

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 21 July 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 JULY 2006

Contents

ITEM	DESCRIPTION	PAGE
CITY BUSINESS UNITS DEPARTMENT REPORTS		
B14	VARIATION OF RIGHT OF CARRIAGEWAY - RAINBOW COTTAGE AND WOOLGOOLGA ART GALLERY, TURON PARADE WOOLGOOLGA	1
B15	PROPOSED REGIONAL TENNIS FACILITY FOR COFFS HARBOUR	5
B16	TENDER - SUPPLY OF PARK CABINS AT PARK BEACH HOLIDAY PARK AND SAWTELL BEACH CARAVAN PARK	10
PLANNING ENVIRONMENT AND DEVELOPMENT REPORTS		
PED23	COFFS HARBOUR CITY COUNCIL LOCAL ENVIRONMENTAL PLAN 2000 – TO AMEND THE STUDY AREA FOR REZONING OF LANDS IN THE WEST KORORA AND MASTRACOLAS ROAD (NORTH COFFS) AREA	13



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

Mayor and Councillors

CITY BUSINESS UNITS DEPARTMENT REPORTS

**B14 VARIATION OF RIGHT OF CARRIAGEWAY - RAINBOW COTTAGE AND
WOOLGOOLGA ART GALLERY, TURON PARADE WOOLGOOLGA**

Purpose:

Seeking Council authority for execution of "Variation of Easement" Form to be lodged with the New South Wales Land and Property Information Office. This Form is required to be lodged in order to vary the terms of easement associated with Lot 6841 DP 810637, being the site of the Rainbow Cottage Child Care Centre, 71 Turon Parade, Woolgoolga.

Description of Item:

The Rainbow Cottage Child Care Centre site (Lot 6841 DP 810637) is Council owned land held under a long term lease by the Woolgoolga Child Care Centre Incorporated – a community based non-profit organization. The adjacent land on the eastern side, Woolgoolga Art Gallery site (Lot 682 DP 618948), is also a Council owned property, which is held under lease by the Woolgoolga Art Group Incorporated.

Access to both these properties is gained from Turon Parade, Woolgoolga, with the access to Rainbow Cottage being by way of a 15 metre wide Right Of Carriageway situated on the northern part of the Art Gallery property.

A copy of a plan showing the above properties, together with the associated Right of Carriageway, is attached to this report for the information of Council.

The Rainbow Cottage Child Care Centre was destroyed by fire in July 2005. As a result, the Centre's management committee has pursued reconstruction of a new Child Care Centre on the same site.

Cont'd

B14 Variation Of Right Of Carriageway - Rainbow Cottage And Woolgoolga Art Gallery, Turon Parade Woolgoolga ...(Cont'd)

In pursuing this objective, issues arose regarding the provision of car parking associated with the new development. Historically, car parking for both the Art Gallery and the Child Care Centre has been an “informal” arrangement of parking within the Right Of Carriageway area adjacent to both these facilities’ buildings.

In the development application and approval process it was noted that the Right of Carriageway should not be used for car parking purposes, as it is not a permitted use within the terms of such an easement. However, it was also noted that formal use of part of the 15 metre width of this particular Right of Carriageway for car parking purposes would be an acceptable use in association with the redevelopment of the Child Care Centre site, subject to variation of the terms of the Right of Carriageway to legalise such car parking use.

Council’s solicitors have prepared the necessary documentation to enable the terms of the easement to be varied accordingly and this needs to be executed under seal by Council.

Sustainability Assessment:

- **Environment**

There should be no environmental impacts arising from this proposed course of action, as it is only formalising a pre-existing use of the subject easement.

- **Social**

Similar comments as above, in respect of Social impact.

- **Economic**

Broader Economic Implications

Formalising pre-existing parking situation at the Woolgoolga Art Gallery and Woolgoolga Child Care Centre, therefore no real impact in this area.

Management Plan Implications

Costs in the matter are intended to be the responsibility of Woolgoolga Child Care Centre, therefore there should be no adverse impact on Council’s Management Plan.

Consultation:

The proposal to vary the terms of the Right of Carriageway to enable formal use of part of the easement for car parking purposes was pursued in liaison with Council’s Technical Liaison Committee, Council’s Building and Development Services section and the Woolgoolga Art Group Inc.

Cont'd

B14 Variation Of Right Of Carriageway - Rainbow Cottage And Woolgoolga Art Gallery, Turon Parade Woolgoolga ...(Cont'd)

Statutory Requirements:

Schedule 8 Part 1 of the Conveyancing Act 1919 provides the construction of the expression "Right Of Carriage Way", and this does not provide for the use of such an easement for car parking purposes.

Section 47(5A) of the Real Property Act 1900 provides that the terms or site of a registered easement may be varied by a registered dealing in the approved form, or by such a dealing and a plan illustrating the varied site registered or recorded under Division 3 of Part 23 of the Conveyancing Act 1919. The dealing and any such plan are to be executed by each person having a registered estate or interest in the land burdened or in any land benefited by the easement.

In this particular case, Council will be required to execute the documents as the owner of both the dominant and servient tenements. The documents will also need to be executed by Woolgoolga Child Care Centre Inc (as lessee of the dominant tenement site) and the Woolgoolga Art Group Inc (as lessee of the servient tenement site).

Issues:

As indicated, Council owns the Woolgoolga Art Gallery site (Lot 682 DP 618948), which is the servient tenement in respect of the Right of Carriageway. Council is also owner of the adjacent Rainbow Cottage Child Care Centre site, which is the dominant tenement in respect of the subject easement.

Use of the easement area for car parking purposes has occurred historically over many years but such use is not permitted under the statutory terms of a "Right of Carriage Way".

To formalise the pre-existing use of this easement area and to legally cover its continuing use for parking of cars on part of the area, it is necessary to vary the terms of the easement. Council is now in receipt of the Variation of Easement documents, which have been prepared by its solicitors.

This variation of terms of the easement will benefit both the Art Gallery and the Child Care Centre, and as such it is recommended that Council grant its approval for execution of the related documents.

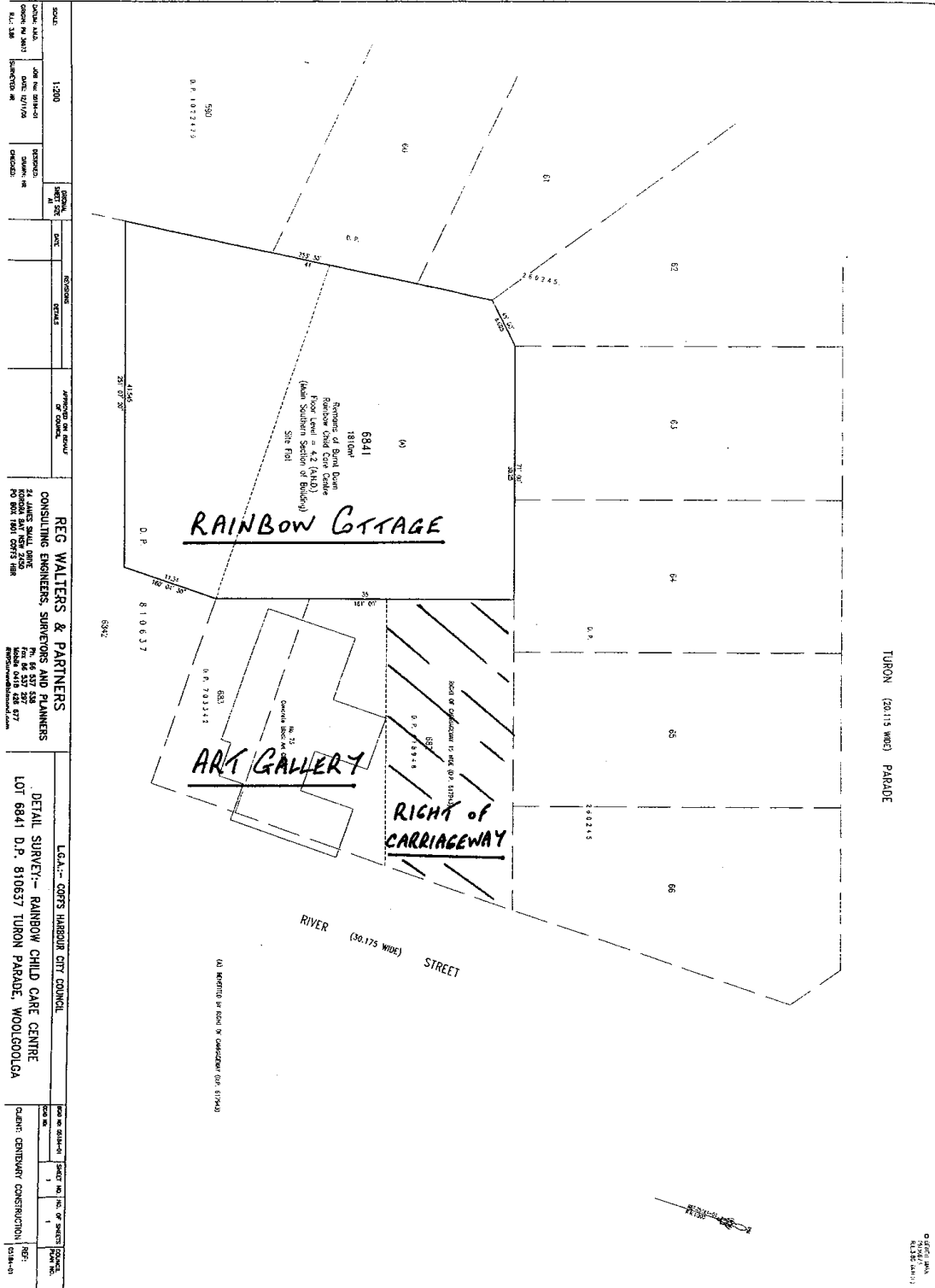
Implementation Date / Priority:

Execution of the Variation of Easement documents by Council will be pursued immediately following Council's decision in the matter.

Recommendation:

That Council agree to the variation of terms of the Right Of Carriageway relating to Lot 6841 DP 810637 (dominant tenement) and Lot 682 DP 618948 (servient tenement) off Turon Parade Woolgoolga (to enable its use for car parking purposes), and that all associated documents be executed under the Common Seal of Council.

Attachments:



ROAD: 1200 DATE: 12/1/20 DRAWN BY: J.M. CHECKED BY: J.M. PROJECT:	REGISTERED PLAN: PLAN NO.: DATE:	REGISTERED PLAN: PLAN NO.: DATE:	REGISTERED PLAN: PLAN NO.: DATE:	REGISTERED PLAN: PLAN NO.: DATE:	REGISTERED PLAN: PLAN NO.: DATE:
REG. WALTERS & PARTNERS CONSULTING ENGINEERS, SURVEYORS AND PLANNERS 24 JAMES STREET, SUITE 2105 SYDNEY NSW 2009 PO BOX 1901, CHYLS HILL NSW 2150 Ph: 66 527 528 Fax: 66 527 527 Email: info@regw.com.au www.regw.com.au					
L.O.A.:-- COTTS HARBOUR CITY COUNCIL DETAIL SURVEY:-- RAINBOW CHILD CARE CENTRE LOT 6841 D.P. 810637 TURON PARADE, WOOLSOOLGA					
PLAN NO. (SUBMIT): SHEET NO. (OF SHEETS): DATE:	PLAN NO. (SUBMIT): SHEET NO. (OF SHEETS): DATE:	PLAN NO. (SUBMIT): SHEET NO. (OF SHEETS): DATE:	PLAN NO. (SUBMIT): SHEET NO. (OF SHEETS): DATE:	PLAN NO. (SUBMIT): SHEET NO. (OF SHEETS): DATE:	PLAN NO. (SUBMIT): SHEET NO. (OF SHEETS): DATE:

Purpose:

To update Council on the proposed regional tennis complex as presented in the Tennis Feasibility Study and to seek approval to commence the detailed planning of the project.

Description of Item:

As a result of the proposal to redevelop Brelsford Park into a civic precinct it was necessary to investigate an appropriate location for the tennis courts on the eastern side of the park. In 2004 Council had meetings with Tennis NSW about the possibility of establishing a regional tennis complex for Coffs Harbour. A community meeting was held after Council's initial discussions and it was decided by Council to proceed with a feasibility study to determine the viability of such a development as a replacement for the existing tennis courts on Brelsford Park and to enable the establishment of a complex that was capable of holding regional events. This study was completed and has been reviewed by Tennis NSW in conjunction with Tennis Australia and Coffs Harbour City Council. The study concluded that such a development was appropriate for Coffs Harbour and following consideration of various sites concluded that the land on the south eastern corner of Howard Street and Hogbin Drive, adjoining the Coffs Harbour Racecourse would be an appropriate location.

Attached to the report are copies of letters from Tennis Australia and Tennis NSW supporting the proposed development in accordance with the findings of the study. The study recommends the establishment of a Regional Level A Complex, which comprises the following:-

- 16 courts or more
- Hosts national and minor international events
- Multi-purpose including other sports (gym/pool) and functions (café/conference facilities)
- Café and merchandise/pro-shop at a minimum, could include office and function spaces
- Used as an elite training facility
- Multiple surfaces
- Attractive to Asian market
- Potentially commercial operated (Tennis Australia - AO franchise - Member Association - local Council)
- Profits directed back into development of tennis within the area

Subject to Council's approval to proceed, the detailed planning can now commence. The first step will be to arrange a meeting with the Race Club (who are Trustees of the Crown land on which the complex is proposed to be built) and the Department of Lands. The main topics to be discussed will be land tenure (long term lease) and the statutory requirements under the Crown Lands Act in the form of a Plan of Management for the entire Racecourse lands.

Council has recently written to the Department of Lands in relation to both of these issues to start the ball rolling. If the Department decides that nothing can proceed further until a Plan of Management is prepared for the Crown Lands involved, this could delay the project by some months. However, in the long run it may work to Council's advantage as a Development Application may not be required in the future if the specific use is authorized by the Plan of Management. A concept plan also needs to be prepared for the development. Council would need to

Cont'd

B15 Proposed Regional Tennis Facility For Coffs Harbour ...(Cont'd)

engage an appropriate consultant and would be looking for advice from Tennis NSW and Tennis Australia in that regard. At an appropriate time there will also need to be some further community consultation, particularly with residents of Howard Street who may have concerns in relation to noise and lighting. Eventually a detailed design would be prepared which would need to be costed.

A Business Plan will also be required detailing estimated income and expenditure and management options. All these steps need to be undertaken prior to construction and at various stages reports back to Council may be required. Depending on the outcome of discussions with the Race Club and the Department of Lands this planning phase could take a minimum of 12 months.

Sustainability Assessment:

- **Environment**

The site has been studied by Tennis NSW Engineers for its suitability in relation to environmental factors and found to be generally suitable. Ponding of water does occur in this location and filling and drainage works will be required.

Other possible environmental impacts are noise and spillage from night lighting. These matters will be addressed as the project progresses, as will all other environmental issues.

- **Social**

The population and participation trends for tennis and physical exercise suggest that Coffs Harbour and its surrounding region can support this style of complex. It would not only be worthwhile for the local community, but highly beneficial for the future delivery of sport in the region. The support of the local community is obviously important in the process and they will be consulted for their thoughts and input. Some input from the tennis community has been received and considered as part of the validity of the study and proposed location.

- **Economic**

Broader Economic Implications

A facility such as the one proposed (Regional A Level) would have great economic benefit to the region for not only the sporting opportunities it will provide, but the health and physical well being of the area. It will enable Coffs Harbour to host regional tennis events and coaching clinics.

Management Plan Implications

Funds have been allocated under the Draft Management Plan for 2006/07 for the project to commence. An exact cost for the project will not be known for approximately 12 months. Depending on the final scope of the facility, grant application opportunities will be sourced as well as other suitable commercial partners. The project may need to be staged if it is not possible to complete the facility in one hit.

Cont'd

B15 Proposed Regional Tennis Facility For Coffs Harbour ...(Cont'd)

Consultation:

All interested parties are aware of the process, including the Coffs Harbour Tennis Association, individual tennis clubs, Tennis NSW, Tennis Australia, Council and local media.

Related Policy and / or Precedents:

The Sports Unit Strategic Plan takes account of the development of such a complex as part of the replacement of sporting facilities from Brelsford Park.

Issues:

The Coffs Harbour and District Tennis Feasibility Study should be accepted given its independent nature and its work in selecting and evaluating the appropriate site, therefore allowing the Regional Tennis Complex project to progress to the planning stage.

During the process, the Sawtell Tennis Club has written to Council and had discussions with Tennis Australia and Tennis NSW in relation to the proposal, raising concerns in relation to the proposed site. Both Tennis NSW and Tennis Australia have advised Sawtell Tennis Club that they believe the site selected is appropriate and are supporting the matter to proceed.

Implementation Date / Priority:

Subject to Council approval, the matter will be progressed to planning, design and costing. At the same time discussions will be held with the Race Club and Department of Lands in relation to land and lease matters.

Recommendation:

- 1. That Council endorse the recommendation of the Study to establish a Regional Level A Tennis Complex on the corner of Hogbin Drive and Howard Street.**
- 2. That all necessary steps be taken for the planning and design of the complex.**
- 3. That reports be brought back to Council at appropriate stages of the process.**

Attachments:



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Private Bag 6060
Richmond
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f: +61 3 9650 2743
i: tennisaustralia.com.au

Friday, 24 March 2006

Benjamin Payne
Sports Unit Manager

Locked Bag 155
Coffs Harbour NSW 2450

C.H.C.C.	
File No.	_____
INT REF No.	_____
30 MAR 2006	
OFFICER I.D.	_____
DTWKS No.	_____

Dear Mr Payne,

Thank you for making time to meet during your recent visit to Melbourne. This letter confirms Tennis Australia's appreciation for your commitment to developing high quality tennis facilities for the Coffs Harbour community demonstrated through a sound planning process. I encourage you to maintain the momentum of recommendations made within the Coffs Harbour and Districts Tennis Feasibility Study by securing required funding.

As highlighted to Sawtell TC in recent correspondence, Tennis Australia has a Facility Loans Program that you may wish to explore as part of the regional facility development. Currently, there are no Tennis Australia derived grants for facility development with the most recent being a one-of grant to each Member Association towards securing a state clay court base. Tennis NSW chose to use this grant towards a clay facility based at Homebush. The Tennis NSW Facilities Development Unit report dated June 2005 has the endorsement of Tennis Australia Community Tennis. The report is to be commended for taking a progressive and independent stance towards community tennis facility development.

Tennis Australia is acutely aware of the need for not only quality facilities but also the delivery of quality services in tennis. With this in mind Tennis Australia Community Tennis offers its support in the following areas towards a Coffs Harbour regional tennis facility:

- Assistance in making key decisions such as surface type and number of courts required.
- Assistance in the implementation of appropriate management structures and expectations for a regional community tennis facility.
- Support Council application for funding at state and federal level
- Assistance towards modelling a high performance training environment on national standards.

I look forward to open communication and a successful collaborative relationship with the Coffs Harbour Council towards the implementation of the Coffs Harbour and Districts Tennis Feasibility Study.

Yours sincerely,

Robin O'Neill
Tennis Australia | Community Tennis
Club & Facility Development

SCANNED

Lawn Tennis Association
of Australia Limited
ABN 61 006 281 125
Trading as Tennis Australia

2 May 2006

Mr P Littler
Director of City Business Units
Coffs Harbour Council
Locked Bag 155
Coffs Harbour NSW 2450

C.H.C.C.	
File No.	_____
INT REF No.	_____
08 MAY 2006	
OFFICER I.D.	_____
DTWKS No.	_____

Dear Pat


Re: Coffs Harbour and District Tennis Feasibility Study

Following the completion of further studies, Tennis NSW is now pleased to advise that we are fully supportive of the recommendations contained in the feasibility study.

We are confident that the selected site is appropriate for the proposed tennis centre currently under consideration.

Tennis NSW looks forward to our continuing association with Council as this new facility is established.

Yours faithfully



Craig Watson
Chief Executive

SCANNED

2006\regions\northeast\coffs council 0205

Sydney International Tennis Centre
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as Tennis New South Wales
ABN 30 000 011 558

B16 TENDER - SUPPLY OF PARK CABINS AT PARK BEACH HOLIDAY PARK AND SAWTELL BEACH CARAVAN PARK

Purpose:

To report on tenders received for the supply of 7 park cabins for Park Beach Holiday Park and Sawtell Beach Caravan Park.

Description of Item:

Park Beach Holiday Park and Sawtell Beach Caravan Park are installing new cabins as part of their ongoing facilities upgrade. Park Beach is installing 4 x 4 star cabins (2 x Hibiscus Villas & 2 x Ocean Villas) and Sawtell is installing 3 x 4 star cabins (1 x Hibiscus Villa & 2 x Ocean Villas).

Public Tenders were called in local and city newspapers and closed at 3.30pm on 30 May 2006. Seven conforming tenders were received from the following:

1. East Coast Homes and Park Cabins (Wengold Pty Ltd)
2. Pacific Asset Management Pty Ltd
3. Timberline Cabins Pty Ltd
4. Broadworth Homes Pty Ltd
5. Australian Cabins & Relocatable Homes
6. Adson Relocatable Homes Pty Ltd
7. Parkwood (NSW) Pty Ltd

Sustainability Assessment:

• **Environment**

The placement of new cabins at Park Beach and Sawtell Beach are in line with the Masterplans for both locations. No further environmental impacts are envisaged as the locations for the cabins are already used for tourist accommodation purposes. Minor pruning of current vegetation will be required to facilitate placement of the cabins along with the removal of two regrowth stumps. Substantial landscaping will be undertaken, providing replacement planting in the location.

• **Social**

Cabins provide a tourist accommodation option which stimulates visitation to the Coffs Coast and facilitates social interaction amongst visitors to the region.

• **Economic**

Broader Economic Implications

The new cabins at Park Beach and Sawtell will generate additional revenue to be used within the State Park.

Cont'd

B16 Tender - Supply Of Park Cabins At Park Beach Holiday Park And Sawtell Beach Caravan Park ...(Cont'd)

Management Plan Implications

Final costs for the project (excluding GST) are approximately 8% above forecasted budget due to increases in transportation and building material costs along with the fact that 4 of the 7 cabins are of a higher standard than originally planned. The additional funds required are not prohibitive or unsustainable and will be funded through State Park revenue. The tender sum includes GST, which is not a net cost to Council.

Related Policy and / or Precedents:

Tendering procedures were carried out in accordance with Council Policy. Council's Tender Value Selection System was applied during the tender review process. Council's policy is that the tender with the highest weighted score becomes the recommended tender.

Tender details and assessment are included in the Confidential Attachment.

Statutory Requirements:

The calling, receiving and reviewing of tenders was carried out in accordance with the Local Government (General) Regulation.

Issues:

At the time tenders were called it was envisaged that the average for all tenders would be less than \$500,000.00, triggering the use of Council's TVSS policy where tenders would be assessed on "Business Address". This criteria was indicated in the "Information For Tenderers" section of the tender documentation.

Since the average for the tenders is greater than \$500,000.00 and only one tender is below \$500,000.00 the Local Business Address Policy has subsequently not been applied in the assessment of the tenders for this contract.

Implementation Date / Priority:

The contract completion time is 14 weeks from Letter of Acceptance. If Council resolves to award the contract, construction will commence in July and it is expected that works will be completed by October 2006.

Recommendation:

- 1. That Council accept the Tender from Wengold Pty Ltd trading as East Coast Homes and Park Cabins ABN 26 078 352 824 for contract 05/06-234-TO for the lump sum amount of \$499,565.00 on the basis that the tender is the most advantageous tender.**
- 2. That contract documents be executed under the common seal of Council.**

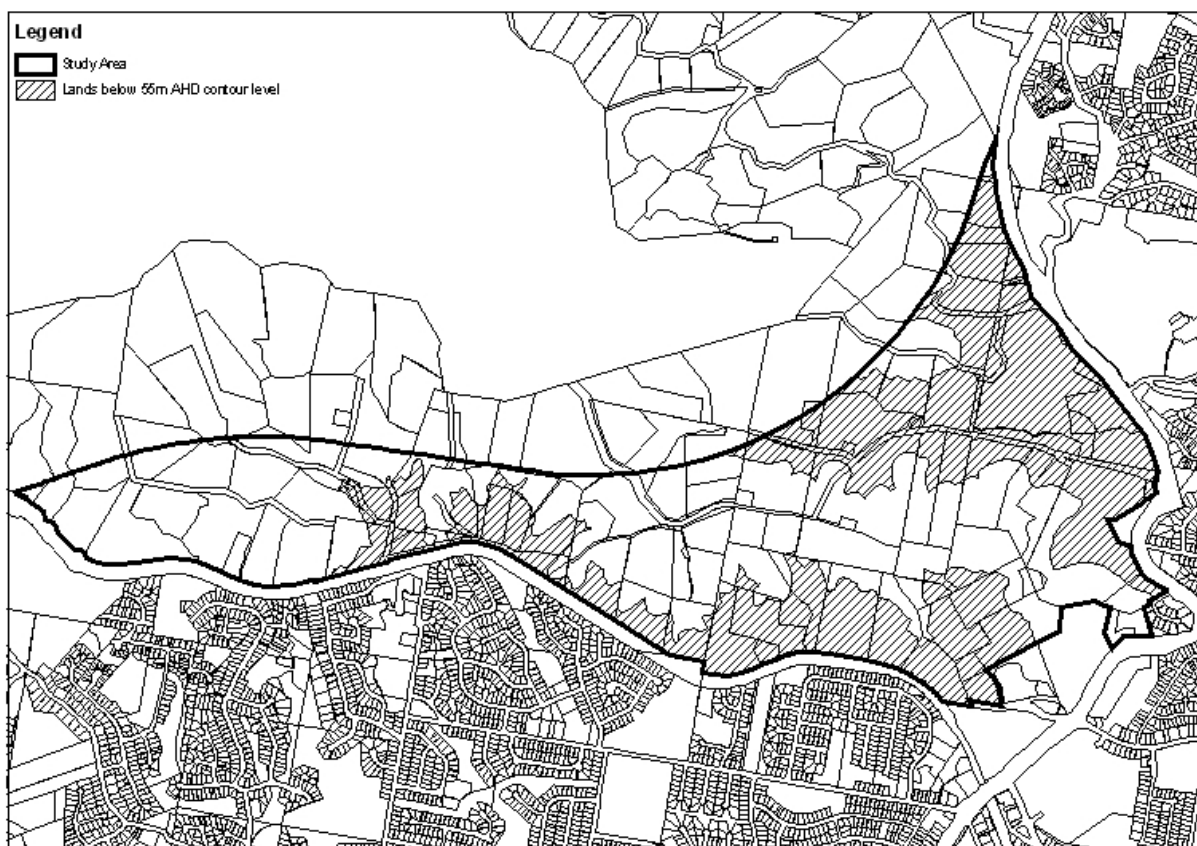
Colin Spring
Acting Director City Business Units

PED23 COFFS HARBOUR CITY COUNCIL LOCAL ENVIRONMENTAL PLAN 2000 – TO AMEND THE STUDY AREA FOR REZONING OF LANDS IN THE WEST KORORA AND MASTRACOLAS ROAD (NORTH COFFS) AREA

Purpose:

The purpose of this report is to revise the map associated with Amendment No 34 to Coffs Harbour Local Environmental Plan (LEP) 2000, being the North Coffs area.

The purpose of this report is to recommend that Council amend the study area for the preparation of the Local Environmental Study (LES) and draft LEP (north Coffs) to the area identified on the map below.



Description of Item:

In 1996, the Coffs Harbour Urban Development Strategy was adopted by Council and endorsed by the State Government. The area west of the current Pacific Highway, from the railway line in the south to The Mountain Way in the north, was identified as a Special Investigation area.

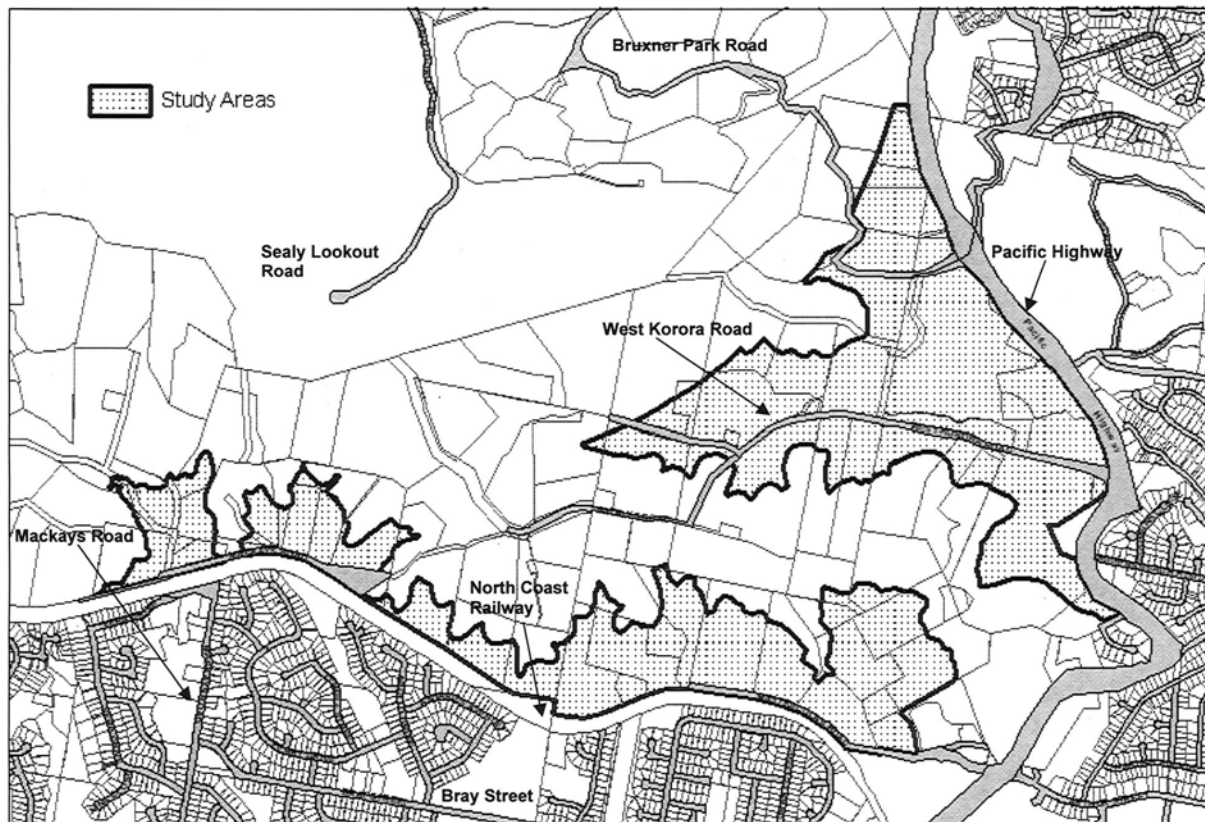
Council progressed LEP Amendment No. 3 to LEP 2000, which allowed for the rezoning of some lands in the Special Investigation area for rural residential purposes, allowing for one and two hectare subdivision. The residue of the area was deferred.

Cont'd

Ped23 Coffs Harbour City Council Local Environmental Plan 2000 – To Amend The Study Area For Rezoning Of Lands In The West Korora And Mastracolas Road (North Coffs) Area ... (Cont'd)

The Department of Planning has subsequently urged Council to review its 1996 Urban Development Strategy. This review, the draft “Our Living City” Settlement Strategy, has again endorsed lands in the West Korora and Mastracolas Road area for urban investigation. Once the Roads and Traffic Authority (RTA) announced the preferred Highway option, this confirmed the area to be subject to urban investigation.

This matter was reported to Council at its meeting of 20 April 2006. Council resolved that, in accordance with Section 54 of the Environmental Planning and Assessment (EPA) Act, 1979, it prepare a Draft LEP to provide for planning provisions over the lands identified as investigation areas in North Coffs, and these lands were identified in a map. That previous map is shown below.



The reason it is necessary to amend the map is that the LES needs to be prepared over the entire area. That LES will then reveal site constraints that will restrict development. Such constraints will include lands over the 55m AHD contour level, steep lands, and environmental protection areas already zoned 7A. This will inform the actual location of formal boundaries for new urban zones in the draft LEP process.

It is proposed that the new map be substituted for the old map in all of Council’s correspondence with the Department of Planning.

Cont'd

Ped23 Coffs Harbour City Council Local Environmental Plan 2000 – To Amend The Study Area For Rezoning Of Lands In The West Korora And Mastracolas Road (North Coffs) Area ... (Cont'd)

Sustainability Assessment:

In order to identify an appropriate zone for the subject lands, it is necessary to undertake a complete assessment that addresses environmental, social and economic impacts for each land use zone possible. This is the role of the LES. Any resultant amendment to Coffs Harbour City LEP 2000 will have to address the environmental, social and economic sustainability criteria.

• **Environment**

The aim of Council, through LEP 2000, is to provide the City's development is carried out in an environmentally sustainable manner.

To do this the LES will:

- implement the comprehensive Koala Plan of Management and apply appropriate zoning provisions to protect Koala habitat;
- recognize, through zoning, appropriate riparian and catchment areas;
- apply the appropriate protection through identification and suggest zoning, of ecologically significant vegetation;
- identify any environmental hazards; and
- identify any heritage items or culturally significant places.

• **Social**

The LEP seeks to promote the equitable provision of social services and facilities for the community. Social and cultural sustainability can be incorporated in the LES by:

- encouraging residential, social and cultural uses to be located within existing urban centres; and
- clarifying and encouraging revitalization of community places within centres.

• **Economic**

Broader Economic Implications

The economic growth and development of the City is a primary aim of the LEP. The LES needs to identify appropriate areas for a variety of land uses and enable compatible development to prevail.

The LES needs to provide clear definition of business hierarchy leading to the enhancement of small centres; and

Cont'd

Ped23 Coffs Harbour City Council Local Environmental Plan 2000 – To Amend The Study Area For Rezoning Of Lands In The West Korora And Mastracolas Road (North Coffs) Area ... (Cont'd)

Management Plan Implications

The draft Management Plan 2006-2007 provides funding to carry out some of the specialist studies within the identified investigation area.

Several landowners have offered to pay for necessary studies on their lands - defraying some of the costs from Council.

Consultation:

The LES and draft LEP process provides the formal mechanism for consultation to occur with Government agencies and authorities as well as with the community. The preparation of the LES and draft LEP will involve the relevant departments within Council through a project management group.

Related Policy and / or Precedents:

Coffs Harbour City Council has a legal obligation to the State Government to prepare appropriate Strategies relating to all land uses, but particularly for urban and rural residential land releases. Council cannot rezone major residential and rural residential release areas without completion of these strategies, i.e. the State Government will not support major land rezoning unless they comply with agreed strategies. The proposed study area accords with the 1996 Urban Development Strategy and the draft "Our Living City" Settlement Strategy as adopted by Council on 15 June 2006 for exhibition. Other current projects and processes will also guide the LES and LEP Amendment process.

Environmental studies will form part of the research necessary to prepare the draft plan.

Statutory Requirements:

The Draft Plan will be prepared in accordance with the 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 Department of Planning's s.54 Planning Review Panel to seek delegation of power to certify Draft LEPs for exhibition.

The preparation of a Draft LEP and any associated Development Control Plans (DCPs) and Contribution Plans will require that the statutory processes under the EPA Act 1979 be followed.

Statutory consultation with government agencies, neighbouring Councils and other public authorities is required. Formal consultation with public authorities will be undertaken in writing and through a community forum meeting process.

Cont'd

Ped23 Coffs Harbour City Council Local Environmental Plan 2000 – To Amend The Study Area For Rezoning Of Lands In The West Korora And Mastracolas Road (North Coffs) Area ... (Cont'd)

Issues:

The immediate issue relating to this matter is that the previously prepared study area plan did not cover all lands in the West Korora and Mastracolas Road area. Amending the study area boundaries will ensure that the environmental studies forming part of the research necessary to prepare the draft plan will not just be completed over the actual area to be rezoned, but the slightly wider area. This will inform the final location of formal boundaries for the draft LEP process.

Implementation Date / Priority:

Council has identified the project in the Strategic Planning Program 2006-2007 by virtue of resolutions made in August 2005 and December 2005.

For Council to proceed with the exhibition of the Draft LEP, the recommendations stated below are to be followed.

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 identified in Attachment 1 as an amendment to Coffs Harbour City Local Environmental Plan 2000.**
- 2. That the Department of Planning be advised of the revised study area for the Local Environmental Study.**
- 3. That Council seek authority from the s.54 Planning Review Panel to permit 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. 34) be exhibited in accordance with the provisions of the Act and Regulations.**
- 5. That relevant persons directly affected by the Draft Plan be advised of Council's decision.**

Jeff Green
Acting Director Planning Environment and Development

Attachment 1

