



**COFFS HARBOUR CITY COUNCIL**  
**ORDINARY MEETING**  
**(PLANNING, ENVIRONMENT AND DEVELOPMENT COMMITTEE)**  
**COUNCIL CHAMBERS**  
**COUNCIL ADMINISTRATION BUILDING**  
**COFF AND CASTLE STREETS, COFFS HARBOUR**  
**18 NOVEMBER 2004**

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**COFFS HARBOUR CITY COUNCIL**  
**ORDINARY MEETING**  
**(PLANNING, ENVIRONMENT AND DEVELOPMENT COMMITTEE)**  
**18 NOVEMBER 2004**

Mayor and Councillors

**NOTICE OF MOTION**

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**COFFS HARBOUR NURSING HOME - WATER AND WASTE WATER LEVY**

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**Purpose:**

Cr Bonfield has given notice of her intention to move:

*"That Council reconsider the water and waste water levy imposed on the Coffs Harbour Nursing Centre and reinstate the original levy of \$19,547."*

**General Manager's comments:**

The history of this development application is as follows:

6 March 2003	DA 1276/03 lodged with Council
13 March 2003	Letter to applicant asking for further information
19 March 2003	Meeting with designer to discuss Council's further request for information
3 April 2003	Additional information requested received by Council
16 April 2003	Notification letters sent to adjoining owners
16 April 2003	Internal referrals to Engineering, Environmental Services and Parks/Recreation
19 April 2003	DA advertised in newspaper
5 May 2003	Notification period complete
8/19 & 26 May 2003	Responses from internal referrals received

**cont'd**

## **Coffs Harbour Nursing Home - Water And Waste Water Levy (cont'd)**

26 May 2003	Report prepared for Council's consideration
5 June 2003	Report considered by Council
11 June 2003	Development Consent 1276/03 issued
13 June 2003	Development Consent collected by the applicant

The application was reported to Council for determination as the value of the work was estimated at \$2.2 million and proposed the construction of angle parking within the Victoria Street road reserve.

As can be seen from the above this application has been processed in the normal manner.

17 April 2003	Council adopted Water and Sewer Developer Services Contribution to take affect 1 May 2003 (contributions \$172,790.00).
4 July 2003	Council amended condition 19 of the consent to allow payment of contributions within 12 months of date issued of first Construction Certificate or prior to issue of final occupation certificate (Construction Certificate was issued on 8 July 2003 and therefore the applicant is in breach of consent).
17 July 2003	Water/Sewer Developer Services Plans amended by Council for nursing homes (current contributions \$125,262.88)

Since the issue of the consent there have been numerous meetings and letters between the applicant, applicant's solicitor, Councillors and Council staff on the issue of contributions applicable to this development.

Council by letter dated 26 October 2004 offered the applicant the following compromise:

1. A commitment to full payment of contributions.
2. An initial payment of 50% prior to the issue of any Occupation Certificate.
3. The remaining payment to be over 3 years, in equal instalments.

Council has obtained legal advice that the contributions levied have been done in a legal manner.

**cont'd**

## **Coffs Harbour Nursing Home - Water And Waste Water Levy (cont'd)**

### **Potential for varying the contribution**

Should the developer wish to request Council to reduce the required contributions, the only legal way of doing this would be for the applicant to lodge a Section 96 Modification to the Consent issued in June 2003. However, physical work on this development commenced in August 2003 and the building is now complete. The conditions within the consent would be viewed as being "spent". It is therefore questionable whether Council has the legal ability to consider a request for a modification to the condition relating to contributions. There is contradictory case law in respect of this issue. Should the developer have been unhappy with the contribution rate that was negotiated during a substantial number of meetings in 2003, his appropriate course of action would have been to lodge a Section 96 Modification or an appeal to the Land and Environment Court prior to commencing the development. In addition to the legal aspects of amending a Condition of Consent, should Council wish to vary the contribution level for a single development, it would need to vary the contribution rates for that type of development within the relevant Developer Services Plan (DSP). Legislation requires that once contribution rates are set within a DSP, the means of amending these is by way of a review of the plan involving community consultation, i.e. a revised plan would need to be developed and adopted. As Council would be aware, this would be a lengthy process and it would not be recommended as a means of assisting a single development.

The only legal avenue Council has to reduce these contributions is to process an ex-gratia payment as an incentive towards the economic development of the city.

Such a donation is strongly discouraged given the effect such a precedent will have on contributions paid during the transition period and councils exposure to further claims. Contributions paid during the transition period were substantial and Council's exposure for retrospective reductions would be in the order of \$500,000.

Arrangements negotiated and accepted by the applicants for the staged payment of contributions, and concessions already granted for the reduction in water and sewer contributions based on a lower et rate per bed are considered fair and reasonable in the circumstances.

In carrying out the development, the applicant has in legal terms accepted the Conditions of Consent including any contributions.

DSP's are developed on a user-pays basis under guidelines created by the State Government and ICAC. Government guidelines indicate that Councils not committed to user-pays basis contribution plans may be penalised when subsidies for capital works are allocated. What this means is that should Council not charge this developer the real cost of water and sewerage provision, Council may receive a reduced Government subsidy.

## GENERAL MANAGER'S REPORTS

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### 19 QUARTERLY PERFORMANCE REPORTING FOR THE QUARTER ENDED 30TH SEPTEMBER 2004

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#### **Purpose:**

To report on the achievement of customer service guarantees and performance targets for the July to September 2004 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 which is provided with this report.

#### **Sustainability Assessment:**

This report monitors Council's performance of strategies as outlined in the 2004 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 which 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 (ie 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**

**19 Quarterly Performance Reporting For The Quarter Ended 30th September 2004 (cont'd)**

**Issues:**

There are 29 principal objectives incorporating 127 performance measures identified in Council's 2004/2005 Management Plan. Of the performance measures 4 were not achieved during the quarter. These measures account for 3 % of the total performance measures. The remainder of these measures were either achieved or not yet due for completion.

TABLE 1

Original Measure	Revised Measure	Comment
<b>CITY IMAGE</b>		
Develop the City Vision document by September 2004	March 2005	Process on hold pending identification and finalisation of Strategic Directions Council elected in March 2004
Commence implementation of signage policy by July 2004	To be determined	Funding not allocated
<b>BASIC INFRASTRUCTURE</b>		
Adoption of Coffs Creek Floodplain Management Plan by August 2004	December 2004	Additional flood modelling required
<b>CULTURAL AND COMMUNITY</b>		
Draft Social Plan review by September 2004	December 2004	Awaiting confirmation of funding through revote

**Comments:**

Achievement of 97% of performance measures is considered a good result. It should be noted that due to the Economic Development Manager position being vacant for the quarter some aspects in this area may not meet the required completion times. The newly appointed manager is currently assessing the situation.

Comparison of Council's customer service guarantees as detailed in attachment 1 to this report show the response time has generally remained at a high level.

89% of development applications processed within forty days is considered satisfactory since the majority of cases of delays are due to external influences eg. referral to government agencies.

**cont'd**

**19 Quarterly Performance Reporting For The Quarter Ended 30th September 2004  
(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 2004 as listed in the body of this report.**
- 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 2004.**
- 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 2004 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 2004 quarter.**
- 5. That Council continues to monitor its performance with a view to improving service delivery.**

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

<b>Guarantee</b>	<b>2004/2005 Jul-Sep</b>	<b>2003/2004 Jul-Sep</b>
Respond to verbal enquiries within three working days.	99% (750)	99% (609)
Ensure waiting time at the customer service counter does not exceed five minutes	100%	100%
Respond to major pollution incidents within one hour.	100% (1)	100% (2)
Investigate 90% of complaints relating to stray dogs and stock within four hours	90% (455)	96% (170)
Attend to 90% emergency call outs within one hour.	100% (4)	100% (3)
Reply to requests for work in public parks within seven days.	100% (167)	99% (143)
90% of all requests for building inspections will be attended to within two days	100% 1480	100% 1250
100% development applications will be processed within forty days	89% (440)	89% (557)
Seal potholes on local roads within seven days.	100% (25)	100% (31)
Repair or remove dangerous signs within one day	100% (11)	92% (12)
Repair defective signs within seven days.	97% (30)	100% (23)
Grade gravel roads at least once per year.	25%	60%
Clear blocked drains causing property damage within twenty four hours.	100% (47)	100% (5)
Issue payment certificates within 14 days of receipt of claim from the contractor.	100% (32)	100% (9)
Respond to water supply disruptions within two hours.	99% (86)	100% (33)
Respond to sewer system failures within two hours.	100% (340)	100% (309)

**SIGNIFICANT ACHIEVEMENTS**

- Gordon Street and Harbour Drive street revitalisation works completed
- Buskers Festival a success, attendance and participation levels achieved expectations
- Three potential business leads are being pursued for Airport General Aviation area
- New contract with Nambucca Shire Council to provide services to enable them to achieve EPA licensing requirements
- New alliance formed with Tennis Australia and Tennis NSW with the view of corporate partnership to develop a regional tennis centre in Coffs Harbour
- Moonee Beach and Bonville Estuary management plans commenced
- Submission on Bonville bypass made to Minister for Roads
- Northern Beaches cycleway construction commenced
- Coffs Creek flood mitigation works design and construction accomplished
- First phase of street lighting project commenced
- 51% of domestic waste stream diverted
- Funding provided to upgrade kitchen and canteen facilities at the stadium
- Emerald Beach Community Fair an overwhelming success
- New contracts secured for Noxious weeds
- Annual Financial Statements completed
- Performance Management Reviews substantially completed
- Successful transition of Red Rock/Corindi Beach annexure
- West Coffs and Moonee DCP's and Contribution Plans adopted
- 98.8% of the 750 verbal enquiries received were responded to within the required time
- Caravan Parks profit over budget for the quarter
- Deep Sea Release Pipeline completed
- Noxious weeds business operations profits over budget
- Nursery business operations profits over budget
- Coastal Walk, Hills Beach Stairs completed and officially opened
- Coordinated completion of Lorikeet Beach access
- Completed Stage 1 of Camphor program post restoration in Murray Drive
- Completed annual restoration of Coffs Harbour Lawn and Woolgoolga Lawn Cemetery graves and surrounds

**Purpose:**

To provide Council with the Draft Annual Report for the 2003/2004 financial year. This report recommends that the Draft 2003/2004 Annual Report be adopted. 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 2003/2004 financial year and reports on various matters required by legislation. Legislative requirements include, among other things, the Annual Financial Report, Performance Report, and Comprehensive State of the Environment Report (to be considered in a separate report to Council).

The Annual Report is to be printed as two separate documents: a Summary Report; and a Regulatory Report. A summary document is prepared for the community. The Regulatory Report - incorporating detailed Financial Reports - is prepared to comply with legislative requirements. Both reports are to be available to be viewed by the public.

**Consultation:**

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

Corporate Services Department comments in relation to the Financial Reports:

The Statement of Financial Performance for 2003/2004, whilst including funds received in the current year related to Capital Works (eg., capital grants and contributions) does not include capital expenditures.

The Statement of Financial Performance for 2003/2004 shows a surplus of \$32.65-million, compared to a surplus of \$19.76-million in 2002/2003. The increase of \$12.89-million resulted from the following sources:

<b>Source</b>	<b>Net Increase (\$million)</b>
Surplus from ordinary activities	2.20
Capital Grants	5.94
Capital Contributions	4.75
<b>Total</b>	<b>12.89</b>

The capital expenditure in 2003/2004 is reflected in Note 9 of the Financial Reports. It was \$60.07-million (compared to \$48.65-million in 2002/2003) with funding from grants, contributions, current revenues and restricted funds (previously accumulated revenues, loan funds, etc.)

**cont'd**

**Sustainability Assessment:**

- **Environment**

Apart from printing and energy costs associated with compiling the report, there are no environmental impacts flowing the Annual Report. However, environmental issues relating to Council and the city are addressed throughout the Annual Report and the State of the Environment Summary Report.

- **Social**

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

- **Economic**

Again, 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 246 Performance Measures were identified in Council's 2003/2004 Management Plan, and almost 90 per cent of those objectives were met in the 2003/2004 financial year.

With the continued growth of the Local Government Area offset by a diminishing funding base, Council resources are continually being stretched. This has led to several task timelines requiring extensions and therefore performance measures not being met.

These challenges aside, there were a number of significant achievements during 2003/2004. Major construction projects associated with the Coffs Harbour Sewerage Strategy included the commencement of the Deep Sea Release at Boambee Beach and the upgrading of the Woolgoolga Water Reclamation Plant. Considerable progress was also made on the Reclaimed Water Pipeline between Moonee and Coffs Harbour.

Elsewhere, construction of the \$1.07-million Boambee East Community Centre was completed; along with the \$1.6-million refurbishment of the Jetty Memorial Theatre and Stage 1 streetscape works at Coramba totalling \$130,000.

**cont'd**

## **20 Draft 2003/2004 Annual Report (cont'd)**

Council strategies to broaden the city's economic and social base also advanced. The proposed redevelopment of the jetty foreshore area emerged as a critical issue following the exhibition of the Draft Harbour Plan. A major expansion of local health care services – with the arrival of 13 new medical specialists – helped to demonstrate Council's success in establishing Coffs Harbour as the regional centre.

### **Implementation Date / Priority:**

Subject to Council approval, the Annual Report will be published, in line with statutory requirements, and made available to the public.

### **Recommendation:**

**That Council adopts the 2003/2004 Annual Report.**

**Purpose:**

The State of the Environment Report 2004 is presented for Council's approval and adoption.

**Description of Item:**

The State of the Environment (SoE) Report 2004 covers the broad topic headings of:

1. Sustainability in Coffs Harbour – Council Environmental Performance;
2. Biodiversity;
3. The Atmosphere;
4. Land;
5. Coastal Creeks Estuaries and the Sea;
6. Inland Waters;
7. Heritage; and
8. Human Settlements.

Issues are dealt with in terms of

- Pressure – or causes of environmental impacts;
- State – the current condition of the environment; and
- Response – what we are doing to address these issues.

The SoE Report has been designed to help Council progress towards ecological sustainability by measuring and reporting on impacts on the environment. The Report has drawn from Council issue based sustainability strategies including the Biodiversity Strategy, Greenhouse Action Strategy, Waste Action Strategy and Environmental Awareness Strategy, which have all undergone previous community consultation.

Pressure, State and Response "Further Actions Needed" indicators have been used to measure changes in the environment and discussion regarding trends has been included where possible. On this basis, recommended "Further Actions Needed" have also been identified in the Report. Some of these actions are drawn from or re-emphasise actions or objectives proposed in existing strategies and plans of management. A process is required for the consideration and prioritization of these actions through use of an internal working group, in order to allow for incorporation of priority environmental issues and actions in direction setting and management planning processes currently underway.

The Report assesses on 18 'consistent' indicators and an additional three 'critical' indicators that have been adopted by all Councils in the North Coast region. A number of other indicators are also reported on that have been used in previous reports in Coffs Harbour. Additionally the Report introduces the concept of an 'ecological footprint' indicator for the first time.

**cont'd**

**Sustainability Assessment:**

- **Environment**

The SoE reports largely on environmental factors and as such, provides an invaluable tool for benchmarking and progressing towards environmental sustainability. Accurate reporting and factoring to Council's Management Plan should see sound environmental outcomes.

- **Heritage**

The Report indicates some progress on preservation of Aboriginal heritage and a steady condition in regard to European heritage.

- **Habitat Disturbance**

The Report indicates declining conditions in regard to land clearances and disturbances. This has implications for the area's wildlife populations including endangered species.

- **Biodiversity**

More species are now listed as endangered or vulnerable. This may be a function of better reporting or data but may also be related to level of disturbance.

- **Water Efficiency**

Coffs Harbour continues to lead in water resource efficiency and reuse. The community is one of the most efficient populations in the state at water use minimisation. This has implications for the 'ecological footprint' indicator.

- **Waste Management**

A regional cooperative group has been created and tendering is complete for a waste management facility incorporating best practice and innovative processes. This will ensure that Coffs Harbour and region continue to be a leader in regard to waste management.

- **Energy and Greenhouse Emissions**

Some innovative progress has commenced under the published Greenhouse Action Strategy but this remains largely unfunded. The condition is declining.

- **Transport**

Public transport continues to be a major shortfall in Coffs Harbour. Planning now incorporates issues related to road design and access, but critical mass and dislocation of built areas will see public transport a continuing issue.

- **Pollution**

The Report indicates the condition is steady, however, water quality is a major issue that must be considered in the terms of the Management Plan. Noise, air and light pollution are of less concern.

**cont'd**

## 21 State Of The Environment Report 2004 (cont'd)

- **Social**

- **Equity**

The Report promotes equity through the provision of information to all sectors of the community. By its nature the Report is inclusive and seeks to promote environmental protection for the benefit of the community as a whole (intergenerational equity).

- **Community Wellbeing**

The Report promotes wellbeing through knowledge. An informed community can make informed decisions.

- **Health**

The Report indicates factors that may affect community health are in a satisfactory condition at this point. This is a useful tool for highlighting the connection between environmental and community (or population) health.

- **Safety**

Safety is a factor in any population that plays an important role in community wellbeing and therefore sustainability. Planning can be adjusted according to reporting outcomes as well as responses from other relevant agencies.

- **Leadership and Self Determination**

By its nature the Report provides information to the community and its representatives to make more informed decisions.

- **Education**

The Report assists education of the community by the creation of knowledge about the local environment.

- **Economic**

- Broader Economic Implications**

- **Employment**

The Report provides background that may lead to business ventures in certain areas thereby assisting employment.

- **Financial Viability**

The Report does not consider financial viability issues.

**cont'd**

## **21 State Of The Environment Report 2004 (cont'd)**

### **- Internal Costs**

This Report indicates areas of need and this will have implications for the Management Plan.

### **- Infrastructure Development**

The Report outcomes may assist in identifying the need for increased/augmented infrastructure.

### **- Research and Development**

The Report identifies a number of knowledge or data gaps that suggest areas for further research to allow better environmental management.

### **Management Plan Implications**

The SoE Report provides critical information for determination of environmental priorities that should be considered when preparing Council's next Management Plan and allocating Environment Levy Funds.

### **Consultation:**

The Report has been guided by a multi-disciplinary team consisting of representatives from each Council department.

Although no formal external consultation process has been undertaken to date specifically for the formulation of the draft SoE Report, it has incorporated community comments and input from a variety of sources, including the consultation phase of each issue-based strategy previously adopted by Council. These also included the Vision 2020 process and consultation for major projects such as the Coffs 2030 Our Living Future Settlement Strategy.

Community groups such as Coffs Harbour Regional Landcare, WIRES and Orara Valley River Care have provided data and comment for relevant sections of the Report.

Input has also been requested and received from relevant State Government Agencies. Comments and information were received from the Environment Protection Authority, State Forests, Department of Infrastructure Planning and Natural Resources, NSW Agriculture, NSW Waterways Authority, Department of Land and Water Conservation, and NSW Fisheries.

### **Related Policy and / or Precedents:**

Council is involved in a number of projects that focus on environmental, social and economic sustainability. These include the Cities for Climate Protection Program, Sewerage Strategy, Stormwater Management and Natural Area Management. A variety of strategies provide an overall direction and long-term goals for the wide variety of projects underway.

**cont'd**

**Statutory Requirements:**

Council is required under the Local Government Act 1993 to produce a comprehensive SoE Report each year following Local Government elections. The Report is required to incorporate the pressure-state-response model, and must address the following environmental themes:

- land;
- air;
- water;
- biodiversity;
- waste;
- noise;
- Aboriginal heritage;
- non-Aboriginal heritage, with particular reference, with regard to each such environmental sector, to:
  - management plans relating to the environment;
  - special Council projects relating to the environment;
  - the environmental impact of Council activities.

A Comprehensive SoE report must also meet the following requirements in relation to each of these environmental sectors:

- it provides, as a basis for comparison in subsequent reports, a statement outlining the condition (as at the date of the report) of the sector;
- it makes the relevant comparison with the equivalent statement contained in the last report;
- it includes (or refers to) all relevant background information;
- it specifies the relevant environmental indicators;
- it reports on all major environmental impacts and related activities;
- it identifies any gaps in relevant information and indicates the way in which the missing information is to be obtained (or, if it cannot be obtained, why it cannot be obtained).

The Report must be submitted to the Department of Local Government by 30 November 2004.

Council also has a commitment under its charter in the Local Government Act 1993 to consider ecologically sustainable development in all its decisions. This commitment is embodied in Council's Management Plan.

**cont'd**

## **21 State Of The Environment Report 2004 (cont'd)**

### **Issues:**

Issues of note in this year's State of Environment Report:

- Council's performance and pursuits of increased sustainability has been addressed in Chapter 1. This has identified infrastructure development, energy and resource consumption such as paper use, as areas that need to be addressed.
- Issues related to biodiversity such as land clearing, weed infestation, introduced animals and chemical spraying were identified as a high priority.
- Several large projects currently underway are expected to create significant environmental improvements. These include the Sewage Strategy; the Regional Water Supply; Cities for Climate Protection Plus; Partnerships with International Council for Local Environmental Initiatives (ICLEI), Australian National University (ANU) and The University of New England (UNE) have also yielded advantages to Council's pursuit of sustainability.
- Air quality complaints continue to be significantly related to burning off in or near residential areas.
- Waste production per capita within the City continues to rise. Water resource use has remained stable.
- The Coffs Harbour ecological footprint, based on a small survey of residents, suggests that 2.77 hectares per person is required to sustain the 'average' Coffs Harbour lifestyle, which would require 2.19 earths for the world's inhabitants to sustain their lifestyles at this level. While indicative only, this does imply that the Coffs Harbour lifestyle is unsustainable, though it is well below a benchmark figure for New South Wales from 1998-1999 of 7.02 hectares per person.

### **Implementation Date / Priority:**

The Report must be presented to the Department of Local Government by 30 November 2004.

### **Community Benefits:**

A sustainable well-managed environment, based on informed decisions, is of great benefit to the community as a whole.

To the extent that this report will assist Council with the preparation of its future Management Plans, this report will provide significant community benefit.

### **Conclusion:**

This SoE Report has provided a tool for monitoring change in the environment and the basis for setting priorities for action. A number of existing strategies to provide long-term targets and goals for the environmental issues outlined in the SoE Report, and tactics for achieving these, while further actions are also identified by this SoE Report. There remains a need for a working group to consider the issues raised in the report and to determine which are the priority issues and actions to be addressed.

**cont'd**

**21 State Of The Environment Report 2004 (cont'd)**

**Recommendation:**

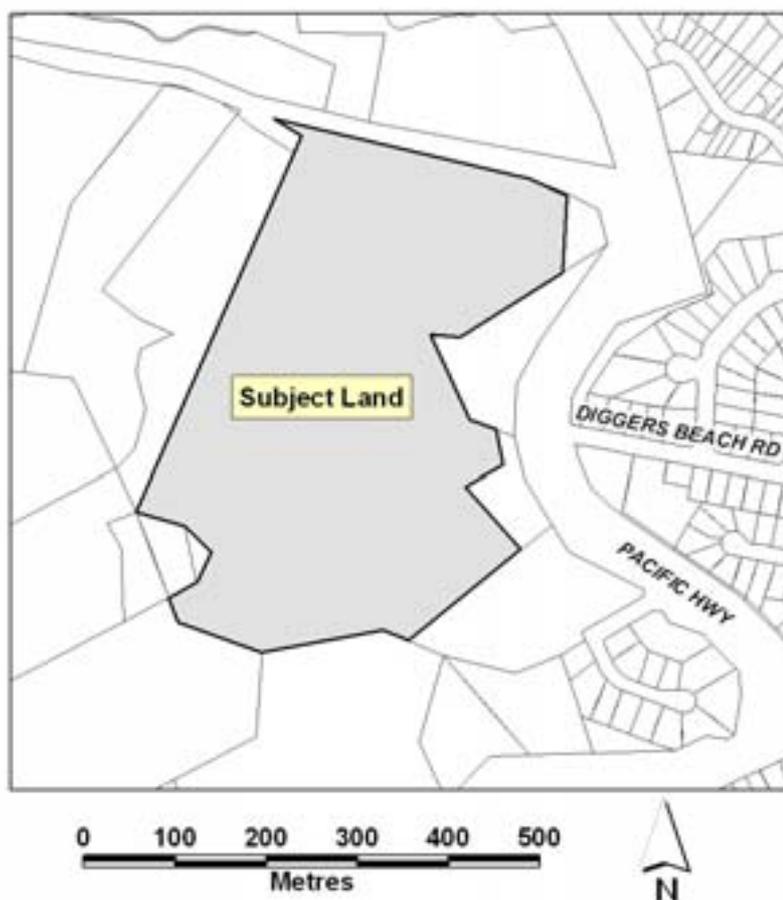
- 1. That Council resolve to adopt the State of the Environment Report 2004.**
- 2. That the State of the Environment Report 2004 be presented to Department of Local Government as statutorily required.**

**PED39 DEVELOPMENT APPLICATION 1783/04 - SUBDIVISION - LOT 301, DP 778576, NO 351 PACIFIC HIGHWAY, NORTH COFFS HARBOUR (BIG BANANA)**

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**Purpose:**

This application proposes the subdivision of Lot 301, DP 778576, the Big Banana site, into two lots. The report recommends rejection of the proposed subdivision layout and supports an alternative, more appropriate subdivision response for the site.



**Description of Item:**

Lot 301, DP 778576 has an area of 17.881 hectares. This lot comprises the Big Banana tourist facility.

The property was extensively upgraded as a horticultural (banana) tourist facility in 1989. Since that time the property has been progressively enhanced with tourist infrastructure including a toboggan ride, lookout, skywalk, ice rink, snow slope and hang gliding ride. Retail outlets on the site have been refurbished since 1989.

**cont'd**

## **Ped39 Development Application 1783/04 - Subdivision - Lot 301, Dp 778576, No 351 Pacific Highway, North Coffs Harbour (Big Banana) (cont'd)**

The property, which is substantially zoned 1A - Agriculture, comprises approximately 7.6ha of banana plantation.

The applicant has proposed to subdivide the site into two lots:

- Proposed Lot 1 - 7.18ha in area, to include the primary Big Banana operations - the shops at the Highway, the "Big Banana sculpture", the ice-skating rink and the snow-ski slope. Existing site access, car parking and services will remain within this lot. About 0.6ha of bananas (on the north-facing slope south of the shops) will be contained to this lot. It is also proposed to establish a 0.9ha banana plantation south and west of the shops and car park.
- Proposed Lot 2 - 10.7ha in area, to comprise the existing manager's residence, packing shed, greenhouse, environment centre, observation building (the lookout), restaurant, toboggan ride, part of the train track and depot, and the hang gliding ride. There is approximately 7.05ha of banana plantation in this lot. This lot will have frontage to West Korora Road. Access will also be provided to this lot via a right-of-way over the existing access-way on proposed Lot 1.

### **Proposed Lot 2:**

A "farm plan" accompanies the application for this lot and proposes:

- The dwelling use will remain on this lot.
- The packing shed use will continue on this lot.
- The greenhouse use, used for propagation, will continue on this lot.
- The environment centre, used formerly as a horticultural display centre and now "moth-balled" will remain on this lot, with the capability of use for other purposes, e.g. agriculture or a use permissible with the Council's consent.
- The restaurant will remain on this lot. Its use as a restaurant will be discontinued, but may be used in the future for a use permissible in the zone.
- The lookout will remain on this lot. Its use will be discontinued, but may be used in the future for a use permissible in the zone.
- Common infrastructure to both proposed lots, e.g. the train line, will be physically dismantled at the common boundary.
- This lot will have a minimum of 7.05ha of bananas.
- Pesticide spraying of the plantation will be done by hand at ground level.
- This lot will have conventional access for the purposes of maintaining the plantation.
- Reticulated services to existing buildings on this lot will be regulated as required by Council.

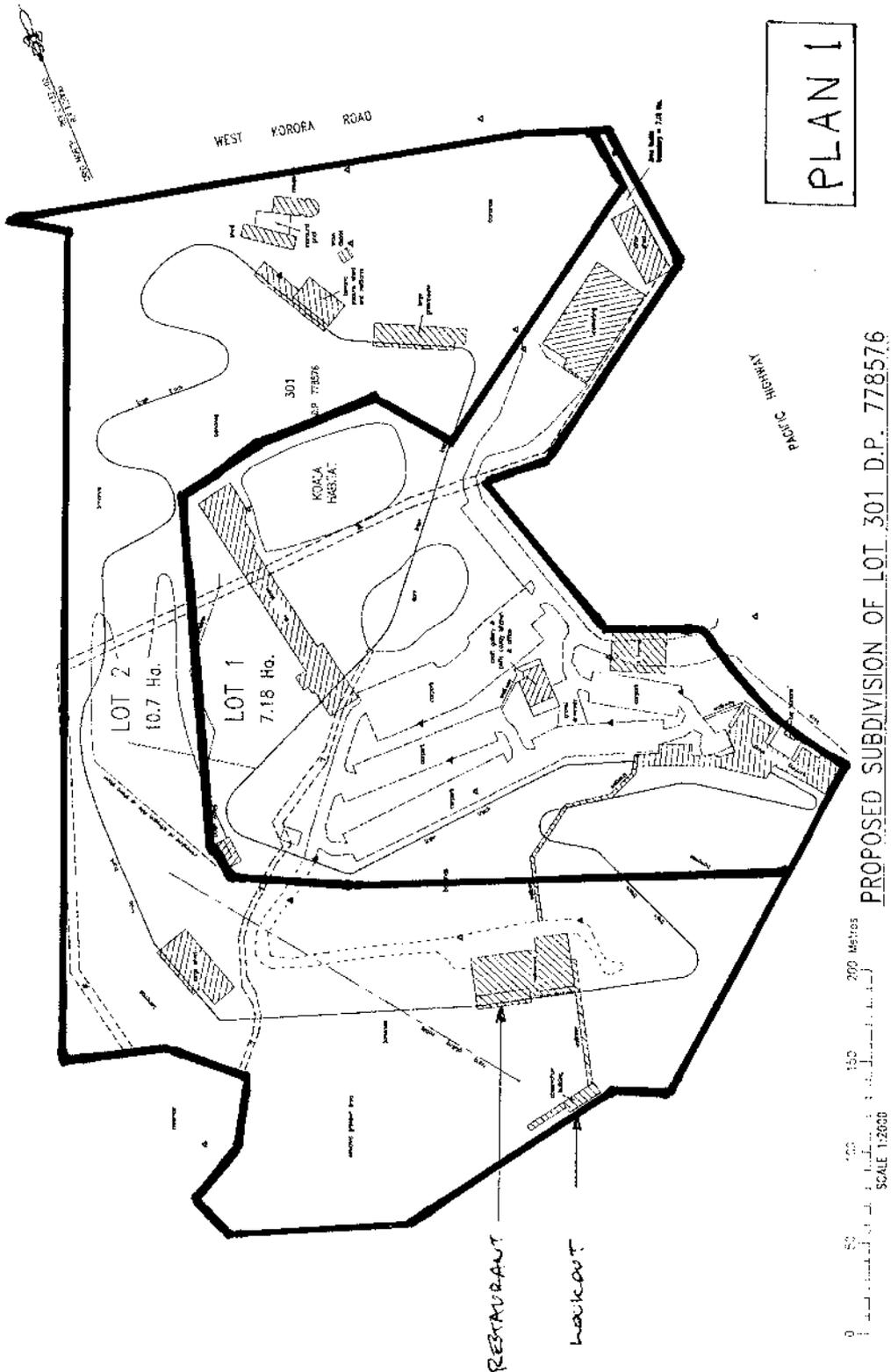
### **Proposed Lot 1:**

- The Big Banana tourist operation will be restructured to be contained to this lot.

Plan 1 shows the proposed subdivision layout.

**cont'd**

Ped39 Development Application 1783/04 - Subdivision - Lot 301, Dp 778576, No 351 Pacific Highway, North Coffs Harbour (Big Banana) (cont'd)



cont'd

## **Ped39 Development Application 1783/04 - Subdivision - Lot 301, Dp 778576, No 351 Pacific Highway, North Coffs Harbour (Big Banana) (cont'd)**

### **Sustainability Assessment:**

- **Environment**

The proposed subdivision arrangement, if implemented, may result in conflict concerning access and services to buildings that are proposed to remain on Lot 2 through inadequate access and car-parking provision and on-site water and sewerage systems should they be used in the future.

The site comprises an area of Secondary Koala Habitat that will be preserved. The site is mapped as containing Class 5 Acid Sulfate Soils, however, the subdivision will not impact on this environmental consideration.

Plan 2 shows a better environmental subdivision response.

- **Social**

The Big Banana is well recognised and regarded by the local and broader community. Approval of this application may be a factor in the continued operation, and success, of this regionally important tourist development.

- **Economic**

The applicant has confirmed that the proposed subdivision will increase the value of the Big Banana and will provide access to additional funds; those funds will be used to rejuvenate and rationalise the development.

The proprietors of the Big Banana and the New South Wales Department of State and Regional Development, in an alliance partnership, have completed a three-year business plan into the operations of the facility. This business plan promotes the expediting of master planning with regards to the remainder of the site as urban infill land (the remainder of the site being proposed Lot 2, the banana lot).

This recommendation is not relevant to the application before Council. The application is for subdivision under the specific banana lot provisions of LEP 2000 and not to create a disposable future urban lot. The refinancing or funding issue raised by the applicant as an outcome of the subdivision, is not a "planning" consideration. Plan 2 details an appropriate subdivision layout having regard to the relevant planning issues as an outcome of the subdivision.

### **Management Plan Implications**

There are no Management Plan implications.

### **Consultation:**

The land owners and consultant have met with relevant staff and the Mayor to seek resolution of the subdivision proposal. Due to the complex and unique nature of the banana lot subdivision application, it was decided that the proposal be reported to Council for determination.

**cont'd**

## **Ped39 Development Application 1783/04 - Subdivision - Lot 301, Dp 778576, No 351 Pacific Highway, North Coffs Harbour (Big Banana) (cont'd)**

### **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 A), and provides a detailed assessment of the application.

- **Relevant Statutory Instruments**

- North Coast Regional Environmental Plan (REP)
- Coffs Harbour City Local Environmental Plan (LEP) 2000
- Rural Lands Development Control Plan (DCP)
- State Environmental Planning Policy No 71 - Coastal Protection
- State Environmental Planning Policy No 55 - Remediation of Land
- 

### **Issues:**

- **Subdivision Standards**

Clause 18(2) of LEP 2000 enables subdivision of 1A-zoned land subject to a minimum area per allotment of 40 hectares.

However, Clause 18(3) provides that consent may be granted to the subdivision of land within zone 1A to create an allotment not less than 6ha in area **where the consent authority is satisfied that the allotment will be used for the purpose of banana growing** as shown on Map 1 "Banana Lands" supporting the Council's Rural Lands DCP.

The property is located within the above-described map.

Proposed Lot 2 comprises 7.05ha of banana plantation. This proposed lot appears to satisfy Clause 18(3) of LEP 2000 provisions.

Proposed Lot 1 comprises 0.6ha of bananas with a proposed maximum plantation area of 1.5ha. This proposed lot does not appear to fit the mould of a conventional banana lot due to the limited potential area of banana plantation. However, the applicant contends that the "Big Banana" tourist infrastructure is as much an integral part of banana-growing as are the roads, packing sheds and other facilities found on typical banana plantations.

Both proposed lots satisfy the minimum lot area requirements for subdivision for the purposes of banana growing. The applicant seeks approval for a typical banana lot (Lot 2) and for what could reasonably be termed "a banana tourist lot" (Lot 1).

The next matter for proper evaluation by Council is whether the configuration of each lot accords with the purpose of the application, that being subdivision for the purposes of banana growing.

**cont'd**

**Ped39 Development Application 1783/04 - Subdivision - Lot 301, Dp 778576, No 351 Pacific Highway, North Coffs Harbour (Big Banana) (cont'd)**

- **Proposed Lot Configuration**

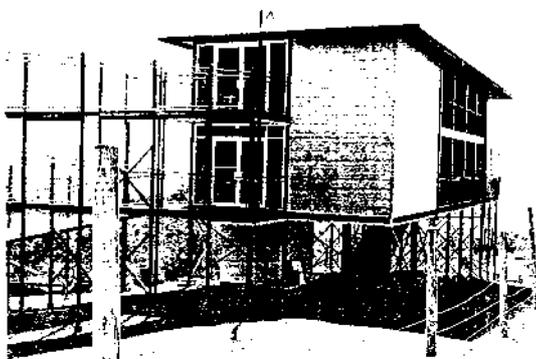
The application proposes the retention of substantial and significant tourism infrastructure on both proposed lots. This is despite the stated intention to concentrate the Big Banana tourism facility to proposed Lot 1 and to create a viable banana growing lot (Lot 2).

In lieu of confining the primary tourism facilities to the one lot (Lot 1), substantial and significant structures are proposed to remain on Lot 2 and are to be "moth-balled", their use discontinued. The applicant highlights that these structures may be used in the future for (other) uses permissible in the zone.

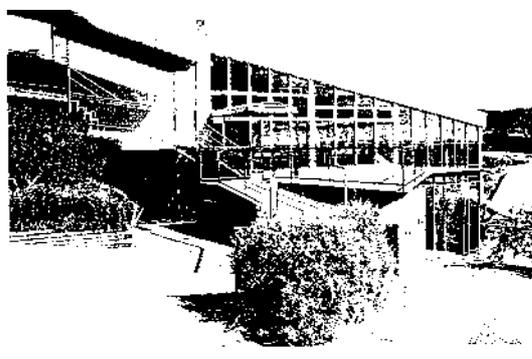
The proposal to retain the lookout and restaurant on proposed Lot 2 (the banana lot) is both unreasonable and unacceptable. These substantial structures (the restaurant is well over 1,000 m<sup>2</sup> in floor area and the lookout is a large building that is three storeys in height) are incompatible with banana growing. Their bulk and scale, type of construction and site location effectively prevent their conversion to an associated banana agricultural use. Photographs of these buildings form part of this report and their incompatibility with normal banana farming (the purpose for creating Lot 2) is self-evident. If permitted to remain on this site, the dominant use for this lot is highly unlikely to be for that proposed (for banana growing).

These structures, the lookout and the restaurant, should be positioned within the "banana tourist lot" (Lot 1), whether operated or not.

Other tourist-related infrastructure existing on proposed Lot 2 can be accepted subject to their discontinuance/decommissioning.



*Lookout*



*Restaurant*

cont'd

**Ped39 Development Application 1783/04 - Subdivision - Lot 301, Dp 778576, No 351 Pacific Highway, North Coffs Harbour (Big Banana) (cont'd)**

- **Purpose of the Application for Subdivision**

The application for subdivision of the Big Banana into two lots can only be considered under the banana lot subdivision provisions of LEP 2000. The applicant indicates that subdivision *"...will, in simple terms, increase the capital value of the Big Banana site. This increase will allow more opportunity than now exists to implement financial management options for the Big Banana."* The applicant further states, *"It is perhaps no secret that the Big Banana requires rejuvenation, both physically and operationally. Funding is required and funding, as always, is linked to the capital value of the asset. The proposed subdivision will increase the capital value of the Big Banana and will promote access to additional funds; those funds will be used to rejuvenate and rationalise the development."*

The retention of the substantial lookout and restaurant buildings in proposed Lot 2 (the banana lot) will provide a higher capital value for that lot than if these buildings were included in the banana tourist lot (Lot 1). However, the simple fact of the matter is that these buildings should not be retained in Lot 2. They are incompatible with the proposed use of this lot as a viable banana plantation - they have little or no potential for conversion to agriculture sheds. The scale, nature and site positioning of the lookout and the restaurant justify their retention in the banana tourist lot (Lot 1).

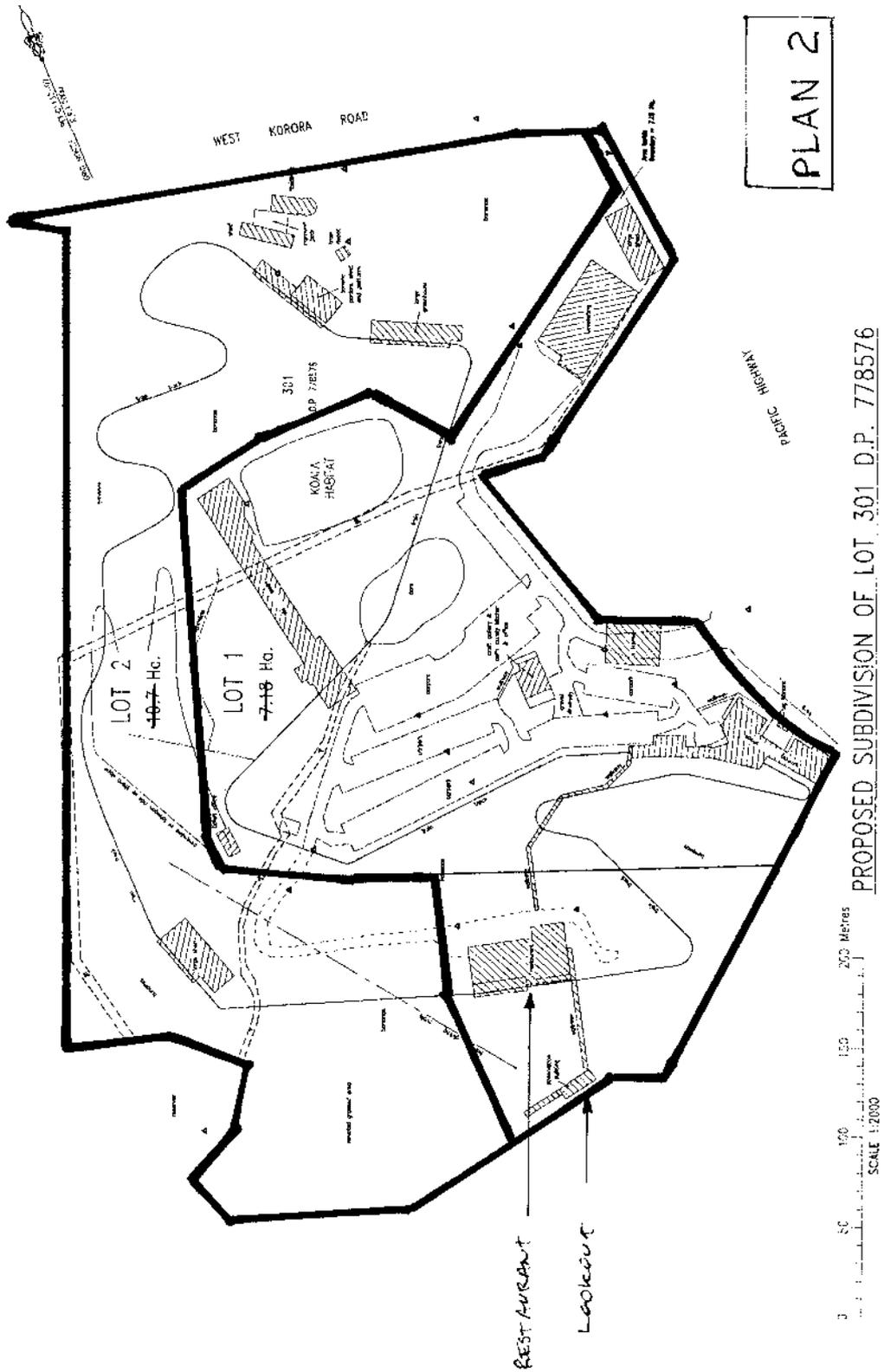
The lot boundaries should be reconfigured to:

- Contain the appropriate elements of a reduced Big Banana on a single lot (Lot 1).
- Create a viable banana lot (Lot 2).

Plan 2 details a more suitable subdivision response for the property.

**cont'd**

**Ped39 Development Application 1783/04 - Subdivision - Lot 301, Dp 778576, No 351 Pacific Highway, North Coffs Harbour (Big Banana) (cont'd)**



cont'd

## **Ped39 Development Application 1783/04 - Subdivision - Lot 301, Dp 778576, No 351 Pacific Highway, North Coffs Harbour (Big Banana) (cont'd)**

- **Infrastructure Provision**

Council's City Services Section has advised that, given the buildings on proposed Lot 2 are to be effectively "rural buildings", reticulated water and sewerage services should be disconnected from these buildings. Arrangements for the retention of essential fire fighting services should be resolved with the City Services Section as part of the subdivision works. This Section also agrees to the retention of the current water supply arrangements to the dwelling subject to complying services and relevant easements being created to protect Council's infrastructure interests.

- **Strategic Planning Implications**

Council is currently preparing a Settlement Strategy for the city. Current land use zonings for this site and other sites in proximity will be investigated under this Strategy as to their potential for non-rural uses.

### **Summary**

The application for subdivision of the property into two lots is subject to the banana lot subdivision provisions of the Coffs Harbour City LEP 2000.

The purpose of the application is to concentrate the operations of the Big Banana into a smaller lot (proposed Lot 1). The remainder of the property is to be established as a viable banana-growing lot (Lot 2).

No in-principle objection is raised to the subdivision of the property, but significant objection is raised to the subdivision's proposed configuration.

The issue of increased capital value resulting from the subdivision approval and the consequence of a possibly higher capital value resulting from subdivision in the layout sought by the applicant is not a relevant planning consideration in Council's determination of the application.

The proposal to retain the substantial and significant restaurant and lookout structures on Lot 2 is unjustifiable, despite the intention to mothball these buildings. Their retention on this lot conflicts with the purpose of the subdivision - Lot 2 is to be used for banana growing - these buildings are not "rural or agricultural" structures and have no potential for conversion to such a use. These buildings should remain a part of the concentrated Big Banana operation - within a reconfigured Lot 1, as per Plan 2 in this report.

**cont'd**

**Ped39 Development Application 1783/04 - Subdivision - Lot 301, Dp 778576, No 351 Pacific Highway, North Coffs Harbour (Big Banana) (cont'd)**

**Recommendation:**

- 1. That consideration of DA 1783/04 for subdivision of Lot 301, DP 778576, No 351 Pacific Highway, North Coffs Harbour, be deferred and that the applicant be advised that favourable consideration will be given to an amended subdivision layout that complies with Plan 2 of this report.**
- 2. That the General Manager be given delegated authority to approve an amended subdivision plan for this application where the plan of subdivision complies with Plan 2 of this report.**
- 3. That the applicant be advised that no support is given to the proposed plan of subdivision for this property as detailed on Plan 1 of this report.**

**Attachments:**

**Appendix A**

**Section 79C Evaluation  
Development Application No 1783/04**

**a the provisions of:**

**i any environmental planning instrument, and**

- North Coast Regional Environmental Plan.
  - This Plan does not have any clauses of reference to the application.
- Coffs Harbour City LEP 2000
  - The site is zoned 1A Agriculture, 3D Tourist Service Centre and 7B Environmental Protection Scenic Buffer.
  - There is no subdivision of land zoned 3D or 7B (proposed to remain in one of the lots).
  - Subdivision of land is permissible with consent, to all applicable zones.
  - Clause 18(3) provides that consent to subdivide 1A land to an allotment not less than 6ha may be granted if Council is satisfied that the allotment will be used for the purpose of banana growing as shown on a relevant map - in the Rural Lands DCP.

The land is within the mapped area.

Proposed Lot 2 contains over 7ha of banana plantation.

Proposed Lot 1 contains less than 1ha of plantation, to be increased to 1.5ha. The applicant promotes that the site is locally, regionally and nationally linked to "banana growing" due to the Big Banana tourism infrastructure. The majority of the site has been used for banana growing.

- An area of Secondary Koala Habitat under Council's comprehensive Koala Plan of Management is not affected by the application for subdivision (Clause 12, Coffs Harbour City Council LEP 2000).
- The Big Banana Tourist Facility is currently connected to Council's reticulated water and sewerage systems. The applicant agrees to disconnection to those buildings proposed to be "moth-balled", located in proposed Lot 2 with fire services to these buildings being retained (Clause 14, Coffs Harbour City Council LEP 2000).
- The site is mapped as Class 5 Acid Sulfate Soils (ASS). No works are proposed as part of the application that will impact on ASS (Clause 23, Coffs Harbour City Council LEP 2000).

**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**

The subdivision application is not affected by the provisions of any Draft LEP.

### iii any Development Control Plan (DCP)

- **Rural Lands DCP**

The DCP's stated objectives are to:

- enhance the rural character of the rural area;
- encourage the use of existing or potentially productive agricultural land for agricultural purposes; and
- reduce potential for rural land use conflict.

The proposal to retain significant and substantial non-rural or banana-related buildings (lookout and restaurant) on proposed Lot 2 is unlikely to enhance Lot 2's rural character, but dominate this proposed banana lot with a non-banana usage, is likely to discourage banana productivity on this lot over the longer term in that the lookout/restaurant are likely to assume the dominant use. The retention of these structures on this proposed lot (Lot 2) is likely to increase the potential for rural land use conflict within this lot and possibly on adjoining lots.

The proposed creation of Lot 1 as a banana tourist lot, under a concentrated Big Banana operation, is likely to satisfy objective dot point 2.

In accordance with the DCP the applicant has submitted a farm plan for proposed Lot 2. This lot currently has 7.05ha of banana plantation.

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

Clause 92 of the Environmental Planning and Assessment Regulation 2000 provides that the document titled "NSW Coastal Policy 1997" is to be considered in the determination of the development application.

Objective 3.2 of the Policy is "to design and locate development to complement the surrounding environment and to recognise good aesthetic qualities". The current subdivision layout fragments primary tourism infrastructure by proposing to locate the lookout and restaurant in Lot 2 - the proposed banana plantation lot. Such a proposal is unlikely to complement the surrounding environment and conflict with the intention of the application to "concentrate" the Big Banana operation. These structures, whether used or not, are a part of the Big Banana operation and not associated with a proposed agricultural lot.

### 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 subdivision will not result in any adverse environmental impacts. No impacts will occur to Acid Sulfate Soils, nor to areas of Koala Habitat mapped on the site. Where current residential services are replaced with on-site systems, such systems will comply with current standards.

It is recognised that the continued operation of the Big Banana, and the possible rejuvenation of the operation that may follow the subdivision will have positive social and economic outcomes. The subdivision approval cannot guarantee this outcome. Rejuvenation of the business operation is a separate issue.

**c the suitability of the site for the development,**

Whilst subdivision of the site is permissible with the consent of Council, it must be evaluated if the proposal fits in the locality and if the site attributes are conducive to the development proposal. Further, what effect will the subdivision layout have on the intended purpose of the application - subdivision for the purposes of banana growing?

It is reasonable to accept some minor decommissioned Big Banana infrastructure on the banana plantation lot - the train track, hang glider, the toboggan ride and the environment centre (the colourbond green building located in the south-western corner of the site). These structures will allow banana growing to remain the predominant use. However, the proposed retention of the lookout and the restaurant - substantial buildings that are not convertible to agricultural (banana) uses should not be permitted to remain on the banana plantation lot. These buildings, if permitted to be included in this lot, will determine the ultimate use of the lot, contrary to the "banana growing" purpose of the subdivision application.

Consequently, the site attributes are not considered to be conducive to the proposed subdivision layout. An amended subdivision layout is more appropriate.

**d any submissions made in accordance with this Act or the regulations,**

The application has not been notified or advertised, nor referred to any agency for comment. No submissions have been made concerning the application.

**e the public interest,**

The application is for subdivision of the land. There is no public interest issue associated with the subdivision.

- **State Environmental Planning Policy No 71 - Coastal Protection**

The land is in the Coastal Zone, SEPP No 71 applies to the application.

Council is the consent authority for the application.

The application generally satisfies the matters for consideration under the provisions of Clause 8 and Part 4 of this Policy.

In terms of Clause 8(d) "the suitability of development given its type, location and design and its relationship within the surrounding area" - previous comments in this evaluation of the application raise concerns with the design of the subdivision and the issue of the lookout and restaurant buildings.

- **State Environmental Planning Policy No 55 - Remediation of Land**

This site is used for the purposes of banana growing and is considered as potentially contaminated.

As no physical works are proposed as part of the application, there is no constraint under this Policy to the subdivision being determined by Council.

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## **PED40 DRAFT AMENDMENT NO 25 TO LOCAL ENVIRONMENTAL PLAN 2000: GENERAL REVIEW - VARIOUS LANDS**

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### **Purpose:**

The purpose of this report is to:

1. Provide comment on submissions received during exhibition of Draft Coffs Harbour City Local Environmental Plan 2000 (Amendment 25).
2. Comment on public addresses to Coffs Harbour City Council regarding this matter.
3. Present the Draft Local Environmental Plan (LEP) for Council's approval.

### **Description of Item:**

LEP 2000 was gazetted by the Minister for Urban Affairs and Planning on 20 April 2000. A Local Environmental Study (LES) was prepared to provide a basis for the preparation of LEP 2000. Council adopted the LES on 12 July 1997. A Strategic Management Plan (SMP) was also prepared to link the findings under the LES with the new LEP (i.e. LEP 2000). One of the recommendations of the SMP was to monitor and review the new LEP every two years.

The last review was conducted in 2002 and resulted in the adoption of an LEP (Amendment No 16), which updated LEP 2000. Since the last review a number of issues relating to changes in State Government Legislation, drafting anomalies and individual zonings have arisen.

LEP Amendment 25 addresses some of these issues.

Council resolved, at its meeting on 16 September 2004, to use its delegated authority to issue a Section 65 Certificate and to exhibit the draft amendment.

The draft amendment was placed on public exhibition from 22 September 2004 to 22 October 2004.

As a result of the exhibition a total of seven written submissions were received. During the exhibition period, a public address during a public forum was received.

In summary the submissions and public address focused on:

- Submission 1: Objection to rezoning of land in the West Coffs Area.
- Submission 2: General support for the draft LEP amendment.
- Public Address: The zoning of Coffs Harbour City Council (CHCC) owned land at Frond Close, North Bonville
- Submission 3: Objection to rezoning of land in the West Coffs Area.
- Submission 4: Objection to rezoning land in Hogbin Drive.
- Submission 5: General support for LEP.

**cont'd**

## **Ped40 Draft Amendment No 25 To Local Environmental Plan 2000: General Review - Various Lands (cont'd)**

- Submission 6: Request to defer rezoning of land immediately adjoining the Solitary Island Marine Park.
- Submission 7: Objection to 7 zone in West Coffs Area.

The report to Council on 16 September 2004 dealt with the General Review and Specific Review matters.

This report will only address the matters/issues raised by public comment.

### **Sustainability Assessment:**

- **Environment**

**Aims/Objectives:** The aim of the LEP is *to provide for development within the City in an ecologically sustainable manner*. The corresponding objective of the LEP is *to protect environmentally sensitive areas and the City's heritage*.

**Strategies:** The implementation of the following strategies under LEP 2000 has assisted in achieving environmental sustainability in the LGA:

- the introduction of the Koala Plan of Management and zoning provisions protecting koala habitat;
- the recognition of riparian areas and regionally significant vegetation by zoning;
- the identification of environmental hazards such as acid sulfate soils and flood-prone areas; and
- the identification of heritage items and conservation areas.

**Comment:** Anecdotal evidence from the community and developers has been positive with respect to achieving environmental sustainability; there is less conflict and greater certainty and transparency as to where development opportunities exist. The implementation of the Koala Plan of Management and the identification of environmental hazards, such as acid sulfate soils and flood-prone lands, has directed development away from these sensitive areas as well as providing a clear direction for investment opportunities.

- **Social**

**Aims/Objectives:** The aim of the LEP is *to improve the wellbeing of people within the City*. The relevant objective of the LEP is *to allow for the equitable provision of social services and facilities for the community*.

**cont'd**

## **Ped40 Draft Amendment No 25 To Local Environmental Plan 2000: General Review - Various Lands (cont'd)**

**Strategies:** The implementation of the following strategies under LEP 2000 has assisted in achieving social/cultural sustainability in the LGA:

- encouraging major housing and cultural uses to be located within or near the City Centre;
- introducing heritage provisions including protection of heritage items and conservation areas;
- permitting home galleries in residential and rural areas;
- allowing home offices and home occupations without the need for consent; and
- allowing temporary use of land for cultural purposes without the need for development approval.

**Comment:** Although it is difficult to measure the success of the social and cultural sustainability principles of LEP 2000, the LEP enables Council to include new and innovative measures in its program to improve the wellbeing of the community. For example, encouraging housing in business zones, particularly the City Centre. This will improve the housing choice available to various groups in the community and increase vitality in the business centres. In addition, by clearly defining a business hierarchy, business centres such as Woolgoolga, the City Centre and Sawtell, have a clarified role and function that assists in their revitalisation as community places.

Sawtell Main Street and the older part of Coramba Township are identified as Heritage Conservation Areas. Development consent is required for anything other than minor works in these areas and Council must consider the impact on heritage of any proposals. There is also a comprehensive list of specific heritage items and similar protection provisions apply to these. It is important to note that none of the heritage items identified in Schedule 5 have been destroyed or demolished. The implementation of Council's heritage program is a good example of the effectiveness of these provisions.

The number of people working from home is expected to continue to rise. This has been recognised under LEP 2000 with home offices being allowed in residential areas without the need for development consent.

Allowing temporary use of land for community facilities contributes to improving the cultural wellbeing of the people within the LGA. The City Centre open-air film and markets, numerous festivals and events have been undertaken under this provision in the LEP without the need for consent; previously consent would have been required.

### **• Economic**

#### **Broader Economic Implications**

**Aims/Objectives:** The aim of the LEP is *to encourage economic growth and development within the City*. The corresponding objective of the LEP is *to identify areas for compatible development opportunities*.

**Strategies:** The implementation of the following strategies under LEP 2000 has assisted in achieving economic sustainability in the LGA:

**cont'd**

## **Ped40 Draft Amendment No 25 To Local Environmental Plan 2000: General Review - Various Lands (cont'd)**

- the consolidation of business centres by the introduction of more restrictive residential zones that prohibit shops, offices and industry, but allow home industry/occupations;
- the identification of high density housing areas in and around the City Centre;
- permitting housing development within business zones (previously housing was prohibited);
- the introduction of a single approvals system; and
- assistance to the rural sector by providing flexibility for protection of agricultural land.

**Comment:** Prior to the gazettal of LEP 2000, the City Centre was experiencing the “doughnut effect” whereby business premises were locating in the peripheral residential areas such as Albany Street, the Pacific Highway, Park Beach Road and Moonee/Scarba Streets instead of the City Centre itself. However, with the implementation of a stricter land use strategy, a more consolidated business centre is developing, rewards such as infrastructure savings and increased energy efficiency can also be achieved. Combined with the street improvements, consolidation also enhances the importance and appearance of the centre.

Higher density housing around and within the City Centre is a longer-term strategy that will help to promote urban consolidation and revitalise the City Centre. Interest in developing high-density housing is growing.

The strategy of permitting housing in business zones (i.e. ‘shop top housing’) has had some success, particularly in Sawtell and Woolgoolga.

The single approvals system, which includes detailed DCPs and a number of Information Sheets, has provided more certainty and transparency for investment opportunities. Anecdotal feedback from the community and developers on this system has been positive.

The fragmentation of agricultural land for residential development has decreased markedly in the last four years. Amendments to LEP 2000 as a result of the Rural Lands Strategic Plan will provide more flexibility for boundary adjustments which should assist the rural sector.

### **Management Plan Implications**

There are no Management Plan issues in relation to the proposed Draft LEP.

### **Consultation:**

This report has been prepared with input from all the Departments of Council.

The public exhibition, from 22 September 2004 to 22 October 2004 of the draft LEP, has enabled community input into the project.

The submissions received have been addressed in this report.

### **Related Policy and / or Precedents:**

The draft LEP is consistent with Council's policies and will not set an undesirable precedent.

### **Statutory Requirements:**

The draft LEP is not inconsistent with any State Environmental Planning Policies, the North Coast Regional Environmental Plan or the Coastal Policy.

### **Issues:**

#### **a) Rezoning of Lands in West Coffs area**

The submissions raised these issues:

1. CHCC is rezoning lands to be acquired for use as a detention basin, from Residential Habitat 2A Low Density to 7A Environmental Protection and Catchment. The concern being that "...a change in the zoning will detrimentally affect the value of the land when transferred to the Council and that our assessment of the amount expected from the Council in the costing of the subdivision will be substantially decreased".
2. Part of the land to be rezoned is subject to an old consent, which has commenced. The submission states that "This DA was for residential allotments right up to the existing 7A zoning boundary. Now Council proposes to rezone part of the lots to be created under this DA, to 7A. This would render many of these lots as untenable. We cannot see how Council can rezone land which is currently subject to DA approval as residential allotments".
3. The submission questions the extent of the proposed 7A zone as the owners are of the belief that the proposed retention basin will not cover all of the land shown.

#### *Comment:*

On behalf of the land owners/developers, their consultants met with Council staff to further discuss the issues raised. The matters have been resolved by:

1. Outlining the process for land acquisition and the manner this is achieved ensures the landowner is not disadvantaged by the rezoning as valuations are based on a theory of highest and best use.
2. Minor realignment of the zone boundaries has been negotiated to the satisfaction of all parties.
3. The design and modelling for the Bakers Road detention system indicate this land is required for the detention basin.

#### **b) Trond Close**

This land is currently zoned part Residential 2A (Low Density), part Open Space 6A (Public Recreation) and part Environmental Protection 7A (Habitat and Catchment). The majority of this land was identified under the North Bonville DCP for passive open space purposes (i.e. wetland and bushland). The area of land to be acquired has been negotiated during the course of the assessment of the development for subdivision. The area acquired by Council is slightly in excess of the area zoned for open space purposes. It is appropriate that the land acquired by Council be rezoned Open Space 6A (Public Recreation) to reflect this acquisition.

The public address at the public forum raised concern over the land being Koala Habitat.

**cont'd**

**Ped40 Draft Amendment No 25 To Local Environmental Plan 2000: General Review - Various Lands (cont'd)**

*Comment:*

Once the Council-owned land is zoned Open Space 6A Public Recreation, the appropriate Plan of Management (PoM) can be applied. Part of the PoM gives provisions on the use, management and maintenance of Koala Habitat. The Koala PoM (KPoM) will still apply to the land.

**c) Hogbin Drive North, Park Beach**

The subject land is currently zoned 5A Special Uses (Classified Road). The road (Hogbin Drive North) has been completed and the subject land will not be required by Council for road widening or landscaping purposes in the future.

As this part of the road reserve is surplus to requirements, the zoning of the land should be reviewed to recognise the development potential of the allotment. This will allow expansion of the motel and provide additional tourist accommodation in the Park Beach area.

The land is suitable for further development, consistent with the prevalent zoning of the area, being 2E Residential (Tourist). It is appropriate that this surplus road corridor be rezoned from its current zoning to 2E Residential (Tourist).

The submission opposes the "rezoning and sale" of land in Hogbin Drive, Park Beach. The submission states that land could be required for *"the future increase in traffic, road widening of Hogbin Drive cannot be ruled out"*.

*Comment:*

The subject land is privately owned, with the allotment being part of an existing motel development.

**d) Rezoning of Land Adjacent to the Solitary Islands Marine Park**

The submission from the Solitary Islands Marine Park Authority requests that CHCC defer rezoning the land immediately adjoining the Marine Park until further legal advice.

*Comment:*

It is recommended that the proposed rezoning of land to Open Space 6A Public Recreation immediately adjoining the SIMP, be deferred from LEP 25.

Therefore the new 6A zone will only apply to the beachfront reserve land to the low water mark from Corambirra Point south.

**cont'd**

**Ped40 Draft Amendment No 25 To Local Environmental Plan 2000: General Review - Various Lands (cont'd)**

**Summary**

The draft LEP reflects relevant studies carried out, submissions received and advice from agencies and authorities.

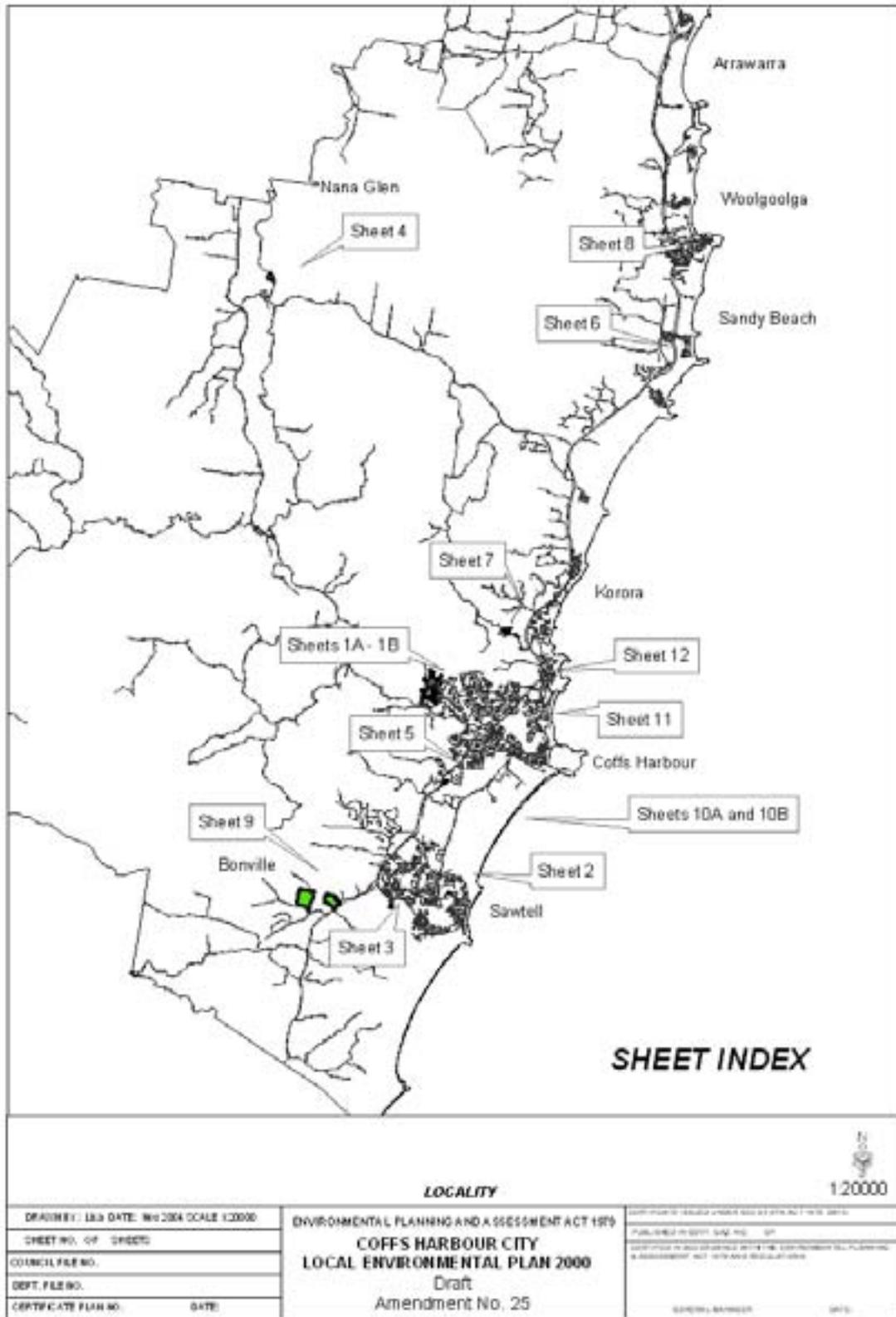
**Recommendation:**

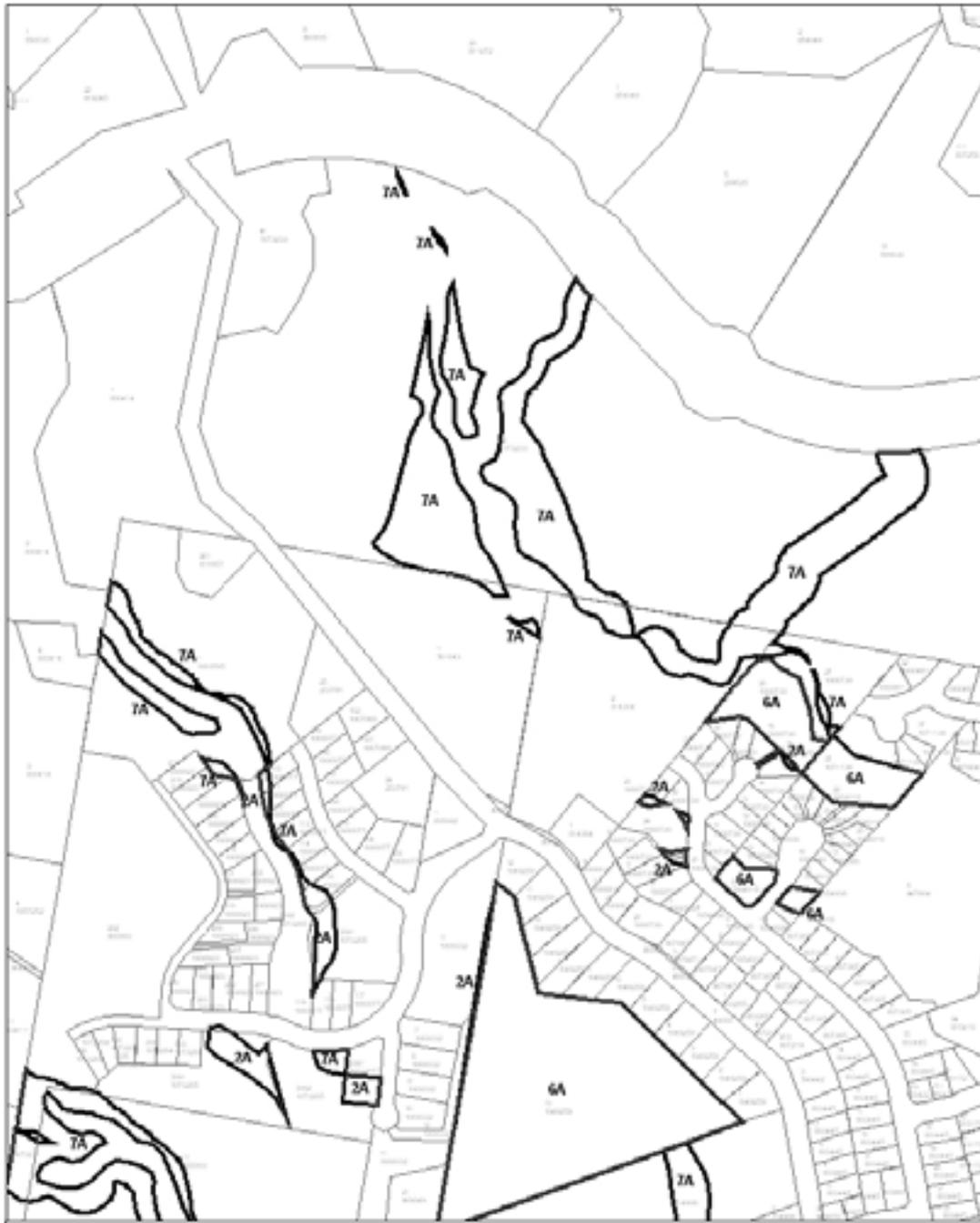
**That Council:**

- 1. In accordance with Section 68 of the Environmental Planning and Assessment Act, adopt the Local Environmental Plan 2000 (Amendment 25), as attached to PED35 and amended by the content of this report, and forward it to the Department of Infrastructure Planning and Natural Resources for gazettal.**
- 2. Advise all parties that made submissions and the Public Forum address of Council's decision.**

G A Vereker  
Director, Planning Environment and Development

Attachments:





**6A** Open Space Public Recreation

LOCALITY

N  
1:5000

DRAWN BY: L&J DATE: NOV 2004 SCALE 1:2000  
 SHEET NO. 1A OF 11 SHEETS  
 COUNCIL FILE NO.  
 DEPT. FILE NO.  
 CERTIFICATE PLAN NO. DATE

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979  
**COFFS HARBOUR CITY**  
**LOCAL ENVIRONMENTAL PLAN 2000**  
 Draft  
 Amendment No. 25

APPROVED BY LOCAL GOVERNMENT UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (DATE)  
 PUBLISHED BY DEPT. OF ENVIRONMENTAL PLANNING AND ASSESSMENT (DATE)  
 CONFIRMED BY LOCAL GOVERNMENT UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS  
 GENERAL MANAGER DATE



<b>2A</b> Residential Low Density	<b>7A</b> Environmental Protection Habitat and Catchment	 1:5000	
<b>6A</b> Open Space Public Recreation	<i>LOCALITY</i>		
DRAWING: L&A DATE: N/A SCALE 1:2000 SHEET NO. 18 OF 11 SHEETS COUNCIL FILE NO. DEPT. FILE NO. CERTIFICATE PLAN NO.      DATE	ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 <b>COFFS HARBOUR CITY</b> <b>LOCAL ENVIRONMENTAL PLAN 2000</b> Draft Amendment No. 25		<small>         APPROVED BY LOCAL GOVERNMENT UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS          PUBLISHED BY GOVT. GAZ. NO. 07          REGISTERED IN ALL JURISDICTIONS WITH THE ENVIRONMENTAL PLANNING &amp; ASSESSMENT ACT 1979 AND REGULATIONS          GENERAL MANAGER      DATE       </small>



- 4A Industrial
- 6A Open Space Public Recreation



*LOCALITY*

DRAWING: L&A DATE: Nth 2004 SCALE 1:2000 SHEET NO. 2 OF 14 SHEETS COUNCIL FILE NO. DEPT. FILE NO. CERTIFICATE PLAN NO.      DATE	ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 <b>COFFS HARBOUR CITY</b> <b>LOCAL ENVIRONMENTAL PLAN 2000</b> Draft Amendment No. 25	ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A ACT 1979) (S47) PUBLISHED BY GOVT. G&S 1979 CONFIDENTIAL IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS  GENERAL MANAGER      DATE
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		<i>LOCALITY</i>	 1:5000
DRAWING: L&A DATE: Nth 2004 SCALE 1:2000 SHEET NO. 3 OF 14 SHEETS COUNCIL FILE NO. DEPT. FILE NO. CERTIFICATE PLAN NO.      DATE		ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 <b>COFFS HARBOUR CITY</b> <b>LOCAL ENVIRONMENTAL PLAN 2000</b> Draft Amendment No. 25	<small>         CERTIFICATE PLAN NO. AND DATE OF ENVIRONMENTAL PLANNING &amp; ASSESSMENT ACT 1979 AND REGULATIONS          PUBLISHED IN GOVT. GAZ. NO.      DT          CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING &amp; ASSESSMENT ACT 1979 AND REGULATIONS            GENERAL MANAGER      DATE       </small>



<b>GA</b> Open Space Public Recreation		<i>LOCALITY</i>		 1:5000
DRAWING: L&A DATE: Nth 2004 SCALE 1:2000		ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979		<small>         CERTIFICATE OF ENVIRONMENTAL PLANNING ACT 1979 (EP)       </small>
SHEET NO. 4 OF 14 SHEETS		<b>COFFS HARBOUR CITY</b> <b>LOCAL ENVIRONMENTAL PLAN 2000</b>		<small>         PUBLISHED BY DEPT. OF ENVIRONMENTAL PLANNING          &amp; ASSESSMENT ACT 1979 AND REGULATIONS       </small>
COUNCIL FILE NO.		Draft		
DEPT. FILE NO.		Amendment No. 25		
CERTIFICATE PLAN NO.      DATE				GENERAL MANAGER      DATE



<b>7A</b> Special Uses Hospital		<b>7B</b> Environmental Protection Scenic Buffer		 1:5000
<b>7A</b> Environmental Protection Habitat and Catchment		<b>LOCALITY</b>		
DRAWN BY: L&A DATE: NH 2004 SCALE 1:2000		ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979		<small>           CERTIFICATE OF ENVIRONMENTAL ASSESSMENT ACT 1979 (EAS)         </small>
SHEET NO. 5 OF 14 SHEETS		<b>COFFS HARBOUR CITY</b> <b>LOCAL ENVIRONMENTAL PLAN 2000</b> Draft Amendment No. 25		<small>           PUBLISHED BY DEPT. OF ENVIRONMENTAL PLANNING            &amp; ASSESSMENT ACT 1979 AND REGULATIONS         </small>
COUNCIL FILE NO. _____				GENERAL MANAGER _____ DATE: _____
DEPT. FILE NO. _____				
CERTIFICATE PLAN NO. _____ DATE: _____				





<b>1B</b> Rural Living		 1:5000
<b>7A</b> Environmental Protection Habitat and Catchment	<b>LOCALITY</b>	
DRAINED BY: U&A DATE: N/A 2004 SCALE 1:2000	ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 <b>COFFS HARBOUR CITY</b> <b>LOCAL ENVIRONMENTAL PLAN 2000</b> Draft Amendment No. 25	<small>           ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS            PUBLISHED BY GOVT. OF NSW            CONFIDENTIAL IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING            &amp; ASSESSMENT ACT 1979 AND REGULATIONS         </small>
SHEET NO. 1 OF 14 SHEETS		GENERAL MANAGER      DATE:
COUNCIL FILE NO.		
DEPT. FILE NO.		
CERTIFICATE PLAN NO.      DATE:		



**5A** Special Uses Temple



**LOCALITY**

DRAWN BY: L&A DATE: NOV 2004 SCALE 1:2000  
 SHEET NO. 9 OF 14 SHEETS  
 COUNCIL FILE NO.  
 DEPT. FILE NO.  
 CERTIFICATE PLAN NO. DATE

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979  
**COFFS HARBOUR CITY**  
**LOCAL ENVIRONMENTAL PLAN 2000**  
 Draft  
 Amendment No. 25

APPROVED FOR PUBLICATION BY THE LOCAL GOVERNMENT ACT 1995 (LGA 1995)  
 PUBLISHED BY DEPT. OF ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS  
 GENERAL MANAGER DATE



**OS** Open Space Private Recreation

*LOCALITY*

N  
1:10000

DRAWING: L&A DATE: NH 2004 SCALE 1:2000		ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 <b>COFFS HARBOUR CITY</b> <b>LOCAL ENVIRONMENTAL PLAN 2000</b> Draft Amendment No. 25	<small>APPROVED FOR PUBLICATION UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS</small> PUBLISHED BY DEPT. OF ENVIRONMENTAL PLANNING AND ASSESSMENT <small>CONSISTENT WITH THE REQUIREMENTS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS</small>	
SHEET NO. 9 OF 14 SHEETS			GENERAL MANAGER	
COUNCIL FILE NO.			DATE:	
DEPT. FILE NO.				
CERTIFICATE PLAN NO.	DATE:			



**6A** Open Space Public Recreation

*LOCALITY*

1:10000

DRAWN BY: L&J DATE: NOV 2004 SCALE 1:20000		ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 <b>COFFS HARBOUR CITY</b> <b>LOCAL ENVIRONMENTAL PLAN 2000</b> Draft Amendment No. 25	<small>ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS</small> <small>PUBLISHED BY GOVT. AND IND. OF</small> <small>CONSISTENT WITH REQUIREMENTS OF THE ENVIRONMENTAL PLANNING</small> <small>&amp; ASSESSMENT ACT 1979 AND REGULATIONS</small>	
SHEET NO. 104 OF 11 SHEETS			GENERAL MANAGER      DATE:	
COUNCIL FILE NO.				
DEPT. FILE NO.				
CERTIFICATE PLAN NO.	DATE			



**SA** Open Space Public Recreation

*LOCALITY*

1:40000

DRAWN BY: L&A DATE: NH 2004 SCALE 1:2000 SHEET NO. 108 OF 11 SHEETS COUNCIL FILE NO. DEPT. FILE NO. CERTIFICATE PLAN NO.      DATE	ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 <b>COFFS HARBOUR CITY</b> <b>LOCAL ENVIRONMENTAL PLAN 2000</b> Draft Amendment No. 25	ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A ACT 1979) PUBLISHED BY DEPT. OF ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS GENERAL MANAGER      DATE
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<b>2E Residential Tourist</b>		<b>LOCALITY</b>		 <b>1:3000</b>
<small>DRAWN BY: L&amp;A DATE: NOV 2004 SCALE 1:2000</small>		<small>ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979</small>		<small>APPROVED BY: L&amp;A DATE: 07</small>
<small>SHEET NO. 11 OF 14 SHEETS</small>		<b>COFFS HARBOUR CITY</b> <b>LOCAL ENVIRONMENTAL PLAN 2000</b> <small>Draft</small>		<small>CONFIRMED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING &amp; ASSESSMENT ACT 1979 AND REGULATIONS</small>
<small>COUNCIL FILE NO.</small>		<b>Amendment No. 25</b>		<small>GENERAL MANAGER</small>
<small>DEPT. FILE NO.</small>				<small>DATE:</small>
<small>CERTIFICATE PLAN NO.</small>				
<small>DATE:</small>				



<b>38</b> Business City Support		<i>LOCALITY</i>		 1:4000
DRAWN BY: L&A DATE: Nth 2004 SCALE 1:2000		ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979		<small>         CERTIFICATE OF REFERENCE UNDER THE ENVIRONMENTAL PLANNING          AND ASSESSMENT ACT 1979 AND REGULATIONS       </small>
SHEET NO. 12 OF 14 SHEETS		<b>COFFS HARBOUR CITY</b> <b>LOCAL ENVIRONMENTAL PLAN 2000</b>		<small>         PUBLISHED BY DEPT. OF LAND AND WATER          CONFIDENTIAL IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING          AND ASSESSMENT ACT 1979 AND REGULATIONS       </small>
COUNCIL FILE NO.		Draft		GENERAL MANAGER
DEPT. FILE NO.		Amendment No. 25		DATE
CERTIFICATE PLAN NO.				DATE