

Minutes for this meeting will be confirmed at the Planning, Environment & Development Committee Meeting to be held in the Council Chambers, Council Administration Building, on 18 November 2004 commencing 5pm.



COFFS HARBOUR CITY COUNCIL

**ORDINARY MEETING
(CITY BUSINESS UNITS COMMITTEE)**

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

4 NOVEMBER 2004

Commencing at 5.00pm

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COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
(CITY BUSINESS UNITS COMMITTEE)
4 NOVEMBER 2004

Mayor and Councillors

CITY BUSINESS UNITS DEPARTMENT REPORTS

B34 SPORTS UNIT STRATEGIC PLAN

Purpose:

For council to adopt the sports unit strategic plan.

Description of Item:

The strategic plan outlines the goals, objectives and strategies of the Coffs Harbour City Council's sports unit for the next five years to service the sporting needs of the community and to develop the city's sports industry, which has been identified by council as an important economic driver.

Considerable consultation has been undertaken with the many sporting stakeholders, business owners and council staff in preparation of the plan, which will be used in concurrence with operational and management plans.

The sports unit's strategic plan focuses on the role of the sports unit in delivering sports facility infrastructure planning, facility and asset management, administration, sports programs and major events to the community. The plan is complemented and will operate in conjunction with council's management plan and existing documents such as the 1998 Open Space Strategy and the 1996 Plan of Management for Sportsgrounds. In addition, the strategic plan has continuous improvement initiatives recognising the triple bottom line approach of council.

The intention is to deliver a clear direction for sports in the city, recognising and providing a quality service to the sporting needs of the community and developing Coffs Harbour into a centre that hosts sporting and cultural events from regional through to international standard.

cont'd

B34 Sports Unit Strategic Plan (cont'd)

Sustainability Assessment:

The Sports Unit is committed to Coffs Harbour City Council's vision for sustainability and adopts a balanced approach to strategic planning and operations, taking into account the following social, economic and environmental targets:

- **Environment**

- Prevention of adverse impacts upon the natural environment through sporting activities or facility development;
- Our built environment is enhanced through provision of quality sporting facilities;
- Our sporting venues are based at appropriate locations and are able to use recycled water;
- Coffs Coast Sport and Leisure Park becomes a precinct for the sports industry and social and cultural interaction as well as for sports competition.

- **Social**

- Active and healthy lifestyles become a strong part of our culture;
- Our cultural experience is enriched through the staging of signature, profile, participatory and local events in the city (refer to definitions contained within Major Events Strategy);
- Our social lifestyles are enriched through participation in competitive sports and interaction with people from other regions;
- The sports industry provides employment options;
- The sports industry provides education and training opportunities.

- **Economic**

Broader Economic Implications

- Signature events promote the city of Coffs Harbour to a national or international audience, boosting our tourism, hospitality and retail industries;
- Signature, profile and participatory events promote the city to national, state and regional audiences, boosting tourism, hospitality and retail revenue;
- Strategic planning and prudent asset and resource management generates new revenue for facility development;
- Direct employment opportunities arise from the development of the sports industry;
- Development of Coffs Harbour as a regional centre for sports administration and sports education and training.

Management Plan Implications

The Sports Unit Strategic Plan is integrated with the Coffs Harbour City Council Draft Management Plan 2004-2007, as illustrated in the table below:

cont'd

B34 Sports Unit Strategic Plan (cont'd)

Table 1:4a Related Council Management Plan Objectives - Basic Infrastructure

Key Objective	Strategies	Indicators	Sports Unit Strategic Plan References
Meet the basic infrastructure needs of the community.	<ul style="list-style-type: none"> • Implement Open Space Strategy and Plans of Management; • Provide input into service levels; • Fund, develop and maintain national standard sporting facilities. 	<ul style="list-style-type: none"> • Determine and monitor levels of infrastructure service acceptable to the community through consultation and analysis; • Surveys conducted annually; • Investigate funding sources for Coffs Coast Sports and Leisure Park (CCSLP) Plan; • Implement CCSLP Plan subject to funding; • Through promotion, increase the number and variety of events at the International Stadium. 	<ul style="list-style-type: none"> • Strategies 1, 2, 3,4, 6, 7 & 8. • Strategies 1, 5, 7 & 8. • Strategies 1, 2, 3 & 6. • Strategies 1, 2, 3 & 6. • Strategies 2, 3 & 8.
Create opportunities and outlets to satisfy the community's cultural and social needs.	<ul style="list-style-type: none"> • Provide community facilities to meet identified community needs. 	<ul style="list-style-type: none"> • Develop regional tennis facilities plan by December 2004 	<ul style="list-style-type: none"> • Strategy 6
Encourage community expression, leading to a unique cultural identity for the city.	<ul style="list-style-type: none"> • Ongoing development of a calendar of events (including civic functions and events) to engage the community 	<ul style="list-style-type: none"> • Frequency and variety of community events and participation levels 	<ul style="list-style-type: none"> • Strategies 1, 2, 3, 7 & 8
Encourage the community to develop a strong and diverse local economy through the Economic Development Strategy	<ul style="list-style-type: none"> • Encourage new investment to the city, and expansion of existing industries. • Encourage the development of emerging economic clusters. 	<ul style="list-style-type: none"> • Implement Sports Unit strategic plan (addressing promotional, economic and lifestyle benefits for the city); • Number of new events and repeat events; • Develop strong relationships with sporting bodies and agencies. 	<ul style="list-style-type: none"> • Strategic Direction and throughout Strategies 1-8; • Strategy 2; • Strategy 1

cont'd

B34 Sports Unit Strategic Plan (cont'd)

Key Objective	Strategies	Indicators	Sports Unit Strategic Plan References
Optimise economic returns and opportunities from Council's core business	<ul style="list-style-type: none"> Implement projects under Coffs Best Value 	<ul style="list-style-type: none"> Percentage change in the net cost / revenue of service provision; Increased returns from identified business activities 	<ul style="list-style-type: none"> Strategies 1, 3, 4, 5 & 8. Strategies 2, 3, 4
Examine opportunities for optimising Council's revenue through business undertakings	<ul style="list-style-type: none"> Identify and investigate potential revenue / business opportunities 	<ul style="list-style-type: none"> Increased returns from non-core activities; Number of opportunities investigated 	<ul style="list-style-type: none"> Strategies 1, 2, 3 and 4
Foster relationships with the government and the private sector to secure additional funding sources	<ul style="list-style-type: none"> Lobby State and federal governments and Commonwealth Local Government Forum for funding of infrastructure, research and services. Fosters relationships with business and the private sector 	<ul style="list-style-type: none"> Nature and estimated value of strategic alliances; Number of funding applications sought; Value and number of grants and subsidies; Value and nature of new infrastructure and/or services; New alliances formed; Sponsorships and corporate partnering; Fees for service 	<ul style="list-style-type: none"> Strategies 1, 2, 3, 4, 5, 6, and 8

Consultation:

The plan has been on public exhibition for a period of 28 days as per a decision at council meeting on 19 August 2004.

There was one submission from Mr Kerry Bayliss which is attached to this report. His comments supported the initiatives of the plan and emphasised the necessity of developing a sports industry within Coffs Harbour by creating relationships with Southern Cross University, Ramsey Healthcare and the Health and Education campus based at the hospital.

In addition, considerable consultation has been undertaken with the many sporting stakeholders, business owners and council staff in preparation of the plan, which will be used in concurrence with operational and management plans.

Related Policy and / or Precedents:

There are no related policies or precedents in this instance.

Statutory Requirements:

There are no related statutory requirements in this instance.

cont'd

B34 Sports Unit Strategic Plan (cont'd)

Implementation Date / Priority:

The Plan will be implemented subject to Council's budget and management plan.

Recommendation:

That Council adopt the Sports Unit Strategic Plan as exhibited.

Attachments:

RESPONSE TO DRAFT STRATEGIC PLAN (sport)

- **Develop a strategic planning board for City wide major events, capital works and funding programs.**
- **Develop the sports industry in Coffs Harbour, to be a key economic driver for the city.**

These two points on page 7, are the key.

I believe that the centrepiece to the development of a sports INDUSTRY is the completion of fields at Coffs Harbour Sport and Leisure Park.

To attract the funds necessary a more integrated industry must be created. This can be achieved by the development of partnership between CHCC and 'say' Ramsey Healthcare (to develop a specialist sports injury treatment unit) and Southern Cross University (to introduce at the Coffs Harbour campus the degree in Human Movement or similar). Health and Education add greatly to the overall concept providing additional facilities and service to this region creating many new and long-term jobs.

These two additional components would then be added to the publication by King And Associates. This booklet would then reflect a complete sports related industry with commitment from three significant partners thus having added influence in selling the concept. (Raising funds)

These items, in order, should be

- 1) Creation and agreement to a partnership, (year 1)
- 2) Revision of the sales booklet, King and Associates, (year 1 + 6mths)
- 3) Sale of the concept, and (immediately after (2))
- 4) Development of the additional grounds. (Immediately after (3))

The implementation and conclusion of the plan as outlined above must be given the highest priority. The inclusion of health and Education into the equation raises the (sport) facilities well beyond that of our competing regions and is achievable in the short term. This then is the complete sports industry not just a series of (very good) playing fields.

A person with specific direction from council and the stadium board should begin discussions with Ramsay Healthcare and SCU by 1 Oct 2004.

Kerry Bayliss

Foot note.

The development of the velodrome / criterion track seems to have a life of its own, surely this significant item should also become a part of the strategic plan, and within the 'Stadium prescient?

B35 AIRPORT MANAGEMENT AND 377 COMMITTEE

Purpose:

To advise Council of the current status regarding user input to Airport Management and Council's 377 Committee and further to recommend to Council an effective manner for airport industry and user input.

Description of Item:

When Council took over ownership of the airport from the Commonwealth it formed an Airport Development Advisory Committee. Once the airport was redeveloped there was no further need for a Development Committee and the focus changed to business development and promotion. The structure and membership of the Committee needed to be reviewed. When the new Council was elected in 2004 this committee was one of several that Council resolved to defer until it could consider its role and therefore composition.

Council needs industry input into the continuing development and strategic direction of this vital regional asset.

There are two separate interest groups, one being the General Aviation (GA) area and the other the Regular Passenger Terminal (RPT) area. To assist management, staff have met regularly with focus groups made up on representatives of these areas.

This process works very well, particularly for the RPT area. The GA focus group needs to be strengthened.

Sustainability Assessment:

These industry advisory groups assist Council in the running of the airport as a successful business. They do so by giving industry feedback and advice and by providing a broader view of the aviation industry.

- **Environment**

Another important aspect of Council operating the airport, as a successful business unit is that in doing so Council can ensure it is operated in the most environmentally friendly way.

- **Social**

It is important that the airport operate as a successful business unit of Council. In doing so it returns a dividend to the community that can be invested into other Council projects that benefit the City.

People from many parts of Australia have chosen Coffs Harbour as their home. Reliable, convenient and affordable air services are important to these people providing them with quick, comfortable access to business, friends and family.

cont'd

B35 Airport Management And 377 Committee (cont'd)

- **Economic**

Broader Economic Implications

It is important for the City and our surrounding region to have reliable and affordable air services. This is crucial for the economic well being of the area. Many business people have set up their businesses in Coffs Harbour because of the convenient and quick access our air services give to the major centres of Sydney, Brisbane and Melbourne.

Having affordable and frequent air services assists the tourism industry in attracting leisure travellers to the region. Even though the bulk of visitors still come by road, our air services helps the Coffs Coast attract people from the short breaks market, the conference market and other significant state and national events held locally.

Management Plan Implications

There are no management plan implications arising from this matter.

Consultation:

Representatives of both the General Aviation and the Regular Public Transport sections of the airport have been consulted on this matter. The consensus is that the use of these industry advisory groups has been successful.

Related Policy and / or Precedents:

Council formed the Airport Development Advisory Committee in the early 1990's not long after it took full ownership of the airport. This was a Section 355 committee that met 11 or 12 times per year. This group made a significant contribution in guiding Council with the planning and development of the airport. The Airport Development Advisory Committee membership consisted of Councillors, RPT and GA industry representatives, local business representatives, community members, Senior Air Traffic Controller, tourism representatives, Airport Marketing Manager, Director of Planning, Director Economic and Community Services, City Treasurer and the Airport Manager.

With the runway widening and terminal upgrade project being completed in early 2001 the focus for airport management moved to business development and air service expansion. A small informal group of industry was formed from members of Airport Development Advisory Group. This group, now called the Airport Focus Group, focuses primarily on airport business developments matters and route development.

The Airport Focus Group meets on an as needs basis but generally around 10 times per year. Membership consists of Councillors, RPT & other industry representatives, a community member, the Director of City Business Units, the Coffs Coast Marketing Manager and the Airport Manager. During the period of the Airport Master Plan review the group also enjoyed the participation of the Director of Planning, Environment and Development.

The General Aviation Industry Group consists of three General Aviation tenants selected by the GA community. This group meets on an as needs basis but generally about 8 times per year.

Both groups were consulted during the Airport Master Plan review process.

cont'd

B35 Airport Management And 377 Committee (cont'd)

Statutory Requirements:

Clause 29 of the Local Government Act Meeting Regulations provides Council with the opportunity, by resolution, to establish such committees, as it considers necessary. A committee is to consist of the mayor and such other councilors as are elected by the councilors or appointed by the Council.

Section 355 of the Local Government Act provides for the Council to have its functions exercised by a "b) Committee of Council"

Section 377 of the Local Government Act provides the general power of Council to delegate to the General Manager or any other person or body (not including another employee of the Council) any of the functions of the Council, with certain exceptions.

In operating such committees Council must be mindful that Section 377 infers that the subject committee becomes Council when exercising its delegated duties. This is an issue for industry representatives because of the potential for conflicts of interest.

Issues:

The Airport Development Advisory Committee worked very effectively and we would not have the magnificent facility we now enjoy if it were not for efforts, advice and encouragement of that group. However, the challenge for Council is now to grow the business. The aviation industry is constantly changing and Council needs to be attuned to both local and national industry trends. Industry participants play a vital role in this along with Council's involvement in the Australia Airports Association.

Based on legal advice it is unlikely our industry participants would be as nearly as effective in assisting Council if they were part of a Section 377 committee. This is due to the constant potential for a conflict of interest in many of the matters discussed at such meetings when industry representatives are present. This risk arises from the definition of the delegations of such committees more than the manner in which the meetings are conducted and minuted.

The use of a less formal advisory or focus group alleviates this problem. Although these group meetings are conducted and minuted in the same way as a Section 377 committee, the group does not make recommendations directly to Council and nor does it have the same delegations. Instead the committee would be more akin to a community consultative group advising Council on airport matters.

The Mayor and Deputy Mayor have expressed an interest in participating in regular meetings with industry representatives and GA users. What would be proposed is that the Mayor, Deputy Mayor and the Chair of City Business Units meet regularly with the existing Focus Groups.

Full Council can be kept informed of aviation related matters through reports to Council. Other Airport matters outside normal management issues can be brought to Council by the Mayor through a Mayoral Minute or the Mayor or Councillors asking for a report in the General Business section of Council.

cont'd

B35 Airport Management And 377 Committee (cont'd)

Implementation Date / Priority:

If Council chooses to continue with industry advisory groups then the resolution can be implemented immediately as they are functioning already. Any minor changes to these groups proposed by Council would be implemented at the next meetings of the respective groups.

If Council wished to form a Section 377 committee then it would first need to invite expressions of interest for membership. By the time this was done and reported and formal appointments made it would most likely be February or March 2005 before the first meeting could be held.

Recommendation:

- 1. That Council endorse the continued use of airport focus groups as advisory bodies for the operation and business expansion of the airport and that the Mayor, Deputy Mayor and Chair of the City Business Units Committee participate in these meetings.**
- 2. That Council not appoint a Section 355 Committee for the Airport.**

B36 NANA GLEN SWIMMING POOL PROJECT

Purpose:

To obtain Council's support for the development and on-going management of a 25m swimming pool at Nana Glen primary school.

Description of Item:

The Nana Glen Public School has obtained a \$200,000 grant from the Department of Sport and Recreation's regional development fund to add to a donation of \$200,000 from a local resident for the development of an 8 lane 25 metre swimming pool for school and community use at Nana Glen.

It is proposed that Council lease for a period of 20 years an area of land within the school owned by the Department of Education and Training (DET) where the pool is to be located and manage the facility upon completion.

The project will provide a swimming facility for the local community of Nana Glen and surrounding areas, increase the level of participation in active recreation and provide a safe environment for the children to swim and learn water safety.

A major issue for the children in the area has been access and cost of transport to the pool in Coffs Harbour, which will be minimized, however many of the surrounding schools will still need to use the bus to access the facility.

A working group including Lawrie Renshall (Principal of Nana Glen PS) and Council staff has been set up and has met three times. The group is working through some of the issues that need to be resolved and has almost completed a Development Application for the pool.

Pool design

The proposed pool is to be 25m x 12m eight lane, depth ranging from 1.2m to 1.83 m which meets standards for conducting swimming carnivals and public swimming. The pool will require the construction of a canteen, amenities block, car park, secure fencing, shade structures and pool blankets to extend the season.

Under the conditions of the grant work on the pool must commence by 30th April 2005 and be completed by 31st July 2007.

Land tenure

The proposed site for the pool is owned by the DET and is within the grounds of the Nana Glen PS. Prior to submission of the DA the conditions of the lease will need to be agreed upon and the lease executed when the pool is completed. Council will be leasing the land for a minimal rental and taking on the daily management of the facility.

Under a lease arrangement Council would be responsible for the operations, maintenance and public liability of the facility, with the ability to sub-lease.

cont'd

B36 Nana Glen Swimming Pool Project (cont'd)

Proposed hours of operation

The following hours of operation are anticipated:

Seasonal:	Sept – April (8 months)	
Mon – Fri	6.30am - 8.30am 9am – 3pm 3.30pm – 6pm	program use and general entry school use only (as requested by school) program use and general entry
Saturday	8am – 10am 10am – 3pm	swimming club general entry
Sunday	general entry	10am – 3pm

Note:

- i) Operating hours to be extended during holiday periods
- ii) Limited access during school hours may impact on potential revenues from learn to swim classes as well as restricting access to the community
- iii) Solar blankets would be required to be purchased to extend season to 8 months

Pool Operations

- It is anticipated that the pool will be managed by a Section 355 community management committee with representation from Nana Glen Public School to co-ordinate bookings, recommend fees, set opening hours, oversee supervision and general management of the facility
- The 355 committee will be responsible for investigating and co-ordinating the contracting of private operators to undertake services such as coaching, cleaning, pool supervision, providing a kiosk and water quality. In the event that a contractor cannot be found an alternate course of action is for volunteers to manage the pools operations and provide lifeguard supervision, which would require investigation from council's insurance and risk assessors.
- During school hours, it is anticipated that the teachers will provide supervision, as only school groups would have access to the facility, as stipulated by Nana Glen PS. This would require investigation from council's insurance assessors as well as all teachers requiring necessary training
- Water quality, cleaning and general plant maintenance has been offered by the company that has provided a quote to construct the pool for an annual fee of approx \$20,000.
- A swimming club would be established to foster and promote swimming in the area, provide water safety and fundraising to cover the cost of operations
- The swimming club would provide a weekly race program and work with a professional coach to develop a learn to swim program and training squads
- The swimming club would provide voluntary lifeguard supervision for the pool outside professional coaching hours and reduce operating costs, which would need to be investigated from a risk assessment view. It would be considered that this course of action would not be industry practice due to the liability and specifications set for public swimming pool supervision and management.

cont'd

B36 Nana Glen Swimming Pool Project (cont'd)

Coaching professional

It is envisaged that the facility may be sub-leased to a professional operator who would provide the following services:

- Provide learn to swim and training squads
- In return the coach would provide pool supervision, cleaning and water testing during the hours of coaching

Option of providing canteen to increase hours of supervised operations and interest in finding a coach as the financial rewards may not be that attractive due to limited population.

Sustainability Assessment:

- **Environment**

Waste water, sewer and chlorinated water from back wash and cleaning operations will need to be disposed of in a manner that meets public safety standards and EPA guidelines. The disposal site will need to be included in the lease area.

Council is aware of concerns from a neighbour about noise and lack of privacy. This will need to be dealt with in the DA process.

- **Social**

A major issue for the children in the western region of Coffs Harbour has been access and cost of transport to the Olympic pool in Coffs Harbour. In addition, statistics reveal that more people drown in regional areas. Greater access to water safety and learn to swim classes will reduce the risk of drowning as well as provide the community with a new range of active sports to participate in, while providing a positive social impact.

A survey undertaken by the Nana Glen PS at the seven local primary schools, indicated that 99% of respondents supported the pool and that 98% would regularly use the facility. In addition, all schools would utilise the pool for swimming carnivals, learn to swim programs and water safety lessons.

- **Economic**

Broader Economic Implications

The Nana Glen PS received a quotation from Williams Dolphin Pools and Spas for the construction of a 25m x 12m concrete pool of \$437,500 (incl GST). Additional costs include the construction of a security fence \$15,000, canteen/amenities block \$100,000, shade structures \$10,000, carpark \$30,000, sound screen \$10,000 as well as other incidentals (say \$20,000) for items such as lane ropes, signs, pathways, clocks, seats and blankets.

In addition, there will be costs of approximately \$40,000 for site preparation, sewer, power, land easement, geo technical reports and legal fees for lease of the land from the DET.

cont'd

B36 Nana Glen Swimming Pool Project (cont'd)

Project costs (not including GST)

Please note the following costs are only estimates as exact costs cannot be determined until accurate plans and service investigations have been conducted.

Income

Donation	200,000
DSR grant	200,000
Total	\$400,000

Expenditure

Pool construction	398,000
Canteen/amenities block	100,000
Car park	30,000
Fencing	15,000
Shade structures	10,000
Sound screen	10,000
Legal, sewer, power ,DA & other fees	40,000
Incidentals	20,000
Contingency @ 5%	31,000
Total	\$654,000

Deficit \$254,000 **

** The Nana Glen PS is seeking to cover the short fall with community fundraising and donations of materials and labour. They are also seeking to stage some of the components to minimize the upfront costs.

Operating costs per annum

Income

Canteen (net)	5,000
Donations/fundraising	5,000
Memberships	10,000 (100 family memberships sold)
Fundraising	5,000
Coaching / LTS	5,000
Entry fee/hire	5,000
Total	\$35,000

Expenditure

Utilities	10,000 (water, electricity, phone, rates)
Maintenance	10,000
Operator	30,000
Chemicals	5,000
Contingency	5,000
Public liability insurance	10,000
Capital works fund	5,000
Total	\$75,000

Deficit \$40,000

cont'd

B36 Nana Glen Swimming Pool Project (cont'd)

Management Plan Implications

Funding of the shortfall will be required to be addressed by the proponents. Council has never indicated they will look to fund any capital cost shortfall.

Council in the 2003/04 management plan subsidized public swimming pool operations at Coffs Harbour, Sawtell and Woolgoolga by \$179,800. Based on the above figures the annual subsidy for the Nana Glen pool would be at least \$40,000. Maintenance and management costs would need to be allocated in the 2005/2006 Management Plan.

Consultation:

There has been extensive community consultation in reference to the project, which has been conducted by the Nana Glen Primary School.

A survey undertaken by the seven local primary schools indicated that 99% of respondents supported the pool and that 98% would regularly use the facility. In addition, all schools would utilise the pool for swimming carnivals, learn to swim programs and water safety lessons

Related Policy and / or Precedents:

Council's current policy is to sub lease swimming pool facilities on a subsidized arrangement.

Statutory Requirements:

Nana Glen Public School will manage the project to take advantage of any sponsorship or value in kind contributions from local suppliers. Council will assist with any technical advice etc required in this process.

The construction and operation of the pool will require development consent. The ongoing operation will also need to comply with the requirements of the Public Health Act 1991

Issues:

Proceeding with the pool takes advantage of the generosity of a local resident towards the people of Nana Glen in providing this needed facility and also takes advantage of the Department of Tourism, Sport and Recreation grant.

The economic viability of the pool is a major issue due to the population size. In addition, it will take away customers and subsequently revenue from the existing pool in Coffs Harbour, which council already heavily subsidises.

The project shortfall of approximately \$254,000 would be required to be met by the proponents for the project to go ahead. In addition the operation of the pool will require Council to fund an annual subsidy of at least \$40,000 per year. This subsidy is equivalent to an upfront contribution of \$424,000 assuming it is paid over a 20 year period at an interest rate of 7%. Council would need to satisfy itself that sufficient funding to allow the facility to be built to the required standards is available before committing to the lease.

cont'd

B36 Nana Glen Swimming Pool Project (cont'd)

Implementation Date / Priority:

The Department of Tourism, Sport and Recreation grant conditions require work to commence by 30 April 2005 and be completed by 31 July 2007.

Recommendation:

- 1. That subject to sufficient funding being available, Council enter in to negotiations with the Department of School Education regarding lease conditions for the site of a 25m swimming pool in the Nana Glen School grounds.**
- 2. That upon completion of the project Council operate the completed Nana Glen swimming pool by way of sub-lease to a contractor under the guidance of a Section 355 Committee and allocate appropriate operational funding in the 2005/06 budget.**

P C Littler
Director of City Business Units

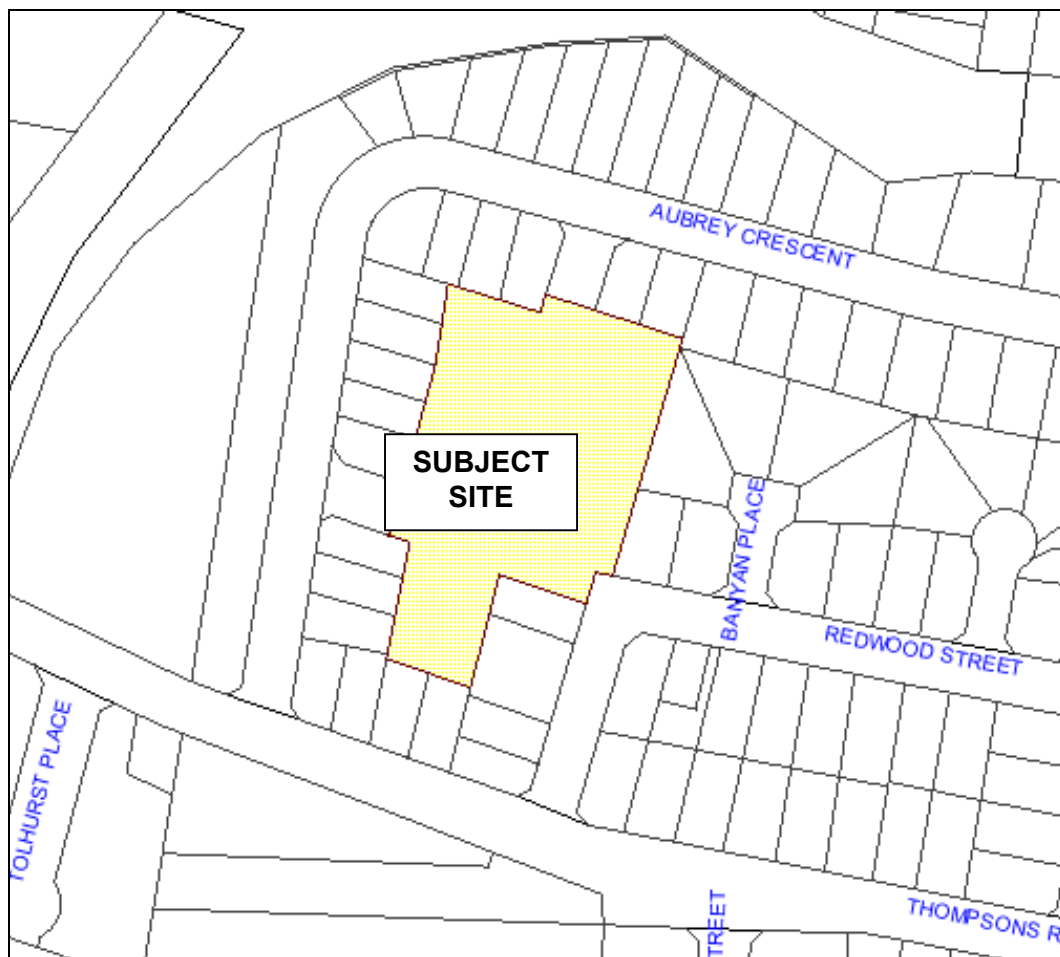
PLANNING ENVIRONMENT AND DEVELOPMENT DEPARTMENT REPORT

PED38 DEVELOPMENT APPLICATION NO. 577/04 - RESIDENTIAL SUBDIVISION - LOT 36, DP 777278, REDWOOD STREET, COFFS HARBOUR AND PROPOSED TREE PRESERVATION ORDER

Purpose:

Development application 577/04 is for residential subdivision creating eight residential lots. A number of objections to the application have been received and the purpose of this report is to present the application to Council for consideration. The application has been amended slightly since submission. Conditional approval of the application is recommended.

It is also recommended that Council adopt a tree preservation order in respect of native vegetation that will remain on two of the lots in this subdivision.



Description of Item:

The site is within an existing low-density residential area in Coffs Harbour. A number of already developed residential lots adjoin the site. All contain existing dwellings which were built a number of years ago. Seven objections to the proposal were received.

cont'd

PED38 - Development Application No. 577/04 - Residential Subdivision - Lot 36, DP 777278, Redwood Street, Coffs Harbour and Proposed Tree Preservation Order (cont'd)

The site includes native vegetation consisting mostly of Blackbutts and some Swamp Mahoganies. The application proposes the removal of most of the trees, however a significant portion of the trees will remain on the two largest and most northern lots.

The proposal has been amended slightly since submission and notification of the application. The amendments involve

- Reduction in the number of lots from eight to seven by consolidation of three lots at the northern end of the site and redivision into two lots
- A restriction as to user is proposed for the northern most residential lots where existing native trees will remain.
- Addition of "road splays" to the subdivision to allow a landscaped area at the entry to the subdivision and address amenity of adjoining residential lots to this road
- Compensatory planting is proposed at a rate of five tree for every tree that is to be removed. This planting will occur within the two most northern lots and also some within the road reserve.

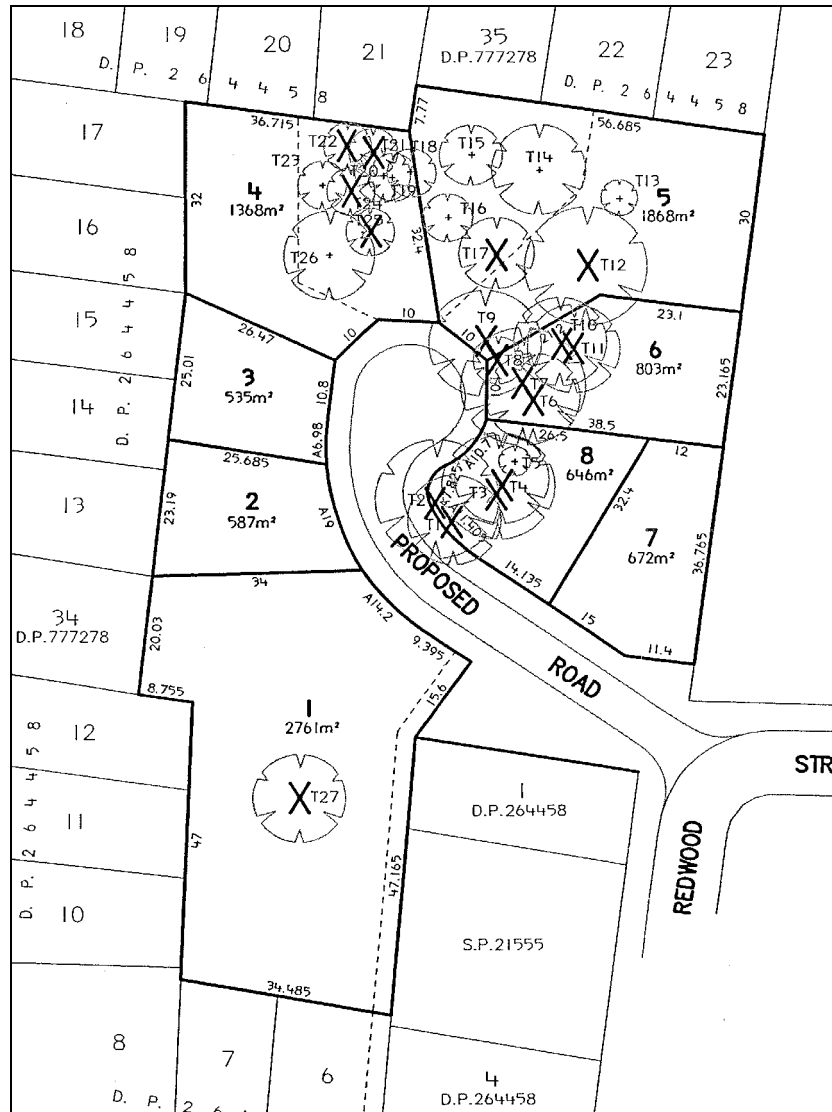
The proposal involves a single access road, ending in a cul de sac off Redwood Street. The majority of lots in the subdivision vary from 535 m² in area to 1868 m². There is one additional, larger lot of 2761 m². The developable area on the majority of lots would be slightly smaller than the average residential allotment given the constraint of existing trees which are to remain on the larger lots.

An arborist's report and flora and fauna assessment has been submitted with the application.

A list and description of the trees proposed for removal is appended. (Appendix A)

cont'd

PED38 - Development Application No. 577/04 - Residential Subdivision - Lot 36, DP 777278, Redwood Street, Coffs Harbour and Proposed Tree Preservation Order (cont'd)



Sustainability Assessment:

- **Environment**

The site does contain some significant vegetation. Part of the site is identified as Primary Koala Habitat under Council's Koala Plan of Management. A significant portion of the trees are to remain on the site and compensatory planting is to occur

It is considered that the impact on the environment is acceptable.

- **Social**

The proposed development will provide additional land to the housing sector and indirectly result in additional housing to the area.

cont'd

PED38 - Development Application No. 577/04 - Residential Subdivision - Lot 36, DP 777278, Redwood Street, Coffs Harbour and Proposed Tree Preservation Order (cont'd)

- **Economic**

Broader Economic Implications

The proposal will involve employment creation during its construction and provide additional housing to the area.

Management Plan Implications

The development has no implications on Council's adopted Management Plan.

Consultation:

Council provided written notification of this proposal to a total of 27 property owners; 24 which immediately adjoin the site plus some other properties on Redwood Street between the subject site and Thompsons Road.

Eight objections to the proposal were received. The concerns of these residents vary and are addressed under the "Issues" section.

The proposal has also been considered by the Department of Environment and Conservation. This is a statutory consultation process given the Primary Koala Habitat on the site and Council's Koala Plan of Management. They expressed some concern with the level of trees proposed to be removed.

Statutory Requirements:

- **Section 79C Evaluation**

Section 79C of the Environmental Planning and Assessment Act 1979 specifies the matters which a consent authority must consider when determining a development application. The consideration of matters is limited in so far as they must be of relevance to the particular application being examined.

The Section 79C evaluation is appended to this report (Appendix B).

Recommended conditions of approval for this application are appended to this report (Appendix C).

- **Permissibility**

The site is zoned 2A Residential Low Density and the development is permissible in the zone with Council approval.

- **Relevant Statutory Instruments**

- North Coast Regional Environmental Plan;
- Coffs Harbour City Local Environmental Plan 2000;
- Subdivision Development Control Plan (DCP);

cont'd

PED38 - Development Application No. 577/04 - Residential Subdivision - Lot 36, DP 777278, Redwood Street, Coffs Harbour and Proposed Tree Preservation Order (cont'd)

Issues:

- **Tree removal and Koala habitat**

A number of submissions on this application have addressed this as a concern and this is a statutory matter that Council must address in determining the application. Most of the trees on this site are Blackbutts. There are also some Swamp Mahoganies and one Tallowwood.

The application has included a flora and fauna report from a well-recognised expert in Koala populations. This report has attempted to balance safety concerns with the majority of trees on this site (Blackbutts) against the sites' value for Koala populations.

The flora and fauna report acknowledges that there is a history of Koala use of this site and of the area generally. It also refers to clearing of this site which occurred in August 2000 without formal approval and may have removed the primary habitat from the site.

This report generally recommends that trees of an unsafe nature be approved for removal but that *"ameliorative measures be undertaken in order to preserve the site's values for Koalas, while at the same time permitting the safety issues to be addressed....other trees which do not present a risk to public safety be retained and that places be identified on the site to plant Tallowwoods and Swamp Mahoganies as an ameliorative measure for the removal of the unsafe trees"*.

The recommendation of this Council report (as it relates to tree removal) generally accords with this recommendation.

The flora and fauna report should also be considered in conjunction with an arborist's report which has been submitted and specifically addresses tree safety. While this report is generally inconclusive, it does nominate some trees on the site which are considered to be in poor condition. Both this report and the flora and fauna report acknowledge that Blackbutt trees have a tendency to drop limbs.

This application proposes the removal of eight trees that the arborist's report indicates are in poor condition. Also proposed for removal are two trees which are in the area of the proposed road and services.

The remaining trees which are proposed to be removed by this proposal are all 25 metre (or eight storey) high Blackbutts. These trees are all currently situated on proposed lots seven and eight in this subdivision. Many of them have multiple or co dominant trunks which is inherently less stable than a tree of a single trunk.

It is acknowledged that all the trees that are proposed for removal are likely to form some safety risk to residents of the area in the event that the property is developed.

Compensatory planting of Koala habitat is an appropriate ameliorative measure to address tree removal.

cont'd

PED38 - Development Application No. 577/04 - Residential Subdivision - Lot 36, DP 777278, Redwood Street, Coffs Harbour and Proposed Tree Preservation Order (cont'd)

Compensatory planting should occur in the area of the site where existing trees will remain (lots four and five) and within the road reserve. Approximately 15 trees can be planted in the road reserve in a general format of one per allotment frontage and some additional clumped, planting within the subdivision "entry statements".

In this way remaining trees on the site will be contained to the road reserve (Council responsibility) and to two residential lots (owner's responsibility) only.

The area on proposed lots seven and eight, where compensatory planting will occur, will be subject to a restriction as to user to which Council will be party to.

A tree preservation order is also appropriate to ensure that the remaining trees and additional trees planted as compensatory planting will be protected and remain and this is one of the recommendations of this report.

- **Existing vegetation and amenity of the area**

A number of submissions made on the application state that the existing vegetation of this site adds to the amenity of this residential area and are concerned that this amenity will be lost with the development and vegetation removal. The submissions state that many people of the area thought that the subject site was a 'reserve'.

With the retention of trees proposed and the compensatory planting proposed to address tree removal much of the existing amenity will be retained.

- **Road height**

Concern has been expressed about the height of the proposed road in this subdivision and that this may result in overlooking of existing properties in the area. A landscaped area is now proposed where this impact is most likely to occur. Screening by landscaping can now occur in this area and address this concern.

- **Sewerage capacity**

Recent upgrading of sewerage infrastructure in Thompsons Road has fixed previous sewerage problems in the area. There is sufficient capacity in existing infrastructure for this development. This was a concern expressed by some submissions.

- **Stormwater drainage**

Some submissions expressed concern about stormwater drainage for this development. The application proposes sufficient piped stormwater drainage to cater for runoff from upstream properties and drainage within the subdivision. The developer will be required to construct this to the satisfaction of Council and this is required by a condition of development consent (Appendix C).

cont'd

PED38 - Development Application No. 577/04 - Residential Subdivision - Lot 36, DP 777278, Redwood Street, Coffs Harbour and Proposed Tree Preservation Order (cont'd)

- **Future development of proposed lot 1**

Some concern has been expressed about the future development of the largest lot in this subdivision, lot 1. An application was submitted for a childcare centre on this land (development application 692/04). This application was withdrawn after Council expressed to the developer some concerns with the proposal.

There is no current proposal for development of this land at this stage.

An integrated housing development where Council knows precisely the design and style of housing and the form of property title may be an appropriate further development of this land parcel in the future.

- **Intersection design and road geometry**

The existing geometry of Redwood Street at this point is undesirable as the road dips just before a 90-degree bend. This is a problem if vehicles travel at excess speed. Some submissions have expressed concern about this existing geometry and the proposed intersection at this point. This can be addressed by some reconstruction of Redwood Street at this point to improve the geometry and maximise sight distances. This is work that can be done by the developer of the subdivision and this is proposed as a condition of development consent.

Recommendation:

- A That Development Application No. 577/04 for residential subdivision, Lot 36, DP 777278, Redwood Street, Coffs Harbour be approved subject to technical conditions as appended to the report (Appendix C).**
- B That Council, in accordance with clause 11 of Coffs Harbour City Local Environmental Plan 2000, make a Tree Preservation Order in respect of all Australian native vegetation on proposed lot 4 and 5 in subdivision of Lot 36, DP 777278, Redwood Street Coffs Harbour.**

R A Bennell
Acting Director of Planning Environment and Development

Trees proposed to be removed

Trees where the arborist report states that their condition is poor and should be removed;

1	Blackbutt	25m height	15m spread
8	Blackbutt	15m height	8m spread
17	Blackbutt	20m height	12m spread
21	Swamp Mahogany	25m height	20m spread
22	Swamp Mahogany	25m height	20m spread
24	Swamp Mahogany	25m height	20m spread
25	Tallowood	15m height	8m spread

Additional trees which will be removed for formation of the road and services;

2	Swamp Mahogany	25m height	20m spread
9	Blackbutt	25m height	18m spread

Additional trees forming constraints to lots 7 and 8. All are Blackbutts of 25 metres (or eight storeys) in height many of which have multiple or co dominant trunks.

3	Blackbutt	25 m height	18 m spread
4	Blackbutt	25 m height	15 m spread
6	Blackbutt	25 m height	15 m spread
7	Blackbutt	25 m height	20 m spread
10	Blackbutt	25 m height	15 m spread
11	Blackbutt	25 m height	15 m spread
12	Blackbutt	25 m height	20 m spread

Section 79C Evaluation

Matters for consideration general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

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

Relevant provisions of the North Coast REP require Council to consider whether the density has been maximised for the development. Council is satisfied that this development does not jeopardise achieving greater development density.

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

The land is zoned Business 2A Residential Low Density.

The proposal is permissible in the zone with development consent.

The following clauses of the LEP are relevant to the proposal:

- Clause 14, services: the site is adequately serviced.
- Clause 8, requires that Council consider the provisions of the Koala Plan of Management. The plan has been appropriately considered as part of the development.

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

There are no draft instruments that are relevant to the proposal.

(iii) any development control plan, and

Subdivision Development Control Plan

The proposal complies with all relevant provisions of this development control plan.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,

Not applicable

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

The proposed impact of this development has been appropriately considered.

For the natural environment it is considered that the impact will be satisfactorily addressed by provision of compensatory planting in addition to the trees that are to remain on the site.

The social impact of the development will be minimal given that the proposal is very similar to all development that surrounds the subject site.

(c) the suitability of the site for the development,

The site is considered suitable for the development, despite the fact that the site is an infill development site. Suitable essential services are available to the development. All relevant impacts of the development are relevantly addressed by virtue of the scale of the development, that is, similar to other development surrounding.

(d) any submissions made in accordance with this Act or the regulations

The application was advertised and notified in accordance with the Council's Notification DCP.

All submissions have been taken into consideration including those from the public and the submission from the Department of Environment and Conservation.

(e) the public interest

The proposed development is not considered contrary to the public interest. The proposal will provide additional housing to the area and an additional public reserve to the area.

Proposed Conditions of Development Consent

1. Trees Approved for Removal:

This consent approves the following trees for removal:

T 1	-	Blackbutt
T2	-	Swamp Mahogany
T3	-	Blackbutt
T4	-	Blackbutt
T6	-	Blackbutt
T7	-	Blackbutt
T8	-	Blackbutt
T9	-	Blackbutt
T10	-	Blackbutt
T11	-	Blackbutt
T12	-	Blackbutt
T17	-	Blackbutt
T21	-	Swamp Mahogany
T22	-	Swamp Mahogany
T24	-	Tallowwood
T25	-	Swamp Mahogany

All other trees on the site are not approved for removal and are to be retained.

2. Marking of Trees:

Prior to commencement of any works on site, all trees referred to in Condition 1 of this consent are to be marked by permanent marker or other similar method identifying the trees which are approved for removal as distinct from trees which are not approved for removal.

The marking of trees is to be inspected and approved by Council Officer prior to any work commencing on site.

3. Compensatory Planting:

Prior to commencement of any work on site, a detailed plan showing compensatory planting on the site is to be submitted to Council and approved. The plan must be prepared and certified by a qualified architect, landscape architect or professional landscape consultant.

The plan is to provide for compensatory planting for trees removed by this development at a rate of five trees to every one tree removed. The plan is to identify planting densities and species selection. The plan is to address planting in the road reserve.

Compensatory planting is to be carried out in accordance with the approved plan and is to be completed to the satisfaction of Council within eight weeks of tree removal from the site. Completed planting is to be in a satisfactory condition prior to release of the subdivision certificate.

4. Restriction as to User:

A restriction as to user which requires Council's consent to any variation or removal is to be imposed on relevant titles for Lots 4 and 5. The restriction is to prohibit the construction of any building in this location and/or the removal of any Australian native vegetation. The area of this restriction is the area currently occupied by trees on these lots as shown on the approved plan.

The restriction is to be clearly shown on the plan of subdivision and is to be to the satisfaction of Council, prior to release of the Subdivision Certificate.

5. Electricity and Telephone Infrastructure:

The subdivision being provided with underground-reticulated electricity and telephone cables. The applicant shall provide a letter from Country Energy stating that satisfactory arrangements have been made for the supply of electricity and a letter from Telstra stating that satisfactory arrangements have been made for telecommunications infrastructure in the subdivision / development. These letters are to be provided to Council prior to release of the Subdivision Certificate.

6. Street Lighting:

Street lighting being provided to the requirements of Country Energy with all work being completed prior to release of the Subdivision Certificate.

7. Engineering Works:

The following works are to be provided for the subdivision and to all lots:

- Roadworks;
- Stormwater drainage;
- Water supply;
- Sewerage;
- Footpath;
- Reconstruction of Redwood Street to the east of the new road to provide safe intersection sight distance and stopping sight distance in accordance with Austroads guidelines.

Inter-allotment drains and catchment drains are to be installed where necessary to intercept run-off and drainage from all lots which drain onto the property.

Concrete footpath is to be constructed for one side of the subdivision and is to extend down Redwood Street to the intersection with Thompsons Road.

No engineering works are to be undertaken until plans and specifications have been approved by Council. Plan submissions are to be accompanied by payment of the prescribed fee.

All works are to conform to the standards and requirements set out in Council's Technical Guidelines for Subdivision and Development, and are to be completed prior to issue of the Subdivision Certificate, unless other arrangements satisfactory to Council for their completion at some other time are made:

These works are not to be undertaken until a relevant Construction Certificate has been issued.

8. Fill:

Contour plans indicating the location of proposed fill areas in the subdivision being submitted to Council for approval prior to commencement of work.

All fill is to be placed in accordance with the requirements of Council's Technical Guidelines for Subdivision and Development and the approved Sediment and Erosion Control Plan.

Prior to the release of the subdivision certificate, a final contour plan is to be submitted to Council showing the location, depth and type of fill located on the site. Alternatively, where no fill has been placed on the site, a written statement to that effect is to be submitted to Council.

9. Sediment & Erosion Control:

A Sediment and Erosion Control Plan being submitted to Council and approved prior to issue of the Construction Certificate.

All controls of the plan are to be implemented to the satisfaction of Council during all development, construction works and be maintained throughout the maintenance period.

No Subdivision Certificate will be issued while any part of the site is unstable and/or unprotected by appropriate sediment and erosion controls.

10. Water & Sewerage Services:

The Subdivision Certificate not being released until a Certificate of Compliance pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 evidencing that adequate arrangements have been made for the provision of water and sewerage services to and within the development is produced to Council.

11. Developer Contributions:

Payment to Council of contributions, at the rate current at the time of payment, towards the provision of the following public services or facilities:

			\$ Per Lot
-	Open Space	- Regional Facilities	337.58
		- District Facilities	950.51
-	Beach Protection Works		90.83
-	Regional Libraries		229.05
-	Surf Rescue Equipment		74.84
-	Coffs Harbour Road Network		1,437.67

The combined Section 94 contribution rate is currently \$3,120.48 per lot.

Total Section 94 contribution is currently \$ 21 843.36 for seven additional lots.

The rates will be adjusted in accordance with the procedures set out in Council's Section 94 Contributions Plans.

The applicant is advised to confirm the contribution rate applicable at the time of payment as rates are revised at least annually.

If the development is to be staged, contributions are to be paid on a pro rata basis in respect of each stage.

The contributions are to be paid prior to release of the subdivision certificate unless other arrangements acceptable to Council are made.

12. Hours of Construction:

Construction works are to be limited to the following hours:

Monday to Friday	7.00am – 6.00pm
Saturday	7.00am – 1.00pm
	if inaudible from adjoining residential properties
otherwise	8.00am – 1.00pm

No construction work is to take place on Sunday and Public Holidays.

13. Dust Control:

Effective measures shall be taken to suppress dust emissions during the course of development, with details of dust control being submitted to Council and approved prior to issue of the Construction Certificate.