com.au
All Mail to: PO Box 176 Coffs Harbour NSW 2450
Website: www.coffschamber.com.au

24th September 2003

Mr M Ferguson
General Manager
Coffs Harbour City Council
Locked Bag 155
COFFS HARBOUR NSW 2450

C.H.C.C.	
INDEX	_____
INT REF No.	_____
26 SEP 2003	
OFFICER I.D.	_____
DTWKS No.	_____
BOX No.	_____

Dear Mark

Re: Rural Lands Strategic Plan

Thank you for your letter of 15th September 2003, which included a copy of the Terms of Reference for the "Assessment" by the Commissioners of Inquiry.

The Chamber questions the use of the connotatively coloured word "sustainability" – dot point two – Terms of Reference. The Chamber is of the opinion that "sustainability" should be replaced by "perceived outcomes".

This change would more properly align the Terms of Reference with the intention of the proposition – the Assessment ... "is not limited to any assumptions in the Rural Lands Strategic Plan".

Yours sincerely

**COFFS HARBOUR CHAMBER OF COMMERCE
& INDUSTRY INC**

Peter Lubans
PRESIDENT

PATRON SPONSOR



SCANNED



COFFS HARBOUR CHAMBER OF COMMERCE
THE VOICE OF BUSINESS
We listen, We act.

13th October 2003

Mr M Ferguson
General Manager
Coffs Harbour City Council
Locked Bag 155
COFFS HARBOUR NSW 2450

Dear Mark

Re: Rural Lands Strategic Plan – Commissioners of Inquiry – Draft Terms of Reference

Thank you for your letter of the 26th September 2003, inviting the Chamber to detail the items it seeks to have addressed by the Inquiry.

Listed are the terms of reference proposed by the Chamber and considered essential to an adequate inquiry by the Commissioners:

1. Assess the socio/economic and environmental validity of arbitrary minimum lot sizes – i.e. 10, 40, 80ha etc – as planning control instruments for rural land settlement and subdivision in the Coffs Harbour local government area – with specific reference to the agricultural capability of rural lands, the geographic factors affecting agronomy and the effects of historical land settlement patterns.
2. Review the socio/economic and environmental appropriateness of the aims, objects and planning strategies of the Draft Coastal and Hinterland Rural Lands Development Control Plans.
3. Examine the environmental merit, practicality and feasibility of the environmental subdivision trial as a planning strategy.
4. Consider the socio/economic and environmental merit of alternative strategies for rural land settlement and subdivision for the Coffs Harbour local government area and make recommendations accordingly.

In regard to your observation concerning the cost of the Inquiry, the following comment is made.

The current impasse reached by the draft plan, its outright rejection by the great majority of core stakeholders and the very need for a commission of inquiry are a direct consequence of flawed procedures in its preparation.

Any adverse consequences of the Draft Plan will be inflicted on the rural community and Coffs Harbour generally for 20 years. Council now has a clear obligation of governance to ensure a full and proper inquiry into the fundamental issues that underlie the draft plan and rural land use planning generally. The limited scope of the Draft Terms of Reference represent a reversal of assurances previously given to the Chamber and a further waste of public money.

Yours sincerely
**COFFS HARBOUR CHAMBER OF COMMERCE
AND INDUSTRY INC**


Peter Lubans
PRESIDENT
c.c. All Councillors

PATRON SPONSOR



Coffs Harbour Chamber of Commerce and Industry Inc.
ABN 74 324 769 754
Coffs Promenade
321 High Street Coffs Harbour 2450
Phone: 02 6651 4101 **Fax:** 02 6651 4081
Email: exo@midcoast.com.au
All Mail to: PO Box 176 Coffs Harbour NSW 2450
Website: www.coffschamber.com.au

C.H.C.C.	
INDEX _____	
INT REF No. _____	
14 OCT 2003	
OFFICER I.D. _____	
DTWKS No. _____	
BOX No. _____	

SCANNED

1211 ORARA WAY
NANA GLEN 2450

26/9/03

Mr Rick Bennell
Manager Strategic Planning
Coffs Harbour City Council
Locked Bag 155
Coffs Harbour 2450

C.H.C.C.
INDEX
INT REF No. _____
29 SEP 2003
OFFICER I.D.
DTWKS No.
BOX No.

SUBJECT: RURAL LANDS STRATEGIC PLAN - TERMS OF REFERENCE.

DEAR SIR,

THANK YOU FOR THE OPPORTUNITY TO COMMENT ON THE TERMS OF REFERENCE.

MY FIRST COMMENT IS THAT THE ASSESSMENT SHOULD HAVE AN EMPHASIS OF A LONGER TIME HORIZON OF SOCIAL, ECONOMIC AND ENVIRONMENTAL SUSTAINABILITY OF GROWTH AND DEVELOPMENT ACROSS THE WHOLE ORARA VALLEY RATHER THAN DISPERSED SETTLEMENT VERSUS CONCENTRATED SETTLEMENT.

THE REASON FOR THE ABOVE COMMENT IS THAT THE ASSESSMENT MAY BE TOO NARROW IF CONCENTRATED ON 40-HECTARE PROPERTY SIZE ONLY.

THE ASSESSMENT DOES NOT SEEM TO IDENTIFY OTHER STAKEHOLDERS E.G. NATIONAL PARKS AUTHORITY, FORESTRY, DITR ETC NOR PREVIOUS GOVERNMENT REPORTS SUCH AS THE HEALTHY RIVERS COMMISSION.

AS A FINAL COMMENT, I WOULD HOPE THAT THE ASSESSMENT WOULD COMMENT ON AND REVIEW THE INFRASTRUCTURE OF THE AREA TO COPE WITH A CHANGE OF INCREASING THE POPULATION. E.G. HEALTH SERVICES, TRANSPORT, LACK OF WATER, SEWERAGE, ROAD SYSTEMS, POLICING, PUBLIC TOILETS, YOUTH FACILITIES ETC.

Yours faithfully,

J O'CONNELL

PUBLIC OFFICER.

J O'Connell

COFFS REGIONAL ORGANIC PRODUCERS ORGANISATION

SCANNED

275 Korora Basin Road
KORORA NSW 2450

21st October 2003

Ms Gina Vereker
 Director of Planning, Environment and Development
 Coffs Harbour City Council
 Locked Bag 155
COFFS HARBOUR NSW 2450

C.H.C.C.	
INDEX	_____
INT REF No.	_____
22 OCT 2003	
OFFICER I.D.	_____
DTWKS No.	_____
BOX No.	_____

Dear Ms Vereker

This is pursuant to my letter of the 25th September 2003 about the Draft Terms of Reference for the Commissioners of Inquiry. On the 22nd April 2002 I wrote to Council that "Only a third party (an independent consultant) can resolve the issues between planning staff and landholders and provide solutions on subdivision policy." Hence my concern that, an independent inquiry having been achieved, it might be frustrated by flawed terms of reference.

Environmental subdivision was much discussed in the Rural Community Workshops. It was envisaged that subdivisions could start at a minimum of 2ha provided the property would mainly consist of environmental features to be preserved, and be compatible with the rural landscape. The Facilitators recorded "a focus on environmental subdivision (All meetings)."

This is reflected in the submissions from the community on the Draft Rural Lands Strategic Plan. 51 submissions out of 82 addressed the subject. Council staff noted against these submissions "Inquiry to be held into environmental subdivision (PED27, Annex)".

But Council staff apparently does not give the same meaning as the community to "environmental subdivision". According to PED27, the trial project is "the standard" for environmental subdivision.

One searches in vain in Council documentation for a description or definition of what planning staff means by environmental subdivision. There is no definition in the draft Rural Lands Report, the draft LEP amendments or the draft DCP's. One can only conclude that according to planning staff environmental subdivision comprises the following:-

- A 10ha subdivision taken from an 80ha and upward allotment.
- A sustainable farm justified by a complex economic property management plan.
- A re-vegetation plan related to habitat and corridors.

There is no indication in the documentation of how much land area would be devoted to each use and what proportion would need to be devoted to vegetation in order for the subdivision to have an inherent environmental quality. The imprecision is shown by the comments of NSWAg which opposes the trial project because there would be a loss of 500ha of agricultural land! I myself would ask how this trial project could possibly work on Class 4 & 5 land, where the subdivisions would be created.

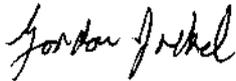
SCANNED

My basic problem flows from the express statement that the pilot project is "the standard" for environmental subdivision. The Commission of Inquiry under the Draft Terms of Reference would appear to be restricted under dot point 1 to examining this "standard". If this is so, the Commission's work will be wrecked. The "standard" is likely to be impractical and 95% of the rural hinterland will be outside the Commission's scope of inquiry. Or have I got it wrong? I ask the question whether the Commission will be free to assess the possibilities of other forms of environmental subdivision as discussed in the community workshops, in the submissions from the community and as formulated in the Dunlop project?

May I repeat the unanswered question from my letter of the 25th September, namely

- 1) Where does the prohibition on subdivision outside the trial project appear in official documents?
- 2) In what respects and for what purposes would the two concepts in dot point 2 be "compared"?

Yours sincerely



Gordon A Jockel CBE

275 Korora Basin Road
KORORA NSW 2450

25th September 2003

Ms G Vereker
 Director of Planning, Environment & Development
 Coffs Harbour City Council
 Locked Bag 155
COFFS HARBOUR NSW 2450

C.H.C.C.	
INDEX	_____
INT REF No.	_____
7 9 SEP 2003	
OFFICER I.D.	_____
DTWKS No.	_____
BOX No.	_____

Dear Ms Vereker

Re: Rural Lands Strategic Plan

Several members of the Rural Lands Strategic Planning Committee have consulted me about their concerns over the proposed Terms of Reference for the Commissioners of Inquiry. They consider the Terms of Reference narrow and restrictive and preventing comprehensive assessment of the 40ha minimum standards issues.

The focus of the Terms of Reference document is on planning staff's proposal for the trial project. It is the first of only two dot-point issues for assessment by the Commissioners although it is inherently of little significance. It was introduced by planning staff into the discussions of the Rural Strategic Committee without feasibility studies or explanatory documents. The meaning of "environmental subdivision" with its complex economic features became clear only later when the DCP's were prepared. The proposal gained no support in the Committee, was opposed by landholders and was never endorsed. Notwithstanding, planning staff included it in the Draft Rural Lands Strategic Plan Report and has now made it the centerpiece of the Terms of Reference for the Inquiry.

Presentation of the trial project has been consistently seriously misleading. It is referred to in the Terms of Reference document as "the replacement of the existing 40ha subdivision standard with a new Environmental Subdivision Standard." This repeats what was in PED27 which asserted that the draft plan proposes replacing the current 40ha minimum standard that applies to the Rural 1A zone with a new Environmental Subdivision Standard. The same formulation was made by Mr Mark Ferguson in the Advocate, 12th February 2003. My letter of complaint of 18th February 2003 about this presentation is attached.

The trial project would leave the approved applicant with an uneconomic property of 60ha (Class 4 or 5 land). For the 95% of the rural areas outside the trial project there would be no change in the 40ha minimum standard for the 5 years of the trial project. I cannot follow the jesuitical reasoning which makes it the replacement of the existing 40ha minimum standard.

It would appear that landholders generally would be worse off than they are now because the "Fact Sheets" state that all subdivisions outside the trial project area would be prohibited for the 5 years of the trial. Landholders would be denied their existing rights to have development applications considered. I ask the question where does the prohibition appear in official documents? Is it included in the "deferred matters"? I also ask what the

SCANNED

position would be if (heaven forbid) the Commissioners approve the trial project? Would that not bring their work to an end under these Terms of Reference?

The second dot-point needs amplification. In what respects and for what purposes would the two concepts be "compared"? Again there is the question whether the second dot-point would be pursued by the Commissioners if all subdivisions outside the trial project were to be prohibited for 5 years.

Submitted for consideration, in the hope that we are not heading for a continuation of the on-going tug-of-war between rural landholders and Council planners.

Yours sincerely

A handwritten signature in cursive script that reads "Gordon Jockel".

GORDON A JOCKEL CBE

275 Korora Basin Road
KORORA NSW 2450

A H achment

18th February 2003

Cr J Bonfield
Mayor
City of Coffs Harbour
Locked Bag 155
COFFS HARBOUR NSW 2450

C.H.C.C.	
INDEX	_____
INT REF No.	_____
29 SEP 2003	
OFFICER I.D.	_____
DTWKS No.	_____
BOX No.	_____

Dear Mayor Bonfield

Re: Draft Rural Lands Strategic Plan

I refer to Mr Mark Ferguson 's presentation of the Plan in The Advocate of 12th February 2003. It is disturbing that such a poor presentation has been placed before our community in the name of the General Manager.

Mr Ferguson leaves out the all important fact that subdivision would be prohibited for years ahead for 95% of rural properties and that "Generally the draft plan proposes to retain the current zones. In other words, the area is to remain a rural area with areas currently Rural 1A (Agriculture) retaining this zoning.....".

Instead of making this clear, Mr Ferguson claims that "The plan proposes to replace the current 40ha minimum lot size with a new more flexible 'environmental subdivision standard'." This cannot be taken literally. It surely cannot mean that an environmental subdivision standard would replace the current 40ha standard which applies to the whole of the rural hinterland. What does Mr Ferguson really mean? And what timeframe does he envisage for what he really means?

The draft plan does not define this new environmental subdivision standard. It is different to PlanningNSW's description of environment subdivision which "involves a small residential component while the majority of the land is managed to protect its inherent nature conservation values." (Rural Guidelines). The 10ha allotment to be sliced off 80ha's appears to be a hybrid of an environmental subdivision and a viable agricultural enterprise. At a recent meeting in Coramba Hall, landholders laughed at the practicality of this proposal on Class 4 & 5 lands (where the 80ha properties are to be found). At a recent meeting in the Upper Orara, a Councillor with farming background rejected it as impractical. Yet it is the foundation for future zoning policy.

What is the trial project actually designed to test? Why were 80ha and 10ha chosen? May I ask whether there are supporting economic analyses and feasibility studies? How is it perceived to be relevant to the vast majority of properties under 80ha's? The General Manager seems to think that it will be plain sailing to apply the new environment subdivision standards in other areas. However, there is a distinct possibility that we will end up where we are now - searching for a solution.

It is generally accepted that the costs of our rural lands are far higher than what farmers could afford to pay for profitable farming. Some years ago in 1996, the NSW Department of Agriculture noted that the result of strong demand for rural residential or lifestyle subdivision "has been escalating land values beyond what can be usually justified for commercial agriculture". Today, 10ha of run of the mill rural land costs \$50,000. Consider the 40ha cattle property on Class 4 & 5 land which NSW Ag's Study shows grosses \$2,400 annually. By deduction another 10ha will gross only \$600. This deduction is confirmed by NSW Ag Study which gives a gross margin/hectare of \$58.56. Does it not follow that, except in very exceptional circumstances, land trading for agricultural investment purposes is not an option?

Finally, I note the strong emphasis Mr Ferguson puts on the need to protect Class 4 & 5 land in order to support broad acre grazing activities on Class 3 land. Let us take a closer look. In the rural hinterland 17% of the land is Class 3 land. The proportion devoted to broad acre grazing would now be less than half with the decline of the dairy industry since de-regulation from 14 to 3 dairies (this significant change did not rate a mention when planning staff was preparing the plan). Let us assume, generously that half as much is needed again as back-up poor land. This will still leave 80% of poor quality land available for other purposes. Mr Auld is right and the General Manager is wrong.

A final word on the beef cattle industry, our predominant rural hinterland industry. An earlier study tells us that we have some 8,000 head of cattle compared with over 600,000 in the north coast region. Our return in value is a little over 1% of the North Coast total of \$140,000,000. Given the existence of other agricultural industries elsewhere on the north coast (poultry, pigs etc) it should come as no surprise to learn that our rural hinterland produces one half of one percent by value of north coast agriculture.

Submitted for consideration.

I am sending copies of this letter to all Councillors and the General Manager.



GORDON A JOCKEL CBE

315 Old Coast Road
COFFS HARBOUR 2450

7th October 2003

Mr M Ferguson
General Manager
Coffs Harbour City Council
Locked Bag 155
COFFS HARBOUR NSW 2450

C.H.C.C.	
INDEX _____	
INT REF No. _____	
09 OCT 2003	
OFFICER I.D. _____	
DTWKS No. _____	
BOX No. _____	

Dear Sir

Re: Rural Lands Strategic Plan -Commissioners of Inquiry-Draft Terms of Reference

Firstly, my thanks to Rick Bennell for granting me a two weeks extension for my reply to your letter seeking my views on the "Terms of Reference".

To remain within the expressed wishes of the Rural Strategic Planning Committee and the motion from Council "that the Terms of reference for the Assessment by the Commissioners of Inquiry not be restricted by any assumption contained in the Rural Plan" I feel the first point of the Terms of Reference "the proposed subdivision provisions referred to as "Deferred Matters" must be deleted as it immediately restricts the Inquiry ,directing the Inquiry to consider the Draft Plan with its recommended restrictions and time frames.

The "Terms of Reference" must not point the Inquiry in any particular direction and should not contain any statements that do not allow the Commissioners to make a free and broad study of the Rural Lands Strategic Plan.

This is imperative if we are to expect a resolution, which all parties must be prepared to accept.

Yours faithfully

Aileen Mutton
Member R.S.P.Committee

SCANNED



COFFS COAST & COUNTRY
PROPERTY SALES ABN 46 089 547 562

Specialist Real Estate Services

16 October 2003

29 Orlando St
 Coffs Harbour Jetty
 NSW 2450

Phone: 02 6650 0845
 Fax: 02 6651 8189
 ccc@key.net.au
 www.coffscostproperty.com.au

Principals:

Jim Auld - Licensee
 B.A. (Geog & Planning)
 Licensed: Real Estate Agent
 Stock & Station
 Business Agent
 & Auctioneer

Margaret Auld -
Office Manager
 Assoc. Deg (Law)

Attention Rick Bennell

General Manager
 Coffs Harbour City Council
 Locked Bag 155
 Coffs Harbour NSW 2450

C.H.C.C.	
INDEX	
INT REF No.	
17 OCT 2003	
OFFICER I.D.	
DTWKS No.	
BOX No.	

RE: RURAL LANDS STRATEGIC PLAN
TERMS OF REFERENCE
-COMMISSIONERS OF ENQUIRY

I have been absent from Coffs Harbour for several weeks but had understood that as Rick Bennell was on leave, an extension of time for comment was permitted.

In my view, the core issue to be dealt with by the commissioner is dispersed settlement in 1A land. The plan will otherwise exclude the majority of private land from any form of subdivision including the 40 hectare option. The huge increase in demand for rural land and the lack of supply has contributed to price rises, which are now beyond the affordability of average people. The restrictive subdivision policy of the past 10-15 years can take some of the blame for the many younger people who cannot save to keep pace with huge price rises.

Let the commissioner look at sustainable dispersed settlement options, not to be contaminated by cluster settlement issues. Please don't predetermine the outcome by restricting the commissioner to a narrow focus.

Yours faithfully
 Coffs Coast & Country Property Sales

Jim Auld

SCANNED

WORKING WITH YOU

"Edgewater"
927 East Bank Lot
Nana Glen 2450
25/9/03

C.H.C.C.
INDEX _____
INT REF No. _____
26 SEP 2003
OFFICER ID. _____
DTWKS No. _____
BOX No. _____

The General Manager
Coffs Harbour City Council
Locked Bag 155
Coffs Harbour

SCANNED

RE: Terms of Reference - Inquiry Rural Plan

Dear Sir,

I wish to object to the terms of reference set by council staff for the Commissioner of Inquiry into Rural land zone 1a on the following grounds:

- ① That point 4 in the council motion carried on Thursday 21st Aug 2002 is in conflict with the first two dot points in the terms of reference.
- ② The "deposed matter" will only allow the commissioner to look at the case of Nana Glen & Lamba total area rather than start approach and look at all rural 1a in the light of possible dispersed sub divisions.
- ③ Why should the commissioner be asked to compare dispersed settlement with concentrated settlement - the concentrated village settlement has already been passed and accepted by council.
- ④ At our last Rural Lands meeting I was lead to believe that the Commissioner of Inquiry would look at the possibilities

(2)

of sub-divisions in rural (R) lands in
Co #3 H&I City Council areas and if any comparison
is to be made it should be with what
is present available i.e. 40 ha. min sub-divisions
regl. and what maybe accepted in the future.
Let's have a completely open inquiry to find
out what the ratepayers want rather than
be hamstrung by State Planning ideas and
policies in respect to rural (R) lands in
Co #3 H&I City Council areas.

Yours sincerely
Garry Dew
(GARRY DEW)
(Member of Rural Planning Committee)

BIG RIVER PARTNERSHIP
CHCS

FAX TO: Ms G. VEREKA
FROM: PHILIP DOYLE

INDEX
INT REF No.
30 SEP 2003
OFFICER I.D.
DTWKS No.
BOX No.

Upper Otara Road
 Upper Otara 2160
 Phone: (060) 63 8362
 Fax: (060) 638143

29/9/03

Ms G. VEREKA,
 DIRECTOR PLANNING, ENVIRONMENT & DEVELOPMENT,
 CANTON HUR CITY COUNCIL,

RE: TERMS OF REFERENCE - COMMISSIONERS OF ENQUIRY.

I HAVE ONLY JUST RECEIVED YOUR COMMUNICATION OF LAST WEEK RE THE ABOVE. AS A MEMBER OF THE RURAL STRATEGIC PLAN IT IS ESSENTIAL THAT THE COMMISSIONERS OF ENQUIRY ADDRESS THE FOLLOWING.

- SUITABILITY OF CLUSTER DEVELOPMENTS IN THE HUNTLELAND - ESPECIALLY CANNONVALE & AINA GLEN.
- ADVISABILITY OF CASE BY CASE SITUATIONS REGARDING RESIDENTIAL, ENVIRONMENTALLY FRIENDLY DISPERSED RURAL LIFESTYLE DEVELOPMENTS IN THE HUNTLELAND.
- WORTH & VALUE OF PRESENT & FUTURE AGRICULTURAL INDUSTRIES IN THE HUNTLELAND AT PRESENT UNDER STAGES.
- COMPENSATION FOR LANDHOLDERS PREVENTED FROM DEVELOPING RURAL LIFESTYLE AREAS.
- VALIDITY OF REASONS FOR PREVENTING RURAL LIFESTYLE AREAS - IN VIEW OF MODERN TECHNOLOGIES - SUCH AS ONSITE WASTE DISPOSAL ETC.

I WOULD MAKE APPLICATION FOR INTERVIEWS WITH THE COMMISSIONERS WHEN THE ENQUIRY BEGINS.

THANK YOU.
 SCANNED
 Philip Doyle



Department of
Infrastructure, Planning and Natural Resources

Contact: Name
Phone: 02 6642 0622
Fax: 02 6642 0640
Email: northcoast@planning.nsw.gov.au

Mr M Ferguson
General Manager
Coffs Harbour City Council
Locked Bag 155
COFFS HARBOUR NSW 2450

C.H.C.C.	
INDEX	_____
INT REF No.	_____
14 OCT 2003	
OFFICER I.D.	_____
DTWKS No.	_____
BOX No.	_____

Our ref: G96/00052
Your ref: 758527
File: G:\Local Planning\Coffs Harbour\LETTERS\G96_00052_amd15_qs.doc

10 October 2003

Dear Mr Ferguson

Draft Amendment 15 to Coffs Harbour LEP and Rural Lands Strategic Plan.

Thank you for your letter of 3 September 2003 and subsequent conversations between your Rick Bennell and Greg Yeates and Elizabeth Yeoman of this office.

We note that an outstanding issue - subdivision in the 1A zone – is to be considered by a Commission of Inquiry. The Department supports that process and would appreciate being involved. The result of the process could well be that there is a need to subsequently alter the rural-residential strategy.

While this issue is being deferred from the existing strategic planning process, there remains a further issue – the proposal to allow subdivision down to 6 hectares and additional dwellings, without the need for these lots to be tied to banana production.

Of major concern is the conversion of previously-identified banana lands to rural-residential subdivision. The long-term implications of this for the banana industry have not been explored. The additional rural-residential (6 hectare) lots have not been accounted for in the strategies. In addition there is potential for conflict between new rural-residential settlers and existing banana growers.

We agree that the existing provision (LEP clause 18(3)) is not effective in that it results in vegetation clearance without productive banana growing. However allowing residential development on such lots does not prevent clearing from occurring, it rather adds a further 'rural-living lifestyle' dimension to the problem. A proposal needs to meet the following objectives / principles:

- only good potential banana lands should be included on the DCP maps to which clause 18(3) applies. Inspection of some of the sites by Mr Yeates and Ms Yeoman indicates that some designated areas may not be suitable for bananas due to being prone to frost or on south-facing slopes;
- in good potential banana land, producers should retain the opportunity to grow bananas without fear of complaint from neighbouring rural-residential occupiers;
- there should be controls on clearing on 6 hectare rural-residential lots if not proposed for banana production; and

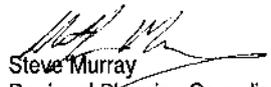
SCANNED

- account needs to be taken of these lots in the rural residential strategy because they assist in fulfilling the demand for rural living.

To resolve these issues quickly, it might be appropriate for Council staff to meet with us and the NSW Agriculture to discuss the issues before further action is taken with regard to the strategy or the LEP. Alternatively, Council may choose to delete clause 18(3) from the principal plan for the time being, and refer the question to the proposed Commission of inquiry.

I would appreciate your consideration of these issues.

Yours sincerely



Steve Murray
Regional Planning Co-ordinator
(North Coast)

cc NSW Agriculture
Agricultural Research Station
WOLLONGBAR NSW 2480

CITY BUSINESS UNITS DEPARTMENT REPORT

E73 RELOCATION OF ACCESS HANDLE - LOT 2 DP 863703, GUNDAGAI STREET, COFFS HARBOUR

Purpose:

Report seeking Council approval for the relocation of an existing access handle servicing a Council parcel of land.

Description of Item:

Council has recently been approached by the Catholic Club with a request to relocate an existing access handle that services land owned by Council off Gundagai Street known as Lot 2 DP 863703.

The Catholic Club own land known as Lot 1 DP 863703 and Lot 1 DP 632991 which is located either side of Council's existing access handle and wish to develop their land for medium density residential purposes. The proposed relocation of the access handle to the east is shown more clearly on the attached plan. The relocation will allow more effective use of the two sites owned by the Catholic Club and will facilitate a better overall development by the Club by consolidating their two land parcels.

Council has agreed to the relocation of the access handle on the following terms:

1. Nil compensation.
2. All costs associated with the matter being the responsibility of the Catholic Club.
3. A Deed of Agreement being entered into between the parties.
4. The Catholic Club, at its expense removing the vegetation planted several years ago from the rear of the proposed handle to allow suitable access to Council's rear land. Compensatory planting being undertaken by the Catholic Club on the rear part of the existing handle that will be no longer be required for access.
5. A splay corner being provided to the proposed access handle at the point it fronts Gundagai Street. This splay corner to be two metres long on each axis.
6. Council's land being consolidated as shown by proposed Lot 22 in the plan attached to this report.

The process to change the location of the handle will involve a simple land swap between the parties. A similar area of land is involved and the new handle will also have a width of four metres. The relocation will have little practical effect on Council's interests. The land involved which is currently owned by Council has an operational status under the provision of the Local Government Act, 1993.

cont'd

E73 Relocation Of Access Handle - Lot 2 Dp 863703, Gundagai Street, Coffs Harbour (cont'd)

Sustainability Assessment:

- **Environment**

There will be no adverse environmental impact as any vegetation removed will be replaced by compensatory planting.

- **Social**

There will be minimal social impact as a result of the matter.

- **Economic**

There will be no costs to Council associated with this matter. Council's access will be maintained to an equivalent level to that which currently exists.

Consultation:

This matter has been discussed with Council's City Parks Manager who has no objection to the proposal proceeding.

Implementation Date / Priority:

The matter will be actioned immediately.

Recommendation:

1. **That Council consent to the relocation of the access handle currently described as Part Lot 2 DP 863703 to the east as shown on the plan attached to this report.**
2. **That Council consent to the relocation of the access handle on the terms contained within this report.**
3. **That all necessary documents associated with this matter be executed under the common seal of Council.**
4. **that Council provide its consent as owner to the lodgment of a Development Application by the Catholic Club which will impact upon Council's existing access handle.**
5. **That the land being transferred to Council be classified as operational land under the provision of the Local Government Act, 1993.**

Pat Littler
Director, City Business Units

Attachments:

