

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 20 April 2006 commencing 5pm.



**COFFS HARBOUR CITY COUNCIL**  
**ORDINARY MEETING**  
**(CITY BUSINESS UNITS COMMITTEE)**  
**COUNCIL CHAMBERS**  
**COUNCIL ADMINISTRATION BUILDING**  
**COFF AND CASTLE STREETS, COFFS HARBOUR**  
**6 APRIL 2006**

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**COFFS HARBOUR CITY COUNCIL**  
**ORDINARY MEETING**  
**(CITY BUSINESS UNITS COMMITTEE)**  
**6 APRIL 2006**

Mayor and Councillors

**CITY BUSINESS UNITS DEPARTMENT REPORTS**

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**B6 TRANSFER OF LANDS TO THE COFFS COAST STATE PARK**

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**Purpose:**

To obtain Council consent to the transfer of Lots 216, 223 and 224 DP 755536 at Boambee to the Coffs Coast State Park through the Department of Lands.

**Description of Item:**

The subject lots are three small parcels of land at the southern end of Boambee Beach (refer to attached plan). They are completely surrounded by the Coffs Coast State Park of which Council is the Manager.

Up until recently they were owned by the National Parks and Wildlife Service. They were part of a compensation package to which Council agreed to secure the easements required to construct the Arrawarra/Mullaway sewer.

The purpose of this report is to pass resolutions to enable the land to be formally included in the Coffs Coast State Park.

**Sustainability Assessment:**

- **Environment**

There will be no physical change to the land now or in the future by the inclusion of the land in the Park.

- **Social**

There will be no social impacts.

**Cont'd**

## **B6 Transfer Of Lands To The Coffs Coast State Park ...(Cont'd)**

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- **Economic**

### **Broader Economic Implications**

The increase in the size of the park will be minimal and the economic impact will be nil.

### **Management Plan Implications**

The land will become non ratable as Crown land.

### **Consultation:**

The Department of Lands was consulted as to the correct procedures to be followed to transfer the lands.

### **Statutory Requirements:**

The relevant sections of the Crown Lands Act are 134 and 138. The lands can, with an appropriate resolution of Council be transferred to the Crown.

### **Issues:**

There are no issues or options as Council is locked into this process by the Deed of Agreement it entered into with the National Parks and Wildlife Service.

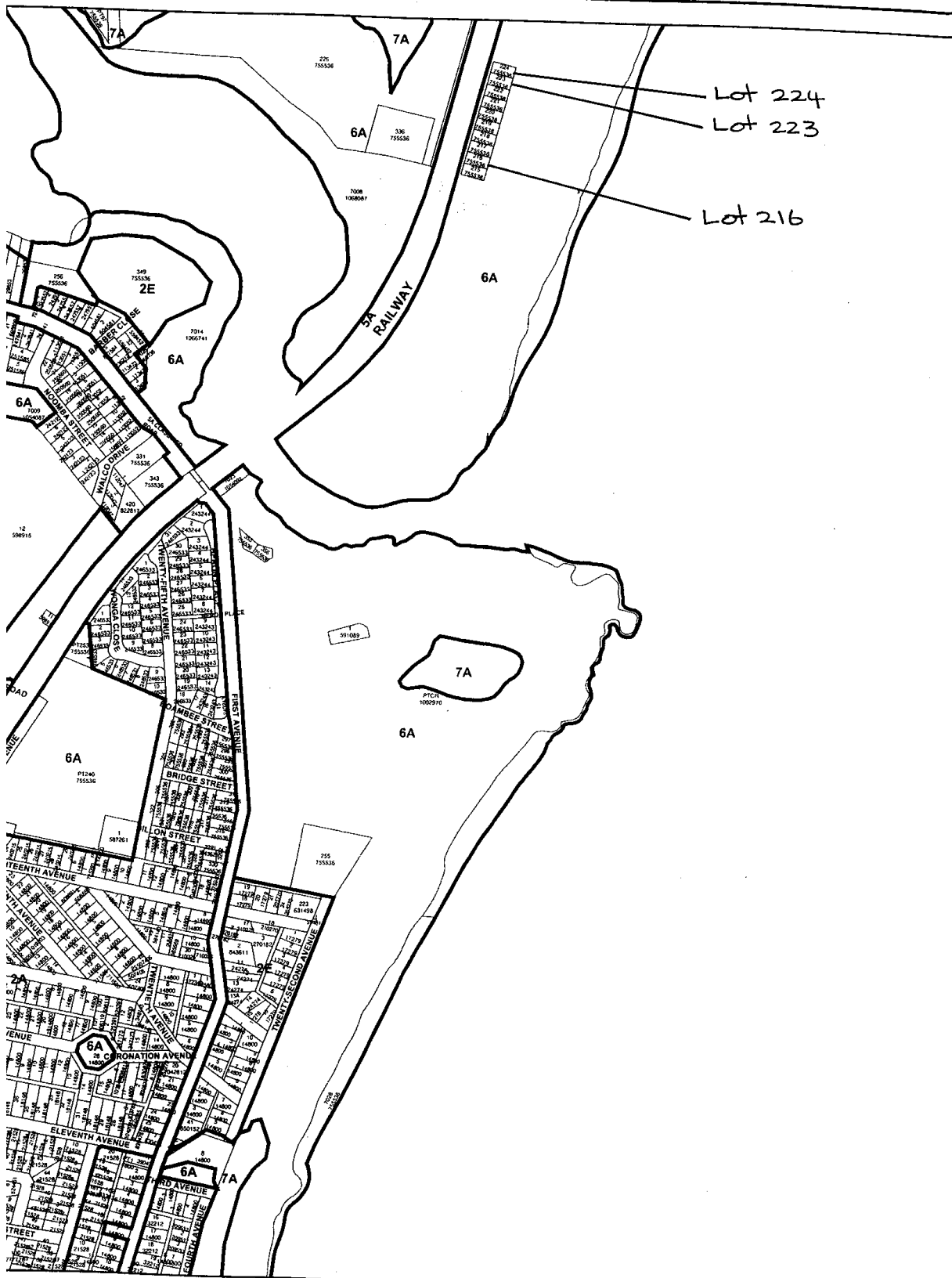
### **Implementation Date / Priority:**

The matter will be actioned in accordance with Council's resolution.

### **Recommendation:**

- 1. That Council, as the owner of the land described as Lots 216, 223 and 224 DP 755536 situated at Boambee, formally gifts the land to the Crown at no cost to the Department of Lands, on the understanding that the subject lots be declared Crown land for incorporation into the Coffs Coast State Park.**
- 2. That Council, as Manager of the Coffs Coast State Park Trust, formally concurs to the addition of the subject lands to the State Park (Reserve 1002970).**

Attachments:



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**B7 SALE OF COUNCIL LAND - PUBLIC RESERVE WALKWAY, WOMBAT PLACE, BOAMBEE EAST**

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**Purpose:**

To obtain Council approval for the sale of a public walkway at Wombat Place, Boambee East which has become surplus to requirements.

**Description of Item:**

Council was approached recently by the owner of a property at 4 Wombat Place at Boambee East. The owner requested the opportunity to purchase a parcel of land which has historically been used as a walkway which provided access from Wombat Place through to a section of land which has now been developed as a local shopping centre. The new shopping centre when constructed a couple of years ago did not make use of the walkway and the centre was designed to physically cut off access to the walkway.

The walkway has in recent years been fenced off and has become surplus to both the local community and Council needs. The land as a result has been used as a dumping ground and has been unmaintained which has caused vermin problems for two adjoining residents.

The land is known as Lot 521 DP 807140 and comprises a narrow strip of Public Reserve which has an area of 97.16 square metres. The land is currently zoned 2A Residential under the provisions of Coffs Harbour Local Environmental Plan 2000.

Negotiations have been held with the two property owners that adjoin the reserve at 4 Wombat Place and 2/2 Wombat Place, with a view to disposing of the land. Both owners wish to take an equal portion of the land (split down the centre lengthways) on the following terms:

1. Purchase price of \$8,500, inclusive of GST.
2. Each party being responsible for their own legal expenses.
3. Council being responsible for the preparation of a linen plan and its registration expenses to facilitate consolidation of the land with the properties owned by the adjoining owners.
4. Council being responsible for reclassifying the land "operational land" under the Local Government Act, 1993 to allow for its sale.
5. All costs associated with concrete removal (existing path) or fencing are to be the responsibility of the adjoining owners.

Council has already commenced the process to reclassify the land and should this proceed without problems it is anticipated this will be finalised in approximately six months.

As part of the process, Council will also require the Public Reserve Caveat to be removed from the Title of the land prior to it being sold and consolidated with the adjoining land parcels.

**Cont'd**

## **B7 Sale Of Council Land - Public Reserve Walkway, Wombat Place, Boambee East ... (Cont'd)**

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### **Sustainability Assessment:**

- **Environment**

The land has no environmental issues and comprises a grassed area with a two metre wide concrete path constructed centrally.

- **Social**

The pathway and its potential for use as an access has been severely limited by the construction of the adjoining shopping centre. The cut off pathway has in recent times become an attraction for unsociable behavior and dumping of rubbish. The sale of the pathway will not have an adverse impact on the local community and will benefit the adjoining owners.

- **Economic**

#### **Broader Economic Implications**

There will be negligible impact as a result of this sale.

#### **Management Plan Implications**

Council will obtain the net funds from the sale of the land after costs. It is anticipated that the net proceeds to Council will be in the order of \$12,000. It is up to the Council to decide where these funds are to be allocated in accordance with Council's current policy. Note that the funds will not be received until next financial year.

### **Consultation:**

Consultation has been undertaken with Council's other Departments, including City Services, City Parks Branch and Planning, Environment and Development.

Consultation has also been undertaken with the owners of the shopping centre who also adjoin the land.

As part of the reclassification process, the matter will be placed on public exhibition facilitating further community consultation with local residents or interested parties.

### **Statutory Requirements:**

The land must be reclassified as "operational land" under the provisions of the Local Government Act, 1993. The sale cannot proceed without the reclassification being completed and the sale will be conditional upon this occurring.

### **Issues:**

Should the sale not proceed, Council will have to maintain the land at its cost without there being a community benefit. The land if left in its current form will always be at risk of becoming a dumping ground and being used for unsociable behavior.

**Cont'd**

**B7 Sale Of Council Land - Public Reserve Walkway, Wombat Place, Boambee East  
...(Cont'd)**

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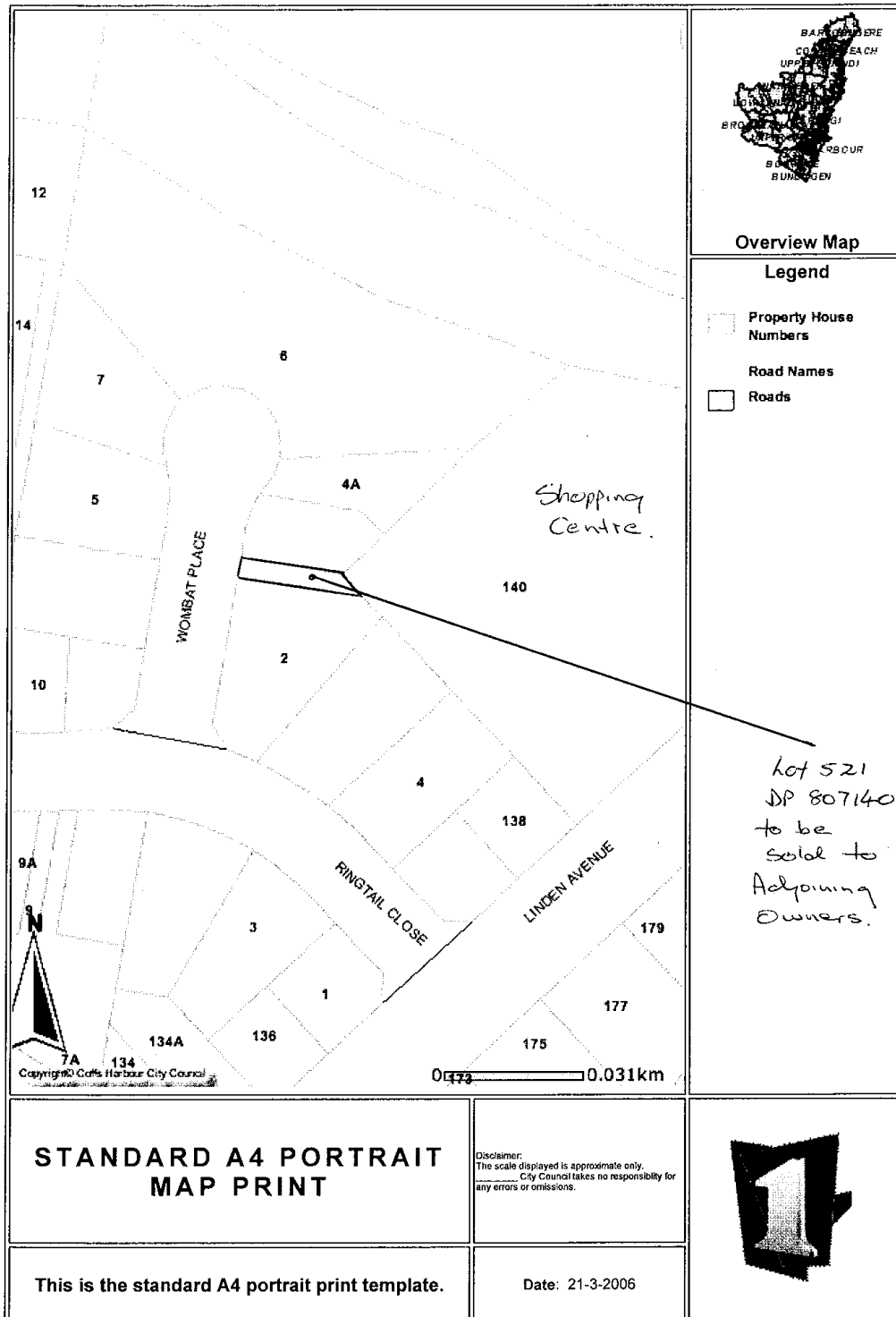
**Implementation Date / Priority:**

The matter will be acted upon immediately, however completion will be subject to the reclassification occurring.

**Recommendation:**

- 1. That Council dispose of Lot 521 DP 807140 in two equal portions to the adjoining owners on the terms contained within this report.**
- 2. That the sale and disposal of Lot 521 DP 807140 be subject to the land being reclassified as operational under the provision of the Local Government Act, 1993.**
- 3. That Council execute under seal any required documents to process the sale of the land.**

**Attachments:**





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**B8 PROPOSED ROAD CLOSURE OF PART EUNGELLA STREET, TOORMINA**

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**Purpose:**

Report seeking Council's consent to the closure of a public Council road.

**Description of Item:**

Council has recently received an application from Mary, Help of Christians Parish, the owners of Mary, Help of Christians Primary School at Toormina to close a section of public road which adjoins the school. The section of road is known as part Eungella Street and is located directly to the north of the schools existing car park. The attached plan shows the location of the road proposed to be closed.

The total area of land to be closed as road is approximately 887 square metres.

The Parish has applied to Council to have the road closed with the intention of purchasing the land and consolidating it with the adjoining school site known as Lot 101 DP 600764.

The closure does not affect the primary access to any other property, however does affect rear access to two residential properties known as 31 Ramornie Drive and 61 Amaroo Crescent, Toormina. Both property owners have provided written consent to the closure on the basis they be provided with a right of way over part of the road being closed with suitable access to their rear yards. The Parish has agreed to do this as part of the closure.

The part of Eungella Street which is the subject of this report is currently leased to the Parish on a holding over lease with annual payments of \$1,052, plus GST. The Parish has in recent years bitumen sealed the leased area and currently use it as car parking and vehicle maneuvering area.

Council's Senior Valuer has agreed to the following terms with the Parish, should the closure proceed.

1. Compensation of \$100,000 inclusive of GST being paid to Council.
2. The land created from the closure being consolidated with the land owned by the parish directly to the south known as Lot 101 DP 600764.
3. All costs associated with the matter being the responsibility of Mary, Help of Christians Parish.
4. That upon closure of the road and consolidation of the land with the adjoining site, a right of way is to be provided which burdens the land and benefits Lot 80 DP 243957 and Lot 79 DP 243957.

**Sustainability Assessment:**

- **Environment**

The land to be sold does not contain any significant vegetation. The development of this land at a future date will not have an adverse impact upon the environment.

**Cont'd**

## **B8 Proposed Road Closure Of Part Eungella Street, Toormina ...(Cont'd)**

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- **Social**

The disposal of the land will have little social impact.

- **Economic**

### **Broader Economic Implications**

The sale of the land and its consolidation with the adjoining parcel, will enable a better use of scarce land resources in this area.

### **Management Plan Implications**

The road reserve will be sold to the Parish for \$100,000 inclusive of GST. Council's Senior Valuer considers this a fair amount of compensation and the negotiated price has been based on the market value of the land. The amount net of GST will be approximately \$90,909.09.

Under the Roads Act, funds from the sale of closed roads should be re-invested into the road system. However, as Council spends substantial amounts on roads each year, the funds can be directed as required. It is up to the Council to decide on an individual basis how funds from property sales are to be utilized. It should be borne in mind that the road closure process (through the Department of Lands) can be a long one and take 18 months to 2 years.

### **Consultation:**

The adjoining owners have provided consent to the proposal. The matter will also be advertised by the Department of Lands as part of the application process. Affected individuals have the opportunity to make reasonable objections at this time.

### **Issues:**

The issue to be decided is whether Council should consent to the closure which will result in the eventual sale of the land and its consolidation with the adjoining property owned by the applicants.

There appears to be no reason why Council should not consent to the closure.

### **Other Department's Comments:**

The application has been circulated to Council's Parks and Recreation Branch, City Services Department and Planning, Environment and Development Department for comments. All Department's have advised they have no objection to the proposal.

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

This matter will be dealt with immediately.

**Cont'd**

**B8 Proposed Road Closure Of Part Eungella Street, Toormina ...(Cont'd)**

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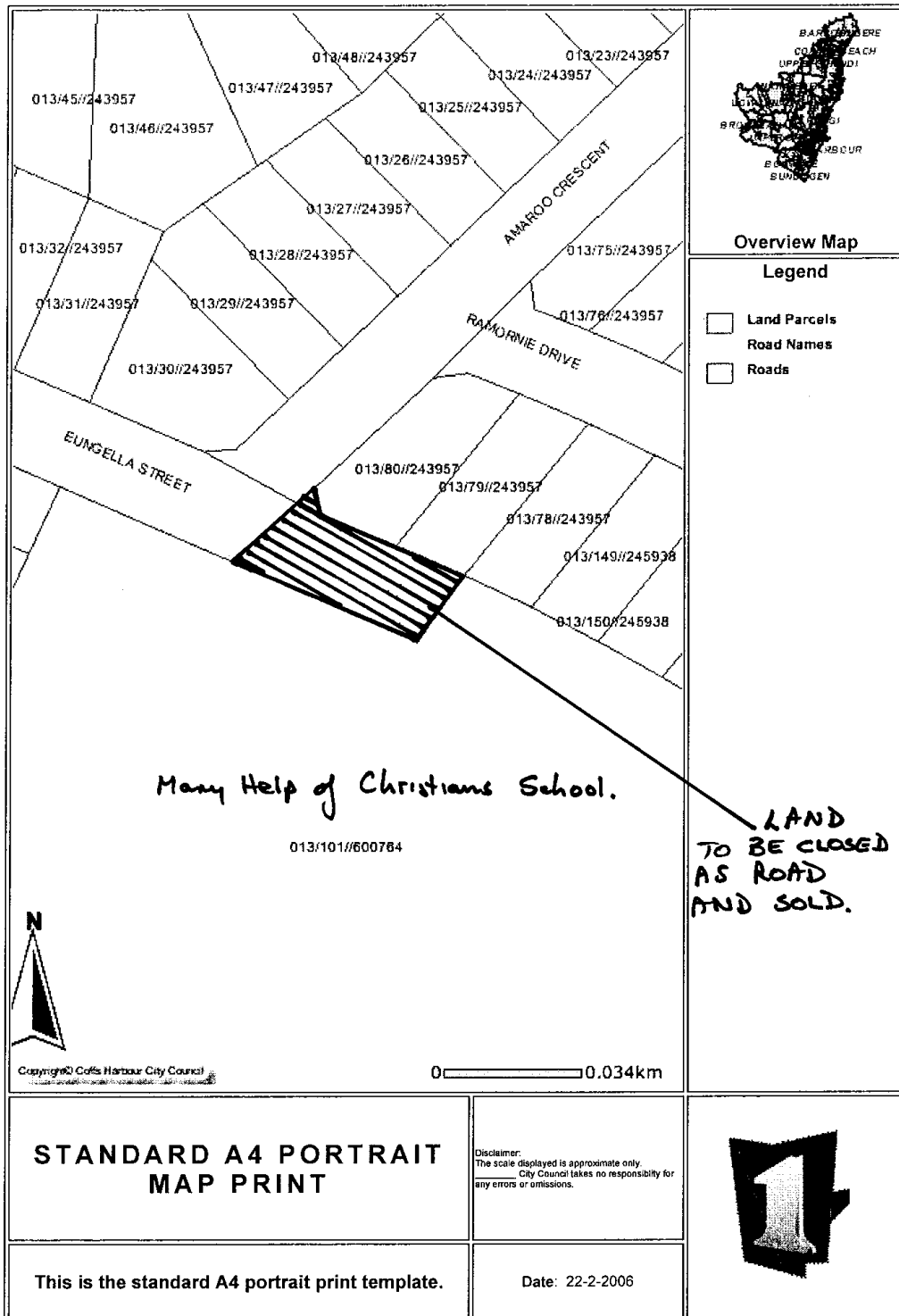
**Recommendation:**

- 1. That Council apply to the Department of Lands to close that section of road identified on the plan attached to this report.**
- 2. That following approval of the road closure by the Department of Lands, the land be sold to Mary, Help of Christians Parish or nominee on the terms contained within this report.**
- 3. That Council enter into a Deed of Agreement with the Parish on the terms stated within this report.**
- 4. That the land created from the closure be classified as Operational Land under the Local Government Act, 1993.**
- 5. That any necessary documents be executed under the Common Seal of Council.**
- 6. That the nett proceeds from the disposal of the land be used for a purpose to be decided by the Council, at the time the funds are actually received.**



Pat Litter  
Director of City Business Units

**Attachments:**



**STANDARD A4 PORTRAIT  
MAP PRINT**

Disclaimer:  
The scale displayed is approximate only  
City Council takes no responsibility for  
any errors or omissions.



This is the standard A4 portrait print template.

Date: 22-2-2006

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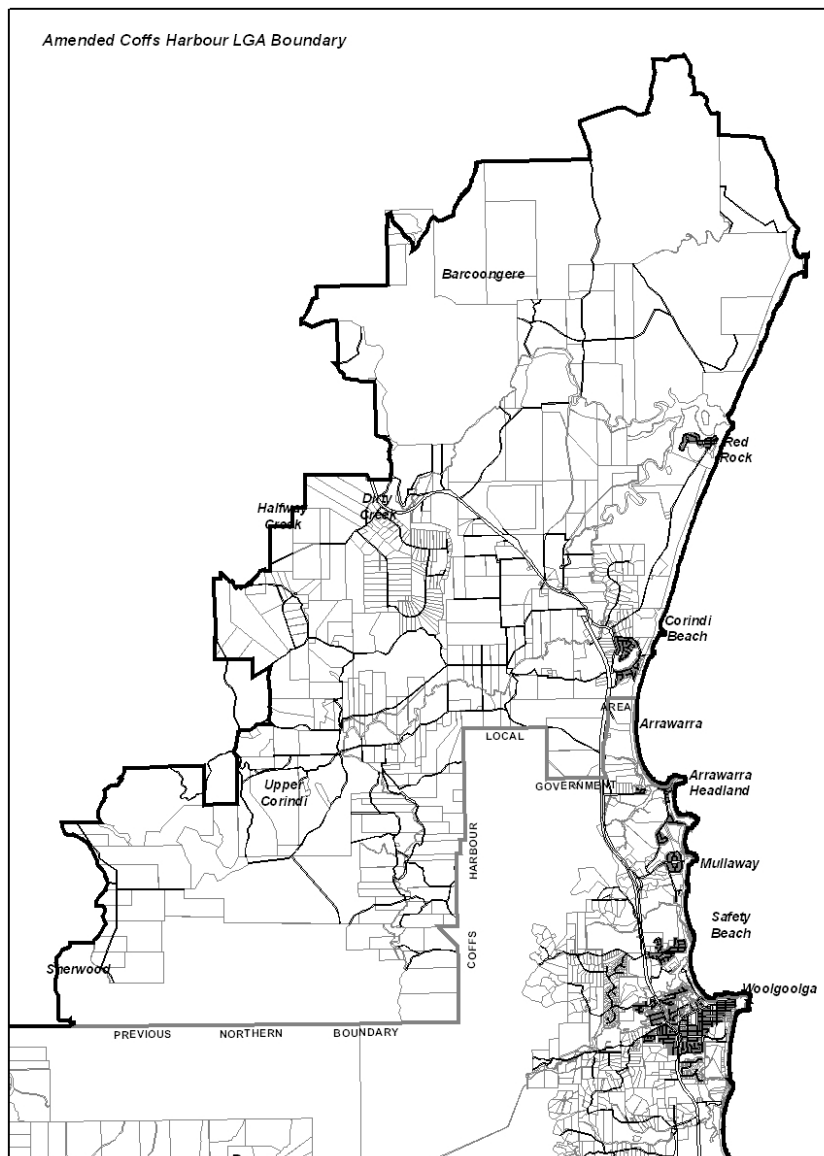
**PED11 COFFS HARBOUR CITY LOCAL ENVIRONMENTAL PLAN 2000 - AMENDMENT TO CONSOLIDATE FORMER PRISTINE WATERS (RED ROCK AND CORINDI) LOCALITIES**

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**Purpose:**

The purpose to this report is to formally commence the preparation of an amendment to the Coffs Harbour City Local Environmental Plan (LEP) 2000 to incorporate planning provisions for the amalgamated lands, comprising the former area of Pristine Waters Local Government Area (LGA), in accordance with Department of Planning (DoP) requirements.

The report recommends that Council formally resolve to undertake preparation of this plan to enable the commencement of statutory notification and consultation processes for the land shown on the map below.



Cont'd

## **Ped11 Coffs Harbour City Local Environmental Plan 2000 - Amendment To Consolidate Former Pristine Waters (Red Rock And Corindi) Localities ...(Cont'd)**

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### **Description of Item:**

In May 2005 the Minister for Local Government announced the finalisation of the boundary matters relating to the amalgamation of the localities of Red Rock, Corindi Beach and approximately half of the Corindi plateau with the Coffs Harbour City LGA. The area, formerly part of Pristine Waters LGA, comprises 21,520ha and 1,267 residents at the 2001 Census (Coffs Harbour City Population Profile, 2004).

The Planning Reform Funding Program provided \$110,000 in funding on 3 December 2004 and a Memorandum of Understanding (MOU) was entered between the DoP and Coffs Harbour City Council (CHCC).

The funds provided have enabled Council to obtain information to amend its principal planning instrument with respect to these lands including:

- obtaining aerial photography of the area;
- undertaking vegetation classification; and
- completing vegetation mapping.

In-kind contributions by Council include staff resources for:

- the preparation of a Local Environmental Study (LES);
- undertaking amendments to the Comprehensive Koala Plan of Management (KPoM) to incorporate this area; and
- incorporating the new areas into Council's website information base.

Of the project funds, approximately half (\$53,000) remains for undertaking studies such as a heritage review and aboriginal heritage assessment.

### **Relationship to other Council Projects:**

- *Model LEP*

In 2005, the State Government exhibited a draft Model LEP 'template' for NSW Councils to use as a starting point for the review of all LEPs (previously reported to Council in November 2005). On 14 April 2005 the DoP advised Council of its proposed recommendation to create a revised LEP within five years and that any such new comprehensive LEP be required to follow the standard template. The standard LEP template is expected to be gazetted soon.

- *"Our Living City" Settlement Strategy*

Council has commenced preparation of the city-wide "Our Living City" Settlement Strategy in line with the NSW Government's 2004 projections for population growth in this region. Outcomes from the Strategy will incorporate the review of medium and long-term urban development needs in the subject area.

**Cont'd**

## **Ped11 Coffs Harbour City Local Environmental Plan 2000 - Amendment To Consolidate Former Pristine Waters (Red Rock And Corindi) Localities ...(Cont'd)**

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- *LEP Review*

Areas within the amalgamated lands currently zoned Rural 1(a) General Rural and Rural 1(h) Rural Horticultural Holdings under the *Ulmarra LEP 1992* have been incorporated into the study area for the Rural Lands Strategy, currently under preparation. The DoP is also undertaking a Farmland Mapping Project for the Mid North Coast (MNCFMP). The likely outcome being the identification of State and Regionally significant farmland or potential farmland for future preservation from urban and rural residential rezoning.

- *Flood Study*

The Corindi River catchment at 15,047ha now comprises Council's largest coastal catchment. In the current Management Plan, Council has nominated \$75,000 towards a *Corindi River Flood Study* for 2008/2009.

### **Relationship to State Government Projects:**

Further discussion with the Department has established an agreement to proceed with those LEPs that are of a strategic nature such as the amalgamated Red Rock and Corindi localities.

In accordance with the MOU, it is timely that Council commence the formal preparation of the draft plan, to enable the assessment of current planning provisions and the creation of any additional provisions that will be required for the amalgamated lands.

From concurrent processes associated with standardising LEPs, the Department is considering ways to work directly with local councils to quickly transpose existing LEPs into the new template format. While the Coffs Harbour City LEP 2000 is scheduled for standardising within five years, the preparation of the Red Rock and Corindi localities' LEP Amendment must consider the standard LEP to ensure:

- a more direct or streamlined translation of planning provisions for the area when the Coffs Harbour City LEP 2000 is overhauled within the next five years; and
- the minimisation of properties undergoing two zone changes within this timeframe for landowners in the subject area.

Attachment 1 of this report outlines the LEP-making process where an environmental study is required.

A regular (biannual) review program has ensured that the Coffs Harbour City LEP 2000 is tested on its ability to meet its aims and objectives. These aims and objectives are categorised under economic, social and environmental sustainability principles.

### **Sustainability Assessment:**

In order to identify an appropriate zone for the land, it is necessary to undertake an assessment that addresses the environmental, social and economic impacts for each possible land use zone. This will be completed as part of the LES. Any amendment to the Coffs Harbour City LEP 2000 will need to address the environmental and social sustainability criteria.

**Cont'd**

## **Ped11 Coffs Harbour City Local Environmental Plan 2000 - Amendment To Consolidate Former Pristine Waters (Red Rock And Corindi) Localities ...(Cont'd)**

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### **• Environment**

The aim of the Coffs Harbour City LEP 2000 is to provide for development within the City in an ecologically sustainable manner.

The implementation of the following strategies under the Coffs Harbour City LEP 2000 will assist in achieving environmental sustainability in the amalgamated areas of the LGA:

- the comprehensive review of the Koala Plan of Management and application of zoning provisions for protecting koala habitat;
- the recognition of riparian and estuarine areas;
- the recognition and appropriate protection of regionally or ecologically significant vegetation;
- the identification of environmental hazards such as acid sulfate soils and flood-prone areas; and
- the identification of heritage items and areas.

### **• Social**

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.

The implementation of the following strategies under the auspices of the LEP 2000 will assist in achieving social/cultural sustainability in the LGA:

- encouraging residential, commercial and cultural uses to be located within the existing urban centres; and
- introducing heritage provisions including protection of heritage items and conservation areas.

### **• Economic**

#### **Broader Economic Implications**

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.

The implementation of a stricter land use strategy will ultimately result in a consolidated business centre for Corindi Beach, and ordered sequential development of land creating savings for infrastructure servicing costs. This will also enhance the importance and appearance of this centre.

The necessary detailed studies (Aboriginal Heritage etc.) will be prepared by a consultant selected by Council's normal process; a suitable brief will be prepared. This work will be funded to the extent of the remaining State government funds.

**Cont'd**



## **Ped11 Coffs Harbour City Local Environmental Plan 2000 - Amendment To Consolidate Former Pristine Waters (Red Rock And Corindi) Localities ...(Cont'd)**

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### **Management Plan Implications**

Coffs Harbour has successfully applied for funding to facilitate the incorporation of the amalgamated lands (Red Rock and Corindi localities) that are currently governed by the dated provisions of the Ulmarra LEP 1992.

The funds remaining from the grant (approximately \$53,000) will be sufficient to complete the necessary works.

### **Consultation:**

No formal consultation has occurred with government agencies, other authorities, or the community.

On the 20 September 2005 the DoP placed on exhibition the *Draft Standard Instrument (Local Environmental Plans) Order 2005* ('Draft Standard LEP'). The preparation of this draft LEP Amendment will also have regard to the standard LEP.

The preparation of the Draft Plan will involve all Departments within Council through a project management group.

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

- **Environmental Studies**

These studies form part of the research necessary to prepare the draft plan. Vegetation mapping and classification has already occurred with ground-truthing providing defined extents of identified ecological communities.

While it is understood that not all information (such as that expected from the Corindi River Flood Study) will be available, much documentation already exists from the Pristine Waters Council's records including the *Corindi River Estuary Management Plan* (1999) and *Review* (May 2004).

### **Statutory Requirements:**

The Draft Plan will be prepared in accordance with the Environmental Planning and Assessment (EPA) Act 1979 and must be consistent with relevant State Environmental Planning Policies (SEPPs), the North Coast Regional Environmental Plan, Ministerial Directions and the New South Wales Coastal Policy.

Council is now required to apply to the DoP's s.54 Planning Review Panel to seek delegation to certify Draft LEPs for exhibition.

**Cont'd**

## **Ped11 Coffs Harbour City Local Environmental Plan 2000 - Amendment To Consolidate Former Pristine Waters (Red Rock And Corindi) Localities ...(Cont'd)**

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Council is the owner of some parcels of land in the amalgamated areas. When Council rezones land it owns, there is a responsibility to deal with the matter in an open and transparent manner. Council will therefore carry out any exhibition in accordance with the DoP's Best Practice Guideline entitled "*LEPs and Council land - for LEPs involving land that is or was previously owned or controlled by Council*".

The preparation of a Draft LEP and associated Development Control Plans and Contribution Plans will require that statutory processes under the EPA Act 1979 be followed, including consultation with government agencies, neighbouring Councils and other public authorities. Formal consultation with public authorities will be undertaken using a Planning Focus Meeting process.

### **Issues:**

Council has received funds and has entered into a MOU to complete this project by November 2006. It will be beneficial for landowners to be able to access a similar level of information on-line that relates to the Red Rock - Corindi areas as landowners of other areas of Coffs Harbour City may already access.

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

Council has identified the amalgamated lands matter as one of its priority projects in the Strategic Planning Program 2005-2006.

The terms of the MOU with the DoP are that this draft plan be completed by November 2006.

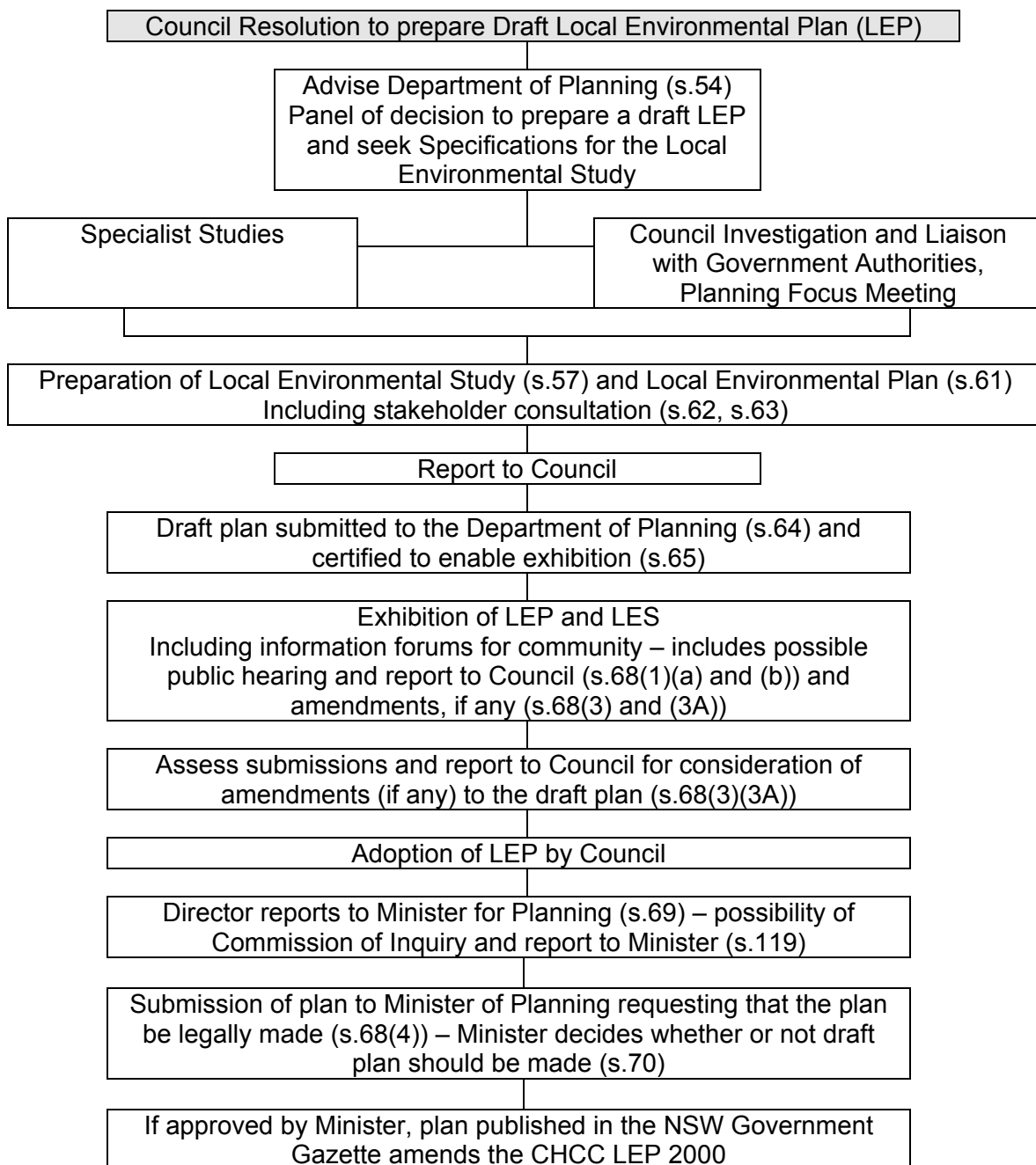
### **Recommendation:**

- 1. That Council, in accordance with Section 54 of the Environmental Planning and Assessment Act, 1979 prepare a Draft Local Environmental Plan to provide for planning provisions over the lands formerly part of Pristine Waters Council as an amendment to Coffs Harbour City Local Environmental Plan 2000.**
- 2. That the Department of Planning be advised that Council considers that a Local Environmental Study is necessary.**
- 3. That Council seek authority from the s.54 Planning Review Panel to permit the Director of Planning, Environment and Development to issue, under delegation, a certificate under Section 65 of the Environmental Planning and Assessment Act, 1979 to allow the Draft Local Environmental Plan to be exhibited.**
- 4. That the Draft Local Environmental Plan 2000 (Amendment No. 32) be exhibited in accordance with the 'Best Practice Guidelines for LEPs and Council Land' prepared by Planning NSW 1997.**
- 5. That all persons directly affected by the Draft Plan be advised of Council's decision.**
- 6. That a public forum with interested parties be held during the exhibition period in respect of the proposed zoning changes.**

Mark Salter  
Acting Director of Planning Environment and Development

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**ATTACHMENT 1**



**Note: References to sections are the Environmental Planning and Assessment Act, 1979.**