



Coffs Harbour City Council

06 August 2014

ORDINARY MEETING

The above meeting will be held in the Council Chamber, Administration Building, corner Coff and Castle Streets, Coffs Harbour, on:

THURSDAY 14 AUGUST 2014

The meeting commences at **5.00pm** and your attendance is requested.

AGENDA

1. Opening of Ordinary Meeting
2. Acknowledgment of Country
3. Disclosure of Interest
4. Apologies
5. Public Addresses / Public Forum
6. Mayoral Minute
7. Mayoral Actions under Delegated Authority
8. [Confirmation of Minutes of Ordinary Meeting – 24 July 2014](#)
9. [Notices of Motion](#)
10. General Manager's Reports
11. [Consideration of Officers' Reports](#)
12. Requests for Leave of Absence
13. Matters of an Urgent Nature
14. [Questions On Notice](#)
15. Consideration of Confidential Items (if any)
16. Close of Ordinary Meeting.

Steve McGrath
General Manager



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
14 AUGUST 2014

Contents

ITEM	DESCRIPTION
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RESCISSION MOTION

RM14/3	DA 960/13 - 35-63 HARBOUR DRIVE, 31 VERNON STREET, COFFS HARBOUR AND ROAD RESERVES - RESCISSION MOTION
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NOTICE OF MOTION

NOM14/11	REJECTION OF NOTICE OF MOTION
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GENERAL MANAGER'S REPORTS

The following item either in whole or in part may be considered in Closed Meeting for the reasons stated.

GM14/21	LEGAL APPEAL - DEVELOPMENT APPLICATION NO. 876/12 – SUBDIVISION INTO ONE RESIDENTIAL TORRENS TITLE LOT PLUS 13 RESIDENTIAL COMMUNITY TITLE LOTS AND ONE COMMUNITY LOT - LOT 19 DP 1126372, 45 RUTLAND STREET, BONVILLE
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A portion of this report is confidential for the reason of Section 10A (2):

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

and in accordance with Section 10A (1) the meeting may be closed to the public

GM14/22	2014 LOCAL GOVERNMENT NSW CONFERENCE- VOTING DELEGATES FROM COFFS HARBOUR CITY COUNCIL
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CITY PLANNING DEPARTMENT REPORTS

CP14/22	DEVELOPMENT APPLICATION NO. 1018/14 – INSTALLATION OF TEMPORARY EVENTS SIGN – RAILWAY OVERBRIDGE, PACIFIC HIGHWAY NORTH, COFFS HARBOUR
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ITEM	DESCRIPTION
CP14/23	JOINT REGIONAL PLANNING PANEL (NORTHERN REGION) – COUNCIL MEMBERS NOMINATION
CP14/24	JETTY4SHORES STAGE 1 - JETTY WALKWAY PROJECT UPDATE - ARTC LICENCE

CORPORATE BUSINESS DEPARTMENT REPORT

CB14/46	COFFS HARBOUR REGIONAL AIRPORT 2014 MASTER PLAN UPDATE
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COMMUNITY DEVELOPMENT DEPARTMENT REPORTS

CD14/13	COMMITTEE MEMBERSHIP - AYRSHIRE PARK AND MULTICULTURAL REFERENCE GROUP
CD14/14	POTENTIAL FOR CRUISE SHIP VISITATION TO THE REGION

CITY INFRASTRUCTURE SERVICES DEPARTMENT REPORTS

The following item either in whole or in part may be considered in Closed Meeting for the reasons stated.

CIS14/39	LEASE - KIOSK CONCESSION AT COFFS HARBOUR REGIONAL AIRPORT
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A portion of this report is confidential for the reason of Section 10A (2):

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

and in accordance with Section 10A (1) the meeting may be closed to the public.

CIS14/40	ASSIGNMENT OF LEASE OF THE COFFS HARBOUR MEMORIAL SWIMMING POOL
CIS14/41	PACIFIC HIGHWAY SAPPHIRE TO WOOLGOOLGA - SERVICE ROADS
CIS14/42	TRAFFIC COMMITTEE NO. 2/2014

QUESTION ON NOTICE

QON14/2	PETER KAGEYAMA'S VISIT TO COFFS HARBOUR
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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

24 JULY 2014

Present: Councillors D Knight (Mayor), J Arkan, N Cowling, R Degens, G Innes, B Palmer, M Sultana and S Townley.

Staff: General Manager, Director Corporate Business, Director of City Infrastructure Services, Director Planning, Director of Community Development and Executive Assistant.

Leave of Absence: Councillor K Rhoades.

The meeting commenced at 5.02pm with the Mayor, Cr D Knight in the chair.

We respectfully acknowledge the Gumbaynggirr Country and the Gumbaynggirr Aboriginal peoples who are traditional custodians of the land on which we meet and their Elders both past and present.

The Mayor reminded the Chamber that the meeting was to be recorded, and that no other recordings of the meeting would be permitted.

DISCLOSURE OF INTEREST

The General Manager read the following disclosures of interest to inform the meeting:

Councillor	Item	Type of Interest
Cr Palmer	CP14/20 - DA960/13 - 35-63 Harbour Drive, 31 Vernon Street, Coffs Harbour and Road Reserves - Demolition of Existing Buildings and Construction of Commercial Premises (4 Tenancies) and associated Public Infrastructure Works and CIS14/38 - Harbour Drive - Gordon Street Redevelopment.	Non Pecuniary - Less Than Significant Conflict - wife operates business in CBD

Cr Innes	CP14/20 - DA960/13 - 35-63 Harbour Drive, 31 Vernon Street, Coffs Harbour and Road Reserves - Demolition of Existing Buildings and Construction of Commercial Premises (4 Tenancies) and associated Public Infrastructure Works and CIS14/38 - Harbour Drive - Gordon Street Redevelopment.	Non Pecuniary - Less Than Significant Conflict - wife owns a competing business with two others in CBD.
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APOLOGY

No apologies.

PUBLIC ADDRESS

Time	Speaker	Item
5.00pm	Garth Grundy	CP14/20 – DA 960/13 – 35-63 Harbour Drive, 31 Vernon Street, Coffs Harbour and Road Reserves – Demolition of Existing Buildings and Construction of Commercial Premise (4 tenancies) and Associated Public Infrastructure Works

MAYORAL MINUTE

MM14/3 ILLEGAL WASTE DUMPING

To seek a report to be brought back to Council in regard to the measures that can be implemented by Council to reduce the increasing incidence of illegal dumping.

- 202 RESOLVED** (Knight) that a report be brought back to Council later in the year detailing what measures can be implemented to reduce illegal dumping.

CONFIRMATION OF MINUTES

- 203** **RESOLVED** (Arkan/Innes) that the minutes of the Ordinary meeting held on 10 July 2014 be confirmed as a true and correct record of proceedings.

GENERAL MANAGER'S REPORTS

GM14/20 REGIONAL CAPITALS AUSTRALIA

To provide information to Council regarding the recent formation of Regional Capitals Australia and to seek Council's support to become a financial member of the Regional Capitals Australia organisation.

MOVED (Arkan/Degens) that Coffs Harbour City Council becomes a financial and active member of Regional Capitals Australia for a fee \$3,300 (inclusive of GST), which is available within the current budget resources.

The **MOTION** on being put to the meeting was **LOST**.

DIVISION

- 204** **MOVED** (Innes/Degens) that a division be called, and those members voting for and against the motion were recorded:

VOTED FOR

Cr Arkan
Cr Degens

VOTED AGAINST

Cr Innes
Cr Townley
Cr Knight
Cr Palmer
Cr Cowling
Cr Sultana

CITY INFRASTRUCTURE SERVICES DEPARTMENT REPORTS

CIS14/36 CONTRACT NO. RFT-651-TO SUPPLY OF ONE TRUCK MOUNTED VACUUM EXCAVATION SYSTEM

To report on tenders received for Contract RFT-651-TO for the supply of a replacement for Council's truck mounted vacuum excavation unit and to gain Council approval to accept a tender.

- 205 RESOLVED** (Innes/Palmer) that Council accepts the tender submitted by K&J Trucks Coffs Harbour ABN 71 003 113 675 for the supply of One (1) truck mounted vacuum excavation system for \$269,992.00 (GST Inclusive).

CIS14/37 ACCEPTANCE OF PROPERTY WORKS CARRIED OUT ON COUNCIL LAND - SAPPHIRE TO WOOLGOOLGA HIGHWAY UPGRADE

To obtain Council approval to execute two Deeds to confirm Council is satisfied that works undertaken on its land have been completed as agreed in regard to the upgrade of the Sapphire to Woolgoolga section of the Pacific Highway.

- 206 RESOLVED** (Palmer/Arkan) that Council execute under seal the Owner's Deed Poll documents provided to accept works in conjunction with the Pacific Highway Upgrade over Lot 454 DP 776261, Lot 3 DP 1140702, Lot 9 DP 1140702, Lot 2 DP 248765, Lot 4 DP 248765, Lot 6 DP 248765, Road Reserve (STN 25700), Lot 3 DP 248765, Lot 61 DP 1143405 and Lot 5 DP 1140702.

CIS14/38 HARBOUR DRIVE - GORDON STREET REDEVELOPMENT

To consider allocation of funding for traffic management and flood mitigation works at the Harbour Drive – Gordon Street intersection in conjunction with the Coffs Central redevelopment.

- 207 RESOLVED** (Degens/Arkan) that Council:
1. Allocate \$845,100 from the City Wide Flood Mitigation program and \$450,000 from the 2014/15 Road Rehabilitation program to the Harbour Drive – Gordon Street reconstruction project.
 2. Undertake in partnership with Gowings an engagement program regarding the proposed traffic management plan for the road construction works as a matter of priority to identify and minimise impacts on businesses and other users.
 3. Receive a further report on the outcomes of the engagement PRIOR to a road occupancy permit being issued to enable the project to commence.
 4. Keep the retailers and land owners informed at each step in the process.

CORPORATE BUSINESS DEPARTMENT REPORTS

CB14/44 BANK BALANCES AND INVESTMENT FOR JUNE 2014

To list Council's Bank Balances and Investments as at 30 June 2014.

208 RESOLVED (Innes/Sultana):

1. That the bank balances and investments totaling (from loans, Section 94 and other avenues that form the restricted accounts and are committed for future works) one hundred and fifty million, two thousand, six hundred and fifty six dollars (\$150,002,656) as at 30 June 2014 be noted.
2. That the general fund unrestricted cash and investments totaling one hundred and thirty four thousand, eight hundred and eighty dollars (\$134,880) as at 30 June 2014 be noted.

CB14/45 TENDER: COFFS HARBOUR REGIONAL AIRPORT PASSENGER TERMINAL BUILDINGS CLEANING CONTRACT RFT-655-TO

To report on tenders received for Contract No. RFT-655-TO for the provision of cleaning services at Coffs Harbour Regional Airport terminal buildings, and to gain Council approval to accept a tender.

209 RESOLVED (Innes/Degens):

1. That Council accept the tender of Menzies International ABN: 44 004 967 757 for Contract No. RFT-655-TO, Provision of Cleaning Services at Coffs Harbour Airport for the Lump Sum amount of \$476,853.00 including GST, on the basis that:
 - 1.1. The tender is the most advantageous tender following the application of Council's Tender Value Selection System
 - 1.2. The Tenderer has the necessary experience in similar works and his ability and performance are satisfactory
 - 1.3. The Tenderer's financial capacity is acceptable
2. That the contract documents be executed under the Seal of Council.

CITY PLANNING DEPARTMENT REPORTS

CP14/20 DA 960/13 - 35-63 HARBOUR DRIVE, 31 VERNON STREET, COFFS HARBOUR AND ROAD RESERVES - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF COMMERCIAL PREMISE (4 TENANCIES) AND ASSOCIATED PUBLIC INFRASTRUCTURE WORKS

The purpose of this report is to present Development Application No. 960/13 for Council's consideration, which is an application for demolition of existing buildings and construction of a new two (2) storey commercial building, accommodating four (4) tenancies connecting to the eastern end of the existing Coffs Central commercial building.

The application also includes works within Council road reserves, involving removal of the existing roundabout and replacement with a signalised intersection and associated footpath and drainage works at the corner of Gordon Street and Harbour Drive and construction of a temporary vehicular access between Harbour Drive and Duke Street.

The report presents a voluntary planning agreement (VPA) for councils consideration which has been submitted by the Developer (Gowings Bros Ltd), detailing a proposed cost sharing arrangement with Council to fund the public infrastructure and road works.

MOVED (Arkan/Degens):

1. That Council agree to enter into a planning agreement with the Developer (Gowings Bros Ltd) for the cost of and carrying out of agreed public infrastructure works associated with Development Application No. 960/13 generally in accordance with the terms of the draft planning agreement contained in the offer from Gowings Bros Ltd to the Council dated 14 July 2014 (Attachment 4).
2. That Development Application No. 960/13 for demolition of existing building and construction of commercial premise (4 tenancies) and associated public infrastructure works at 63 Harbour Drive (Lot 1, DP796866), 31 Vernon Street (Lot 1, DP421199), 35-61 Harbour Drive (Lots 1-3, Part Lot 4, Section 8 & Lot 6, Section 7, DP 758258, Lot 6, DP 721353, & Lot 1, DP 43845), Coffs Harbour and associated road reserves be approved subject to the conditions in Attachment 3.

Councillor Townley moved an Amendment which was rejected by the Chair.

The Chair suspended Standing Orders to enable the applicant to answer questions, the time being 6.16pm. The Chair resumed Standing Orders at 6.22pm.

CP14/20 - DA 960/13 - 35-63 Harbour Drive, 31 Vernon Street, Coffs Harbour and Road Reserves - Demolition of Existing Buildings and Construction of Commercial Premise (4 Tenancies) and Associated Public Infrastructure Works (Cont'd)

The **MOTION** on being put to the meeting was **LOST**.

VOTED FOR

Cr Sultana
Cr Degens
Cr Arkan

VOTED AGAINST

Cr Innes
Cr Knight
Cr Cowling
Cr Palmer
Cr Townley

210 RESOLVED (Townley/Cowling) that the item be deferred pending:

- a) commencement of the partnership with Gowings on an engagement program regarding the proposed traffic management plan for the road construction works as a matter of priority to identify and minimise impacts on businesses and other users.
- b) That consultation be held with the retailers, landlords and Council prior to next meeting.

VOTED FOR

Cr Innes
Cr Townley
Cr Knight
Cr Cowling
Cr Palmer

VOTED AGAINST

Cr Sultana
Cr Degens
Cr Arkan

CP14/21 RELEASE OF RESTRICTION ON USE - LOTS 34, 35 AND 36 DP 270720, OCEANFRONT DRIVE, SAPPHIRE BEACHFRONT ESTATE

The purpose of the report is to obtain Council approval to execute the necessary legal documents to release a restriction on use over Lots 34, 35 and 36 in DP 270720.

211 RESOLVED (Innes/Arkan):

1. That Council execute under seal all necessary documents to release the existing restriction on the use of land, numbered 12 and noted as 'M' over Lots 34, 35 and 36 in DP 270720.
2. That all costs associated with this matter be borne by the owners of the relevant lots, requesting release of the restriction.
3. That Council endorse a minor amendment to the Sapphire Beachfront Estate Design Guidelines, by removing reference to the 20m building line setback affecting Lots 34, 35 and 36 in DP 270720.

REQUESTS FOR LEAVE OF ABSENCE

No requests for leave of absence.

MATTERS OF AN URGENT NATURE

MUN14/10 Malaysian Flight MH17

Councillor Degens requested a message of sympathy or letter of support be prepared and sent regarding the recent downing of Malaysian Flight MH17.

QUESTIONS ON NOTICE

No questions on notice.

This concluded the business and the meeting closed at 6.54 pm.

Confirmed: 14 August 2014.

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Denise Knight
Mayor

DA 960/13 - 35-63 HARBOUR DRIVE, 31 VERNON STREET, COFFS HARBOUR AND ROAD RESERVES - RESCISSION MOTION

Purpose:

Councillors Arkan, Degens and Sultana have given notice of their intention to move

That resolution 210 of Ordinary meeting held on 24 July 2014 regarding item CP14/20 - DA 960/13 - 35-63 Harbour Drive, 31 Vernon Street, Coffs Harbour and Road Reserves -- Demolition of Existing Buildings and Construction of Commercial Premise (4 Tenancies) and associated Public Infrastructure Works, and reading as follows, **be rescinded:**

RESOLVED (Townley/Cowling) that the item be deferred pending:

- a) Commencement of the partnership with Gowings on an engagement program regarding the proposed traffic management plan for the road construction works as a matter of priority to identify and minimise impacts on businesses and other users.
- b) That consultation be held with the retailers, landlords and Council prior to next meeting.

If the above resolution is rescinded, we intend to move the following:

1. That Council agree to enter into a planning agreement with the Developer (Gowings Bros Ltd) for the cost of and carrying out of agreed public infrastructure works associated with Development Application No. 960/13 generally in accordance with the terms of the draft planning agreement contained in the offer from Gowings Bros Ltd to the Council dated 14 July 2014 (Attachment 4).
2. That Development Application No. 960/13 for demolition of existing building and construction of commercial premise (4 tenancies) and associated public infrastructure works at 63 Harbour Drive (Lot 1, DP796866), 31 Vernon Street (Lot 1, DP421199), 35-61 Harbour Drive (Lots 1-3, Part Lot 4, Section 8 & Lot 6, Section 7, DP 758258, Lot 6, DP 721353, & Lot 1, DP 43845), Coffs Harbour and associated road reserves be approved subject to the conditions in Attachment 3.

DA 960/13 - 35-63 HARBOUR DRIVE, 31 VERNON STREET, COFFS HARBOUR AND ROAD RESERVES - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF COMMERCIAL PREMISE (4 TENANCIES) AND ASSOCIATED PUBLIC INFRASTRUCTURE WORKS

Purpose:

The purpose of this report is to present Development Application No. 960/13 for Council's consideration, which is an application for demolition of existing buildings and construction of a new two (2) storey commercial building, accommodating four (4) tenancies connecting to the eastern end of the existing Coffs Central commercial building.

The application also includes works within Council road reserves, involving removal of the existing roundabout and replacement with a signalised intersection and associated footpath and drainage works at the corner of Gordon Street and Harbour Drive and construction of a temporary vehicular access between Harbour Drive and Duke Street.

The report presents a voluntary planning agreement (VPA) for councils consideration which has been submitted by the Developer (Gowings Bros Ltd), detailing a proposed cost sharing arrangement with Council to fund the public infrastructure and road works.

The following locality plan illustrates the existing development site.



At its meeting of 22 August 2013, Council adopted *Development Applications - Consideration by Council Policy* which outlined:

That development applications for approval involving substantial aspects of the following elements be referred to Council for determination:

- *Significant public interest and community input;*
- *Substantial non-compliance with relevant strategic controls;*
- *Significant land use;*
- *Major environmental issue(s).*

In accordance with this resolution, the application is reported to Council for determination, given that the proposed development is a significant land use.

The Development Application is recommended for conditional approval and it is also recommended that Council enter into the VPA with the Developer, generally in accordance with the terms of the agreement.

Background:

- **The Harbour Drive/Gordon Street Intersection**

At its meeting of 26 April 2012, Council considered the following business paper matter “CS12/15 Harbour Drive - Gordon Street Redevelopment” and resolved as follows:

1. *That Council undertake cost estimates, flood assessment and traffic modeling for the Harbour Drive – Gordon Street intersection reconstruction proposal.*
2. *That Council commence negotiation with the Coffs Harbour Palm Centre Owners (Gowings) on cost share arrangements for the Harbour Drive – Gordon Street intersection reconstruction proposal.*

A separate report is listed on this business paper detailing the progress of these resolutions. In relation to item 1, Council staff have prepared detailed design plans for the construction of the intersection and associated works which form part of the development application. In relation to item 2, a cost estimate of the works has been provided by an independent Quantity Surveyor and these estimates have been incorporated into the VPA, which details the proposed cost sharing arrangement between Council and the Developer.

Description of Item:

- **The Site**

The commercial development site primarily comprises two lots (Lot 1, DP 796866, 63 Harbour Drive and Lot 1, DP 421199, 31 Vernon Street) and is currently occupied by a single storey commercial development, which will be demolished. The lots have primary road frontage to Gordon Street and each lot has a secondary road frontage to Harbour Drive and Vernon Street respectively. The land the subject of this application also includes Lots 1-3, Part Lot 4, Section 8 & Lot 6, Section 7, DP 758258, Lot 6, DP 721353, & Lot 1, DP 43845, No. 35-61 Harbour Drive, Coffs Harbour which is the existing Coffs Central building.

The land the subject of the development application also includes works within Council road reserves at the corner of Gordon Street and Harbour Drive as well as between Harbour Drive and Duke Street.

- **The Development Proposal**

The proposal involves demolition of existing buildings and construction of a new two storey commercial premise as a continuous extension of the Coffs Central Shopping Centre. The proposed building will be a similar height, bulk and scale to the existing Coffs Central building and has been designed to integrate both aesthetically and functionally with the existing building, by utilizing shared internal accessways, services and loading docks.

The application also proposes works within the road reserve, including raising footpath levels to allow on-grade pedestrian access along Harbour Drive and Gordon Street and removal of the roundabout and installation of traffic signals at the Harbour Drive and Gordon Street intersection. These works will require temporary closure of the Harbour Drive and Gordon Street intersection during civil works and construction of an unformed section of Duke Street as a temporary traffic bypass.

A plan of the proposed development is included in this report as Attachment 2.

A voluntary planning agreement (VPA) has been submitted by the Developer which details the proposed cost sharing arrangement between Council and the Developer, and is included as Attachment 4.

Sustainability Assessment:

- **Environment**

The development site is within the CBD and impacts on the natural environment are limited to erosion and sediment control during the construction phase, which will be managed by conditions of development consent.

The off-site works relating to the construction of a temporary access between Harbour Drive and Duke Street will require removal of several mature trees on council land. The removal of these trees is necessary for the construction of the temporary road.

- **Social**

The development may result in some short term disadvantages for existing shop owners affected by construction works, some loss of on-street parking and road closures. However it is important to note that the proposed works will address long standing flooding concerns in the CBD and will improve pedestrian and vehicular access and safety and therefore it is considered that the proposal will have significant social benefit.

- **Civic Leadership**

The proposed development has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and all relevant Council controls and policies.

This proposal is consistent with the Coffs Harbour 2030 Community Strategic Plan, Places for Living.

- **Economic**

Broader Economic Implications

The proposal will provide construction related employment opportunities and better utilisation of a currently underdeveloped commercial site. The proposal has the potential to consolidate and revitalise the commercial precinct by providing improved shopping facilities, access for pedestrians and flood protection.

Delivery Program/Operational Plan Implications

The development is consistent with Councils vision of promoting economic development and supporting active town centres that have diverse and sustainable business enterprises.

Risk Analysis:

The Council has previously resolved to enter into negotiations with the Developer on cost sharing arrangements for the public infrastructure works. The VPA will minimise the risk to both parties by ensuring a legal and transparent mechanism for the works to proceed. A risk analysis has been undertaken and it is considered that approval of the development application and commitment to a VPA as recommended, does not pose an unacceptable risk to Council.

Consultation:

The application was publicly exhibited and notified to adjoining property owners from 5 December 2013 to 15 January 2014. Written notification was provided to the owners of all adjoining properties and all properties that adjoin areas of proposed road construction including the relevant area of Duke Street and all properties from the Vernon Street and Duke Street intersection to the Vernon Street and Gordon Street intersection. There were no submissions received on the development application.

The VPA was advertised separately, but at the same time as Development Application 960/13. There were no submissions received on the VPA.

The application was referred to internal Council departments and external government agencies as required and relevant comments are addressed in this report and form recommended conditions of consent, where appropriate.

Related Policy and / or Precedents:

There are no related policy and/or precedents that require consideration in respect of the application.

Statutory Requirements:

- **Section 79C Evaluation**

Section 79C of the Environmental Planning and Assessment 1979, specifies the matters which a consent authority must consider when determining a development application.

A section 79C evaluation is provided as Attachment 1.

- **Relevant Statutory Instruments**

The development application was lodged prior to gazettal of Coffs Harbour Local Environmental Plan 2013 and therefore has been assessed under Coffs Harbour City Centre Local Environmental Plan 2011, which was in force at the time.

The following environmental planning instruments are applicable to this development application:

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No.71 – Coastal Protection
- Coffs Harbour City Centre Local Environmental Plan 2011
- Coffs Harbour City Centre Development Control Plan

Each of these statutory instruments is considered in detail in the Section 79C assessment appended to this report.

Issues:

- **The Planning Agreement**

The VPA is the legal mechanism which details the scope of works and cost sharing arrangement between Council and the Developer. The total construction cost of the works has been estimated by an independent Quantity Surveyor at \$2,530,000. Under the terms of the agreement, it is proposed that the Developer will pay 33% of the construction costs and Council will pay the remaining 67%. The planning agreement requires the works to be carried out by the Developer and will be registered on the property title of Coffs Central.

The VPA has been reviewed by Council staff and Council's legal advisors and it is recommended that Council enter into the planning agreement.

- **Intersection Works**

The public infrastructure works involve the following works within council road reserves:

- Removal of roundabout and replacement with signalised intersection at the intersection of Harbour Drive and Gordon Street;
- Road sealing, kerb and gutter and drainage works associated with intersection works;
- Removal and replacement of footpaths and reconstruction of raised footpath around the development site to allow ongrade entry;
- Construction of temporary traffic bypass between Harbour Drive and Duke Street.

The full scope of works have been designed by Council's Engineers and the design plans are included within Attachment 2.

- **Flooding**

The development site and immediate locality has a history of urban stormwater flooding and the design and construction of the building and infrastructure works is responsive to this constraint.

A detailed flood assessment has been submitted with the development application, which indicates that the replacement of the roundabout with a signalised intersection and associated footpath and drainage works will have a positive effect in reducing flooding impacts by improving the efficiency in the storage and conveyance of stormwater.

- **Car Parking**

The development proposes a new commercial building with a floor area of 1742.4m² and Councils DCP requires 70 car parking spaces to be provided at the rate of 1 space per 25m². Council has previously acknowledged that car parking for the original Coffs Central development exceeded the minimum requirements, resulting in a surplus of car parking being available for future development. The current development proposes to utilise this surplus car parking and Council is satisfied that the car parking requirements resulting from the new commercial development can be accommodated within the available surplus and no new car parking is required.

Implementation Date / Priority:

In the event that Council adopts the recommendation, a formal notice of determination will be issued for the development application. A formal notice of determination is valid for five years and the applicant can act on the development consent at any time within that period, subject to meeting any relevant conditions of the consent.

Recommendation:

1. That Council agree to enter into a planning agreement with the Developer (Gowings Bros Ltd) for the cost of and carrying out of agreed public infrastructure works associated with Development Application No. 960/13 generally in accordance with the terms of the draft planning agreement contained in the offer from Gowings Bros Ltd to the Council dated 14 July 2014 (Attachment 4).
2. That Development Application No. 960/13 for demolition of existing building and construction of commercial premise (4 tenancies) and associated public infrastructure works at 63 Harbour Drive (Lot 1, DP796866), 31 Vernon Street (Lot 1, DP421199), 35-61 Harbour Drive (Lots 1-3, Part Lot 4, Section 8 & Lot 6, Section 7, DP 758258, Lot 6, DP 721353, & Lot 1, DP 43845), Coffs Harbour and associated road reserves be approved subject to the conditions in Attachment 3.

**Development Application No. 960/13
Section 79C Assessment**

a. the provisions of,

i. any environmental planning instrument, and

• State Environmental Planning Policy 55 – Remediation of Land

This state policy specifies that the consent authority must not consent to the carrying out of any development unless it has considered whether the land is contaminated.

The land is not considered to be contaminated and the site is suitable for the development

• State Environmental Planning Policy (SEPP) No 71 - Coastal Development

The proposed development is considered to be consistent with the aims of the policy and satisfies the relevant matters for consideration and development control provisions. Clauses of particular relevance are discussed further below:

Clause 7 – Application of Clause 8 Matters

Clause 7 of the SEPP requires Council to take matters as listed in Clause 8 into consideration when determining development applications. Clause 8 matters have been taken into consideration in the assessment of the proposed development.

- The proposal is considered to meet the aims of the Policy.
- The proposal will not impede or diminish public access to and along the coastal foreshore.
- The site does not contain any known items of heritage, archaeological or historic significance.
- The proposed development will not adversely impact upon the scenic quality of the surrounding locality.
- The development is unaffected by issues of coastal hazards.
- The proposed development, in terms of type, location and design, is considered to be compatible with its locality.
- The proposal will not result in unacceptable impacts to flora and fauna.

Clause 16 – Stormwater

Clause 16 specifies that Council must not grant consent to development where stormwater will, or is likely to, be discharged untreated into the sea, a beach, an estuary, a coastal lake, a coastal creek or other similar body of water.

Stormwater from the development site will be directed to Council's reticulated urban stormwater system.

• Coffs Harbour City Centre Local Environmental Plan 2011

The development application was submitted while the Coffs Harbour City Centre LEP 2011 was in force and the proposal has therefore been assessed under the relevant provisions of LEP 2011.

2.2 Zoning of land to which Plan applies

The subject lots in the proposed commercial development are zoned B3 Commercial Core under Coffs Harbour City Centre Local Environmental Plan 2011.

The road reserve between Harbour Drive and Duke Street on which the temporary access is proposed to be constructed is zoned SP1.

2.3 Zone objectives and Land Use Table

The proposed development meets the definition of a shop and is permissible in the B3 Commercial Core zone. Roads are permissible with consent in the SP1 zone.

4.3 Height of buildings

This clause specifies that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The height of Buildings Map for the development site specifies a maximum height of 17 metres. The proposed development has a maximum height of 16.5 metres and therefore complies with this standard.

4.4 Floor space ratio

This clause specifies that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The Floor Space Ratio Map for the development site specifies a 2.25:1 floor space ratio. The proposed development has a floor space ratio of 1.97:1 and therefore complies with this standard.

5.5 Development within the coastal zone

The matters under this clause have been addressed under State Environmental Planning Policy 71 – Coastal Development

6.1 Acid sulfate soils

The development site is not identified as a high risk area for acid sulphate soils. However, conditions of development consent are proposed to address any environmental issues associated with potential acid sulphate soils that may be disturbed during the construction phase.

6.2 Earthworks

This clause specifies a number of matters that must be considered for development proposals that involve earthworks. The development consent includes several conditions for erosion and sediment control to manage any offsite impacts of earthworks.

6.3 Flood planning

The site is flood affected by urban stormwater runoff. The two significant elements of the proposed development that will have implications for flooding, are the raising of the footpath level along Harbour Drive and Gordon Street to allow ongrade pedestrian connection to the new retail tenancies and the lowering of the Harbour Drive and Gordon Street intersection by removal of the roundabout. The flooding assessment and modeling indicates that any flooding concerns associated with the raising of footpath levels in Harbour Drive will be more than offset by the lowering of the Harbour Drive and Gordon Street intersection. The flood modeling indicates that these works can provide reductions in flood levels of between 60 and 240 mm to flood affected properties in Harbour Drive.

Flood modeling also revealed that the works may have potentially caused some increase in flood levels along Gordon Street, but these will be offset through some reshaping of footpath and driveways to relevant effected properties. These works are required as conditions of development consent.

6.6 Koala habitat

This clause specifies that development consent must not be granted unless the development is in accordance with Coffs Harbour City Koala Plan of Management.

The area of public land proposed for the temporary bypass is partially mapped as Primary Koala Habitat under Council's Koala Plan of Management and the proposed works will require removal of the existing trees. However it is noted that the trees are isolated and would provide limited forage and habitat value and their removal would not have a significant impact on the viability of any population of koalas.

6.10 Central business district

This clause requires the primacy of the Coffs Harbour CBD to be considered. It is considered that the proposed development will enhance the primacy of the CBD as the principal business, office and retail hub of the Coffs Harbour City.

6.11 Design excellence

The proposed development addresses the design excellence provisions of this Plan.

The development is a contemporary design and style, incorporating a range of external finishes. The proposed development is compatible with the context and land use mix of the locality and the intention for the desired future character of the area as guided by the City Centre Local Environmental Plan and Development Control Plan. The development is consistent with Council's controls for bulk, massing and modulation of buildings and solar access.

The development will improve the public domain and pedestrian access and movement.

6.13 Essential services

All services that are essential for the development are available and adequate as required by this provision.

Attachment 1

ii. The provisions of any draft environmental planning instrument

The development application was submitted while Coffs Harbour LEP 2013 was a draft planning instrument. Notwithstanding, the proposal remains permissible with consent under the then draft LEP and no additional matters require consideration.

iii. any Development Control Plan (DCP)

In accordance with s 74BA of the Environmental Planning and Assessment Act 1979 the principal purpose of a development control plan is to provide guidance on

- (a) giving effect to the aims of any environmental planning instrument that applies to the development,
- (b) facilitating development that is permissible under any such instrument,
- (c) achieving the objectives of land zones under any such instrument.

The relevant development control plan that applies the development is considered below:

- **Coffs Harbour City Centre Development Control Plan**

2.1 – City Core Character Area:

The development site is located within the City Core Precinct. The proposed development is consistent with the objectives of the character area.

3.1 - Building Alignment and Setback:

This provision specifies that development in this area, is to maximise site coverage and where feasible build to the front property boundary and maintain a zero metre front setback. The development is built to all front boundaries and satisfies this requirement.

3.2 - Street Frontage Heights:

A street frontage height applies along the Harbour Drive frontage of the site, which allows buildings to maximise their height potential. The design, siting and construction of the development satisfies this requirement.

3.3 - Building Depth and Bulk:

The development meets all the requirements of this provision.

3.4 - Side & Rear Building Setbacks & Building Separation:

The development meets all the requirements of this provision.

3.6 - Building Design and Materials:

The proposed development is in scale with surrounding development, incorporates appropriate materials, finishes and façade treatment and is considered to be consistent with the objectives of this provision.

Attachment 1

4.1 – Permeability:

The development meets the requirements of this provision by providing site links for pedestrians by linking existing internal ‘malls’ of the Coffs Central building through the proposed new building to Gordon Street.

4.2 - Active Street Frontages & Street Address:

The development provides for active street frontages and business street addresses.

4.3 - Safety & Security:

The proposed development is consistent with the objectives and controls of this provision by allowing for passive surveillance of the public domain.

4.5 – Awnings:

The development provides awnings in accordance with the requirements of this provision.

5.1 - Pedestrian Access and Mobility:

The development complies with the requirements of this provision.

5.3 - On-site Parking:

The determination of car parking for the development has been based on consideration of the car parking credits owed for the existing single storey building which will be demolished and credits owing for the original Coffs Central development.

The car parking requirement for the new commercial development which has a gross leasable floor area of 1742.4m², is 1 space per 25m² or 70 spaces. The existing building to be demolished has a credit of 8 spaces, resulting in a requirement of 62 spaces.

In this instance it has been determined that an available credit of sixty four (64) spaces exists for the Coffs Central development, which can be utilised by the current development application.

5.7 Notification:

The development was advertised and notified in accordance with the requirements of this provision and no submissions were made on the application.

6.1 - Energy Efficiency & Conservation:

The proposed development is considered to be consistent with the objectives and provisions of this clause.

6.2 - Water Conservation:

The proposed development is considered to be consistent with the objectives and provisions of this clause.

Attachment 1

6.3 - Reflectivity:

The materials used in the development will not create any excessive glare or reflective nuisance.

6.4 - Wind Mitigation:

There are no requirements of this provision that prevent approval of the application.

6.5 - Waste & Recycling:

The development is considered to be consistent with the objectives and provisions of this clause. The application has been referred to Council's Waste Services section in relation to waste management and the proposed waste management measures are considered acceptable.

6.6 - Erosion & Sediment Control:

Appropriate sediment and erosion control measures will be required by conditions of development consent.

6.7 – Stormwater:

The proposed development is considered to be consistent with the objectives and provisions of this clause and appropriate stormwater management can be achieved.

6.8 - Preservation of Vegetation:

The application seeks approval for removal of vegetation to facilitate the temporary bypass road construction. The impacts of the vegetation removal are considered acceptable.

6.9 - Design & Flooding:

All parts of the proposed building will be above a minimum floor level of 4.2 metres (AHD) as required by a condition of development consent. The development will be acceptable with respect to flooding and the development standards required by this provision.

(iia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

A VPA has been offered by the Developer (Gowing Bros Ltd) which proposes a cost sharing arrangement with Council to fund the public infrastructure works. The development proposal and VPA will be dependent on each other as specified by conditions of development consent. The VPA has been reviewed by Council staff and legal advisors and is considered acceptable to Council and it is therefore recommended that Council enter into the VPA, generally in accordance with the terms of the VPA.

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

The Coffs Central building has recently gone through a number of construction certificates where Building Code of Australia provisions have been considered, including measures within the building to facilitate egress and to restrict the spread of fire from the building to other buildings nearby. As a result of these recent Building Code of Australia assessments, the measures contained within the existing building are considered adequate. As a result it is not considered that any building upgrades consistent with Regulation 94 of the Environmental Planning and Assessment Regulation are required.

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,

1. The natural environment

Several mature, planted trees on council land located between Harbour Drive and Duke Street, will be removed as part of the temporary bypass road construction, including native Swamp Oak and introduced Lemon-scented Gum. It is proposed to retain the stand of five mature Flooded Gums within the south-easterly portion of the site.

The proposal has been considered in relation to impact on ecological and biodiversity values resulting from the removal of vegetation. The ecological assessment report provided with the application considers relevant threatened species issues and planning considerations within the context of the limited habitat values of the site, relevant to Section 5A of the *Environmental Planning and Assessment Act 1979* and concludes that the development will not have a significant impact.

Koala habitat mapping

Remnant vegetation on the subject site is mapped as "Primary Koala habitat" under Council's Koala Plan of Management (KPOM).

Notwithstanding that koala food tree species do occur within the subject site, it is considered that the mapping is not indicative of the actual biodiversity value of the site. Neither the consultant ecologist or Council's Biodiversity officer found any evidence that koalas are using this site (e.g. faecal pellets and / or tree scratches). Whilst the subject site may have provided occasional foraging resources for koalas in the past, the site is not considered to provide a significant habitat resource for koalas.

2. Social Impacts

The development has the potential to result in some temporary adverse impacts during construction such as hindering pedestrian and vehicular access and affecting commercial trading. A number of conditions of development consent are proposed to minimise these impacts during construction.

It is considered that the long term benefits of the development including employment generation, improved shopping opportunities, urban design, pedestrian and vehicular access and flood management will outweigh any temporary disadvantages resulting from the development.

Attachment 1

c. the suitability of the site for the development,

The commercial development site is not currently utilised to its optimum potential. The proposed development will modernise and revitalise the precinct and make a positive contribution to the CBD. The site is considered suitable for the proposed development.

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

No public submissions were received following notification of the development in accordance with the requirements of Council's Development Control Plan.

The application was referred to the NSW Police Service for their comments with respect to safer by design issues. They had no specific recommendations for the development.

e. the public interest:

The assessment of the application has considered the public interest matters and determined that the proposal is acceptable and the impacts can be effectively managed through conditions of consent. The proposed development will make a positive contribution to the Coffs Central precinct and approval of the application is considered to be in the public interest.

DEVELOPMENT APPLICATION COFFS CENTRAL SHOPPING CENTRE - EXTENSION

63 Harbour Drive & 31 Vernon St, Coffs Harbour

MAY 2013
Job No. 1203

DA 00	COVER SHEET	Attachment 2
DA 01	LOCATION PHOTO	
DA 02	SITE LOCATION PLAN	
DA 03	EXISTING PLANS	
DA 04	PROPOSED FLOOR PLANS	
DA 05	PROPOSED ROOF & AREA PLANS	
DA 06	PROPOSED EXTERNAL WORKS PLAN	
DA 07	EXTG AND PROPOSED ELEV	
DA 08	PROPOSED SECTIONS	
DA 09	PROPOSED DETAIL SECTION & ELEV IMAGES	
DA 10	PROPOSED SHADOW DIAGRAMS	
DA 11	EXISTING SHADOW DIAGRAMS	
DA 12	VIEWS SHEET 1	
DA 13	VIEWS SHEET 2	
DA 14	MATERIAL SAMPLE IMAGES	



ARTISTS IMPRESSION

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PROJECT
**DEVELOPMENT APPLICATION
COFFS CENTRAL SHOPPING
CENTRE EXTENSION**
STREET ADDRESS
**63 Harbour Drive &
31 Vernon St**

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REV: D DATE: 05-05-13 ISSUE: DA INITIALS: DW
CLIENT **Gowing Bro's Ltd
Suite 21 Jones Bay Wharf
26 - 32 Pirrama Road
Pyrmont NSW 2009**

DATE
MAY 2013

SCALE
N.T.S.

DRAWN DW
VERIFIED GW

TITLE **COVER SHEET**

Job No. **1203** DRAWING No. **DA 00** REV. **D**



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PROJECT
DEVELOPMENT APPLICATION
COFFS CENTRAL SHOPPING
CENTRE EXTENSION
STREET ADDRESS
63 Harbour Drive &
31 Vernon St

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REV: D DATE: 05-06-13 ISSUE: DA INITIALS: DW
CLIENT: **Gowing Bro's Ltd**
Suite 21 Jones Bay Wharf
26 - 32 Pirrama Road
Pymont NSW 2009

DATE
MAY 2013

SCALE DRAWN DW
N.T.S. VERIFIED GW

TITLE **VIEWS SHEET 1**

Job No. DRAWING No. REV.
1203 DA 12 D



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PROJECT
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COFFS CENTRAL SHOPPING
CENTRE EXTENSION
STREET ADDRESS
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REV: D DATE: 05-06-13 ISSUE: DA INITIALS: DW
CLIENT **Gowing Bro's Ltd**
Suite 21 Jones Bay Wharf
26 - 32 Pirrama Road
Pymont NSW 2009

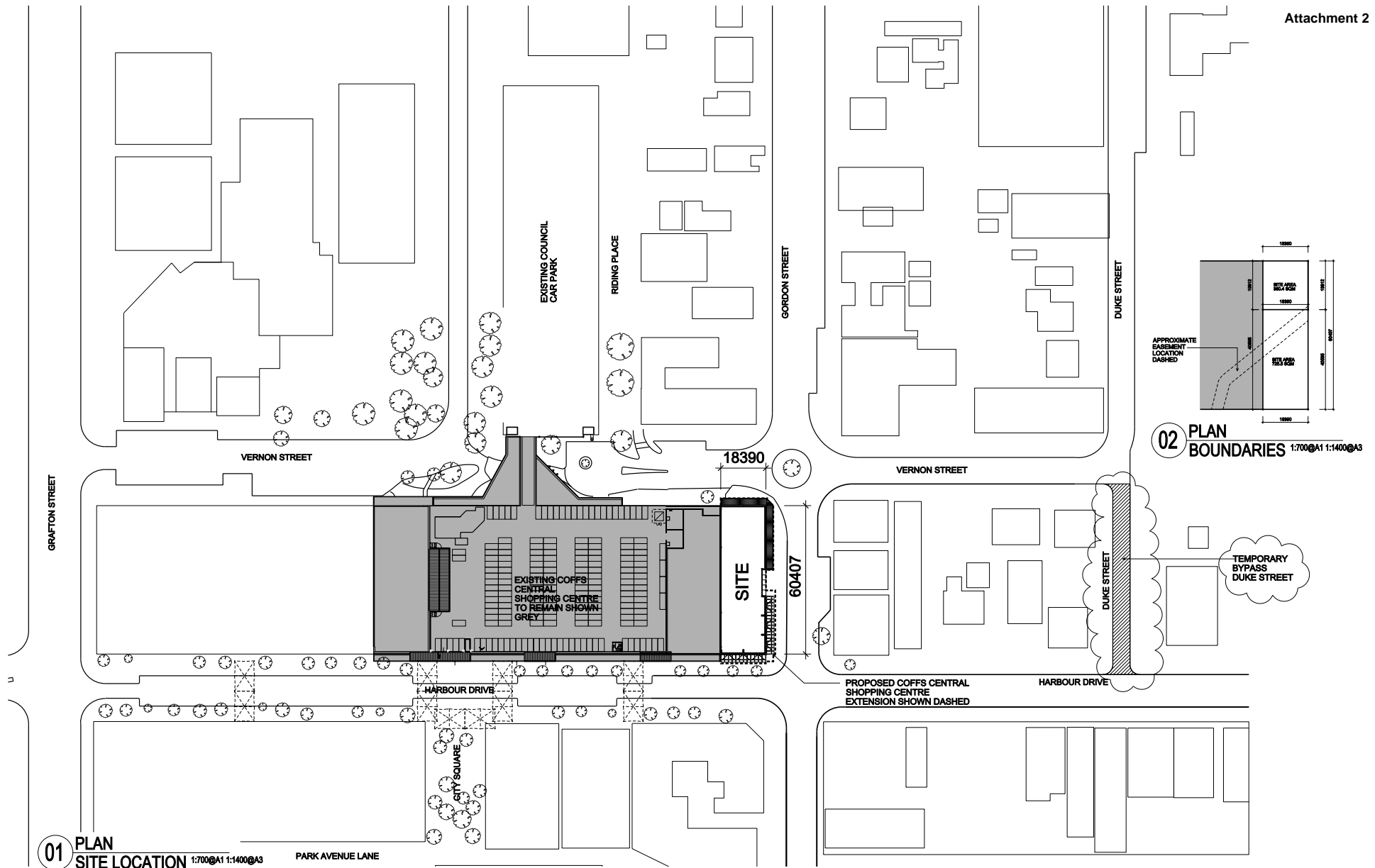
DATE
MAY 2013

SCALE
N.T.S.
DRAWN DW
VERIFIED GW

TITLE **VIEWS SHEET 2**

Job No. **1203** DRAWING No. **DA 13** REV. **D**

Attachment 2



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PROJECT
DEVELOPMENT APPLICATION
COFFS CENTRAL SHOPPING
CENTRE EXTENSION

STREET ADDRESS
63 Harbour Drive &
31 Vernon St

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REV: 01
DATE: 05-02-13
ISSUE: DA
DUKE STREET TEMPORARY BYPASS ADDED

INITIALS: DW
DW

CLIENT
Gowing Bro's Ltd
Suite 21 Jones Bay Wharf
26 - 32 Pirrama Road
Pyrmont NSW 2009

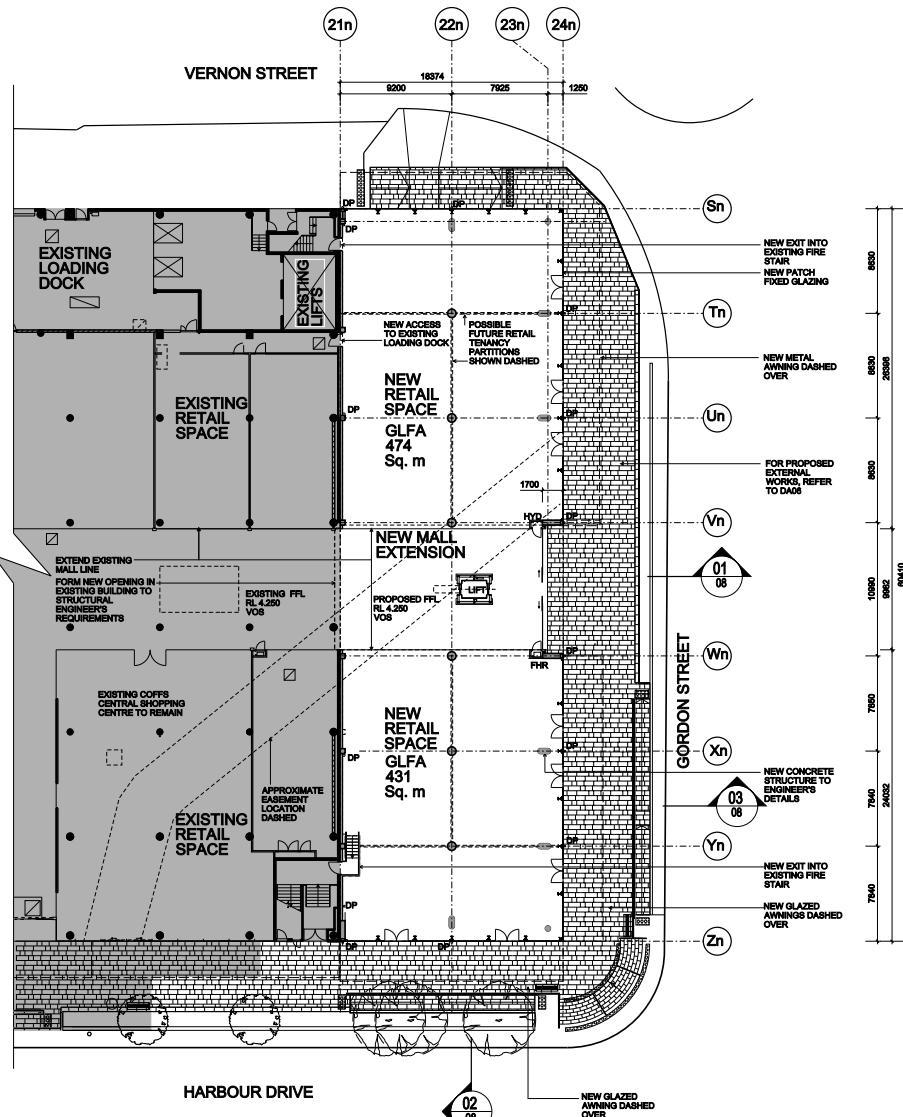
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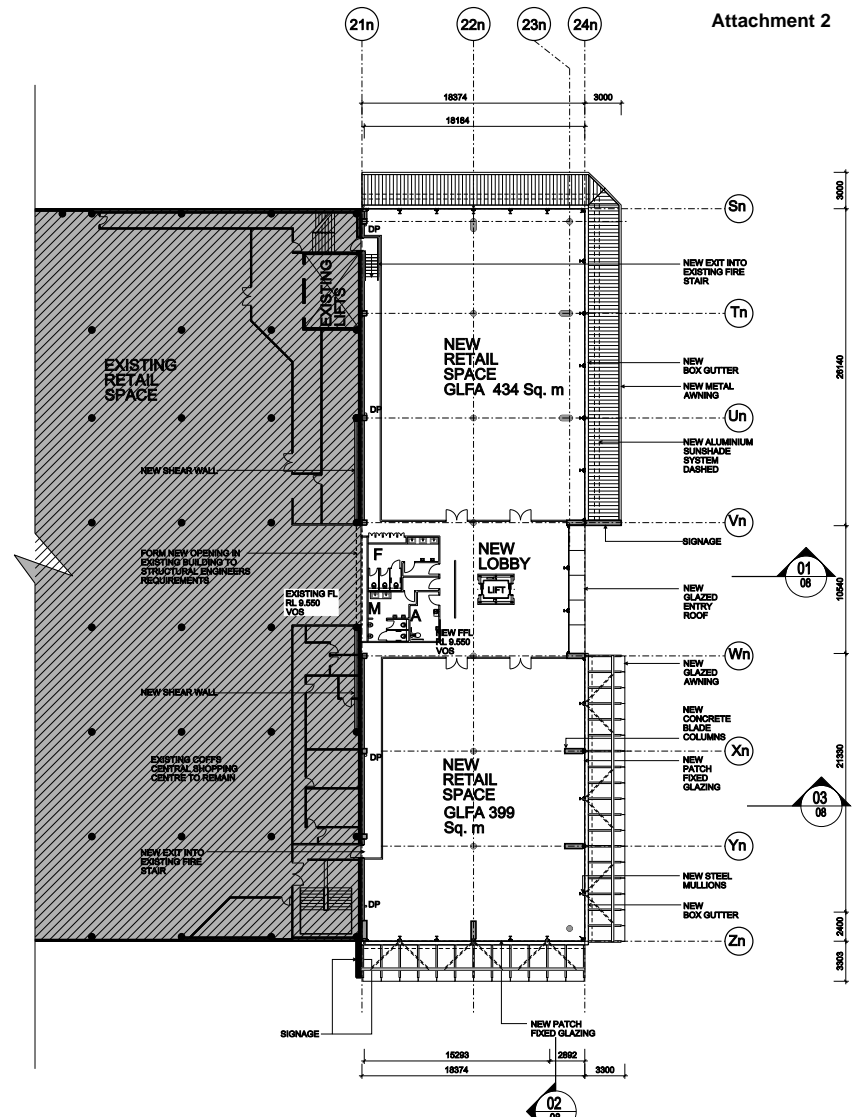
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VERIFIED GW

TITLE
SITE LOCATION
PLAN

Job No. 1203
DRAWING No. DA 02
REV. E



01 PLAN - PROPOSED GROUND LEVEL 1:200@A1 1:400@A3



02 PLAN - PROPOSED LEVEL ONE 1:200@A1 1:400@A3

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PROJECT
DEVELOPMENT APPLICATION
COFFS CENTRAL SHOPPING
CENTRE EXTENSION
STREET ADDRESS
63 Harbour Drive &
31 Vernon St

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CLIENT **Gowling Bro's Ltd**
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Pyrmont NSW 2009

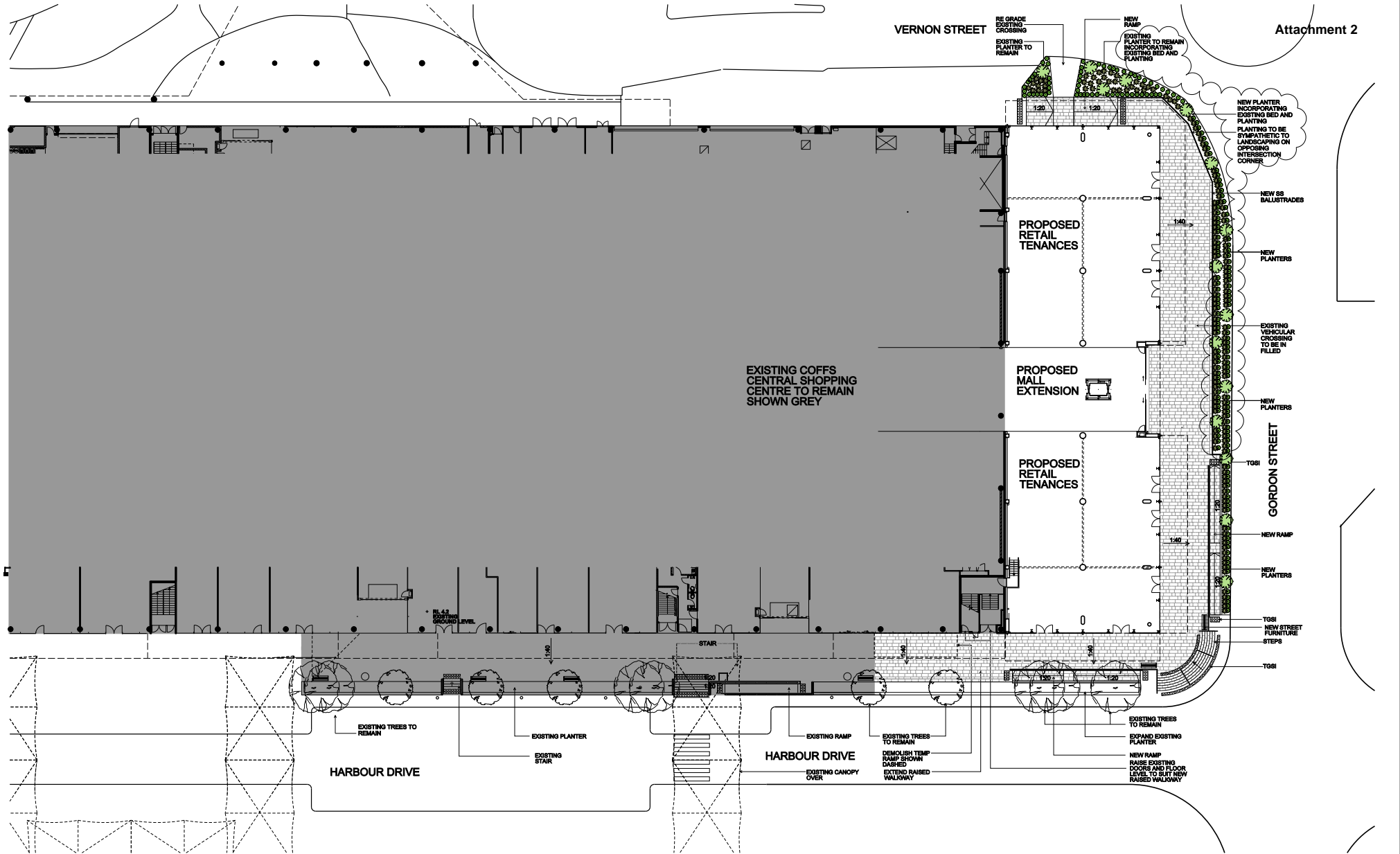
DATE
MAY 2013

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DRAWN DW
VERIFIED GW

TITLE **PROPOSED FLOOR PLANS**

Job No. 1203
DRAWING No. DA 04
REV. D



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PROJECT
DEVELOPMENT APPLICATION
COFFS CENTRAL SHOPPING
CENTRE EXTENSION
STREET ADDRESS
63 Harbour Drive &
31 Vernon St

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REV: **DATE:** **ISSUE:** **INITIALS:**
1 05-02-13 DA PLANTING NOTES DELETE RETAINING GW DW
2 02-05-13
CLIENT **Gowling Bro's Ltd**
Suite 21 Jones Bay Wharf
26 - 32 Pirrama Road
Pyrmont NSW 2009

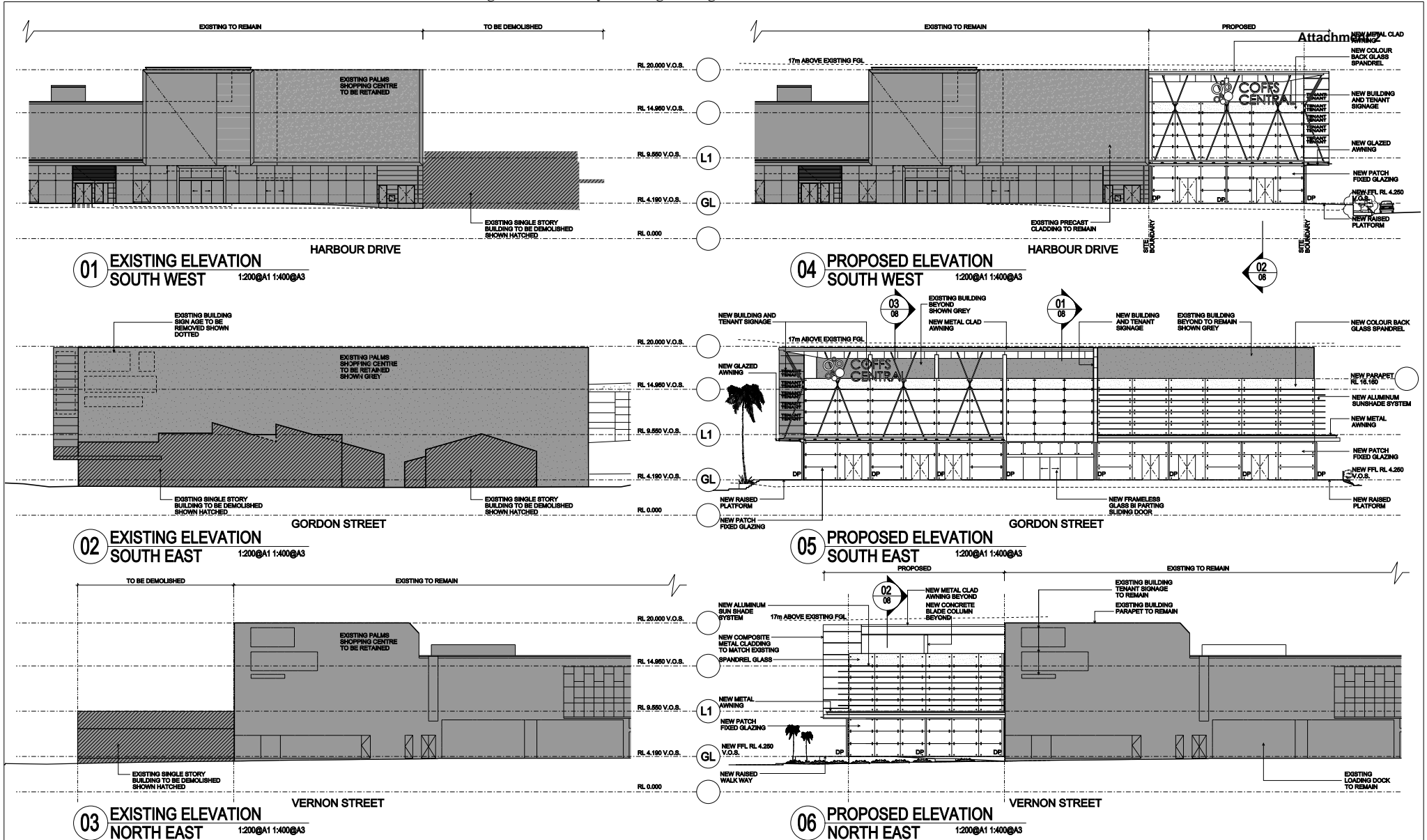
DATE
MAY 2013

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DRAWN DW
VERIFIED GW

TITLE **PROPOSED EXTERNAL WORKS PLAN**

Job No. **DRAWING No.** **REV.**
1203 **DA 06** **E**

Agenda - Ordinary Meeting 14 August 2014 - RESCISSION MOTION



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PROJECT DEVELOPMENT APPLICATION
COFF'S CENTRAL SHOPPING CENTRE EXTENSION
STREET ADDRESS
63 Harbour Drive & 31 Vernon St

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REV: D DATE: 08-08-13
E DATE: 02-08-13
ISSUE: DA PLANTING NOTES DELETE RETAINING DW
INITIALS: DW

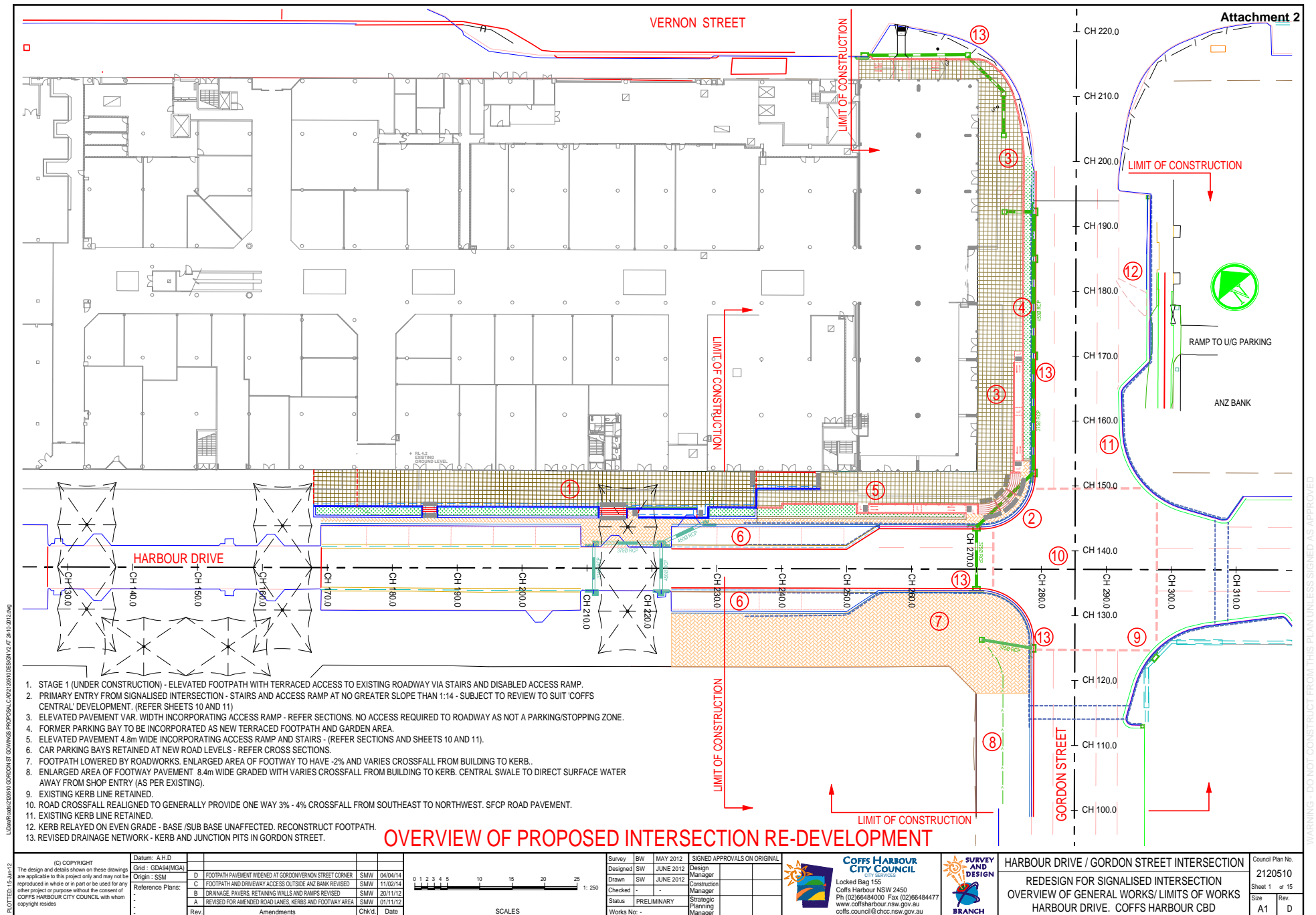
CLIENT **Gowling Bro's Ltd**
Suite 21 Jones Bay Wharf
26 - 32 Pirrama Road
Pymont NSW 2009

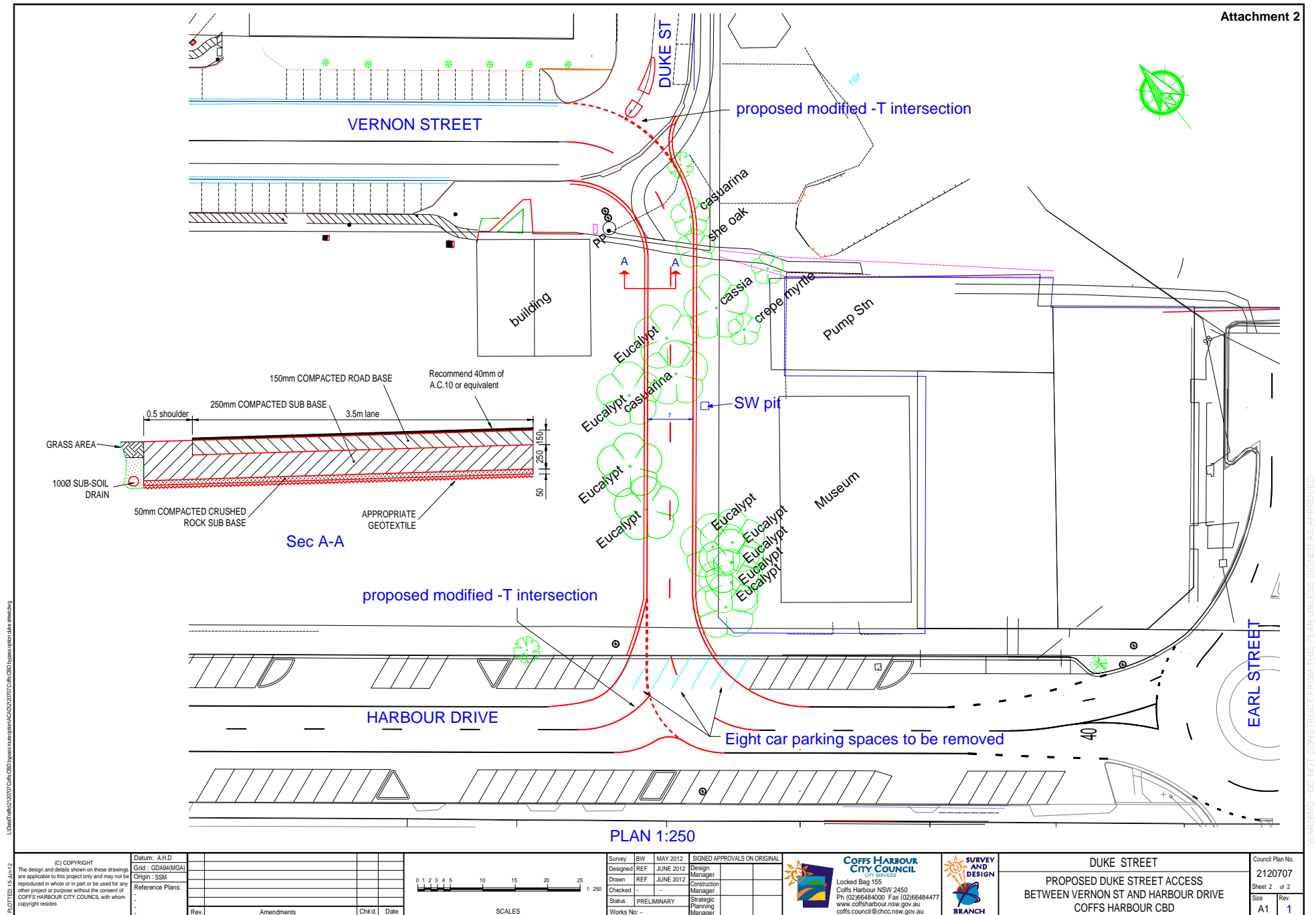
DATE
MAY 2013

SCALE DRAWN DW
VERIFIED GW

TITLE
EXISTING AND PROPOSED ELEVATIONS

Job No. **1203** DRAWING No. **DA 07** REV. **E**







Attachment 2



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LAND OF INTEREST

COFFS HARBOUR
This map produced by GIS Section
Coffs Harbour City Council
User: amdandam
Last Modified: 11/03/2014

- Land Boundaries
- Property Boundaries
- L Locality Boundaries

SCALE @ 80 (182x287mm) 1:1800

0 10 20 40 60
Metres

Coordinate System: GDA 1994 MGA Zone 56
Projection: Transverse Mercator
Datum: GDA 1994

GRID NTH



Aerial Photography
December 2009

Proposed Conditions Development Application No. 0960/13**Schedule of Conditions****ADMINISTRATIVE CONDITIONS****Development Description:**

1. Development consent is granted only to carrying out the development described in detail below:
 - **Demolition of existing buildings and construction of Commercial Premise (4 Tenancies) and associated public infrastructure works.**

Prescribed Conditions:

2. The proponent shall comply with the prescribed conditions of development approval under Clauses 97A, 98, 98A - E of Environmental Planning and Assessment Regulation 2000 as are of relevance to this development.

Development is to be in accordance with approved plans:

3. The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan No./Supporting Document(s)	Version	Prepared by	Dated
DA 02	E	Woodman Architects	2 August 2013
DA 04	D	Woodman Architects	8 May 2013
DA 05	D	Woodman Architects	8 May 2013
DA 06	E	Woodman Architects	2 August 2013
DA 07	E	Woodman Architects	2 August 2013
DA 08	E	Woodman Architects	2 August 2013
DA 09	D	Woodman Architects	8 May 2013
2120707	1	Coffs Harbour City Council	June 2012
2120510, Sheet 1	D	Coffs Harbour City Council	4 April 2014
2120510, Sheet 3	D	Coffs Harbour City Council	4 April 2014

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

Development Application No. 0960/13**Schedule of Conditions**

Development in Accordance with Documents:

4. The development shall be undertaken in accordance with the following documents:
- (1) Statement of Environmental Effects, prepared by Hopkins Consultants dated September 2013.
 - (2) Traffic Study, prepared by Bitzios Consulting dated 25 July 2012.
 - (3) Flood Assessment, prepared by de Groot & Bensons Pty Ltd dated March 2012.
 - (4) Demolition Report prepared by Sydney Asbestos Consulting dated 13 March 2013.
 - (5) Ecological Assessment prepared by Ecological Australia dated 16 October 2013.

Planning Agreement, Commencement of Work and Surrender of this Consent:

5. The owner of the land shall enter into a planning agreement for the carrying out of the public works on the public land in accordance with the terms of the offer made by the owner of the land to the Council in letter dated 14 July 2014 to the Council (including the draft planning agreement attached to this letter).

No development (including any works that could be carried out without a construction certificate) except demolition works on private land, is to be carried out under this Consent until the planning agreement referred to above has been entered into and there has been no termination of that agreement under proposed clause 11.2 of the draft planning agreement attached to the letter to the Council dated 14 July 2014 (or any similar clause in the final planning agreement).

If either party terminates the planning agreement referred to above under proposed clause 11.2 of the draft planning agreement attached to the letter from the owner to the Council dated 14 July 2014 (or any equivalent clause) then the owner of the land or any person entitled to act on this consent must surrender this consent within 28 days from the date of the termination.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE**Construction Certificate:**

6. No building or road construction work is to commence on site until a Construction Certificate has been issued for the work and Council has been notified that a Principal Certifying Authority has been appointed.

Note: Separate Construction Certificates are to be obtained for the **building works** and any **civil works**.

Equitable Access:

7. The building is to be provided with access and facilities for people with disabilities.
- The applicants' attention is directed to the *Disability (Access to Premises - Buildings) Standards 2010* and the Building Code of Australia.
- Details indicating compliance must be submitted and approved by the certifying authority **prior to the issue of a Construction Certificate for building works.**

Development Application No. 0960/13**Schedule of Conditions****Road Design and Services (Building):**

8. The following works:

- (a) roads;
- (b) footpaths and pathways;
- (c) water;
- (d) sewer;
- (e) stormwater drainage;
- (f) flood mitigation works,

shall be provided to serve the development with the works conforming with the standards and requirements set out in Council's Development Design and Construction specifications and relevant policies (Water Sensitive Urban Design).

Plans and specifications are to be submitted to Council and a separate Civil Works Construction Certificate issued **prior to the issue of a Construction Certificate for the building works, unless otherwise advised by Council.** Plan submissions are to be accompanied by payment of prescribed fee.

Plans and specifications submitted later than six (6) months from the date of development consent shall comply with Council's current specifications at a date six (6) months prior to submission.

All work is to be at the developer's cost or in accordance with the Voluntary Planning Agreement where relevant.

Erosion and Sedimentation Control Plan:

9. An erosion and sediment control plan, together with a management strategy, detailing soil erosion and sediment control measures, shall be prepared by a qualified environmental or engineering consultant in accordance with the document Managing Urban Stormwater – Soils & Construction Volume 1 (2004) by Landcom. Details being submitted and approved by the Certifying Authority **prior to issue of the relevant Construction Certificate.**

Water Management Act 2000:

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

The current contribution rate is:

	Amount/m ²	Total
	\$	\$
Works to satisfy increased demand within the area for 917.4 square metres of commercial development		
Water	29.02	26,622.95
Sewer	27.75	25,457.85
TOTAL AMOUNT PAYABLE		52,080.80

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Outdoor Lighting:

11. All outdoor lighting shall comply with, where relevant, AS/NZ 1158.3:1999 "*Pedestrian Area (Category P) Lighting*" and Australian Standard AS 4282:1997 "*Control of the Obtrusive Effects of Outdoor Lighting*". Details demonstrating compliance with these requirements being submitted to the satisfaction of Council or the accredited certifier **prior to issue of the relevant Construction Certificate.**

Pre-Construction Dilapidation Reports

12. The Applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings to a distance of 30 metres beyond the limit of the roadworks. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within 30 metres of the roadworks. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate for below ground works. A copy of the report is to be forwarded to Council.

In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

PRIOR TO COMMENCEMENT OF WORKS**Site Notice:**

13. Prior to commencement of works a site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of the development details including but not limited to:
 - (1) Details of the Principal Contractor and Principal Certifying Authority for all stages of the development;
 - (2) The approved hours of work;
 - (3) The name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction noise complaints are to be displayed on the site notice; and
 - (4) To state that unauthorised entry to the site is not permitted.

Notice to be Given Prior to Commencement / Earthworks:

14. The Principal Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of earthworks on the site.

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Schedule of Conditions

15. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

Contact Telephone Number:

16. Prior to the commencement of the works for each stage of the development, the proponent shall forward to Council a 24 hour telephone number to be operated for the duration of the construction works.

Erosion and Sediment Control:

17. Prior to commencement of work on the site for each stage of the development, erosion and sedimentation control measures are to be installed and operational including the provision of a “shake down” area where required to the satisfaction of the Principal Certifying Authority.

Acid Sulfate Soils:

18. An Acid Sulfate Soils assessment is to be carried out prior to;
 - a) works more than two metres below the natural ground surface, or
 - b) works by which the water table is likely to be lowered more than two metres below the natural ground surface;
 to determine if Acid Sulfate Soils are present in areas of excavation.

Where Acid Sulfate Soils are identified an Acid Sulfate Soils Management Plan is to be prepared in accordance with ASSMAC Manual and is to be approved by Council prior to the commencement of works.

Demolition Works:

19. All works including (where relevant) the handling and disposal of materials containing asbestos, are to be undertaken in accordance with the relevant requirements of WorkCover NSW, the Occupational Health and Safety Act and Australian Standard AS 2601-2001 “The Demolition of Structures”.

Prior to demolition all services are to be disconnected and capped off. Disconnection of any sewer drainage lines shall be sealed to prevent ingress of water and debris into the sewerage system.

Where water and sewerage services are no longer required the required fee for disconnection being paid to Coffs Harbour Water prior to the commencement of any demolition work.

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Demolition Bond:

20. A damage deposit and administration fee as determined by Council's Fees and Charges Schedule shall be lodged with Council as a bond to cover possible damage to Council's property that may result during the removal of demolition material from the site. The deposit is to be lodged with Council and arrangements made for a dilapidation survey to be undertaken to assess the condition of Council property adjoining the land prior to the commencement of demolition work.

Sanitary Plumbing and Draining:

21. A separate application is to be made to Council by the licensed plumber and drainer prior to the commencement of any sanitary plumbing and drainage work on site.

Tree Protection Plan:

22. A Tree Protection Plan prepared in accordance with Australian Standard AS 4970-2009 '*Protection of Trees on Development Sites*' being submitted to Council prior to the commencement of any works.

The Plan shall be prepared by a qualified Arborist and should identify all significant indigenous native trees, including all trees to be retained and removed. The Plan should also include a protection strategy for retained vegetation, amelioration measures if works are to be undertaken within the critical root zone and details relating to removal techniques.

Construction Management Plan:

23. **Prior to commencement of building works** a Construction Management Plan shall be prepared and submitted to Council for its information. The Plan shall address the following matters:
- i) Contact details of site manager;
 - ii) Traffic and pedestrian management;
 - iii) Construction waste and recycling management;
 - iv) Construction Noise Management;
 - v) Dust control measures;
 - vi) Loading and unloading, including construction zones where relevant;
 - vii) Measures to ensure sediment and other materials are not tracked onto the public roadway by vehicles leaving the site;
 - viii) Hoardings and scaffolding;
 - ix) Traffic movements and routes, particularly for vehicles transporting spoil from excavation of site and vehicles supplying the site with major concrete pours;
 - x) Construction workers parking and construction shed(s) locations.

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Pedestrian Management Plan:

24. **Prior to the commencement of any work** within the public road (Harbour Drive) a pedestrian management plan is to be submitted to Council and approved. The plan is to be prepared in consultation with Council's City Services Section.

DURING CONSTRUCTION

Approved Plans to be On-Site:

25. A copy of the approved and certified plans, specifications and documents incorporating the conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Protection of Trees On-Site:

26. All trees on site that are to be retained are to be suitably protected in accordance with Australian Standard AS 4970-2009 '*Protection of Trees on Development Sites*' by way of tree guards, barriers or other measures as necessary to protect root system, trunk and branches, during construction of any stage of the project.

Waste and Contamination:

27. The exportation of waste (including fill or soil) from the site must be in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the Office of Environment and Heritage "*Waste Classification Guidelines*".

Any new information that comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifying Authority.

Fill:

28. All fill is to be placed in accordance with the requirements of Council's Development Design and Construction Specifications and the approved Sediment and Erosion Control Plan.

Importation of Fill:

29. The only fill material that may be received at the development is:
- a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act);
 - b) Any other waste-derived material the subject of a resource recovery exemption under Clause 51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material, excluding waste tyre.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

Development Application No. 0960/13**Schedule of Conditions**

Erosion and Sediment Control:

30. All erosion and sediment control measures, as designed in accordance with the approved plans are to be effectively implemented and maintained at or above design capacity for the duration of the construction works for each stage of the project, and until such time as all ground disturbance by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Hours of Work:

31. The hours of construction for all stages of the development, including delivery of materials to the site, shall be restricted as follows:
- (1) Between 7:00am and 6:00pm , Mondays to Fridays inclusive;
 - (2) Between 7:00am and 1:00pm, Saturdays (if inaudible from adjoining residential properties, otherwise between 8.00 a.m. and 1.00 p.m);
 - (3) No construction work on Sundays and Public Holidays.

Works may be undertaken outside these hours where:

- (1) The delivery of materials is required by the Police or other authorities;
- (2) It is required in an emergency to avoid the loss of life, damage to property or to prevent environmental harm;
- (3) The work is approved through the Construction Noise and Vibration Management Plan; and residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of works.
- (4) A separate written request for variations to these hours has been submitted to Council and approved. The request is to detail proposed hours, days and reasons to justify the variation.

Cultural Heritage:

32. In the event that future works during any stage of the development disturb Aboriginal Cultural materials, works at or adjacent to the material must stop immediately. Temporary fencing must be erected around the area and the material must be identified by an independent and appropriately qualified archaeological consultant. The Office of Environment and Heritage (OEH), Northern Aboriginal Heritage Unit and the Aboriginal Stakeholder groups must be informed. These groups are to advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of the OEH and Northern Aboriginal Heritage Unit and the Aboriginal Stakeholder groups.

Acid Sulfate Soil Management:

33. Any Acid Sulfate Soil Management Plan that has been prepared shall be implemented in full, with consideration to the following:
- (1) Consideration shall be given to impacts on adjacent areas of Potential Acid Sulfate Soils with regard to dewatering activities during earthworks and construction.

Development Application No. 0960/13

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- (2) Any stormwater collected within the bunded treatment area must not be discharged to the stormwater system without the results of quality testing which demonstrates that the water satisfies ANZECC and NEPM Guidelines, particularly with regard to suspended solids, pH, aluminium and related parameters (the water must not contain any visible sediments).
- (3) All work undertaken on the site and with regard to implementing the Management Plan shall be undertaken in accordance with the approved sediment and erosion plan.
- (4) Approval for any variations/deviations from the Management Plan is to be sought from Council prior to implementation.

Finished Floor Level:

- 34. The finished floor level of the ground floor of the building is to be a minimum of 4.2 metres Australian Height Datum and a registered surveyor's certificate certifying such level is to be submitted to the Principal Certifying Authority prior to works proceeding beyond ground floor level.

Timing of works to mitigate flooding impacts

- 35. No works that will increase the risk of flooding are to occur prior to works that will have the effect of mitigating flood impacts. In this regard, no construction works that will raise footpath levels are to occur until works that will lower the level of the Harbour Drive/Gordon Street intersection have been completed.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

Road Design and Services:

- 36. The following works:

- (a) roads;
- (b) footpaths and pathways;
- (c) water;
- (d) sewer;
- (e) stormwater drainage;
- (f) flood mitigation works,

being provided to serve the development with the works conforming with the standards and requirements set out in Council's Development Design and Construction specifications and relevant policies (WSUD).

These works are to be completed **prior to the issue of an Occupation Certificate.**

All work is to be at the developer's cost or in accordance with the Voluntary Planning Agreement where relevant.

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Occupation Certificate:

37. A person must not commence occupation or use of the new building **prior to obtaining an Occupation Certificate** from the Principal Certifying Authority.

Registration of Planning Agreement on Property Title

38. **Prior to the issue of any occupation certificate**, the Applicant shall provide, to the principal certifying authority and Council, evidence of registration of the planning agreement on the property title with NSW Land and Property Information.

Consolidation:

39. The lots subject to this application, being consolidated to ensure that all existing and proposed works are located within the property boundaries of the one lot. Evidence of lodgement of a plan of consolidation being submitted to Council or the certifying authority **prior to issue of the Occupation Certificate**.

Post-Construction Dilapidation Report

40. **Prior to the issue of an occupation certificate:**
- a. The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings.
 - b. The report is to be submitted to the Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, the Principal Certifying Authority must:
 - i. compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions and
 - ii. have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - c. A copy of this report is to be forwarded to Council.

Flooding Mitigation Further Details

41. Road works and overland flow paths to be constructed as assessed in the 'Flood Impacts for Gowings Pty Ltd, March 2012, de Groot and Benson'.

Footpath redesign and construction to raise the access into the ANZ bank underground car park by a minimum of 50mm.

Development Application No. 0960/13**Schedule of Conditions****OPERATIONAL MATTERS****Loading and Unloading:**

42. All loading and unloading activities associated with the use of the premises being carried out wholly within the site at all times.

Use:

43. Use of any tenancy of the development, for a purpose other than as a shop, requires separate development consent prior to operation.

Noise:

44. Noise emanating from the premises shall at all times be in accordance with the provisions of the *Protection of the Environment (Operations) Act 1997*.

ADVISORY NOTES**Other Approvals and Permits**

45. The Applicant shall apply to the council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.
46. Prior to commencement of any works in the public road reserve, application being made to Council under the Roads Act 1993 and approval being issued by Council for these works. The application will require the submission of a Traffic and Pedestrian Management Plan (TPMP) and a Communication Strategy. The TPMP is to be prepared in accordance with AS 1742.3 (2009) and the RTA publication "Traffic Control at Works Sites" Version 4 (2010) and shall be prepared by a suitably qualified and experienced traffic consultant. The TPMP and Communication Strategy shall address, but not be limited to, the following matters;
- Management of vehicles using Harbour Drive between the Pacific Highway and the works approaching Gordon Street.
 - Management of vehicles using Harbour Drive between Earl Street and the works approaching Gordon Street.
 - Management of vehicles using Harbour Drive during the construction of the intersection with the extended Duke Street.
 - Management of vehicles using Gordon Street south of the works approaching Harbour Drive.
 - Management of vehicles using Gordon Street north of the works approaching Vernon Street.
 - Management of vehicles using Gordon Street between Vernon Street and Harbour Drive normally gaining access to parking facilities accessible from Gordon Street.
 - Pedestrian movements through the work site and for access to businesses fronting the areas affected by the work site.

PLANNING AGREEMENT

SECTION 93F OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Dated

BETWEEN

Coffs Harbour City Council

(Council)

2 Castle Street, Coffs Harbour, New South Wales, 2450

And

Gowing Bros. Limited ACN 001 010 471

(Developer)

Suite 21, Jones Bay Wharf, 26-32 Pirrama Road, Pyrmont, New South Wales, 2009

Parties to the Agreement

Coffs Harbour City Council of 2 Castle Street, Coffs Harbour, New South Wales, 2450 (Council); and

Gowing Bros Limited ACN 001 010 471 of Suite 21, Jones Bay Wharf, 26-32 Pirrama Road, Pyrmont, New South Wales, 2009 (the Developer).

Background

- A. The Developer is the owner of private land on which the “Coffs Central Development” is located. The Developer proposes to carry out development to extend the Coffs Central Development.
- B. The Council is a Council constituted under the Local Government Act 1993.
- C. The Council is the owner of public roads adjoining the Coffs Central Development.
- D. The Developer has agreed to make development contributions for works on these public roads in connection with the carrying out of approved development to extend Coffs Harbour Development.
- E. The development contributions will involve the Developer carrying out the agreed works on the public road in accordance with an agreed costs sharing arrangement with the Council.
- F. As part of the development application for the development the Developer has offered to enter into this agreement.

Operative Provisions

1. Planning Agreement Under the Act

The Parties agree that this Agreement is a Planning Agreement governed by subdivision 2 of Division 6 of Part 4 of the Act.

2. Definitions and Interpretation

2.1 Definitions

In this Agreement, unless the context otherwise requires:

Act means the Environmental Planning and Assessment Act 1979 (NSW) (as amended).

Bank Guarantee means an irrevocable and unconditional undertaking in favour of the Council to pay an amount or amounts of money to the Council on demand issued by:

- (a) One of the following trading banks:

- (i) Australia and New Zealand Banking Group Limited
 - (ii) Commonwealth Bank of Australia
 - (iii) Macquarie Bank
 - (iv) National Australia Bank Limited
 - (v) St George Bank Limited
 - (vi) Westpac Banking Corporation; or
- (b) any other financial institution approved by the Council in its absolute discretion.

Builder means the civil contractor to be engaged by the Developer in accordance with clause 10 to carry out the Public Works

Certificate of Claim means a progress claim for a progress payment for works completed and certified by the Superintendent under clause 13.3.

Construction Certificate has the same meaning as in the Act

Contract means the contract to carry out the Public Works as referred to in clause 10.

Contract Price means the contract price that the Developer notifies to the Council in accordance with clause 10.5 of this Agreement.

Dealing, in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land.

Defects Liability Period means the period 12 months from the date on which the Practical Completion of the Public Works is achieved in accordance with clause 14.

Developer means Gowing Bros. Limited ACN 001 010 471

Development means the expansion of Coffs Central Re- Development to include the 'LifeHouse' and other offsite civil works to improve pedestrian access, safety, flooding and traffic control in accordance with the Development Consent.

Development Application means the development application lodged together with this Voluntary Planning Agreement for the Development and the Public Works and includes all plans, reports, models, and other supplementary information submitted to the consent authority and pertaining to the determination of this development application.

Development Consent means any development consent granted by the Council to the Development Application for the Development and the Public Works and includes any modifications made under the Act.

Development Contribution means the development contribution to be made by the Developer as referred to in clause 7 of this Agreement.

Estimated Costs is the estimated costs of the Public Works as set out in Schedule B to this Agreement.

Final Costs means the final costs of the Public Works as determined in accordance with clause 14 of this agreement inclusive of variations agreed to between the parties
GST has the same meaning as in the GST Law.

GST Law has the meaning given to that term in A New Tax System (Goods and Services Tax) Act 1999 and any other Act or regulation relating to the imposition or administration of the GST.

Final Occupation Certificate has the same meaning as in the Act.

Party means a party to this agreement, and includes their successors and assigns.

Practical Completion means Practical Completion in accordance with clause 14.

Private Land means the land known as lot 8 DP 758258, lot 1 DP 796866 and lot 1 DP 421199 located on the Corner of Harbour Drive and Gordon Street, Coffs Harbour and known as the "Coffs Central Development" and including the "Life House".

Public Benefits means the public benefits identified in Schedule C of this Planning Agreement.

Public Land means those parts of the Council road reserves for Harbour Drive and Gordon Street on which the Public Works are to be carried.

Public Works means the building, engineering, or construction works to be carried out on the Public Land as referred to in Schedule A to this Agreement by the Developer in accordance with this agreement.

Quantity Surveyor means a duly qualified quantity surveyor of at least five (5) years experience in the assessment of building materials and construction costs.

Rectification Notice means a notice in writing that identifies a defect in the Public Work and requires rectification of the defect within a specified period of time.

Regulation means the Environmental Planning and Assessment Regulation, 2000 (as amended).

RMS means the NSW Department of Transport - Roads and Maritime Services

Security means an amount of \$1,000,000.00 (or such other amount as the Developer and the Council agree in writing) as a Bank Guarantee or such other kind of security as is agreed by the Council in its absolute discretion.

Superintendent means an independent organisation or person appointed by agreement between the parties to carry out contract administration (in accordance with AS4000) for the contract referred to in clause 10

2.2 Interpretation

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement.
- (b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
- (c) If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.
- (d) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
- (e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- (f) A reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- (g) A reference to a clause, part, Schedule or attachment is a reference to a clause, part, Schedule or attachment of or to this Agreement.
- (h) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- (i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- (j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other gender.
- (k) References to the word “include” or “including” are to be construed without limitation.
- (l) A reference to this Agreement includes the Agreement recorded in this Agreement.
- (m) A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party’s successors and assigns.
- (n) Any schedules and attachments form part of this Agreement.

3. Application of this Agreement

- 3.1 This Agreement applies to the Public Land, the Private Land and the Development.

4. Operation of this Agreement

- 4.1 This Agreement takes effect on execution of this Agreement.

5. Application of s94 and s94A of the Act to the Development

- 5.1 This Agreement does not exclude the application of sections 94, 94A or 94EF of the Act to the Development.
- 5.2 The Development Contribution provided by the Developer under this Agreement will not be taken into consideration in determining any development contribution under section 94 of the Act for the Development

6. Registration of this Agreement

- 6.1 The Parties agree to register this Agreement on the Private Land subject to obtaining the Agreement of the persons specified in s93H(1) of the Act to registration.
- 6.2 The Developer is to use its reasonable endeavours to obtain the consent of the persons specified in s93H (1) of the Act to registration of this Agreement.
- 6.3 If the Agreement of the persons specified in s93H (1) of the Act to registration of this Agreement is obtained, the Parties are to do such things as are reasonably necessary to enable registration to occur.
- 6.4 The Developer agrees that:
- (a) the Council has a caveatable interest in the Private Land arising from this Agreement and shall be entitled to lodge and maintain a caveat on the title of the Private Land; and
 - (b) it will consent to and not object to the Council lodging and maintaining a caveat over the Private Land until such time as this Agreement is registered in accordance with this Agreement.

7. Contributions Under this Agreement

- 7.1 Subject to clause 7.3 the Developer agrees to construct and carry out the Public Works.
- 7.2 The Developer will engage through tender and contract with the Builder to carry out the Public Works in conjunction with the Developer carrying out the Development.
- 7.3 The Developer agrees to pay 33% of the Final Costs of the Public Works

- 7.4 The Council agrees to pay 67% of the Final Costs of the Public Works.
- 7.5 The Estimated Costs of the Public Works is approximately \$2,530,000.00 excluding GST as determined by the Quantity Surveyors Assessment as set out in Schedule B.

8. Application of Development Contributions

- 8.1 The parties acknowledge that:
 - (a) the relevant public purpose for this Agreement is the carrying out of the Public Works;
 - (b) the carrying out of the Public Works by the Developer is the provision of a material public benefit; and
 - (c) the public benefit of the Public Works being carried out is set out in Schedule C.

9. Owners Consent for Development Application

- 9.1 The Council agrees to give owners consent to the Development Application (which will include the Public Works):

10. Contract for the Public Works

- 10.1 The Developer agrees to carry out the Public Works in conjunction with the Development.
- 10.2 The Council is to provide to the Developer within 28 days from the date of the Development Consent, the final plans, specifications and details for the Public Works including any information known to the Council about any public utilities in on over or under the Public Land. These plans, specifications and details must be the subject of the tender for the Public Works referred to in clause 10.3.
- 10.3 The Developer shall appoint and contract with the Builder after inviting tender submissions for the construction of the Public Works from suitably qualified and experienced civil engineering contractors.
- 10.4 The Developer and the Council agree to jointly appoint an appropriately qualified person to be the independent Superintendent for the Contracts for the Public Works.
- 10.5 The final version of the Contract to carry out the Public Works must be approved by the Council prior to inviting the tender submissions and must include provisions, covering:

- (a) the plans, specifications and details as referred to in clause 10.2;
- (b) appropriate insurances protecting the Public Land before and during the carrying out of the Public Works;
- (c) the obtaining of any necessary approvals from RMS or other authorities for any of the Public Works;
- (d) traffic and pedestrian management before and during the carrying out of Public Works;
- (e) the transfer (by assignment, novation or other appropriate means) to the Council at the Council's discretion of:
 - (i) the Developers rights under the Contract with the Builder in the event that the Developer ceases to carry on business, goes into liquidation or if a provisional liquidator or receiver or official manager is appointed or if a resolution is passed to wind up or a deed of company arrangement or scheme of arrangement is entered into or an appointment of an administrator or a mortgagee takes possession of the private land; and
 - (ii) the Developers rights to enforce any claim, right, action or suit (where the statutory or; (at common law or equity) against the Builder for any defects in the Public Works which arise after the Defects Liability Period;

together with appropriate warranties from the Builder agreeing to these transfers.

- (f) the appointment of the agreed independent Superintendent (as determined under clause 10.4) as the Superintendent for the contract for the Public Works.
- (g) any necessary installation, upgrading or changes to any public utilities or services within the Public Land.
- (h) provisions for the payment of any GST.
- (i) a defects liability period and rectification of defects in this period
- (j) tests and certifications for the Public Works required to be carried out before Practical Completion.
- (k) indemnities from the Builder to the Developer and the Council against any loss and damage arising out of or as a consequence of or in connection with the carrying out of the Public Works and the indemnity to the Council also being contained in a separate deed between the Council, the Developer and the Builder.
- (l) any other clauses reasonably required by the Council to give effect to the intentions and requirements of the above matters.

- 10.6 Before the Developer enters into the Contract to carry out the Public Works but after receiving tender submissions under clause 10.3 the Developer must advise the Council of the Contract Price for the Public Works and obtain a Council resolution to proceed with the contract.

11. Termination of this Agreement Prior to Commencement of Public Works

- 11.1 If the Contract Price for the Public Works (as referred to in clause 10.6) exceeds the Estimated Costs by more than 20% of the Estimated Costs then either party may elect to terminate this Agreement prior to commencement of the Public Works.
- 11.2 The election to terminate the Agreement under clause 11.1 must be in writing and can only be exercised by either party within a period of 30 days from the date of the notification of the Contract Price (under clause 10.6).
- 11.3 The Developer agrees that no development (including any development that may be carried out without a construction certificate) approved by the Development Consents will be commenced:-
- (a) prior to any election time for the termination of the agreement under clause 11.2 expires (except for demolition on the Private Land); or
 - (b) after any termination of the agreement in accordance with clause 11.2.
- 11.4 If either party terminates the agreement under clause under 11.2 then the developer agrees to surrender or cause to be surrendered any Development Consent for the Development in accordance with s104A of the Act within 28 days from the termination of the agreement from clause 11.2
- 11.5 If this Agreement is terminated under this clause then the Council will remove any caveat and consent to the registration of this Agreement being removed from the title for the Private Land.

12. The Timing of the Public Works

- 12.1 The Developer must carry out the Public Works after any construction certificate is issued for the Development and prior to the issue of the final occupation certificate for the Development.
- 12.2 The Developer must not apply for or obtain any interim occupation certificate prior to the Completion of the Public Works unless the Council is satisfied with the pedestrian and vehicle access over the Public Land (or any other roads around the Public Land and Private Land, the operation of which may be affected by the carrying out of the Public Works) during the time from the issuing of the interim Occupation Certificate and to the Completion of the Public Works.

13. Council Progress Payments

- 13.1 The Developer agrees to pay its 33% share under clause 7.3 prior to the Council making any payments required under this Agreement.
- 13.2 Subject to clause 13.3 the Council will pay to the Developer the Councils 67% share under clause 7.4 by progress payments
- 13.3 The Council is not required to make any progress payment unless the Superintendent provides the Council with an authorised Certificate of Claim. Each Certificate of Claim will be provided to the Council on a monthly basis with a 30 day payment term..
- 13.4 The Developer must use Councils payments under this clause for payments towards the Public Works.

14 Practical Completion of Public Works

- 14.1 The Developer must submit to the Council at Practical Completion:
 - (a) full works- as-executed plans; and
 - (b) other documents and information which is required under the Contract and which Council reasonably considers is necessary for the use, operation and maintenance of the Public Works.
- 14.2 The Public Works will have achieved Practical Completion when:-
 - (a) Council is satisfied that the Public Works as shown in the full works-as-executed plans (required to be submitted to the Council by the Developer in accordance with this clause) show that the Public Works have been carried out in accordance with the final plans, specifications and details to be provided by the Council to the Developer in accordance with clause 10.2 except for minor omissions and minor defects:-
 - (i) which do not prevent the Public Works from being reasonably capable of being used for their intended purpose, and
 - (ii) which the Council determines that there are reasonable grounds for not immediately rectifying them, and
 - (iii) rectification will not prejudice the convenient use of the Public Works, and
 - (b) any tests which are required under the Contract to be carried out and passed before the Public Works reach Practical Completion have been carried out and passed.

- 14.3 The Developer must submit to the Council within 28 days from Practical Completion the following schedules prepared by a Quantity Surveyor:
- (a) a schedule of Final Costs of the Public Works up to and including the Practical Completion date together with relevant supporting documentation to the Council's satisfaction;
 - (b) a schedule of all the payments made by the Developer for the Public Works together with relevant supporting documentation (including invoices, payment advices and receipts);
 - (c) a schedule of the payments made by the Council;
 - (d) a schedule of any agreed variations to the Contract price with the supporting written agreement to the variations (in accordance with clause 17.2)
 - (e) a reconciliation schedule to determine whether any further payments are required between the parties to finalise the 33% payment share by the Developer under clause 7.3 and the 67% payment share by the Council
- 14.4 Any payments required by the reconciliation schedule in clause 14.3 (e) by either party must be made within 28 days from the submission by the Developer of this schedule and acceptance by the Council.

15 Access to the Public Land

- 15.1 The Council agrees to the Developer having the necessary entry onto and access to the Public Land and to occupy the Public Land at the appropriate time for the purposes of carrying out the Public Works in accordance with this Agreement.
- 15.2 The Council is to take such steps as are necessary to enable the Developer to enter and occupy the Public Lands for the purposes of enabling the Developer to carry out the Public Works under this Agreement.

16 Protection of People and Property

- 16.1 The Developer is to ensure as is reasonably practicable in relation to the carrying out of the Public Works that:
- (a) all necessary measures are taken to protect people and property;
 - (b) unnecessary interferences with the passage of people and vehicles is avoided; and
 - (c) nuisances and unreasonable noise and disturbances are prevented.

17 Variation of the Public Works and the Contract Price

- 17.1 The Public Works are not to be varied by the Developer unless:
- (a) the parties agree in writing to the variation; and
 - (b) any consent, approval or process required under the Act or any other law to the variations is first obtained and carried out.
- 17.2 The Contract Price is not to be varied by the Developer unless the Developer and the Council agree, in writing, to the variation.

18 Review of this Agreement

- 18.1 The Parties agree to review this Agreement if the Developer notifies the Council or the Council notifies the Developer that any change of circumstance has occurred, or is imminent, that materially affects the operation of this Agreement or the Council notifies the Developer that it considers that circumstances exist that justify the review.
- 18.2 For the purposes of clause 18.1, the relevant changes include (but are not limited to) any change to a law that restricts or prohibits or enables the Council or any other planning authority to restrict or prohibit any aspect of the Development.
- 18.3 For the purposes of addressing any matter arising from a review of this Agreement, the Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this Agreement.
- 18.4 If this Agreement becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties agree to do all things necessary to ensure that an enforceable Agreement of the same or similar effect to this Agreement is entered into.
- 18.5 A failure by a Party to agree to take action requested by the other Party as a consequence of a review of this Agreement is not a dispute for the purposes of the dispute resolution provisions of this Agreement.

19 Rectification of Defects

- 19.1 During the Defects Liability Period, Council may give the Developer a Rectification Notice.
- 19.2 Subject to the resolution of a dispute in accordance with this Agreement, the Developer is to rectify the defect at its own cost and to the reasonable satisfaction of the Council. For the sake of clarity, defects of a design nature (and not construction) are specifically excluded due to the civil works design having been provided and approved by the Council.
- 19.3 If the Developer breaches clause 19.2 the Council may have the relevant defect rectified and may recover its costs of so doing at the discretion of the Council either as debt due in a Court of competent jurisdiction or from the Security subject to clause 21.8.

20 Failure to Carry out Work

- 20.1 If the Council reasonably considers the Developer is in breach of any obligation under this Agreement relating to the carrying out of the Public Works, prior to Practical Completion being achieved the Council may give the Developer a notice requiring the breach to be rectified to the Councils reasonable satisfaction.
- 20.2 A notice given under clause 20.1 is to allow the Developer a period of not less than 28 days to rectify the breach or such further period as the Council considers reasonable in the circumstances.
- 20.3 The Council may carry out and complete the work the subject of a notice under Clause 20.1 if the Developer fails to comply with the notice to the Councils reasonable satisfaction. The Council may recover its costs of so doing at the discretion of Council either as a debt due in a Court of competent jurisdiction or from the Security subject to clause 21.8.
- 20.4 The Developer is to do all things reasonably necessary to enable the Council to exercise its rights under clause 20.3.

21 Provision of Security

- 21.1 The Developer is to provide the Council with the Security prior to entering into the contract to carry out the Public Works. .
- 21.2 The amount of a Security is to be indexed annually (commencing from the date of this Agreement) in accordance with the *Consumer Price Index (All Groups – Sydney) Published by the Australian Bureau of Statistics*
- 21.3 The Developer is to ensure that the Security held by the Council at all times equals the amount of Security so indexed.
- 21.4 The Developer may at anytime provide the Council with a replacement equivalent Security and, in such case the Council is to release and return to the Developer, as directed, the security it holds that has been replaced.
- 21.5 The Council is to release and return 95% of the security at Practical Completion of the Public Works.
- 21.6 The Council is to release and return the remainder of the security upon the expiration of the Defects Liability Period.
- 21.7 The Council may call up a Security if it considers, acting reasonably, that the Developer has not complied with any of its obligations under this Agreement including the carrying out of the Public Works (in accordance with clause 20.3) or rectifying a defect (in accordance with clause 19.3) or obtaining the appropriate insurances (in accordance with clause 22.3).

- 21.8 The Council is not to call up a Security under clause 21.7 unless it has given the Developer not less than 28 days' notice of its intention to do so and the Developer has not rectified the non-compliance to the Council's reasonable satisfaction before that period has expired and any dispute resolution process commenced by the Developer under clause 23 has been concluded.
- 21.9 If the Council calls up a Security it may use the amount paid in satisfaction of any costs incurred by it in remedying the non-compliance including but not limited to:
- (a) the reasonable costs of the Council's servants, agents and contractors reasonably incurred for that purpose;
 - (b) all fees and charges necessarily or reasonably incurred by the Council in order to have the Public Work carried out completed or rectified; and
 - (c) all legal costs and expenses reasonably incurred by the Council by reason of the Developer's non-compliance.
- 21.10 If the Council calls up a Security, it may, by a notice in writing to the Developer, require the Developer to provide a further or replacement Security in an amount that when added to any unused portion of any existing Security, does not exceed the amount of Security the Council is entitled to hold under this Agreement.

22 Indemnity and Insurance

- 22.1 The Developer will obtain an indemnity from the Builder which indemnifies the Council, its employees, officers, agents, contractors, the superintendent and workmen from and against all losses, damages, costs (including legal costs on a full indemnity basis), charges, expenses, actions, claims and demands whatsoever which may be sustained, suffered recovered or made arising out of or as a consequence of or in connection with the carrying out of the Public Works by the Builder (including its servants agents and contractors). This indemnity is to be obtained by and contained within the Contract for the Public Works and in a separate deed between the Developer, the Council and the Builder and this deed is to be completed at the same time as the Contract to carry out the Public Works.
- 22.2 The Developer is to take out and keep current to the satisfaction of the Council the following insurances in relation to the Public Works up until the time that the Public Works are taken to have been completed after the Defects Liability Period in accordance with this Agreement:
- (a) contract works insurance, noting the Council as an interested party, for the full replacement value of the Public Works (including the costs of demolition of the removal of debris, consultants fees and authorities fees), to cover the Developer's liability in respect of the damage to or

destruction of the Public Land or the Public Works as they are being constructed;

(b) public liability insurance for at least \$20,000,000 for single occurrence, which covers the Council, the Developer, the Builder and any contractor for liability to any third party; and

(c) any other insurance required by law

22.3 If the Developer fails to comply with this clause the Council may effect and enforce such insurances and pay such premiums as may be necessary for that purpose and the amounts it pays shall be a debt due from the Developer to the Council and may be recovered by the Council as it deems appropriate including:

(i) by calling upon the Security provided by the Developer to the Council under this Agreement in relation to the Public Work; or

(ii) recovery as a debt due in a Court of competent jurisdiction.

22.4 Prior to commencing the carrying out of any of the Public Works and whenever requested in writing by the Council the Developer is to provide to the Council satisfactory written evidence of all the insurances specified in this clause.

23 Dispute Resolution

23.1 This clause applies to any dispute under this Agreement. Such a dispute is taken to arise if one party gives another party a notice in writing specifying particulars of the dispute.

23.2 If notice is given under clause 23.1 the parties are to meet within 14 days of the notice in an attempt to resolve, in good faith, the dispute.

23.3 If the dispute is not resolved in a further 28 days the parties must mediate the dispute with a mediator to be appointed by agreement between the parties and, failing agreement as appointed by the Institute of Arbitrators and Mediators Australia.

23.4 If the dispute is not resolved by mediation within a further 28 days, or such longer period as may be necessary to allow any mediation process which has been commenced to be completed, then the parties may exercise their legal rights in relation to the dispute, including by the commencement of legal proceedings in a Court of competent jurisdiction in New South Wales.

24 Notices

24.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

- (a) delivered or posted to that Party at its address set out below;
- (b) faxed to that Party at its fax number set out below;
- (c) sent by document exchange to the DX number set out below;
- (d) e-mailed to that Party at its email address set out below.

Coffs Harbour City Council

Attention: Mr. George Stulle
 Address: 2 Castle Street, Coffs Harbour, NSW, 2450
 Locked Bag 155, Coffs Harbour, NSW, 2450
 Fax Number: 6648 4199
 Email: coffs.council@chcc.nsw.gov.au
 DX: 7559

Gowing Bros Ltd

Attention: Mr. Garth Grundy
 Address: Suite 21 Jones Bay Wharf,
 26-32 Pirrama Road, Pyrmont, NSW, 2009
 Fax Number: 9264 6240
 Email: ggrundy@gowings.com24.2

If a Party gives the other Party three business days notice of a change of its address or other details, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.

- 24.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:
- a) if it is delivered, when it is left at the relevant address;
 - b) if it is sent by post, two business days after it is posted;
 - c) if it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number;

- 24.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

25 Costs

- 25.1 Each party to this Agreement shall meet its own fees, charges and legal costs of this Agreement.

26 Entire Agreement

- 26.1 This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with.
- 26.2 No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

27 Further acts

- 27.1 Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Agreement and all transactions incidental to it.

28 Governing Law and Jurisdiction

- 28.1 This Agreement is governed by the law of New South Wales.
- 28.2 The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal.
- 28.3 The Parties will not object to the exercise of jurisdiction by those courts on any basis.

29 Joint and individual liability and benefits

- 29.1 Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by two or more persons binds them jointly and each of them individually, and any benefit in favour of two or more persons is for the benefit of them jointly and each of them individually.

30 Non Fetter

- 30.1 The Developer acknowledges and agrees that:
 - (a) in addition to its obligations under this Agreement the Council is also responsible for the conduct and administration of local government in the Coffs Harbour Local Government Area;
 - (b) this Agreement in no way affects Council's statutory obligations, functions, duties, discretions or powers, including without limitation, its obligations, functions or powers in respect of the Development Application, Development Consent any modification application and any other approvals required in respect of the Public Works to be carried out;
 - (c) nothing which the Council does or fails to do under this Agreement will limit or otherwise affect the Developer's obligations under the Development Consent; and

(d) nothing which the Council does, fails to do or purports to do in performing the Council's statutory functions or powers will constitute or amount to a breach of this Agreement.

30.2 If, contrary to the operation of this clause, any provision of this Agreement is held by a Court of Competent jurisdiction to constitute an unlawful fetter on any obligation, discretion, power or duty the parties agree:-

- (a) they will take all practical steps, including the execution of any further documents to ensure the objective of this clause is substantially satisfied; and
- (b) to endeavour to satisfy the common objectives of the parties in relation to the provision of this Agreement which is held to be an unlawful fetter to the extent that it is possible having regard to the relevant court judgement.

31 Representations and warranties

31.1 The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

32 Severability

32.1 If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

33 Modification

33.1 No modification of this Agreement will be of any force or effect unless it is in writing and signed by the parties to this Agreement.

34 Waiver

34.1 The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party.

34.2 A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given.

34.3 It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

35 GST

- 35.1 If any party reasonably decides that it is liable to pay GST on a supply made to the other Party under this Agreement and the supply was not priced to include GST, then a recipient of the supply must pay an additional amount equal to the GST on that supply.

EXECUTED as an Agreement on this ____ day of _____ 2014:

PARTY

Coffs Harbour City Council in the presence of:

Signature: _____

Delegate Name: _____

Position: _____

Signature: _____

Witness Name: _____

PARTY

Gowing Bros Limited ACN 000 010 471 in accordance with Section 127 of Corporations Law:

Signature: _____

Officer Name: _____

Position: _____

Signature: _____

Witness Name: _____

SCHEDULE A
PUBLIC WORKS

Document Prepared by	Document Title	Plan No.	Revision	Sheets
Coffs Harbour City Council	Harbour Drive/Gordon Street Intersection	Council Plan No. 2120510	D	cover sheet and sheets 1 through to sheet 15

Document Prepared by	Document Title	Plan No.	Revision	Sheets
Coffs Harbour City Council	Duke Street Proposed Duke Street Access Between Vernon St and Harbour Drive Coffs Harbour CBD	Council Plan No. 2120707	B	Sheet 2 of 2

SCHEDULE B
ESTIMATE OF PUBLIC WORKS

SCHEDULE C

PUBLIC BENEFITS OF THE PUBLIC WORKS

1. The carrying out of the Public Works in accordance with this Agreement will:
 - (a) result in these Public Works being carried out well before the Council had planned for these works to be carried out; and
 - (b) will result in cost savings to the Council for the provision of the works

2. The carrying out of the Public Works will achieve primary and secondary benefits as set out below:

Primary Benefits;

- (a) **Flood mitigation** in the CBD to reduce the risk of loss of property and loss of life at a high traffic CBD location.
- (b) **Pedestrian safety** to be improved by eliminating hazards associated with the current Gordon St crossing located a short distance from a prominent intersection. **Pedestrian access** will be improved by allowing pedestrians to conveniently and directly cross the intersection without having to divert some distance to the adjacent crossings.
- (c) **Traffic management** to be improved by reducing peak period congestion and traffic hazard risks associated with the current configuration of the intersection, crossings and parking bays.

Secondary Benefits;

- (a) **Revitalisation of the City Centre**
 - To provide a springboard for the revitalisation of the City Centre.
 - Reinforce the primacy of the City Centre delivered through modern design excellence and improved public amenity.
 - Improve the regional attractiveness of the Coffs Harbour City Centre;
 - Boost tourism visitation to the City Centre.
 - Activate Harbour Drive and Gordon Street and improve the connectivity throughout the City Centre.

(b) **Economic Benefits**

- Immediate capital stimulus of over \$6 million into the local economy during the construction phase;
- The creation of an estimated 76 construction jobs and 121 supplier multiplier jobs.
- The creation of an estimated 75 permanent new jobs in the City Centre and a further 30 multiplier induced jobs.
- Ongoing permanent salary income of \$2.4 million in the City Centre and \$1.6 million in multiplier induced income.
- Boost sales in the City Centre by over \$19 million.

REJECTION OF NOTICE OF MOTION

Purpose:

A notice of motion was received from a Councillor for consideration at this meeting of Council. There were concerns regarding the legality of the proposal in the motion and legal advice confirmed that the proposal was unlawful. Accordingly, under section 5.2(2) of the Code of Meeting Practice, the notice of motion was rejected.

LEGAL APPEAL - DEVELOPMENT APPLICATION NO. 876/12 – SUBDIVISION INTO ONE RESIDENTIAL TORRENS TITLE LOT PLUS 13 RESIDENTIAL COMMUNITY TITLE LOTS AND ONE COMMUNITY LOT - LOT 19 DP 1126372, 45 RUTLAND STREET, BONVILLE

Purpose:

To consider legal advice provided by Council's legal representative in relation to a Land and Environment Court appeal against Council's refusal of a development application for a subdivision into one (1) residential torrens title lot plus 13 residential community title lots and 1 community lot at 45 Rutland St Bonville.

Description of Item:

Development Application 876/12 was considered at Council's meeting on 27 February 2014.

At the meeting, Council resolved the following:

1. *That DA 876/12 for subdivision into one Torrens Title lot plus 13 community title residential lots and one community lot, at Lot 19 DP 1126372, 45 Rutland St Bonville, be refused on the grounds that:*
 - a) *It would result in significant loss of amenity to this neighbourhood*
 - b) *It is inconsistent with CHCC's Koala Plan of Management*
2. *That zoning review of the subject land, as per Council's resolution of 15 June 2006, be progressed.*

An appeal against Council's determination of refusal was filed with the Land and Environment Court on 4 April 2014.

As the respondent, Council engaged the services of a legal representative in the appeal.

Legal advice in relation to the Land and Environment Court Proceedings is a confidential attachment to this report (Attachment 1).

A section 34 conference was held on site on Friday 4 July. Conciliation in the Court is undertaken in accordance with Section 34 of the Court Act and this otherwise known as a Section 34 Conference. As this matter was determined by Council, the discussions held in the confidential conference are referred back to Council for a determination.

Sustainability Assessment:

- **Environment**

These issues were considered by Council when this matter was reported to Council on 27 Feb 2014.

- **Social**

These issues were considered by Council when this matter was reported to Council on 27 Feb 2014.

- **Civic Leadership**

These issues were considered by Council when this matter was reported to Council on 27 Feb 2014.

- **Economic**

Broader Economic Implications

These issues were considered by Council when this matter was reported to Council on 27 Feb 2014.

Delivery Program/Operational Plan Implications

To continue with the appeal, Council will incur legal representation costs which have not been allowed for in the operational budget.

Risk Analysis:

This is addressed within the confidential legal advice.

Consultation:

Letters were sent by Council's legal representatives to all objectors, giving them the option of attending the site inspection part of the Conference. Many of the objectors were present at the site inspection.

Statutory Requirements:

Section 79C of the Environmental Planning and Assessment 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.

Relevant Statutory Instruments:

- North Coast Regional Environmental Plan (deemed State Environmental Planning Policy)
- Coffs Harbour City Local Environmental Plan 2000
- Coffs Harbour City Local Environmental Plan 2013
- North Bonville Development Control Plan 2001
- Coffs Harbour Development Control Plan 2013

Recommendation:

That Council consider the advice provided and move the motion as detailed in the confidential attachment.

2014 LOCAL GOVERNMENT NSW CONFERENCE- VOTING DELEGATES FROM COFFS HARBOUR CITY COUNCIL

Purpose:

To appoint four voting delegates to represent Coffs Harbour City Council at the 2014 Local Government NSW Annual Conference to be held in Coffs Harbour on 19-21 October 2014.

Description of Item:

Local Government NSW (LG NSW) represents 152 general purpose councils, 12 special purpose councils and the NSW Aboriginal Land Council.

LG NSW represent the views of councils by:

- Advocating councils' views to governments.
- Promoting local government to the community.
- Providing specialist advice and services.

The Fair Work Commission Rules 2013 that apply to LG NSW, cl. 23 provides a scale for the number of delegates entitled to vote at each Annual Conference. Coffs Harbour City Council falls within Group 4 on the scale, with a population of between 50,000 and 100,000, thereby entitling the Council to be represented by 4 (four) voting delegates.

To facilitate the representation of Coffs Harbour City Council at the 2014 LG NSW Annual Conference, the following recommendation is made.

Recommendation:

That Coffs Harbour City Council resolve the nomination of the Mayor, Councillor [REDACTED], Councillor [REDACTED] and Councillor [REDACTED] as voting delegates for the 2014 LGNSW Conference.

DEVELOPMENT APPLICATION NO. 1018/14 – INSTALLATION OF TEMPORARY EVENTS SIGN – RAILWAY OVERBRIDGE, PACIFIC HIGHWAY NORTH, COFFS HARBOUR

Purpose:

The purpose of this report is to present Development Application No. 1018/14 for Council's consideration, which is an application for installation of a temporary events sign on the railway overbridge at the northern entrance to Coffs Harbour, for the purpose of publicising the Rally Australia event in the Coffs Coast Region.

At its meeting of 22 August 2013, Council adopted *Development Applications - Consideration by Council Policy* which outlined:

That development applications for approval involving substantial aspects of the following elements be referred to Council for determination:

- *Significant public interest and community input;*
- *Substantial non-compliance with relevant strategic controls;*
- *Significant land use;*
- *Major environmental issue(s).*

In accordance with this resolution, the application is reported to Council for determination, as the proposal is requesting a variation to a development standard for the temporary use of land in the Coffs Harbour City Local Environmental Plan 2013, to allow the sign to be erected for a period not exceeding 60 days.

The Development Application is recommended for conditional approval.

Description of Item:

The proposal involves installation of a 6 metre x 3 metre temporary events sign comprising a lightweight synthetic material on a wire mesh backing. The sign will consist of a screen printed graphic design, which will be anchored to the railway bridge prior to and for the duration of the Rally Event.

Rally Australia is seeking approval for the sign to be installed for a temporary period not exceeding sixty (60) days and for the sign to be erected each year to publicise the rally event. The design and content of the sign will change depending on the event and given the high profile nature of the site, it is considered reasonable that Council manage the final design and content of the sign by requiring Rally Australia to obtain a Section 138 approval from Council on each occasion that the sign is proposed to be installed.

Plans of the proposed development, including a plan of the railway overbridge and an indicative sign details plan, are included in this report as Attachment 2.

Sustainability Assessment:

• Environment

There are minimal environmental considerations associated with the development. While the railway overbridge is highly visible, the potential visual amenity and aesthetic impacts of the development are considered negligible, when considered in the context of the site.

- **Social**

The installation of temporary events signage for large scale events in high visibility areas such as transport corridors is relatively commonplace. State government authorities such as the Roads and Maritime Services (RMS) and Australian Rail Track Corporation (ARTC) have developed policies to manage signage within major transport corridors and the current proposal is generally consistent with those policies.

- **Civic Leadership**

The proposed development has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and relevant Council controls and policies. The proposed development is consistent with the aims and objectives of the Coffs Harbour 2030 Community Strategic Plan.

- **Economic**

Broader Economic Implications

The Rally Australia event is a large scale event that provides direct and indirect economic benefits to the region.

Delivery Program/Operational Plan Implications

The proposed development will have no immediate or longer term impacts on Councils budget.

Risk Analysis:

A risk analysis has been undertaken and it is considered that approval of the development as recommended, does not pose a significant risk to Council. It is noted that Rally Australia will be responsible for the installation and removal of the sign and will need to demonstrate appropriate public liability insurance to the satisfaction of all approval authorities.

Consultation:

The application was referred to internal Council departments and external government agencies and comments were received as follows:

- **Internal Consultation**

Comments were received from City Infrastructure Services raising no concerns with the proposal, subject to concurrence being obtained from the relevant state government authorities.

- **Statutory Consultation**

The application was referred to the RMS for their concurrence under Section 138 of the Roads Act 1993. The RMS issued concurrence to the development and their conditions have been included in the proposed notice of determination.

The application was reviewed by the ARTC, who also issued conditional approval and their conditions have been included in the proposed notice of determination.

Related Policy and / or Precedents:

The RMS's Policy for Banners on Bridges has been used as a guideline in the preparation of the current development application.

Statutory Requirements:

- **Section 79C Evaluation**

Section 79C of the Environmental Planning and Assessment 1979, specifies the matters which a consent authority must consider when determining a development application.

A section 79C evaluation is provided as Attachment 1.

- **Relevant Statutory Instruments**

- State Environmental Planning Policy No. 64 – Advertising and Signage;
- State Environmental Planning Policy No.71 – Coastal Protection;
- Coffs Harbour Local Environmental Plan 2013;
- Coffs Harbour Development Control Plan 2013.

Each of these statutory instruments is considered in detail in the Section 79C assessment appended to this report.

Issues:

The sign is proposed to be located on the railway overbridge at the northern entrance to Coffs Harbour. The railway overbridge is located within the Pacific Highway road reserve, which is zoned SP2 Infrastructure and designated for the purpose of "Classified Road" pursuant to Coffs Harbour City Council Local Environmental Plan (LEP) 2013.

Signage is not permissible with consent in the zone, unless it is ordinarily incidental or ancillary to the purpose of the land. However, the sign may be considered pursuant to Clause 2.8 of the LEP as a temporary use of land.

The LEP specifies that approvals granted by Council for the temporary use of land are restricted to a maximum period of 30 days. The Applicant has requested that Council approve an extension on the time period for display of the sign, to give sufficient time to publicise the event. In the circumstances, the request is considered reasonable and it is recommended that Council utilise Clause 4.6 of the LEP to vary the development standard and extend the time period for display of the sign from 30 days to 60 days.

Implementation Date / Priority:

In the event that Council adopts the recommendation, a formal notice of determination will be issued for the development application and persons who made a submission will also be notified. A formal notice of determination is valid for five years and the applicant can act on the development consent at any time within that period, subject to meeting any relevant conditions of the consent.

Recommendation:

1. **That Development Application No. 1018/14 for installation of temporary events sign on the Railway Overbridge, Pacific Highway North, Coffs Harbour be approved subject to the conditions in Attachment 3.**
2. **That the Roads and Maritime Services and Australian Rail Track Corporation be advised of Council's determination.**

**Development Application No. 1018/14
Section 79C Assessment**

a. the provisions of,

i. any environmental planning instrument, and

• State Environmental Planning Policy (Infrastructure) 2007

The proposed temporary events sign will be located on a railway overbridge which straddles the Pacific Highway. Schedule 1 of the SEPP makes certain provisions for temporary events signs to be exempt development, however the proposed sign exceeds the maximum size requirements and the application was referred to the RMS subject to the provisions of Clause 101 "Development with frontage to classified road" under this Policy.

The RMS reviewed the application and granted their concurrence, noting that the application requires a Section 138 approval to be issued by Council as the relevant roads authority and that a separate roads occupancy license would be required from the RMS. The RMS comments were considered during the assessment of the proposed development and inform the proposed conditions of development consent.

• State Environmental Planning Policy No. 64 – Advertising and Signage

The policy applies to signage in NSW which is visible from a public place or public reserve and the proposed sign is required to be considered against the provisions of the Policy. Clause 8 of the SEPP requires Council to be satisfied that:

- (a) the signage is consistent with the objectives of the Policy as set out in clause 3 (1) (a), and
- (b) the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

The proposed signage complies with the objectives of the Policy and is not considered to be incompatible with the desired amenity and visual character of the area. The proposed signage will be effective in its communication of a temporary event and will be required to be removed within 60 days of being erected.

The proposal has been assessed in accordance with Schedule 1 of the Policy, as follows:

- The proposed signage is not incompatible with the desired amenity and visual character of the area as a business precinct.
- The proposal is unlikely to compromise important views or vistas, and is unlikely to dominate the skyline.
- The proposed signage is appropriate in relation to streetscape, setting, and landscaping.
- The signage is compatible with the site attributes.
- Sign content and attributes will be managed by Council.
- Direct illumination is not proposed.
- The signage is unlikely to pose a risk for traffic safety, pedestrians, or cyclists.

Attachment 1

• **State Environmental Planning Policy No. 71 – Coastal Protection**

The proposed development is considered to be consistent with the aims of the policy and satisfies the relevant matters for consideration. The clause of relevance is discussed further below:

Clause 7 – Application of Clause 8 Matters

Clause 7 of the SEPP requires Council to take matters as listed in Clause 8 into consideration when determining development applications. Clause 8 matters have been taken into consideration in the assessment of the proposed development.

- The proposal is considered to meet the aims of the Policy.
- The proposal will not impede or diminish public access to and along the coastal foreshore.
- The site is not subject to Aboriginal cultural heritage significance.
- The site does not contain any known items of heritage, archaeological or historic significance.
- The proposed development will not impact upon the scenic quality of the surrounding locality.
- The site is not subject to any coastal hazards.
- The site is located within an established transport corridor. The proposed development is considered suitable in type, location and design, given the context of the locality.
- The proposal will not result in any significant impacts to flora and fauna present on the site.

• **NSW Coastal Policy 1997**

The subject site is located in the Coastal Zone, and accordingly the provisions of the NSW Coastal Policy, the Coastline Management Manual and the North Coast Design Guidelines are relevant considerations. The site, whilst located in the Coastal Zone is distant from the foreshore. The development satisfies the design controls of the North Coast Design Guideline.

• **Planning Circular PS 08-014 – Reporting Variations to Development Standards**

In November 2008, the then Department of Planning (DoP) issued a Planning Circular outlining new requirements in relation to the determination and reporting of development applications involving variations to development standards under State Environmental Planning Policy No.1 – Development Standards (SEPP No.1) or similar provisions under the Standard Instrument (clause 4.6). The circular requires that all applications which propose a variation to development standards of greater than 10% under State Environmental Planning Policy No.1 – Development Standards or clause 4.6 of the Standard Instrument be determined by full Council rather than under delegated authority.

The application proposes to vary the development standard contained within clause 2.8 of the LEP for temporary use of the land, to extend the time period for the display of the sign from 30 days to 60 days and is therefore reported to Council in accordance with these provisions.

Attachment 1

- **Coffs Harbour Local Environmental Plan 2013**

The land is zoned SP2 Infrastructure. The proposal is for “signage” which is not permissible with consent in this zone. The following clauses of the LEP are relevant to the proposal:

(1.2) Aims of Plan

The development is consistent with the aims of the Coffs Harbour Local Environmental Plan 2013, in particular, the development supports a strong and diverse economy and is appropriate to its setting and relevant site attributes.

(2.3) Zone objectives and land use table

The proposal is generally consistent with the objectives of the SP2 Zone and will not detract from the provision of infrastructure.

(2.8) Temporary use of land

Despite any other provisions of the Plan, the clause provides for the temporary use of land for a maximum period of 30 days, subject to the use not compromising future development or having detrimental effects. In this instance it is considered that the use is appropriate for the site and there is minimal risk associated with the proposal.

(4.6) Exceptions to Development Standards

A request has been received from the Applicant for consideration of a variation to the development standard for temporary use of land. Planning Circular PS 08-003 allows Council to assume the Director-Generals concurrence in respect to an exception to the standard.

The proposed extension of time from 30 days to 60 days is considered reasonable and will give sufficient time for Rally Australia to erect the sign, publicise the event and remove the sign.

It is recommended that Council support the variation request.

(5.5) Development within the Coastal Zone

In accordance with this clause development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered the matters outlined with Clause 5.5.

The development will not impede or diminish public access to (or along) the coastal foreshore, impact the amenity of the coastal foreshore, adversely impact the visual amenity of the coast or biodiversity and ecosystems. The proposed development will not be significantly affected by coastal hazards or have a significant impact on coastal hazards, or increase the risk of coastal hazards in relation to any other land.

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

There are no draft planning instruments relevant to the application.

iii. any Development Control Plan (DCP)

• **Coffs Harbour Development Control Plan 2013**

The following component of the DCP is relevant to the proposal:

(C4) Signage Requirements

The DCP does not reference or provide development standards for temporary events signage. However the general requirements for signage can be applied to the proposal in relation to design, content, compatibility with the locality and impacts.

The proposed signage is not incompatible with the desired amenity and visual character of the area and is unlikely to compromise important views or vistas. The sign design and content will be of a high quality and managed by Council for the purpose of publicising a large scale temporary event. The signage is unlikely to pose a risk for traffic safety, pedestrians, or cyclists.

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 requires Council to consider the provisions of the Coastal Policy 1997 and AS2601-1991 - Demolition of Structures. The proposal satisfies these requirements.

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,

• **Natural and built environment**

The sign will be anchored to the steel structure of the bridge in accordance with an engineer approved design that will account for wind loading and movement of trains. There are no adverse natural or built environment impacts expected from the installation of the sign.

• **Social and economic impacts**

The development supports a large scale temporary event which will have a number of positive social and economic impacts in the region.

c. the suitability of the site for the development,

As noted previously, the ARTC and RMS are generally supportive of banners being erected on bridges to publicise temporary events. The current proposal is consistent with these policies and the site is considered suitable for the proposed development.

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

The application was not publicly exhibited and no submissions were received.

e. the public interest,

The proposed development does not present any issues that are contrary to the public interest and approval of the development is recommended.


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NEW POSSIBILITIES.

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COFFS COAST NSW
rally4
AUSTRALIA 11-14 SEPT 2014



EXPERIENCE
SERIOUS FUN

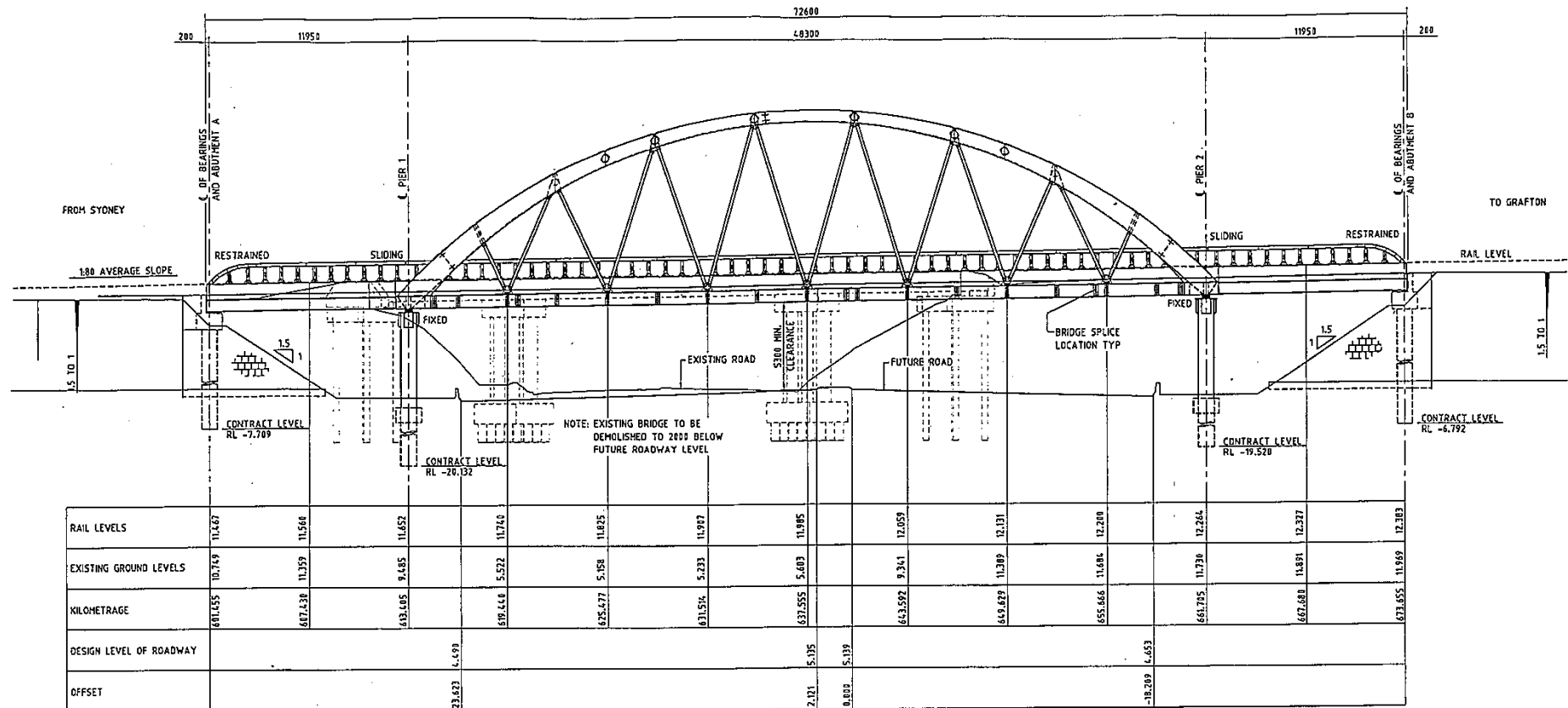


coateshire



FIA WORLD RALLY CHAMPIONSHIP INTERNATIONAL PARTNERS



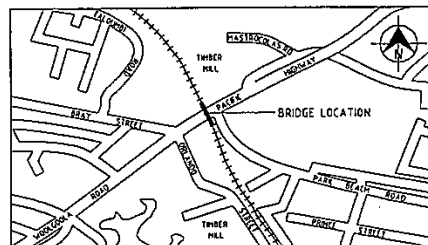


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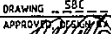
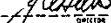
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GENERAL NOTES

SCALES AS SHOWN.
DIMENSIONS ARE IN MILLIMETRES.
CHANGES AND REDUCED LEVELS ARE IN METRES.
REDUCED LEVELS ARE RELATED TO AUSTRALIAN HEIGHT DATUM.



SITE PLAN
NOT TO SCALE

ROADS AND TRAFFIC AUTHORITY OF NSW			
S.H. No. 11		CITY OF COFFS HARBOUR	
RECONSTRUCTION OF MAIN NORTHERN RAIL LINE BRIDGE OVER S.H.10 PACIFIC HIGHWAY .198 km NORTH OF COFFS HARBOUR			
GENERAL ARRANGEMENT - SHEET A			
Connell Wagner Engineers - Managers GNSW3436NFMAL13BDFCS197_42		Connell Wagner Pty Ltd ACN 003 084 072 100 Murray Road, North Sydney, New South Wales, Australia Telephone: 02 9558 3666, Facsimile 02 9558 1544	
PREPARED C.M.H.		CHECKED K.C.	
DRAWING S.B.C.		RZ	
APPROVED  CHIEF		REGD. No. OF PLANS 0010 110 BC 1552	
APPROVED  CHIEF		SHEET No. 2 No. OF SHEETS 27	

Proposed Conditions Development Application No. 1018/14**Schedule of Conditions****ADMINISTRATIVE CONDITIONS****Development Description:**

1. Development consent is granted only to carrying out the development described in detail below:
 - ***Temporary Event Sign***

Prescribed Conditions:

2. The proponent shall comply with the prescribed conditions of development approval under Clauses 97A, 98, 98A - E of Environmental Planning and Assessment Regulation 2000 as are of relevance to this development.

Development is to be in accordance with approved plans:

3. The development is to be implemented in accordance with the plans set out in the following table except where modified by any conditions of this consent (Development Consent No.1018/14DA).

Plan No. / Supporting Document(s)	Prepared by	Dated
Site Location	Rally Australia	2014
Sign Details	Rally Australia	2014

In the event of any inconsistency between conditions of this development consent and the plans referred to above, the conditions of this development consent prevail.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

Design Approval

4. The Applicant must submit the proposed design and content of the sign to Council for final approval prior to installation.

Limit of Approval

5. This development consent allows for the installation of the approved sign for a maximum period of sixty (60) days, after which time the sign is to be removed. Separate Council approval must be obtained for any proposed extension of time.

/2

Development Application No. 1018/14**Schedule of Conditions**

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**Construction Certificate:**

6. No building work is to commence on site until a Construction Certificate has been issued for the work and Council has been notified that a Principal Certifying Authority has been appointed.

Design plans for installation of the sign must be prepared by an accredited Engineer based on the relevant wind loading for railway overbridges.

PRIOR TO COMMENCEMENT OF WORKS**Road Reserve:**

7. Prior to commencement of any works in the road reserve, a Section 138 Application under the Roads Act 1993, shall be lodged with and approved by Council. The following details must be submitted to Council in order to obtain the Section 138 approval:

- Copy of approved design plans related to the development and/or proposed works to be undertaken.
- Evidence of a minimum \$20 million public liability insurance.
- Site specific Traffic Management Plan.
- Safe Work Method Statement for all works within the road and rail corridor
- Evidence of accreditation for Personnel and Protection Officer working in the rail corridor.

A separate Section 138 approval must be obtained for each occasion that the sign is proposed to be installed.

RMS Approval:

8. A minimum of ten working days prior to the proposed commencement of any works in the road reserve the proponent must apply to Roads and Maritime Services for a Road Occupancy Licence. All requirements and conditions associated with the application for Road Occupancy Licence must be met to the satisfaction of Roads and Maritime Services prior to the commencement of any works.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE**Occupation Certificate:**

9. A person must not commence occupation or use of the approved development **prior to obtaining an Occupation Certificate** from the Principal Certifying Authority.

JOINT REGIONAL PLANNING PANEL (NORTHERN REGION) – COUNCIL MEMBERS NOMINATION

Purpose:

The purpose of the report is for Council to nominate two Council members, plus an alternate, to the Joint Regional Planning Panel (Northern Region).

Description of Item:

The Northern Joint Regional Planning Panel (JRPP) is made up of five members. Three of the members, plus alternates, are appointed by the Minister. Two members, plus an alternate, are nominated by Council for appointment by the Minister. The maximum term of appointment to a JRPP is three years.

The current Council JRPP members are the Mayor, Deputy Mayor and Councillor Townley (alternate member). The previous term of appointment was 12 months and expired on 30 June 2014. It is recommended that the subsequent re-nomination of Council members be for a period of approximately two years, which will align with the term of the current Council.

Sustainability Assessment:

- **Environment**

There are no environmental issues associated with the nomination and appointment of Council members to the Panel.

- **Social**

There are no environmental issues associated with the nomination and appointment of Council members to the Panel.

- **Civic Leadership**

The nomination of Council members to the Panel ensures that there is local representation in decision making that has regional significance.

- **Economic**

Broader Economic Implications

There are no economic implications associated with the nomination and appointment of Council members to the Panel. Council Panel members are paid a small fee for their services.

Delivery Program/Operational Plan Implications

There are no expected implications on Councils Delivery Program/Operational Plan associated with the nomination and appointment of Council members to the Panel.

Risk Analysis:

A risk assessment has been carried out and it is considered that endorsement of the recommendation does not present a risk to Council.

Consultation:

The report is self-explanatory and has not required any consultation.

Related Policy and / or Precedents:

The nomination of Council members to the Panel is a recurrent and necessary process, undertaken by all NSW Councils.

Statutory Requirements:

The nomination and selection of Council members to the Panel is a formal process enacted in accordance with the JRPP Operational Procedures.

Implementation Date / Priority:

The matter will be dealt with immediately following Council's resolution.

Recommendation:

That Council nominate the following persons to be members of the Joint Regional Planning Panel (Northern Region):

- Mayor
- Deputy Mayor
- Councillor (alternate member)

Effective to 10 September 2016.

JETTY4SHORES STAGE 1 - JETTY WALKWAY PROJECT UPDATE - ARTC LICENCE

Purpose:

To present Council with an update of progress on the Jetty4Shores Project, specifically in relation to a licence across the rail land to allow for construction of the Stage 1 – Jetty Walkway.

Description of Item:

At the Council meeting of 24 October 2013, Council adopted the Jetty4Shores Project Concept Plan, implementation plan and preliminary budgets, at which time it was resolved:

1. *That Council adopt the Jetty4Shores Concept Plan, implementation plan and preliminary budget estimates (Attachment 5).*
2. *That Council make application for an interest subsidy under Round 3 of the Local Infrastructure Renewal Scheme (LIRS).*
3. *That Council use the initial allocation of \$300,000 in its 2013/2014 Operational Plan to commence detailed design and environmental assessments, with the balance, and the corresponding annual allocation in the Long Term Financial Plan for the Jetty4Shores Project, to secure loan funds, repayable over 10 years.*
4. *That Council progress the Jetty4Shores Project Concept Plan by undertaking a detailed design of Stage 1 - Jetty Walkway (including environmental assessment) and proceeding to construction, subject to the granting of a lease across the ARTC land and securing loan funds.*
5. *That Council undertake detailed design and all necessary environmental assessments of Stage 2 - Kiosk Area (steps and paving), Stage 3 - Market/Picnic Area and Stage 4 – Boardwalk (north of jetty pier), including the engagement of a coastal engineering consultant.*
6. *That a report be brought back to Council on completion of the detailed design and environmental assessments of Stages 2-4, which also includes options for further funding of the Jetty4Shores Concept Plan.*
7. *That Council continue to consult with relevant stakeholders during the detailed design phase of each stage of the Jetty4Shores Project.*
8. *That Council continue to analyse community feedback at the detailed design phase of the Jetty4Shores Project, for opportunities to include appropriate design elements into the design.*
9. *That Council commence a Planning Proposal to amend Coffs Harbour LEP 2013, to address the inconsistency between the Jetty4Shores Concept Plan (which provides for public domain improvements) and the existing LEP provisions (which provides for residential built form) for the RE1 Public Recreation Zone within the study area.*
10. *That a Project Plan for a Precinct Planning exercise (incorporating a community participation plan) for the wider Jetty and Foreshores area be brought back to Council in 2014, aimed at developing a long term community vision for future landuses and associated planning provisions in the locality.*
11. *That Council thank the Jetty4Shores Community Reference Group for their involvement in the project.*

Work is well underway in accordance with the overall resolution of Council of 24 October 2013. An update report was brought before Council in February 2014 on all aspects of this project, and Councillors were briefed with a project update on 7 July 2014.

Detailed design of Stage 1 – Jetty Walkway is well underway in accordance with Resolution 3, with the carpark of that stage already constructed. It is anticipated that the design of the four metre-wide walkway, lighting, landscaping and decorative elements will be completed within the next two months; with construction able to commence once a licence agreement is signed with Australian Rail Track Corporation (ARTC). The removal of the carpark adjacent to the Jetty structure and its reinstatement to grass is scheduled to be undertaken after the January 2015 holiday period.

The purpose of this report is to advise Council that negotiations are well underway with ARTC in accordance with Resolution 4. ARTC has advised that they will issue a licence at a peppercorn rental, rather than a lease, over part of the rail land to allow for construction of Stage 1 (refer Attachment 1). As Resolution 4 was for the issuing of a lease across the rail land, it is important for Council to note this change.

Sustainability Assessment:

- **Environment**

The work is subject to approval under Part 5 of the Environmental Planning and Assessment Act 1979.

- **Social**

The development of the community spaces in the proposed Concept Plan study area will enhance social opportunities for the community. Consultation with key stakeholders and leasees in the study area has been ongoing through the detailed design stage.

- **Civic Leadership**

The Jetty Foreshores form an important social space for local residents and visitors alike. The Concept Plan works towards achieving the outcomes identified within the Coffs Harbour 2030 Plan, including strategies such as building pride and identity in Coffs Harbour as a community and a place; and creating facilities and services that allow the community to reach its full potential.

- **Economic**

Broader Economic Implications

The appropriate development of the public aspects of the Foreshore will assist in developing and attracting visitors to the overall Jetty Foreshores locality. This has broad positive economic impacts for the entire City and the region.

Delivery Program/Operational Plan Implications

Proposed loan borrowings for the Jetty4Shores were indicated in the 2013/14 Operational Plan and were included in Council's 2013/2014 'Loan Borrowing Return' previously submitted to the Division of Local Government.

Risk Analysis:

A licence offers inherent limitations which are not incurred with a lease. A grant of licence over the land will be dependent on the rights of the lessee (ARTC) and land owner (the Crown).

Specifically the license offered by ARTC provides:

- 1.1 This licence confers no right of exclusive occupation of the Land to the Licensee and ARTC may at any time exercise any of its rights as lessee under the Head Lease.
- 1.2 The rights conferred by this Licence rest in contract only and do not create or confer upon the Licensee any tenancy, estate or interest in or over the Land and the rights of the Licensee under this Licence will be those of a licensee only and do not comprise or include any further or other rights.

ARTC require a license agreement to be in place prior to providing consent to the commencement of work on rail land.

Consultation:

There has been extensive consultation for the life of the project. The final draft Concept Plan 2013, implementation plan and preliminary budget estimates were amended in response to submissions received.

Related Policy and / or Precedents:

Council has a responsibility under its care, control and management of the land that is being investigated as part of this project as the Corporate Manager of Coffs Coast State Park Reserve Trust. The Reserve Trust is obliged to undertake the planning for the Foreshores.

Statutory Requirements:

As Corporate Manager of the Reserve Trust, Council is obliged to follow the Coffs Harbour Jetty Foreshores Plan of Management June 2008. Implementation of Stage 1 of the adopted Jetty4Shores Concept Plan is part of this process.

Issues:

A lease or licence are both a contractual agreement between a party (lessor or licensor) and another party (lessee or licensee) that binds both parties to the terms of the agreement. However, a licence offers inherent limitations which are not incurred with a lease.

A lease is a transfer of right to enjoyment (exclusive possession) of that property by the lessor to the lessee, made for a certain fixed period (term) in consideration of a fee subject to the terms set out in the lease agreement. It creates an interest in the land which can be transferred to the lessee for the period of the lease, and is not revocable (other than subject to any conditions set out in the lease (e.g. a redevelopment clause)).

A licence is the granting of a permission to use the land in consideration of a fee subject to the conditions set out in the licence. It does not grant exclusive possession and does not create or transfer an interest in the land. In this instance the Licensor reserves the right to terminate the licence agreement, in certain circumstances, including in the event of termination or expiration of the Head Lease. *Note: The Head Lease is in place until 3 September 2064.*

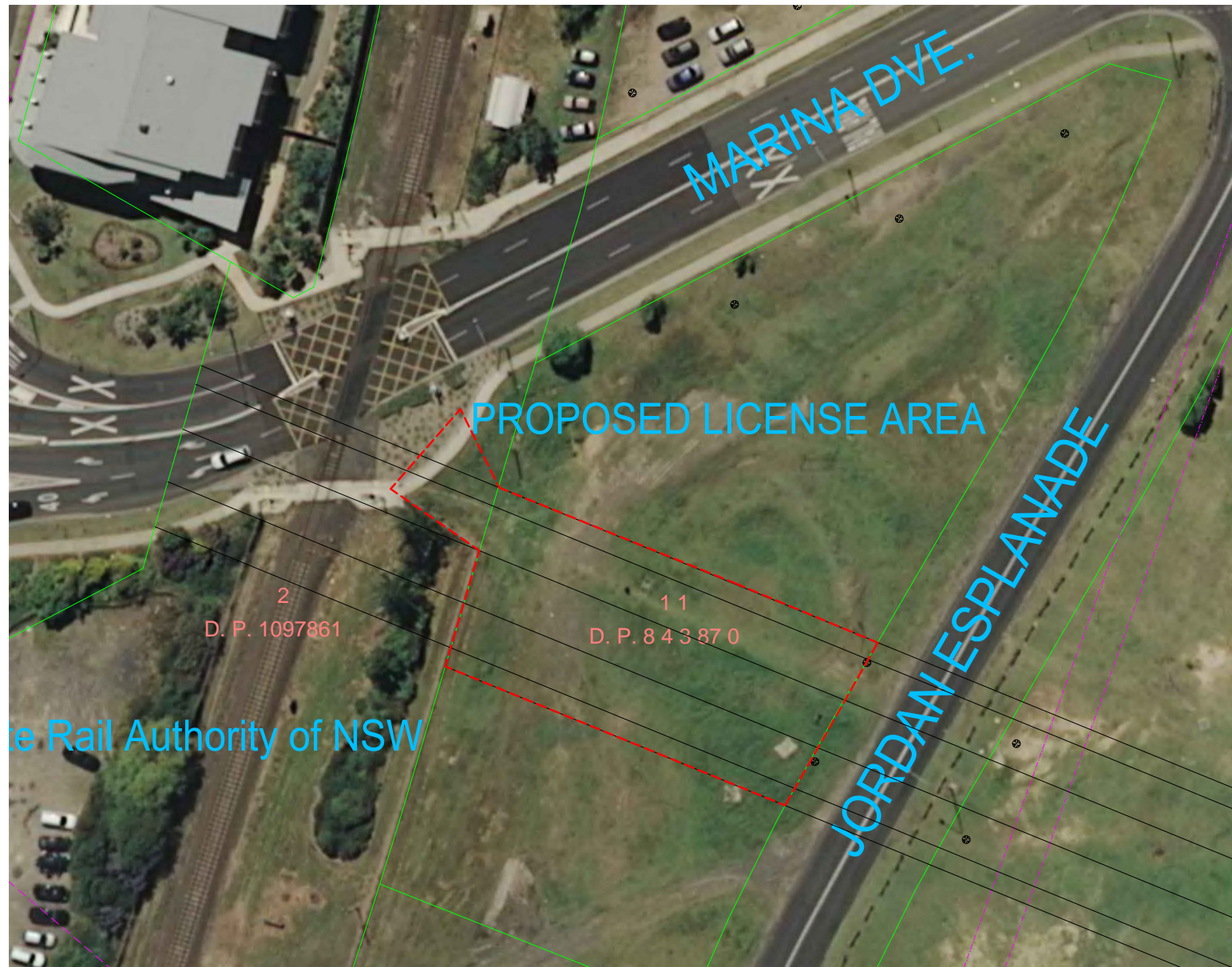
Accordingly, Council needs to be aware of the inherent limitations that a licence offers for this project, by noting this report. Specifically there is no registered interest in the land, the licence is not exclusive to Council's use and it is dependent on the rights of the lessee and land owner who may or may not choose to allow the continuation of the licence in the future.

Implementation Date / Priority:

The walkway can be built over the rail land once the licence is signed.

Recommendation:

1. That Council note a licence, rather than a lease, will be issued by Australian Rail Track Corporation at a peppercorn rental across rail land to allow for the construction of the Jetty4Shores Stage 1 – Jetty Walkway.



WARNING - DO NOT CONSTRUCT FROM THIS PLAN UNLESS SIGNED AS APPROVED

[illegible]

COFFS HARBOUR REGIONAL AIRPORT 2014 MASTER PLAN UPDATE

Purpose:

The purpose of this report is to present to Council for adoption the Coffs Harbour Regional Airport 2014 Master Plan update.

Description of Item:

The Master Plan is a strategic document that provides a blueprint for the future development and operation of the Coffs Harbour Regional Airport (CHRA). A copy of the 2014 Master Plan update is attached.

The original Master Plan was approved by Council in 1994 and was subsequently reviewed in 2004 and further updated in 2007 and 2011. The 2011 Terminal Precinct Master Plan (TPMP) which addressed the southern sector of the Airport, ie the area generally south of Runway 10/28. The TPMP's main focus was the area in the immediate vicinity of the passenger terminal. It therefore replaced and updated the planning provisions contained in the 2004 Master Plan (as amended in 2007) for this area.

This 2014 Master Plan update is primarily focused on the northern sector of the Airport, ie the area generally north of Runway 10/28 which amongst other things accommodates the Airport's General Aviation (GA) activities. Notwithstanding this focus, the opportunity has also been taken to update parts of the 2011 TPMP and earlier documents where changes have occurred.

Sustainability Assessment:

- **Environment**

Environmental issues will be dealt with in accordance with the legislation at the time. Infrastructure will be upgraded/constructed in accordance with the Plan.

- **Social**

CHRA plays a vital role in the economic and social wellbeing of the Coffs Coast and beyond.

With well planned, modern and efficient airport infrastructure CHRA should continue to attract new generation aircraft that are more fuel efficient and environmentally friendly.

- **Civic Leadership**

The adoption of this Plan will provide a solid platform for CHRA to remain an important regional hub for air travel to and from the Coffs Coast, which is vital to enable the strategies of the Coffs Harbour 2030 Plan to be achieved.

- **Economic**

Broader Economic Implications

The issues identified and actions recommended in the 2014 Master Plan will ensure that the CHRA is further improved in a timely and appropriate manner to meet the growth potential of aviation in this region.

CHRA is an important transport hub on the mid-north coast of NSW and is well placed to retain its position as one of the best regional airports in Australia.

CHRA makes a significant financial contribution to the local economy and the region.

Delivery Program/Operational Plan Implications

The Airport forward financial plan includes significant operational costs over the next ten years. These can only be funded by increased passenger throughput and appropriate commercial development to increase non-passenger revenue, which requires timely and appropriate upgrading of infrastructure and facilities as identified in the Master Plan.

Risk Analysis:

We have a robust business planning system in place and, as such, there is no additional risk to Coffs Harbour City Council associated with this contract.

Consultation:

Airport Master Planning Consultants (AMPC) undertook extensive research and consultation with industry and stakeholders including:

- Bureau of Meteorology
- Civil Aviation Safety Authority
- Airservices Australia
- Qantas
- Virgin Australia
- Coffs Harbour City Council
- The Airport Group
- CUSP Landscape Architecture Urban Design
- Bureau of Infrastructure, Transport and Regional Economics
- Australian Airports Association – Publications
- Department of Infrastructure and Transport
- GHD – ANEF Technical Report 2014
- Eaglecopters.

Related Policy and / or Precedents:

This is a further update of the original Airport Master Plan adopted by Council in 1994 and subsequently reviewed in 2004, updated in 2007 and further updated with the Terminal Precinct Master Plan in 2011.

Statutory Requirements:

The Airport is certified under regulation 139.050 of the Civil Aviation Safety Regulations (1998).

Council is required to operate the Airport in accordance with the Civil Aviation Safety Regulations' requirements and part 139 of the Manual of Standards (MOS).

Issues:

There are no new issues of significance identified in this Plan. The Plan gives greater clarity to the future improvements required in and around the General Aviation precinct.

Implementation Date / Priority:

Changes identified in the 2014 Airport Master Plan will be introduced over the life of the plan (ten years) and will be triggered by passenger growth and/or commercial opportunities.

Recommendation:

That Council adopt the Coffs Harbour Regional Airport 2014 Master Plan update.



Coffs Harbour Regional Airport

2014 Master Plan Update



August 2014

COFFS HARBOUR REGIONAL AIRPORT 2014 MASTER PLAN UPDATE

Report Status

Revision	Date	Issued to	Prepared By	Approved By
V1 – Initial Draft	10 September 2013	D Martin	D Lloyd/R Neal	G Milner
V2 – Final Draft	9 July 2014	D Martin	D Lloyd/R Neal	G Milner
V3 - Final	15 July 2014	D Martin	D Lloyd/R Neal	G Milner
V4 – Final with Amendments	6 August 2014	D Martin	D Lloyd/R Neal	G Milner

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Technical Limitations - This document was prepared to meet the objectives outlined in the AMPC proposal for the works. Reports are typically based on a limited set of data. Provision of additional survey or other investigations and information may improve the report or yield different results, due to a range of factors including engineering, survey or geotechnical investigations. Extreme care should be taken, and no warranty is provided, in the application of any costs or contingent liabilities derived using the data or conclusions within this report.

Air Traffic Forecasts – The forecasts presented in the **Executive Summary and Chapter 4** have been agreed with by Coffs Harbour City Council. They were prepared on the basis of the most current information and data at the time. However, forecasts are subject to such things as airline decisions re routes, types of aircraft, economic conditions etc and will therefore need to be reviewed as and when changes occur.

Confidentiality - This report was prepared for Coffs Harbour City Council and may contain confidential information. If you receive this report in error, please contact Coffs Harbour City Council and they will arrange collection of this document.

Preparation of Drawings - The drawings were prepared for the sole use of Coffs Harbour City Council and may contain confidential information. The drawings must be read in conjunction with this report. The latest version of the relevant drawing should be confirmed prior to use. AMPC does not accept any liability whatsoever for data used in the report preparation that was provided by other parties or when existing conditions on or near the site have changed since the data was prepared. Base image and plan details are approximate only and have been based on aerial photography. Drawings are not geo-referenced or to scale. Detail survey required to confirm distances and location of all features.

Airport Master Planning Consultants Pty Ltd
PO Box 6349
North Ryde 2113
6 August 2014

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COFFS HARBOUR REGIONAL AIRPORT 2014 MASTER PLAN UPDATE

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Executive Summary

Introduction

In December 2012, Coffs Harbour City Council (CHCC) appointed Airport Master Planning Consultants (AMPC) Pty Ltd to prepare an updated Master Plan for parts of Coffs Harbour Regional Airport. This update builds on earlier planning documents which include:

- *Proposed Coffs Harbour Regional Airport Upgrading Environmental Impact Statement 1998* (EIS);
- the previous overall Airport Master Plan prepared in 2003/04 which was itself a review of the initial 1994 Master Plan for the airport. Following public exhibition of the 2003/04 Plan, Council made some minor changes in 2007; and
- the 2011 Terminal Precinct Master Plan (TPMP) which addressed the southern sector of the airport i.e. the area generally south of Runway 10/28. The TPMP's main focus was the area in the immediate vicinity of the passenger terminal. It therefore replaced and updated the planning provisions contained in the 2004 Master Plan (as amended in 2007) for this area.

This 2014 Master Plan update is primarily focused on the northern sector of the airport i.e. the area generally north of Runway 10/28 which amongst other things accommodates the airport's general aviation (GA) activities. Notwithstanding this focus, the opportunity has also been taken to update parts of the 2011 TPMP and earlier documents where changes have occurred.

Existing Northern Sector

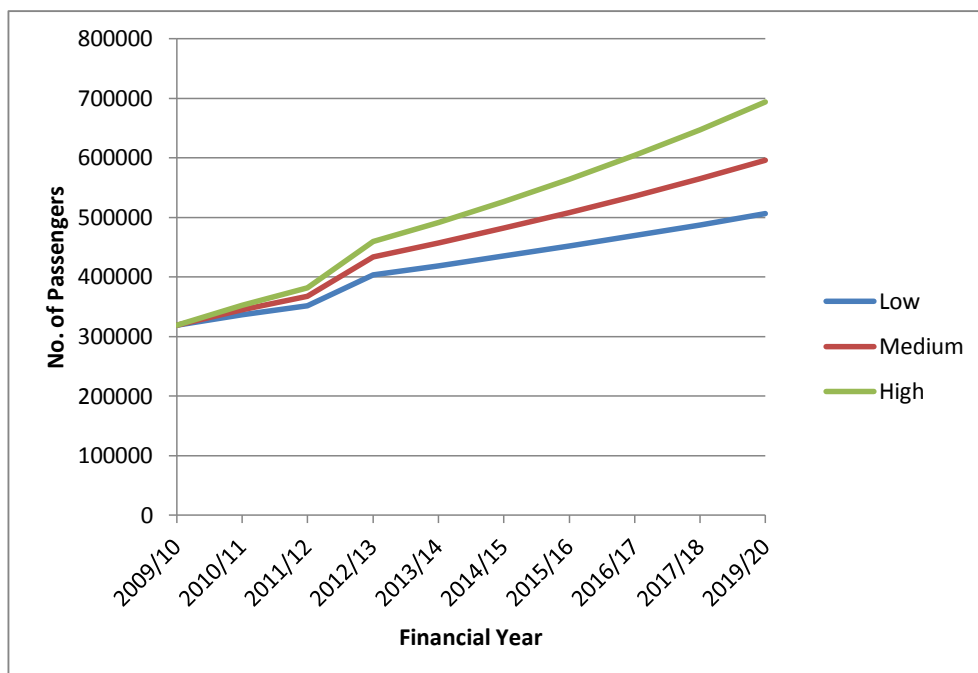
The northern sector comprises that part of the airport generally lying north of Runway 10/28. It accommodates the bulk of the airport's GA operations and a number of landside facilities which provide for both aviation and non-aviation related activities.

Air Traffic Forecasts

The RPT passenger forecasts from the 2011 TPMP have not changed. These are reproduced below as **Figure ES.1**.

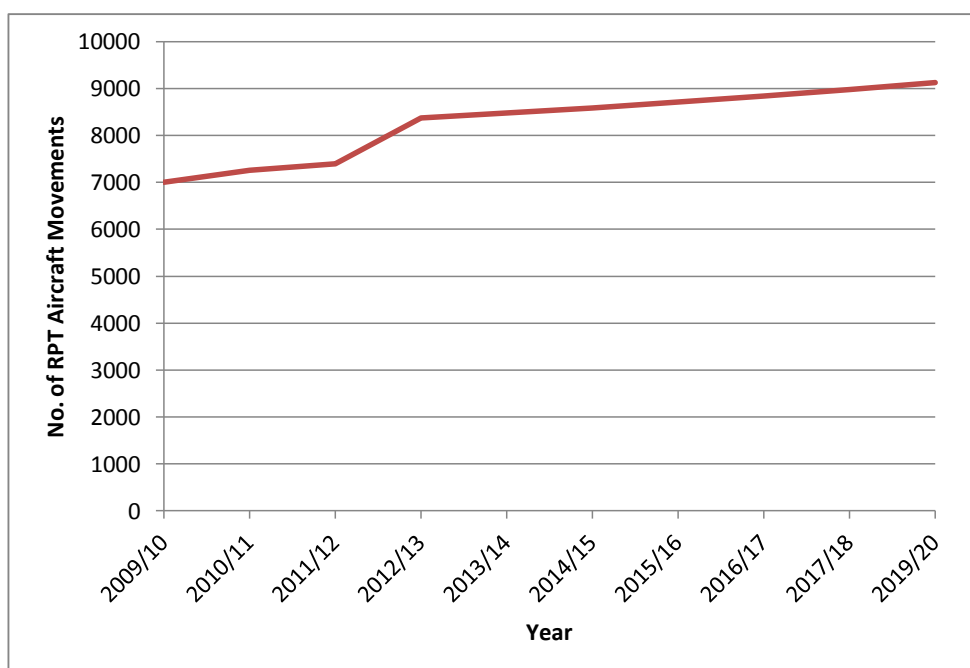
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Figure ES.1 – RPT Passenger Forecasts



The RPT aircraft movement forecast from the 2011 TPMP has not changed. This is reproduced below as **Figure ES.2**.

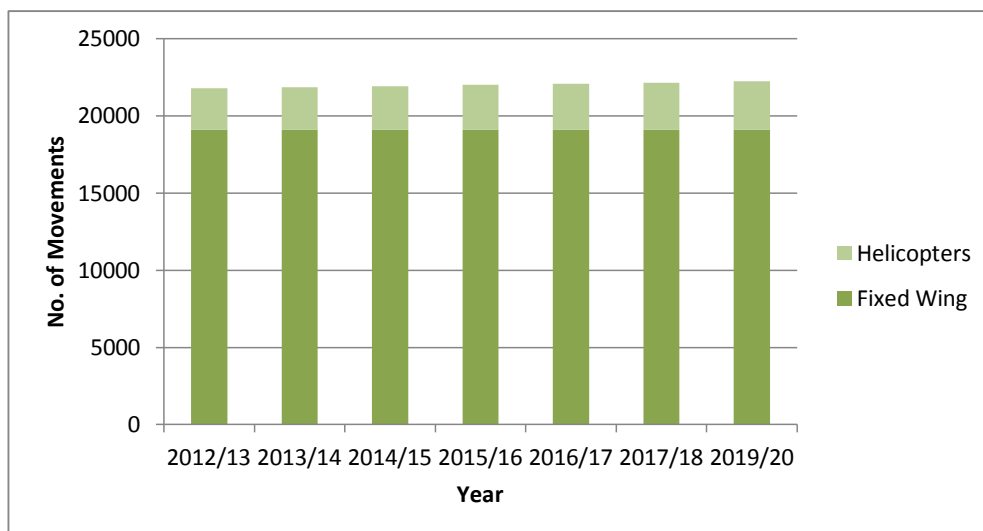
Figure ES.2 – RPT Aircraft Movement Forecast (Medium Passenger Projection)



New forecasts for GA have been prepared since they have not been updated since 2003/04. They are presented below as **Figure ES.3**.

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Figure ES.3 – GA Aircraft Movement Forecasts



Northern GA Sector Opportunities and Constraints

Significant areas of under utilised land are characteristic of the sector, primarily as a result of historical development of the airport when it transitioned to Runway 03/21, which is situated well to the south of the former runway. The northern section of the old 01/19 runway was retained as Taxiway E5 at this time.

Opportunities include:

- Adjusting Runway 10/28's runway strip width and length to free-up additional land. This will not change the runway length or have any operational effect on the types of aircraft operations currently performed;
- Making available the land currently occupied or sterilised by Airservices Australia's non-directional beacon (NDB). Council is in negotiation with Airservices in relation to the need or otherwise for the NDB to be retained;
- Rationalising part of the existing taxiway layout in the sector while still providing for future GA growth. This rationalisation would assist in unlocking development opportunities for other higher order land uses in the sector. Consideration of non-aeronautical land uses on activities is consistent with Council's goal of enhancing overall airport revenues; and
- Locating future GA development closer to existing but underutilised GA infrastructure.

Constraints include:

- Overprotection of part of the Runway 10/28 complex in terms of its' declared capability;
- Isolation of the land between Runway 10/28 and Taxiways G, H and E5;
- Obstacle limitation surfaces (OLS) and Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surfaces;
- Airservices' facility performance requirements for the control tower, fire station and ground-based navigation aids;

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- Airport safeguarding guidelines; and
- Environmental such Christmas Bells Reserve.

Southern RPT Sector

The opportunity has been taken to update a number of elements of the 2011 TPMP in relation to the southern RPT sector of the airport.

These include:

- RPT apron enhancements;
- Internal terminal enhancements;
- Ground access improvements; and
- Airservices fire station (under construction).

Northern GA Sector

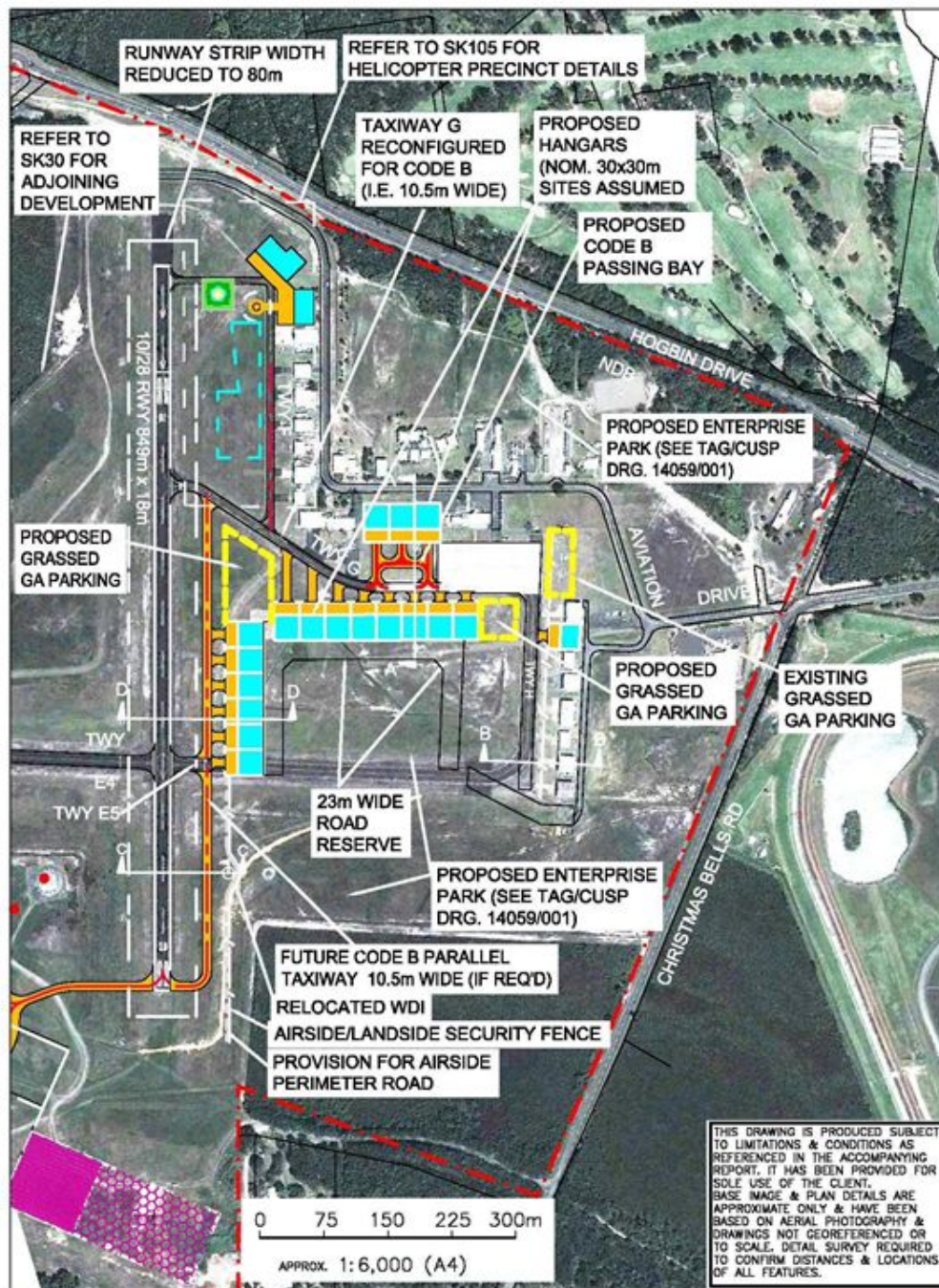
The indicative development concept is shown on **Figure ES.4**.

It includes:

- Adjustment to Runway 10/28's runway strip width and length;
- Provision for an additional 18 fixed wing GA hangars, and associated airside and ground access;
- Closure of Taxiway E5 to open up the land east of Taxiway G;
- Enhancements to Taxiway G to offset the closure of Taxiway E5;
- Creation of a dedicated helicopter precinct at the western end of sector, separating to the extent practicable fixed and rotary wing operations; and
- Identification of approximately 26ha of land surplus to airside aviation requirements.

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Figure ES.4 – Indicative GA Development Concept



Airport Master Planning Consultants
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SOURCE: BASE IMAGE GOOGLE EARTH PRO 2013



DRAWN: RN
APPRO'D: DL
DATE: 05-08-14



COFFS HARBOUR
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CITY COUNCIL

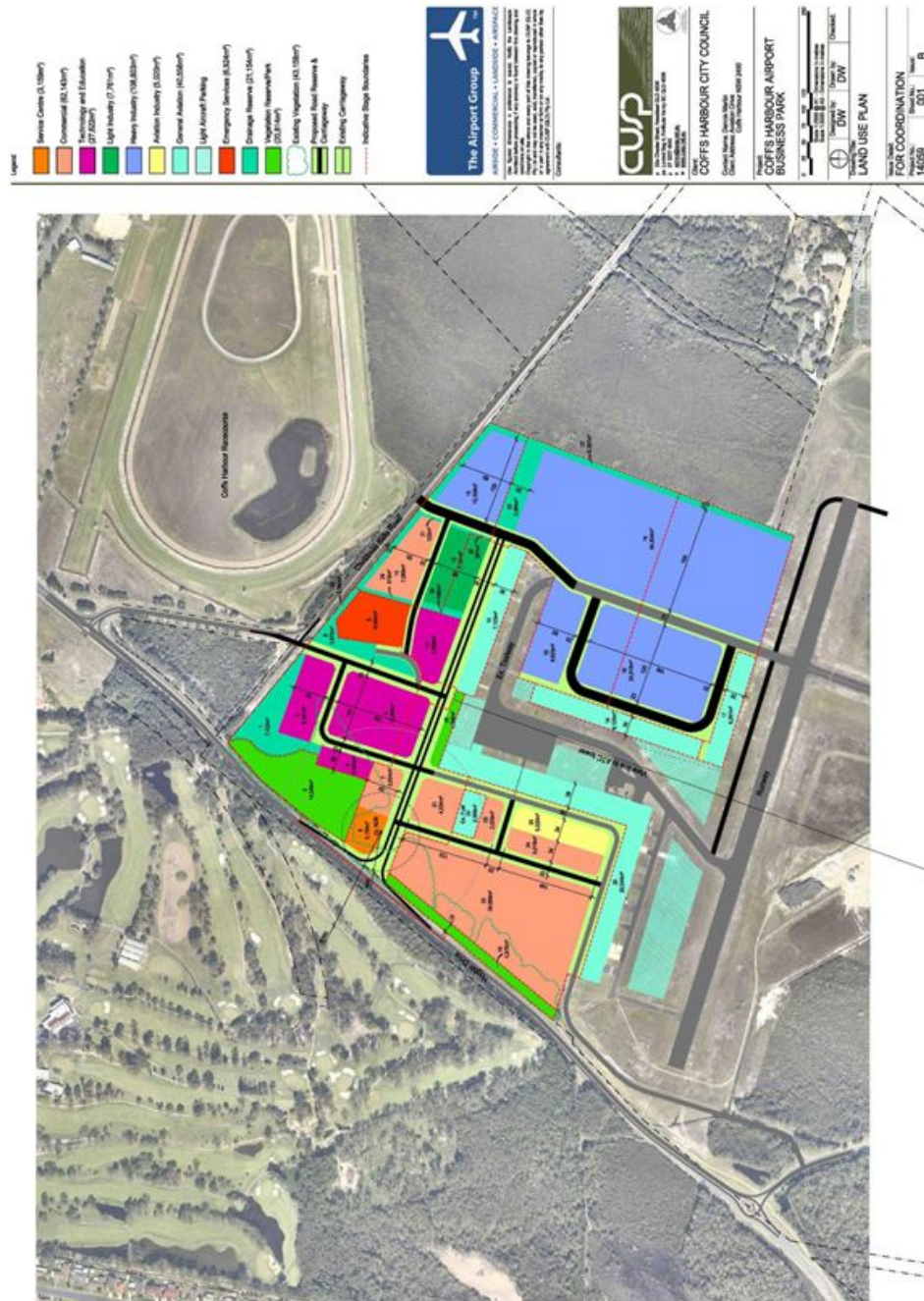
COFFS HARBOUR SK104-H
REGIONAL AIRPORT
2014 MASTER PLAN UPDATE
INDICATIVE GA
DEVELOPMENT CONCEPT

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Proposed Enterprise Park

Having identified approximately 26ha of land surplus the airside aviation requirements, Council engaged consultants The Airport Group (TAG) in association with CUSP Landscape Architecture Urban Design to prepare a land use plan for the area in the form of a proposed enterprise park. This is depicted on **Figure ES.5**.

Figure ES.5 - Proposed Enterprise Park Land Use Plan



Statutory Planning

Statutory planning in relation to the airport is subject to the application of the *NSW Environmental Planning and Assessment Act 1979*. The Act also gives effect to Section 117 Ministerial Directions Part 3.5 - Development Near Licensed Aerodromes.

The primary statutory land use planning instrument covering the airport is the *Coffs Harbour Local Environmental Plan 2013* (LEP) which received Ministerial approval in September 2013. It replaced the *Coffs Harbour Local Environmental Plan 2000*.

The LEP is supported by the *Coffs Harbour Development Control Plan 2013* (DCP). Component E1 of the DCP relates to the airport and has been deferred pending revision of the airport Master Plan.

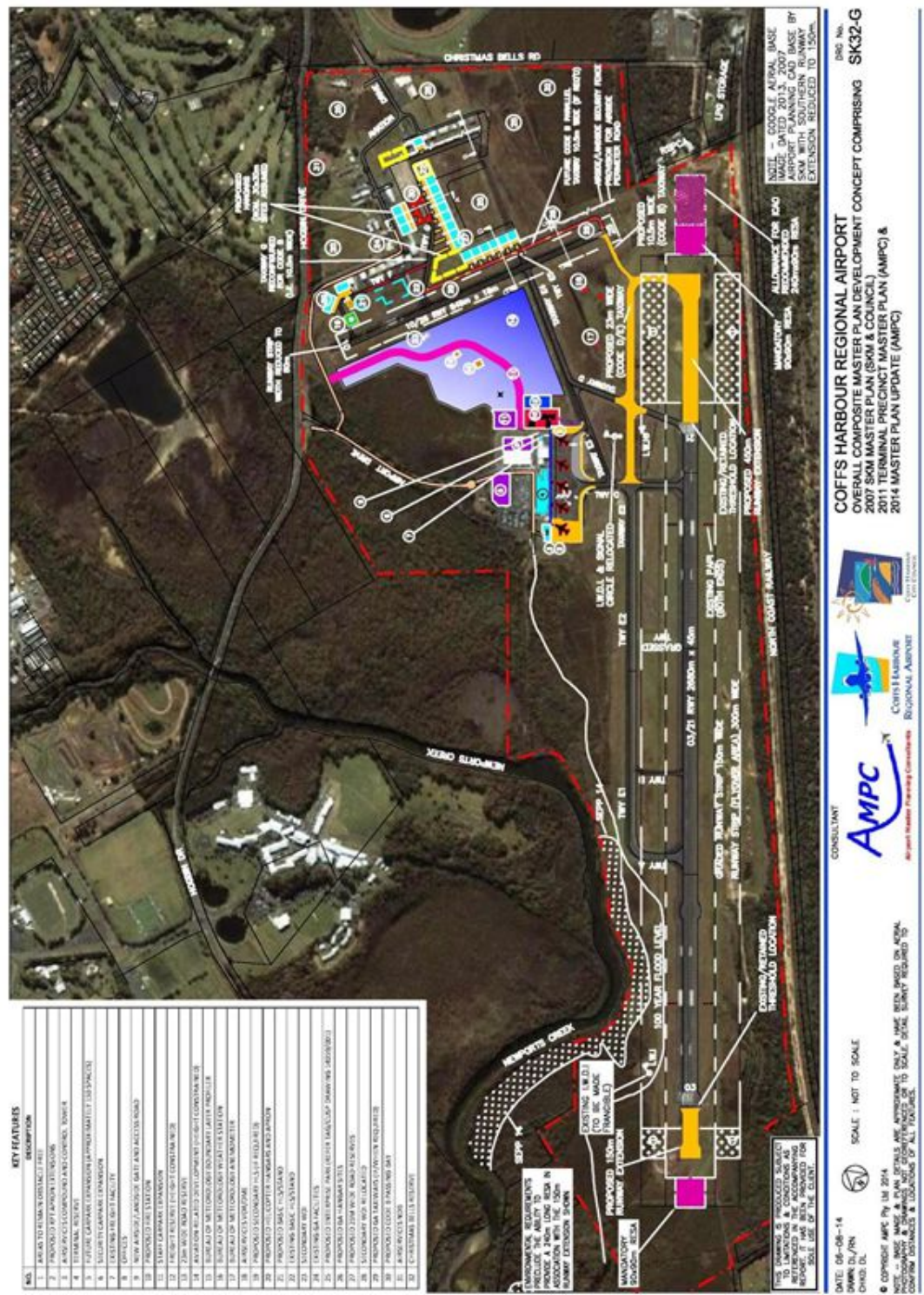
Airport Indicative Development Concept

Figure ES.6 is a whole of airport drawing showing the current indicative development concept for the airport. It is a composite plan comprising the relevant sections of:

- the 2003/04 Master Plan (as amended in 2007);
- the 2011 TPMP; and
- this 2014 Master Plan update.

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Figure ES.6 – Indicative Airport Development Concept



1 Introduction

In December 2012, Coffs Harbour City Council (CHCC) appointed Airport Master Planning Consultants (AMPC) Pty Ltd to prepare an updated Master Plan for parts of Coffs Harbour Regional Airport. This update builds on earlier planning documents which include:

- *Proposed Coffs Harbour Regional Airport Upgrading Environmental Impact Statement 1998* (EIS);
- the previous overall Airport Master Plan prepared in 2003/04 which was itself a review of the initial 1994 Master Plan for the airport. Following public exhibition of the 2003/04 Plan, Council made some minor changes in 2007; and
- the 2011 Terminal Precinct Master Plan (TPMP) which addressed the southern sector of the airport i.e. the area generally south of Runway 10/28. The TPMP's main focus was the area in the immediate vicinity of the passenger terminal. It therefore replaced and updated the planning provisions contained in the 2004 Master Plan (as amended in 2007) for this area.

This 2014 Master Plan update is primarily focused on the northern sector of the airport i.e. the area generally north of Runway 10/28 which amongst other things accommodates the airport's general aviation (GA) activities. Notwithstanding this focus, the opportunity has also been taken to update parts of the 2011 TPMP and earlier documents where changes have occurred.

Planning for the airport is therefore based on four documents:

- the 1998 EIS;
- the 2003/04 Master Plan (as amended in 2007) which remains the primary strategic planning document for the airport as a whole, excluding those areas covered by;
- the 2011 TPMP; and
- this 2014 Master Plan update.

2 Background to this Update

Coffs Harbour Regional Airport is one of the largest and busiest regional airports in NSW and has for some years accommodated the greatest number of passengers flying to and from Sydney compared to other destinations within the state. The airport is a facilitator of major economic activity for the city and people of Coffs Harbour by:

- providing for high capacity and high frequency quality regular public transport (RPT) passenger services to/from Sydney and Melbourne;
- providing for a range of GA opportunities such as flying training, emergency services such as the Air Ambulance, private and commercial operators etc; and
- accommodating a number of aviation and non-aviation related businesses and organisations.

In a study undertaken for the Australian Airports Association it was estimated in 2011 Australia's airports generated a total economic contribution of around \$17.3 billion - equivalent to around 1.2% of Gross Domestic Product. National employment at airports was estimated at approximately 115,200 full-time equivalent workers. While the preponderance of that economic benefit derives from only a handful of airports in the capital cities and major tourist destinations, the balance attributable to regional airports is still economically significant and, perhaps more importantly, vital to the social and economic life of Australia's regional communities.

The study noted that Australia's regional airports face considerable challenges in maintaining, let alone growing, the service they provide to their local communities. It is estimated that as many as 50% may be operating at a loss each year, and are heavily dependent upon cross-subsidisation by their local government owners who face multiple and competing demands on their limited finances. Developing non-aeronautical activity on-airport can be essential in order to maintain future capacity for aeronautical activity.

The northern sector of the airport offers scope for further non-aeronautical opportunities to be identified, while still providing for current and future levels of GA activities to be facilitated. The 2003/04 Master Plan (as amended in 2007) identified such opportunities, and since then, Council has undertaken further studies. Enhancing overall airport revenues from non-aeronautical activity is one of Council's primary goals.

This Master Plan update will also assist Council in implementing the airport-related initiatives identified in the current Economic Strategy, (*Growth through Localisation and Love of our City, Coffs Harbour Economic Strategy, Opportunities + Process + Current Reality 2013*).

3 Existing Northern Sector

The northern sector comprises that part of the airport generally lying north of Runway 10/28. It accommodates the bulk of the airport's GA operations and a number of landside facilities which provide for both aviation and non-aviation related activities. A comprehensive taxiway system provides access to and from Runways 10/28 and 03/21. The majority of the GA hangars in the sector are privately owned on land leased from Council. A number of businesses and organisations also occupy some hangars and other buildings.

Runway 10/28 is 849m x 18m (Code 1) (Note 1) and is contained within a 909m x 90m wide runway strip. The runway is limited to aircraft below 5,700kg maximum take-off weight (MTOW) and is a daylight use runway only. The 10 threshold is displaced by 124m.

Taxiways E5 and H are 15m wide (Code C) and are limited to aircraft below 19,000kg MTOW. Taxiway E5 is actually part of the former main runway (01/19) which existed prior to the construction of Runway 03/21 in the 1980s. This explains the unusually spread out nature of Coffs Harbour Airport, whereby much of the development in the northern sector previously supported the former runway. The large concrete apron accessed from Taxiway H was the original RPT apron and the PPT facility was the former passenger terminal and Flight Service office. Taxiways G and F are 7.5m wide (Code A) and are limited to aircraft below 5,700kg MTOW. A grassed section of Taxiway F links Taxiways E5 and G. This is limited to aircraft below 2,700kg MTOW.

With the exception of Taxiways E5 and H, airfield lighting is not provided for the northern sector including Runway 10/28. The original RPT concrete apron is equipped with floodlighting.

Airservices Australia's non-directional beacon (NDB) is located in the sector. Currently, the NDB does not provide for instrument approaches to the airport and is limited to providing en-route navigation guidance. Australia is transitioning to new approach and navigation technologies using satellite-based systems. Some ground based aids such as NDBs are being switched off but a back-up network is being retained which includes those at Coffs Harbour. This comprises the NDB and the other ground-based navigational aids i.e. the very high frequency omni radio range and distance measuring equipment (VOR/DME). These are both located south of Runway 10/28. Council is in negotiation with Airservices in relation to the need or otherwise for the NDB to be retained.

Figure 3.1 depicts the principal features of the sector. Unlabelled facilities are privately owned and operated.

Note 1: for an explanation of the Aerodrome Reference Code see the 2011 TPMP.

COFFS HARBOUR REGIONAL AIRPORT 2014 MASTER PLAN UPDATE

Figure 3.1 – Principal Features of the Northern Sector (Not to Scale)



Source: Base Image CHCC 2012

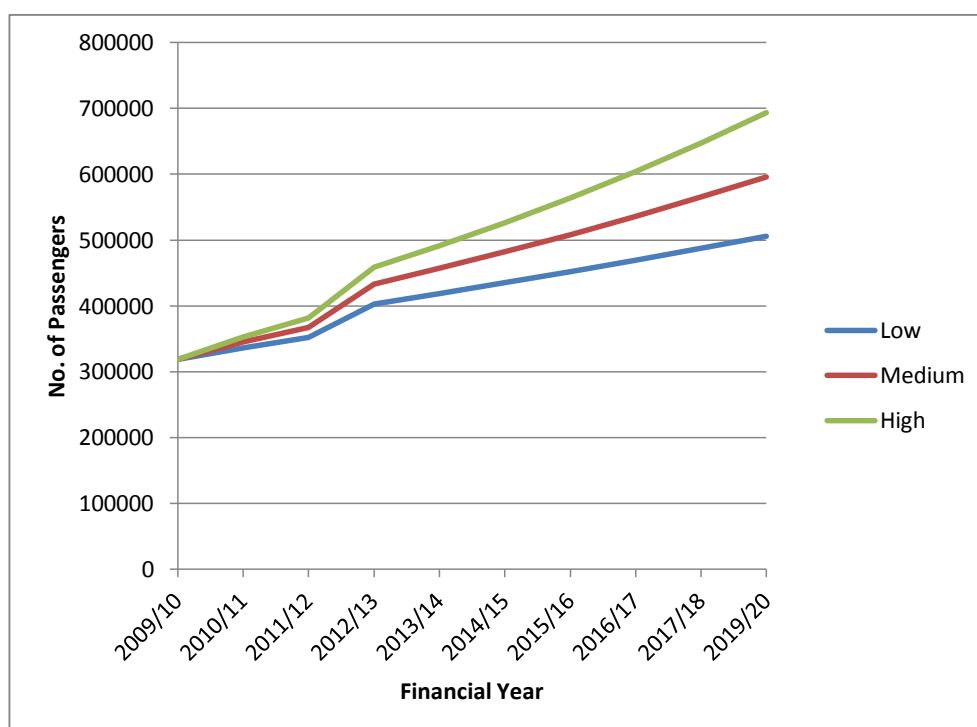
No.	Business/Organisation
1	Bureau of Meteorology (decommissioning in progress)
2	Rural Fire Service – Fire Control Centre
3	Airservices Australia - NDB
4	Rally Australia
5	CCS Flying School/Midcoast Microlights
6	Airservices Australia – Maintenance Depot
7	Mobil – Aviation Fuel Storage
8	Mobil - Avgas Bowser
9	Professional Pilot Training (PPT)
10	Australian Air League
11	Coffs City Skydivers
12	331SQN Australian Air Cadets
13	Coffs Harbour Aeroclub
14	Aero Refuellers – Avgas Bowser
15	Eagle Copters
16	Alan Kneale Electrical
17	Precision Helicopters
18	Eagle Copters

4 Air Traffic Forecasts

4.1 RPT Passengers

The RPT passenger forecasts from the 2011 TPMP have not changed. These are reproduced below as **Figure 4.1**. Significant schedule changes occurred in February 2013 when Tigerair entered the market using A320 Code 4C aircraft with 180 seats operating on the Sydney route, and when Brindabella Airlines who operated the Brisbane route collapsed in late 2013. In June 2014, Qantas commenced a once a week Melbourne service using B737-800 Code 4C aircraft with 168 seats.

Figure 4.1 – RPT Passenger Forecasts

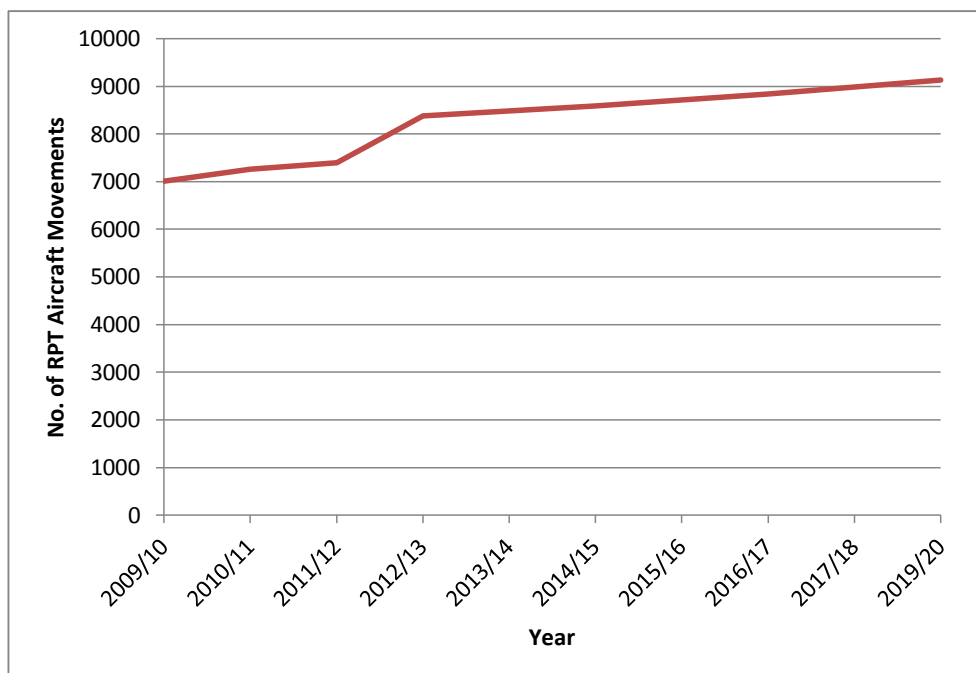


Source: CHCC 2011, 2014.

4.2 RPT Aircraft Movements

The RPT aircraft movement forecast from the 2011 TPMP has not changed. This is reproduced below as **Figure 4.2**.

COFFS HARBOUR REGIONAL AIRPORT 2014 MASTER PLAN UPDATE

Figure 4.2 – RPT Aircraft Movement Forecast (Medium Passenger Projection)

Source: CHCC 2011.

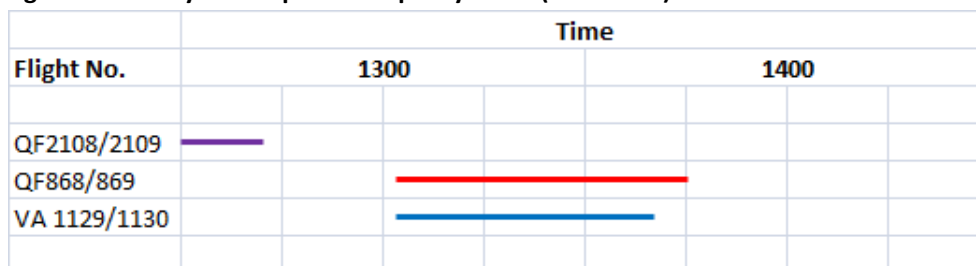
4.3 RPT Passenger Busy Hour

The busy hour projections shown in the 2011 TPMP have been reviewed as a result of the entry of Tigerair in February 2013 and other schedule changes. In the current scheduling season the busy hour occurs on Saturdays between the 1335-1415 clock hours. An understanding of the busy hour can be illustrated in the form of an apron occupancy chart for this period as shown in **Figure 4.3**. As can be seen, two arrivals and two departures are scheduled between 1335 and 1415. These operations are undertaken by:

- Qantas B737-800 (168 seats); and
- Virgin Australia B737-800 (176 seats).

Figure 4.3 also shows that the preceding QF2108/2109 (74 seat DHC8-400) only has a 25 minute buffer before the scheduled arrivals of QF868 and VA1129. Delays with this flight can result in three aircraft on the ground concurrently in various stages of passenger facilitation.

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Figure 4.3 – Busy Hour Apron Occupancy Chart (June 2014)

Source: airline schedules 2014.

Table 4.1 expresses this busy hour in passenger terms using three different load factor assumptions. This shows at the higher load factor of 75%, the potential for 258 arriving and 258 departing passengers (total 516) using the terminal and associated facilities during the period.

Table 4.1 – Busy Hour Passengers (June 2014)

Carrier	Aircraft	Passengers					
		65% Load Factor		70% Load Factor		75% Load Factor	
		Arrival	Departure	Arrival	Departure	Arrival	Departure
Qantas	B737-800	109	109	117	117	126	126
Virgin Australia	B737-800	114	114	123	123	132	132
Total		223	223	240	240	258	258

In the case of Coffs Harbour Airport which is relatively unconstrained in such things as runway capacity, the decisions on when and where passenger flights might be undertaken in the future are essentially within the control of the particular airline concerned. Flight scheduling is a complex procedure given the economic and operational imperatives of modern airline management. Scheduling where Sydney Airport is involved is further complicated due to the regulatory restrictions on hourly aircraft movements. Based on past practice, it is likely schedule adjustments will result in higher busy hour utilisation even without projected passenger growth. This could see up to perhaps three concurrent operations on a more regular basis, as has occurred in the recent past.

Since the collapse of Brindabella Airlines, Coffs Harbour has been without a Brisbane service. Council is actively pursuing all options to try and have the service reinstated, however, the primary obstacle remains runway capacity constraints at Brisbane Airport at the times needed to provide an economically viable service.

In terms of the future busy hour, the aircraft movement projections imply an increase in average daily aircraft movements of around 15 in June 2014 to around 24-26 by 2019/20. Assuming future scheduling generally reflects current patterns, a theoretical busy hour in 2019/20 might comprise up to four concurrent operations. This is illustrated in **Table 4.2** with representative aircraft seat capacities and a 75% load factor adopted for the aircraft movement forecasts. It is possible this busy hour projection could be reached prior to 2019/20.

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Table 4.2 – Forecast Busy Hour Passengers (Arrivals + Departures) 2019/20

Representative Aircraft	Seats	Passengers (75% Load Factor)
B737-800	360	270
A320-200	360	270
DHC8-400	148	110
DHC8-200	72	54
Total	940	704

Source: CHCC 2011.

Table 4.2 suggests that by 2019/20 there could be around 352 arriving and 352 departing (total 704 passengers) in the busy hour.

The 2011 TPMP depicts an indicative terminal footprint responding this future busy hour.

Apron requirements catering through to the 2019/20 planning horizon are based on a demand for five Code C free moving independent parking positions, consisting of four associated with scheduled passenger operations, plus a contingency position for off-schedule, unserviceability or itinerant use. Recent apron extension works have provided this capacity for five Code C free moving independent parking positions, four of which are B737/A320 capable.

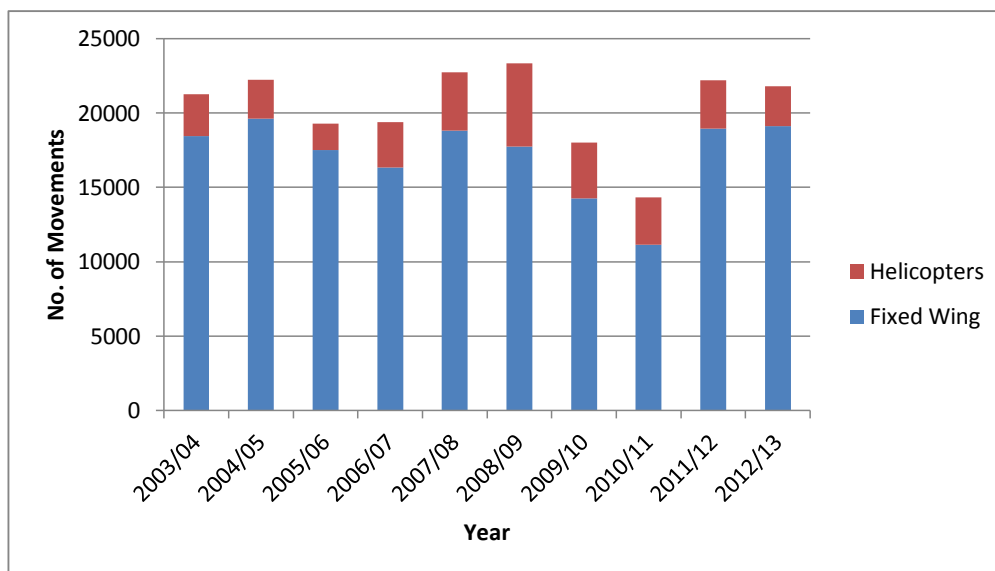
4.4 General Aviation (GA)

4.4.1 Historic Activity

For the purpose of assessing future GA demand it has been assumed this class of traffic is made up of fixed wing aircraft with a maximum take-off weight of less than 7,000kg and helicopters. This fixed wing weight is slightly higher than 5,700kg commonly adopted as the cut-off point for GA. This is because Airservices Australia which publishes aircraft movement data, use the 7,000kg measure as their lowest separate weight category. The data presented below therefore probably slightly overstates the fixed wing GA traffic in this respect. Also, as Airservices only collects information when the control tower is active, it means actual GA traffic would have been slightly higher than the data presented below. As the main purpose of assessing historical traffic is to establish trends over time, these data variations are not considered significant.

Figure 4.4 presents historical movement data for GA broken down into fixed wing and helicopters for the ten years to 2012/13.

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Figure 4.4 – Historical GA Aircraft Movements

Source: Airservices Australia 2013.

Figure 4.4 shows fixed wing movements have been more volatile than helicopters with a noticeable low point in 2010/11 following three years of significant decline. In trend terms, the fixed wing compound average growth rate (CAGR) over the ten years was +0.35% while that for helicopters was -0.52%.

4.4.2 GA Forecast

The most recent GA movement forecast for Coffs Harbour was undertaken in conjunction with the 2003/04 Master Plan. It is therefore appropriate to develop new projections of GA activity (fixed wing and helicopters) given the almost 10 years which have elapsed since the 2003/04 Master Plan was prepared. For consistency with the 2011 TPMP passenger forecasts reproduced above, low, medium and high growth scenarios have been adopted to the same planning horizon of 2019/20.

The longer-term fixed wing historical GA trend as shown in **Figure 4.4** is not unusual in the contemporary Australian context and there are well documented and understood reasons for what has been a long decline in sections of this category since the early 1970s. The main fixed wing GA category which is growing in Australia, is the recreational aviation sector i.e. aircraft registered through Recreational Aviation Australia (RA-Aus) and flown in the main by pilots holding a recreational pilot's certificate rather than a CASA licence. This sector is not particularly suited to Coffs Harbour given the airport's Class D airspace classification, which requires a pilot to hold a CASA licence if operating when the control tower is active. Notwithstanding this restriction, some RA-Aus registered aircraft do operate at Coffs Harbour given those limitations.

The projected trend growth in helicopter operations reflects the fact that new helicopter registrations (particularly compared with fixed wing GA) have shown very healthy growth in recent years. As of 2012, helicopters made up 13.5% of the more than 15,000 aircraft registered in Australia. In 2012, helicopter registrations grew by 16.6% compared to an average growth rate of about seven percent in the preceding decade.

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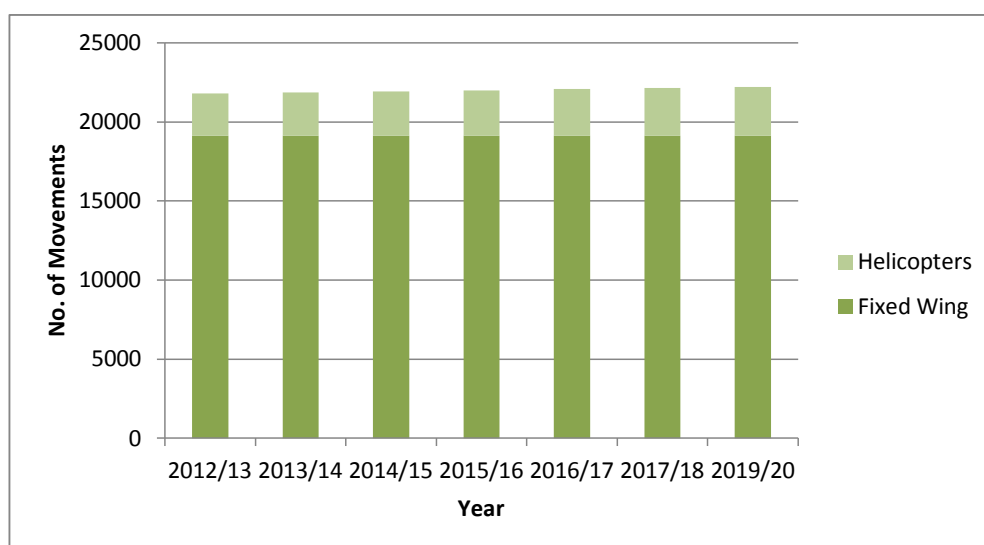
The forecast growth rates adopted are:

	Low	Medium	High
Fixed wing	-0.5%	0.0%	0.5%
Helicopters	1.5%	2.0%	2.5%

Medium growth projections are traditionally used for airport planning purposes. For fixed wing, the 0% growth projection assumes that traffic levels will therefore remain essentially static through to 2019/20. Frequent users such as the Air Ambulance and PPT, to some extent underpin the likelihood that further significant declines below current levels are less likely.

The higher growth rates adopted for helicopters reflects their continuing out-performance in terms of new aircraft registrations and Council's recent initiatives in attracting a significant new helicopter operator to the airport. **Figure 4.5** depicts the forecasts.

Figure 4.5 – GA Aircraft Movement Forecasts



5 Northern Sector Opportunities and Constraints

5.1 Opportunities

Figure 3.1 illustrates the extent of currently under utilised land in the sector. The GA and other aviation related facilities are located along Aviation and Dakota Drives but the area to the east of Taxiway G and the old concrete RPT apron, then south of Taxiway H through to Runway 10/28 is largely vacant with the exception of Taxiway E5.

This under utilisation is primarily a result of historical development of the airport when it transitioned to Runway 03/21, which is situated well to the south of the former runway. The northern section of the old 01/19 runway was retained as Taxiway E5 at this time.

Although Runway 10/28 is declared as a Code 1 facility, some of its elements are actually based on a higher code of runway. These include the runway strip width of 90m and the associated transitional surface slope protection of 1:7. As the runway is a non-instrument runway, is limited to daylight use only and is restricted to aircraft below 5,700kg maximum take-off weight (MTOW), the runway strip width could be reduced to 80m and the distance between the runway ends and strip ends reduced to 30m (currently 60m). The 80m width would permit night operations to be undertaken if a future decision was made to install runway lighting. The transitional surface slope could be steepened to 1:5 and the approach and take-off surfaces modified to reflect the Code 1 requirements of 5%. The narrowing and shortening of the runway strip and the adjustments to the obstacle limitation surfaces (OLS) provide scope for enhancing land use potential in the vicinity of the runway. These opportunities apply to the areas both north and south of the runway. Importantly, these changes would not have any operational effect on the types of aircraft operations currently performed.

The existing NDB is located between Hogbin Drive and the Rally Australia facility. The NDB's operational requirements mean it effectively sterilises the potential for other types of development to be considered in its immediate vicinity. As noted above, Council is in negotiation with Airservices in relation to the need or otherwise for the NDB to be retained.

There is an opportunity to consider rationalisation of part of the existing taxiway layout in the sector while still providing for future GA growth. This rationalisation would assist in unlocking development opportunities for other higher order land uses in the sector. Consideration of non-aeronautical land uses is consistent with Council's goal of enhancing overall airport revenues.

This rationalisation, together with planning to locate future GA development closer to existing but underutilised GA infrastructure would:

- cluster GA activity;
- reduce the costs of providing and maintaining some aviation specific infrastructure such as engineering services, airfield pavements etc; and
- enable any new common use infrastructure to be utilised by aviation and non-aviation related development.

A secondary wind direction indicator (WDI) is located near the 28 runway end. Narrowing of the runway strip width would permit the WDI to be located closer to the runway which would also free-up additional land for higher order purposes.

5.2 Constraints

Notwithstanding the development potential for the sector, there are numerous constraints which need to be considered. Those of an operational nature are made up of lateral and in some in cases, vertical spatial limitations and restrictions. These are discussed below.

5.2.1 Movement Area

Runway 10/28 and its associated runway strip effectively define the southern extent of the sector but as noted above, can nevertheless be reconfigured to enhance overall development potential in the immediate areas surrounding the runway.

Taxiways G and F support the bulk of existing GA operations. Taxiways H and E5 while also supporting GA operations, effectively land lock the central area between them and the main node of GA activity.

5.2.2 Obstacle Limitation Surfaces (OLS) and Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS)

As noted above, it would be possible to lessen the current OLS restrictions in relation to Runway 10/28. The OLS for Runway 03/21 partially overlays the northern sector and has limited impacts. It is depicted in the TPMP.

The PANS-OPS surfaces associated with Runway 03/21 partially overlay the northern sector. As noted in the TPMP, it has been assumed that the OLS are currently the most limiting set of surfaces.

5.2.3 Airservices Australia Facilities

5.2.3.1 Control Tower Line of Sight

During the hours of operation of the control tower, Coffs Harbour's airspace is classified as Class D. This means all aircraft operating on the manoeuvring area (runways and taxiways but excluding aprons) require a clearance and must therefore be visible to the controller. Any development proposals for the sector need to be cognisant of this requirement.

5.2.3.2 NDB

CASA's *Manual of Standards Part 139 – Aerodromes* (MOS) provides guidance on siting restrictions for a number of Airservices' facilities. In relation to NDB's, these can be summarised as:

- No buildings/structures etc within 60m radius of the centre of the drop wire;
- Buildings/structures within 150m radius limited to 2.5m high; and
- Outside of the 150m radius buildings/structures must not protrude above 3 degrees measured from the centre of the drop wire. Ignoring differences in ground levels this means at the edge of the 150 radius buildings/structures could be 7.9m high then increasing from this point based on the 3 degree clearance.

It is noted these siting restrictions are already infringed to some degree at the current location.

5.2.3.3 Very High Frequency Omni Range and Distance Measuring Equipment (VOR/DME)

The VOR/DME facility is located in the southern sector of the airport. Although it is physically clear of the northern sector, its' siting restrictions nevertheless impact on this sector. For the preparation of the TPMP, Airservices provided supplemental siting criteria to MOS which is summarised as follows:

- VOR metallic objects must remain below a 2 degree elevation from the centre of the antenna out to a radius of 1,000m.
- DME metallic objects must remain below a 0.5 degree elevation from the centre of the antenna out to a radius of 1,500m.

5.2.3.4 Aviation Rescue and Firefighting (ARFF)

As Coffs Harbour has reached the ARFF passenger threshold of 350,000 per annum, a new Category 6/7 fire station is currently being constructed to the north of the passenger terminal.

Commissioning will occur in early 2015. A component of the fire station is the fire control centre (FCC) which is an elevated cab. Like the control tower, the FCC must provide for clear lines of sight to the runways and final approach areas. While these line of sight constraints impact mainly on the southern sector, all development proposals need to be cognisant of this requirement.

5.2.3.5 Recent MOS Changes

Recent changes to MOS stipulate that aerodrome operators must obtain written authorisation from CASA if proposed development will infringe the standards applicable to the siting requirements for communication, navigation and surveillance facilities used for aircraft guidance and air traffic control. CASA is required to obtain the advice of Airservices in deciding whether the proposed development can proceed.

5.2.4 Secondary WDI

The secondary WDI location is a constraint in optimising land use potential immediately to the north of Runway 10/28 near its' eastern end.

5.2.5 Airside and Landside Facilities

There are numerous existing buildings and facilities within the northern sector. Some are privately owned on land leased from Council, and some are owned by Council and leased and operated by third parties. Depending on their location and decisions taken on the basis of this Master Plan update, they represent either fixed or movable constraints.

5.2.6 Airport Safeguarding

A key initiative of the Federal Government's *Aviation White Paper—Flight Path to the Future—December 2009* is to safeguard airports and the communities in their vicinity and to develop, with state, territory and local governments, a national land use planning regime to apply near airports and under flight paths. The National Airports Safeguarding Advisory Group (NASAG), comprising high-level Commonwealth, State and Territory transport and planning officials, has prepared the National Airports Safeguarding Framework.

Ministers agreed to implement the Safeguarding Framework at the Standing Council on Transport and Infrastructure (SCOTI) meeting in May 2012. Guidelines have now been published covering:

- Measures for Managing Impacts of Aircraft Noise;

- Managing the Risk of Building Generated Windshear and Turbulence at Airports;
- Managing the Risk of Wildlife Strikes in the Vicinity of Airports;
- Managing the Risk of Wind Turbine Farms as Physical Obstacles to Air Navigation;
- Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports; and
- Managing the Risk of Intrusions into the Protected Airspace of Airports.

The national land use planning framework will ensure future airport operations and their economic viability are not constrained by incompatible residential development. It is the responsibility of each jurisdiction to implement the Framework into their respective planning systems.

These guidelines which post-date the preparation of the TPMP and earlier master planning documents have relevance to overall master planning for the airport which is further discussed in **Chapter 6**. The guideline *Managing the Risk of Building Generated Windshear and Turbulence at Airports* is, however, of immediate relevance as a potential development constraint in the northern sector and also in the area to the south of Runway 10/28.

At airports, a combination of strong runway cross winds and large buildings near runways can create wind effects that could affect aviation safety. If the building is within the defined envelope for assessment and the building is located more than 35 times the proposed height from the runway centreline, no further assessment is required. For example, a typical GA hangar or industrial building would be in the order of 6m in height. If it was sited at a distance of 210m from the Runway 10/28 centreline, then no further assessment would be required. Higher and closer-in building proposals would need to be assessed in accordance with the steps outlined in the guideline. Future building proposals in the northern sector (either aviation or non-aviation) could therefore be expected to require further assessment and depending on their location, orientation and height, also potentially require modelling by a suitably qualified consultant. It is noted, for example, the existing hangars fronting Taxiway F if being developed today, would need to be assessed under the guideline.

Appendix A contains a copy of the Executive Summary of the guideline.

5.2.7 Flooding and Drainage

Council has undertaken a range of studies on these issues which broadly identify the need for filling, re-grading, drainage, provision of detention basins etc in some of the relatively low lying areas within this sector.

5.2.8 Environmental

An environmental consideration impacting the northern sector is the parcel of sensitive vegetation known as the Christmas Bells Reserve at the eastern end of the sector.

Council's *Draft Coffs Harbour Regional Airport Lands Plan of Management 2008* has a range of specific aims and objectives which are primarily concerned with protecting, conserving, enhancing and managing the natural, cultural, scientific, scenic and recreational values of the airport lands.

6 Airport Safeguarding Framework

As noted in **Chapter 5** new guidelines have been developed to protect airports and the communities that surround them. These have been agreed by the relevant Federal and state/territory ministers. The guidelines can have master planning implications for both on and off airport situations.

6.1 Measures for Managing Impacts of Aircraft Noise

This guideline discusses the established Australian Noise Exposure Forecast (ANEF) system and its' recognition in *Australian Standard AS 2021-2000 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction* (AS2021). However, it notes the 20 ANEF and 25 ANEF zones do not capture all high noise affected areas around an airport, and AS2021 recognises that the ANEF contours are not necessarily an indicator of the full spread of noise impacts, particularly for residents newly exposed to aircraft noise. Governments therefore recognise the need to consider a complementary suite of noise measures in conjunction with the ANEF system to better inform strategic planning and to provide more comprehensive and understandable information on aircraft noise for communities. The Department of Infrastructure and Transport (DOIT) has previously developed a suite of alternative ways of assessing aircraft noise which have helped inform the guideline.

Ministers agreed to the guideline, noting the Commonwealth's intention to seek a review of AS2021. After receiving feedback from stakeholders, DOIT revised its draft proposal to Standards Australia accordingly, and submitted the final proposal and all submissions received, to Standards Australia in September 2012. The Standards Development Committee met in November 2012 to consider and approve projects for initiation during the remainder of 2012–13.

At the end of May 2013, Standards Australia announced its decision to proceed with an amended review of AS2021. The approved scope consists of updating aircraft fleet details, reviewing the applicability of the standard to small airports and explaining the procedures to develop an ANEF. A second project has been agreed in principle to develop an information document on the impact and nature of aircraft noise. However, the scope and purpose of this work will need to be further approved by Standards Australia before it can proceed.

The scope of the review proposed by Standards Australia does not reflect the proposal submitted by DOIT on behalf of NASAG, nor the scope of the request from TISOC, as it specifically excludes the consideration of any other supplementary noise metrics and the provision of strategic planning guidance close to but outside the 20ANEF.

A review of the Coffs Harbour ANEF is not within the scope of this Master Plan update. In 2004, an ANEF was prepared for Council and this remains Council's primary aircraft noise planning tool. The ANEF was not submitted to Airservices for endorsement of technical accuracy. On-airport development proposed in this Master Plan update will need to be assessed in relation to any AS2021 requirements arising from its location and proposed use, in terms of the ANEF. Off-airport noise considerations are discussed in **Chapter 8**.

6.2 Managing the Risk of Building Generated Windshear and Turbulence at Airports

The situation in relation to the northern side Runway 10/28 is discussed in **Chapter 5**. However, consideration of new buildings in relation to Runway 03/21 and the southern side of Runway 10/28 is also relevant.

The current terminal building line is approximately 420m from the centreline of Runway 03/21. Applying the 1:35 criterion would mean new buildings below 12m in height would not require further assessment.

In relation to the southern side of Runway 10/28, control tower and FCC line of sight requirements mean that areas close to the runway are only suitable for surface based activities, and moving further away from the runway, low rise buildings are possible. These restrictions for the control tower are depicted in the TPMP. Assessment would still, however, be required in accordance with the wind turbulence guideline for any future buildings in this area exceeding the 1:35 criterion.

6.3 Managing the Risk of Wildlife Strikes in the Vicinity of Airports

This guideline notes land use planning decisions and the way in which existing land use is managed in the vicinity of airports can significantly influence the risk of wildlife hazards. Many existing airports are surrounded by areas which are attractive to wildlife, especially birds. As examples, land uses such as agriculture, wildlife sanctuaries, wetlands and land fill sites can attract a high number of birds which increase the risk of interference with aviation activity.

The number of wildlife strikes and the attendant risk of fatalities, injuries, aircraft damage and operational delays can be reduced by managing land use around airports to minimise the potential for wildlife to be in conflict with aircraft operations.

The airport's wildlife hazard management processes are documented in the *Bird and Wildlife Management Plan 2013*. CASA has also published Advisory Circular AC 139-26(0) July 2011 *Wildlife Management at Aerodromes* to provide general information and advice for the management of wildlife hazards at aerodromes.

6.4 Managing the Risk of Wind Turbine Farms as Physical Obstacles to Air Navigation

This guideline provides guidance to State/Territory and local government decision makers, airport operators and developers of wind farms to jointly address the risk to civil aviation arising from the development, presence and use of wind farms and wind monitoring towers. Although this is likely to have only minimal, if any, application at Coffs Harbour, it has been included for completeness.

6.5 Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports

This guideline provides guidance to assist local governments and airport operators to jointly address the risk of distractions to pilots of aircraft from lighting and light fixtures near airports. It essentially

mirrors the advice on this matter as documented in the MOS which defines specific areas in the vicinity of a runway used at night which need to be restricted in terms of external light outputs.

Appendix B depicts the primary areas of restriction applicable to Runway 03/21.

6.6 Managing the Risk of Intrusions into the Protected Airspace of Airports

This guideline provides guidance to State/Territory and local government decision makers as well as airport operators to jointly address the issue of intrusions into the operational airspace of airports by tall structures, such as buildings and cranes, as well as trees in the vicinity of airports.

Council has well established procedures in place to monitor and manage the airport's OLS and PANS-OPS surfaces.

The OLS has not been reviewed as part of this Master Plan update other than to note a revised OLS for Runway 10/28 would be a consequence of narrowing the runway strip to 80m as described in **Chapter 5**. The planning provision for a secondary helicopter landing site as discussed in **Chapter 7** will also require a new set of helicopter specific OLS to be protected.

6.7 Public Safety Zones

In the Aviation White Paper, the Federal Government indicated its intention to work with state, territory and local governments, and industry stakeholders to undertake a detailed examination of the implications of public safety zones (PSZ) in the vicinity of airports. This national policy is still to be developed and guidelines provided. PSZ are also sometimes known as public safety areas (PSA).

Currently, Queensland is the only Australian jurisdiction which applies PSA at a number of their airports. These are published in *State Planning Policy—state interest guideline Strategic airports and aviation facilities*. The Queensland PSA policy seeks to avoid significant increases in people living, working or congregating in the PSA and the use or storage of hazardous materials. In the PSA, the risk of an accident is sufficient to justify restrictions on development within those areas. The PSA apply in the immediate areas beyond runway ends using a generic template which is depicted in **Appendix C**. The template is based on UK research undertaken in the late 1990's, on which UK public safety zone policy is currently based.

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7 Indicative Development Concepts

7.1 Southern RPT Sector

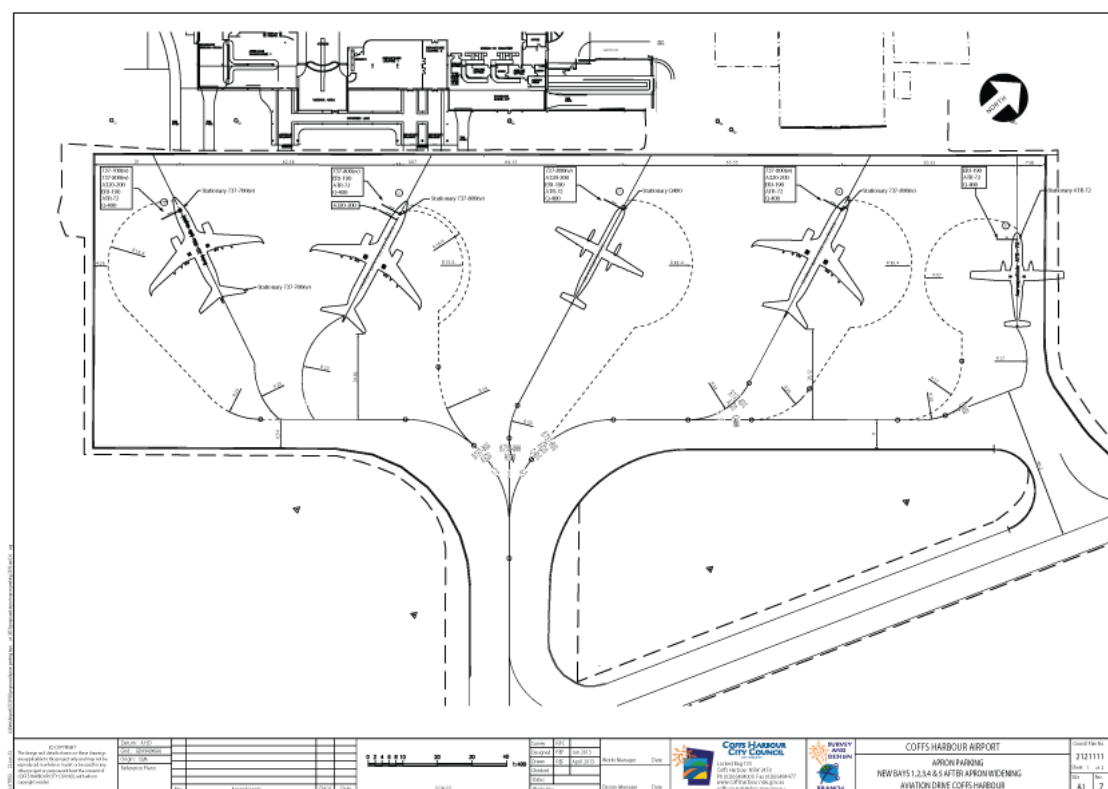
The opportunity has been taken to update a number of elements of the 2011 TPMP in relation to the southern RPT sector of the airport.

7.1.1 Recent Upgrading Works

Since the TPMP was prepared, Council has undertaken the following major works:

- the northern end of the RPT apron has been extended to match the apron depth on its' southern side;
- the apron has been remarked to provide for five free-moving jet parking positions of which four are B737/A320 capable (refer **Figure 7.1**);
- the terminal itself has been significantly modified internally within the existing footprint with the departures area enlarged. Security screening is now undertaken immediately downstream following the check-in process, and the arrivals area has been screened off from the former unscreened parts of the departures area (refer **Figure 7.2**); and
- a new landside road has been provided to the west and north of security car park leading to a new airside/landside gate to the north of the freight building. Vehicles exiting the security car park now do this on to the new road.

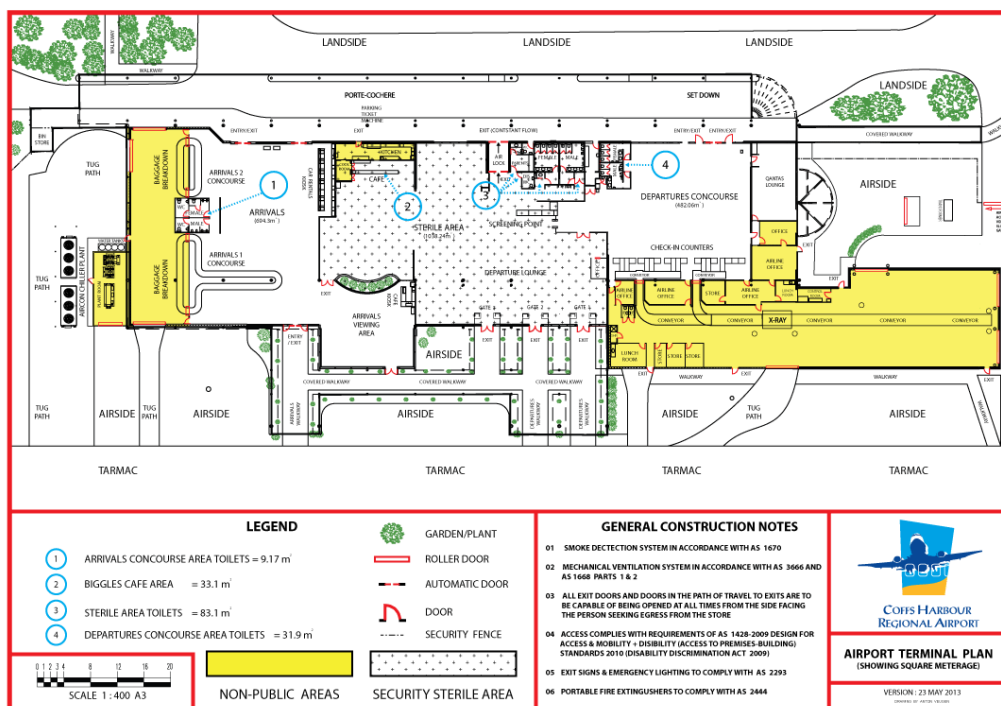
Figure 7.1 – New RPT Apron Parking Position Layout



Source: CHCC 2013

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Figure 7.2 – Revised RPT Terminal Floor Layout



Source: CHCC 2013

7.1.2 Recent Planning and Development Initiatives

As noted above, construction of Airservices ARFF fire station has commenced in the area to the north of the freight facility and new airside/landside gate. A site for a separate smoke training facility is currently being considered near the control tower. The fire station is due to be commissioned in early 2015.

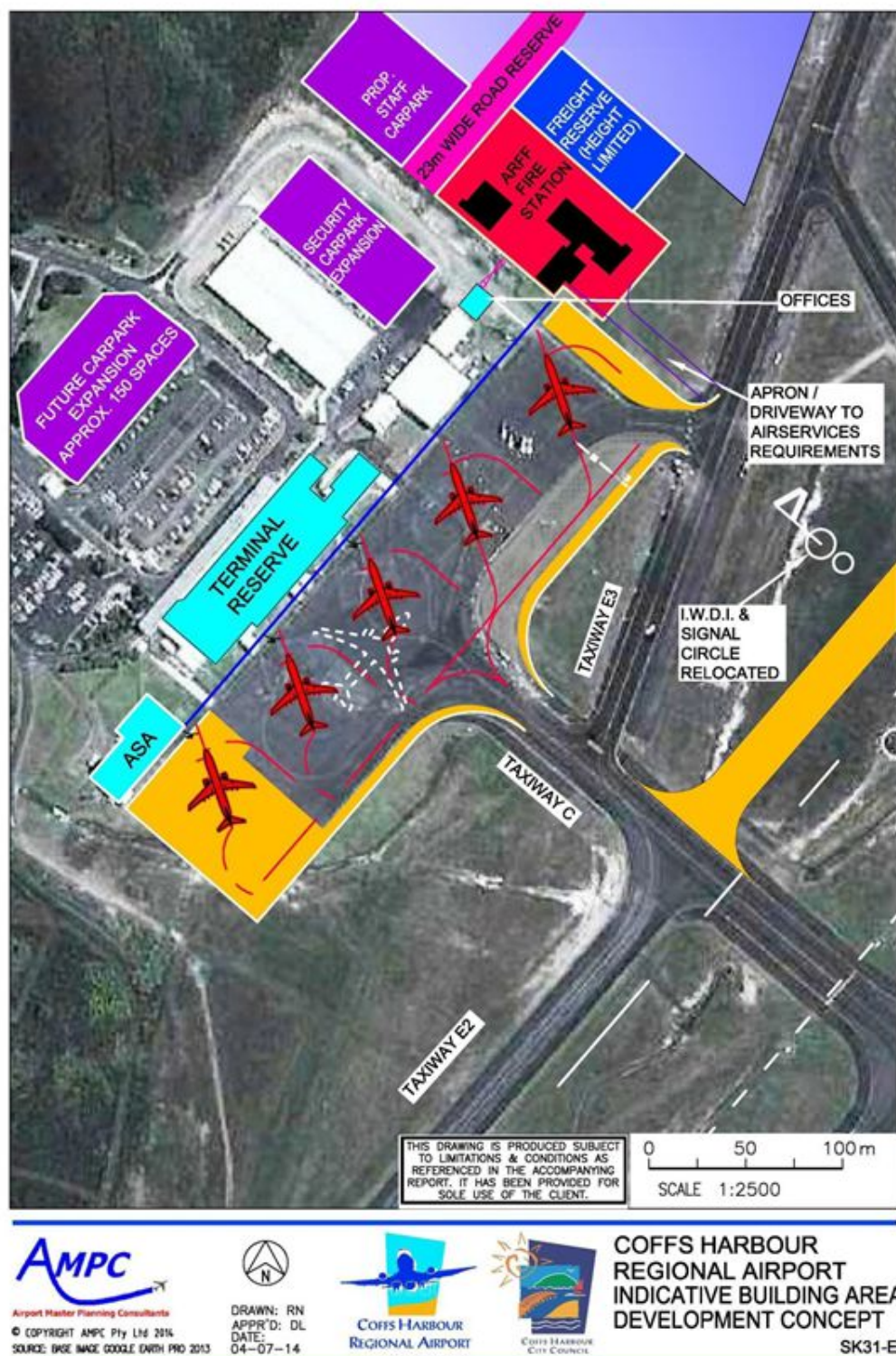
A freight reserve has been located to the north of the fire station. Based on current control tower and FCC surveillance technologies this site has height limitations due to line of sight requirements. The freight reserve replaces the large aircraft GA hangar reserve depicted in the TPMP which would have necessitated a much higher building.

The Bureau of Meteorology (BOM) will be vacating their current facility in Aviation Drive and no longer maintaining a staffed presence in Coffs Harbour. Additionally, BOM has replaced their current weather station and installed a new boundary layer profiler to the north-east of the old VOR location.

Figures 7.3 and 7.4 depict the updated indicative development concept for the sector.

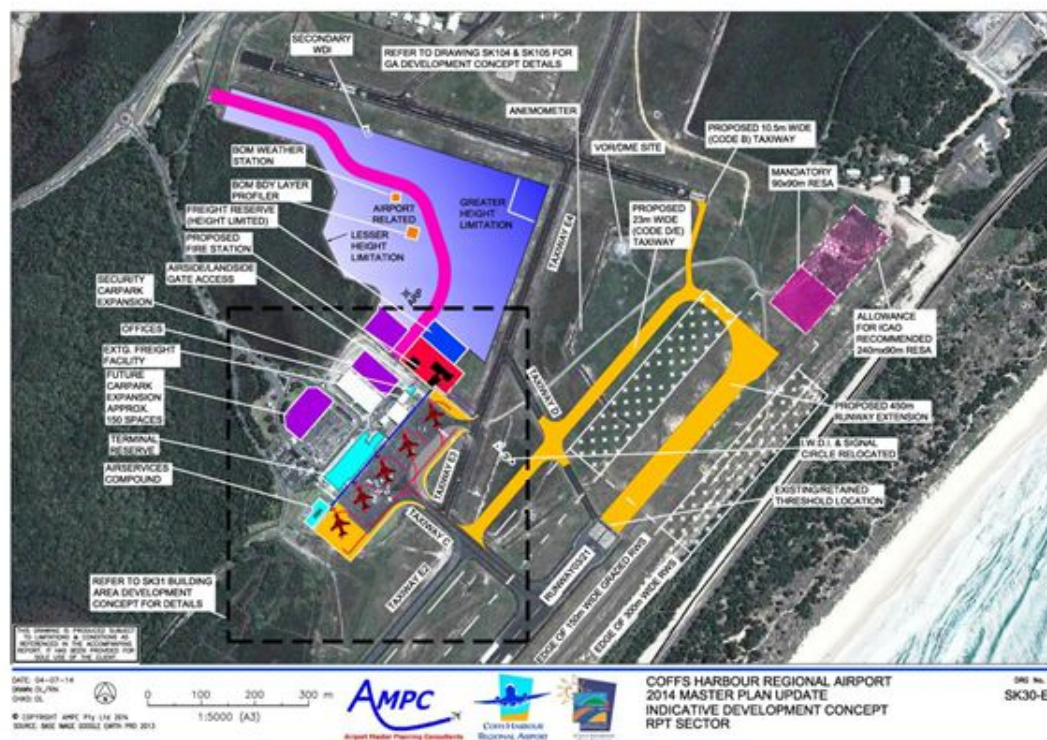
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Figure 7.3 – Indicative Building Area Development Concept



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Figure 7.4 – Indicative Development Concept RPT Sector



7.2 Northern (GA) Sector (refer Figures 7.5 to 7.8)

7.2.1 Runway 10/28

The development concept assumes the runway strip width will be narrowed to 80m consistent with the requirements for a Code 1 daylight use non-instrument runway (but with future night capability retained). This narrowing will not affect the type of aircraft operations currently performed from the runway.

Less onerous OLS requirements are a consequence flowing from the runway strip narrowing, with the inner edges being able to be located 30m from runway ends, the transitional surface slope increased to 20% (1:5) and the take-off/approach surface gradients increased to 5%.

7.2.2 GA Indicative Development Concept

7.2.2.1 Fixed Wing Precinct

The development concept for fixed wing assumes no changes for current aviation operators and lessees in the sector.

It is assumed the sector will be limited to a maximum of Code B aircraft i.e. those with a wingspan of up to but not including 24m and the larger Code C aircraft will continue to be accommodated in the southern RPT sector. The vast majority of GA operations at Coffs Harbour are undertaken by Code A aircraft i.e. those with a wingspan of up to but not including 15m. The main Code B aircraft that regularly utilise the airport are the Air Ambulance B200/350 Kingair aircraft and the concept is based on ensuring they can continue operate to/from the sector. The Royal Flying Doctor Service recently

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announced it is to acquire three Pilatus PC-24 light jets. As these are Code B aircraft they will be able to access the sector if required.

It is proposed that Taxiway E5 be decommissioned and that Taxiway G be reconfigured for Code B operations (currently Code A) including the provision of taxiway lighting to replace that lost with the decommissioning of Taxiway E5. Provision has been made for a Code B partial parallel taxiway system on the northern side of Runway 10/28 with the section between the remnant stub of Taxiway E5 and Taxiway G more likely to be required than the section from the remnant stub of Taxiway E5 to the 10 runway end. However, from an airport planning perspective it has been included, as it is one of the factors in determining the future airside/landside boundary to the north of Runway 10/28. The section of parallel taxiway between Taxiways E5 and G will require taxiway lighting or alternatively a section of Runway 10/28 equipped with taxiway lighting. The clearances at the eastern end provide for an airside road adjacent to the boundary if it is required. Additionally, the existing WDI can be relocated further to the south to optimise land availability.

Decommissioning of Taxiway E5 will unlock the currently sterilised airside land to the south of Taxiway H and east of Taxiway G, permitting consideration of higher order land uses.

In terms of future GA development such as hangars, the development concept provides for additional facilities between PPT and the Aero Club which will make use of the existing engineering services and aviation infrastructure. A single hangar site is also available on the northern side of Taxiway H. The concept provides for a row of hangars to be developed fronting the eastern side of the concrete apron and Taxiway G, and a new row of hangars to the north of Runway 10/28 between Taxiways E5 and G. The development concept provides for an additional 18 hangar sites. Some of these sites will require assessment under the *Managing the Risk of Building Generated Windshear and Turbulence at Airports* guideline.

New landside access would be provided as shown. This access and associated engineering services would be able to be shared with future adjacent land uses to the east. A Code B passing bay has been included on Taxiway G to manage potential head-to-head taxiing conflicts.

The hangar layout assumes generic 30m x 30m sites with provision for 15m deep aprons fronting the hangars. Short stub sections of up to Code B taxilanes would connect the apron to the main taxilane (G).

The closure of Taxiway E5 means the taxiway/apron sections between the Taxiway G/F intersection through to the end of Taxiway H will be able to be classified as apron. Taxi clearances would not be required for surface movement in this area. This also provides the ability to utilise taxilane clearance standards in terms of the geometric layout of future facilities. The southern extent of the proposed hangars on the eastern side of Taxilane G is determined by control tower line of sight requirements to the intersection with Taxiway F. This point represents the future boundary between apron and manoeuvring area which would be delineated with an intermediate holding position marking. Aircraft taxiing south or west from this point would require a taxiway clearance when the tower is active. Airservices is currently considering the apron re-classification proposal.

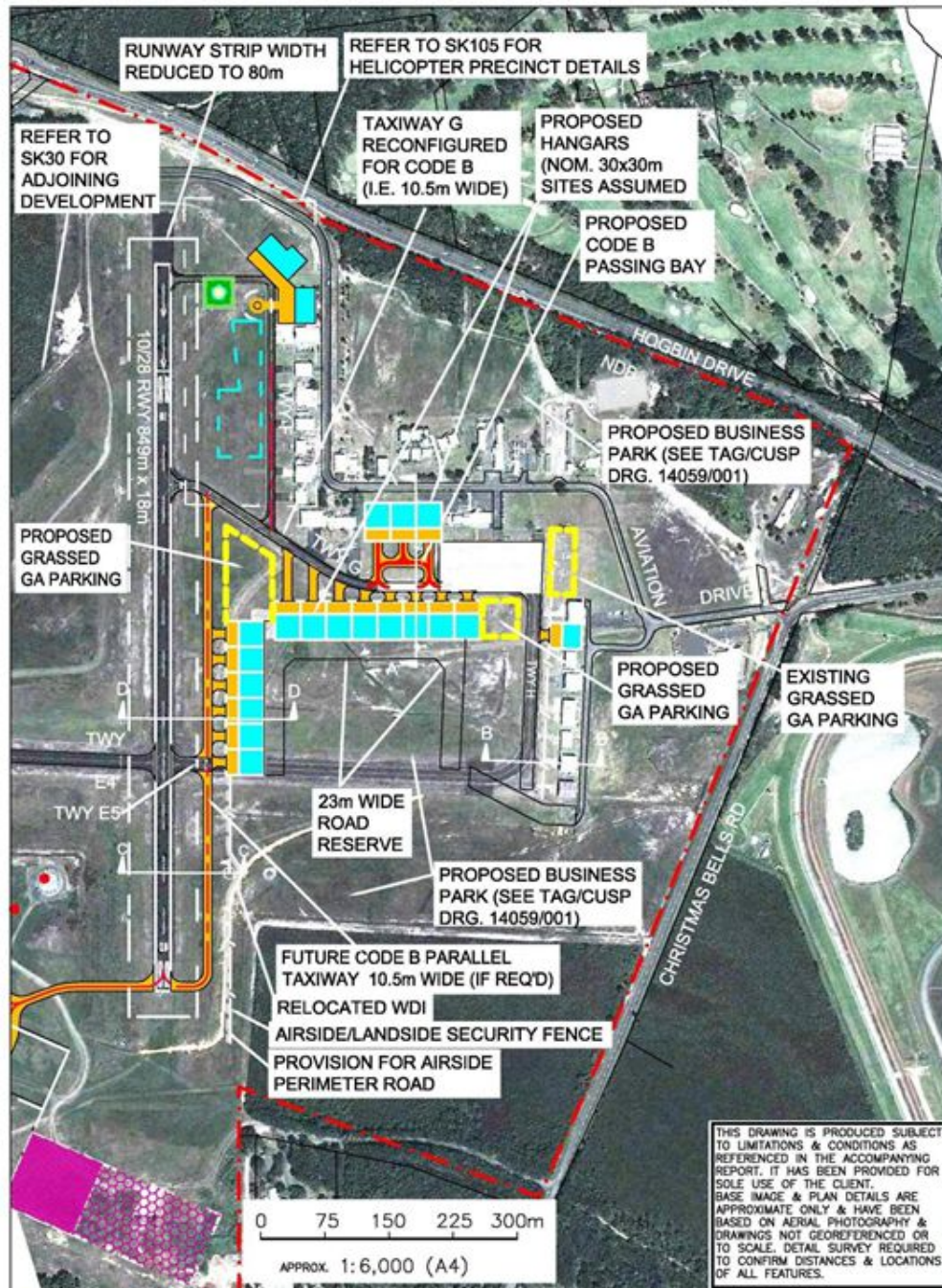
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The existing AVGAS bowser refuelling facilities are retained. Future grassed aircraft parking areas are provided on the eastern side of Taxiway G.

If future fixed wing GA growth exceeds the demand assumptions above, there is additional land available on the southern side of Runway 10/28 which could be utilised for additional GA parking and low-rise hangar development. Future surveillance technology may overcome some of the control tower and FCC line of sight constraints which currently apply in this area and permit higher building development to occur.

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Figure 7.5 – Indicative GA Development Concept



Airport Master Planning Consultants
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SOURCE: BASE IMAGE GOOGLE EARTH PRO 2013



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APPRO'D: DL
DATE: 04-07-14



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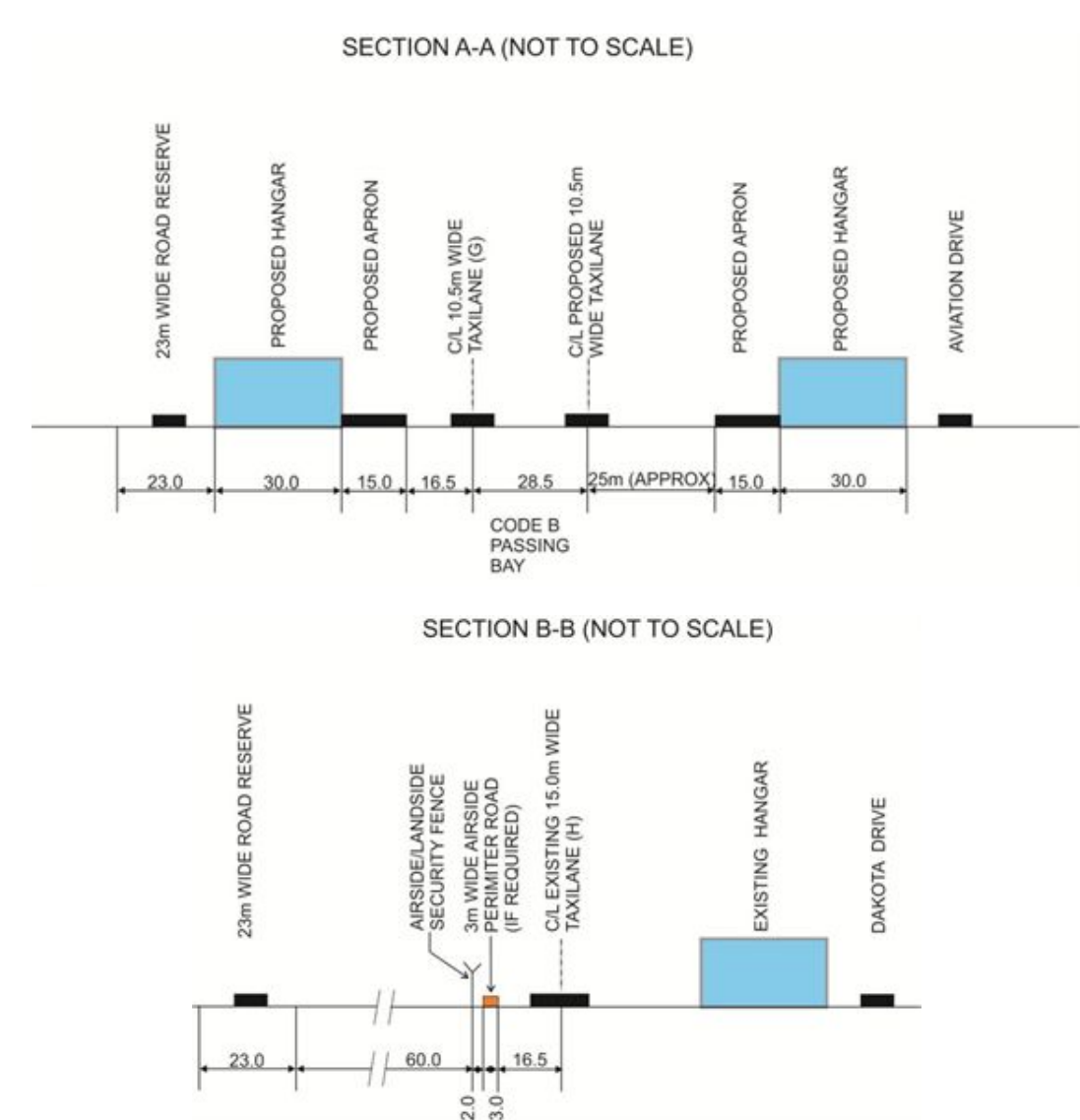


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2014 MASTER PLAN UPDATE
INDICATIVE GA
DEVELOPMENT CONCEPT

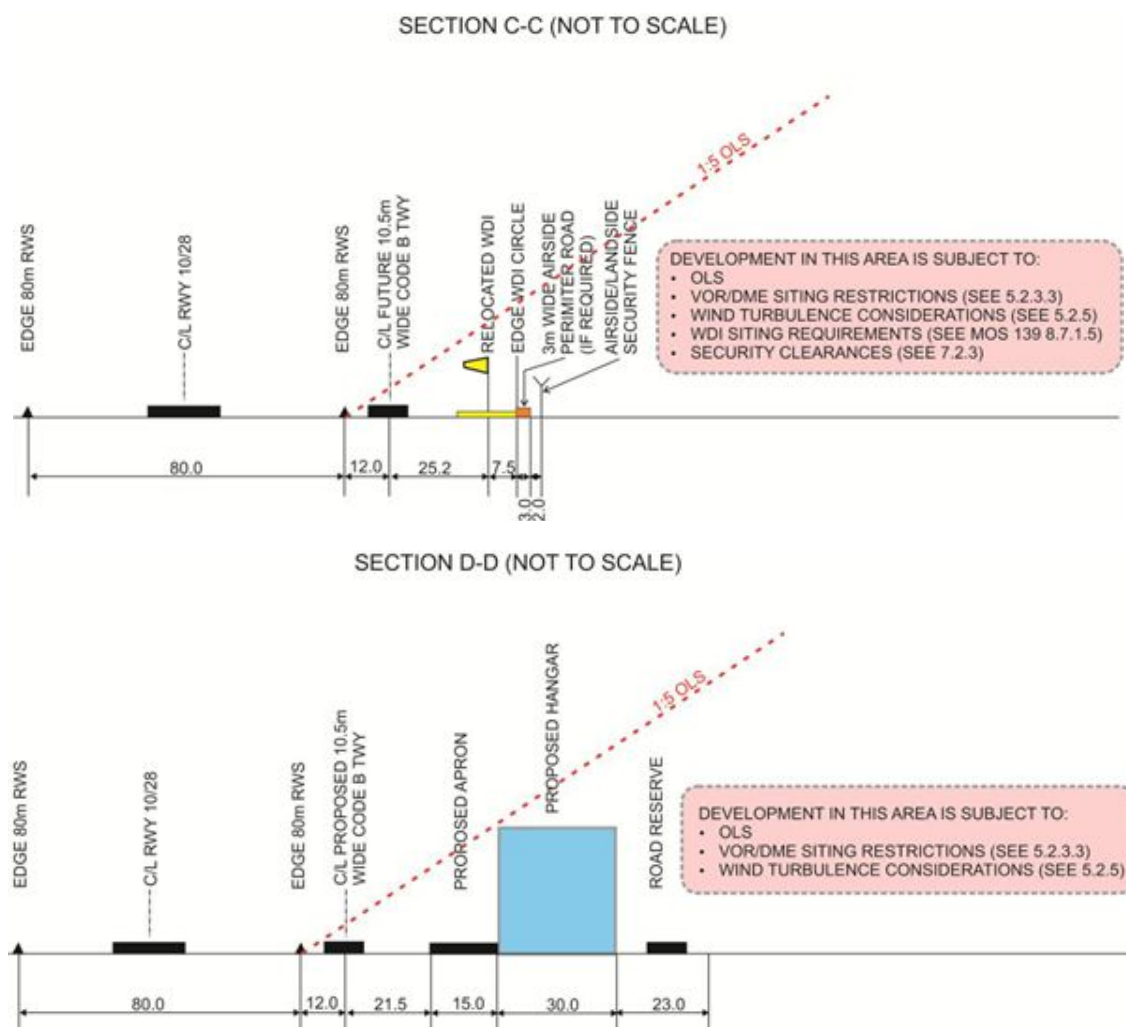
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Figure 7.6 – Indicative GA Development Concept Sections A-A and B-B



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Figure 7.7 – Indicative GA Development Concept Sections C-C and D-D



7.2.2.2 Helicopter Precinct (refer Figure 7.8)

There are no prescribed physical geometric standards for helicopters contained in the MOS other than for markings. CASA publishes Civil Aviation Advisory Publication (CAAP) 92-2 (2) *Guidelines for the establishment and operation of onshore use of helicopter landing sites*. CASA has indicated it intends to incorporate the CAAP into MOS, which will mean its' provisions will become mandatory rather than advisory.

The CAAP requires a design helicopter or helicopters to be adopted for the basis of helicopter facility planning. Following discussion with the new operator Eaglecopters, the Bell 412EP and Augusta Westland 139 have been adopted as the design helicopter/s as they represent typical medium helicopters with skid and wheeled undercarriages respectively.

The indicative development concept proposes a dedicated helicopter precinct at the western end of the Taxiway F hangar row. This includes provision for an additional helicopter hangar at the westernmost point. As this hangar is a new facility and will be slightly closer to the runway it will require assessment under the *Managing the Risk of Building Generated Windshear and Turbulence at Airports* guideline. The section of Taxiway F west of the last fixed wing hangar to the 10 runway end is to be closed to facilitate the development including aprons. This will enable the remaining section of Taxiway F to be reclassified as apron, as is proposed for part of Taxiway G and Taxiway H. A daylight use basic helicopter landing site (HLS)/stand is proposed to service the western end of the helicopter precinct. This compliments an existing similar facility at the eastern end.

Airservices is currently considering a re-classification proposal for Taxiway F to apron, similar to that proposed for Taxiway G/H.

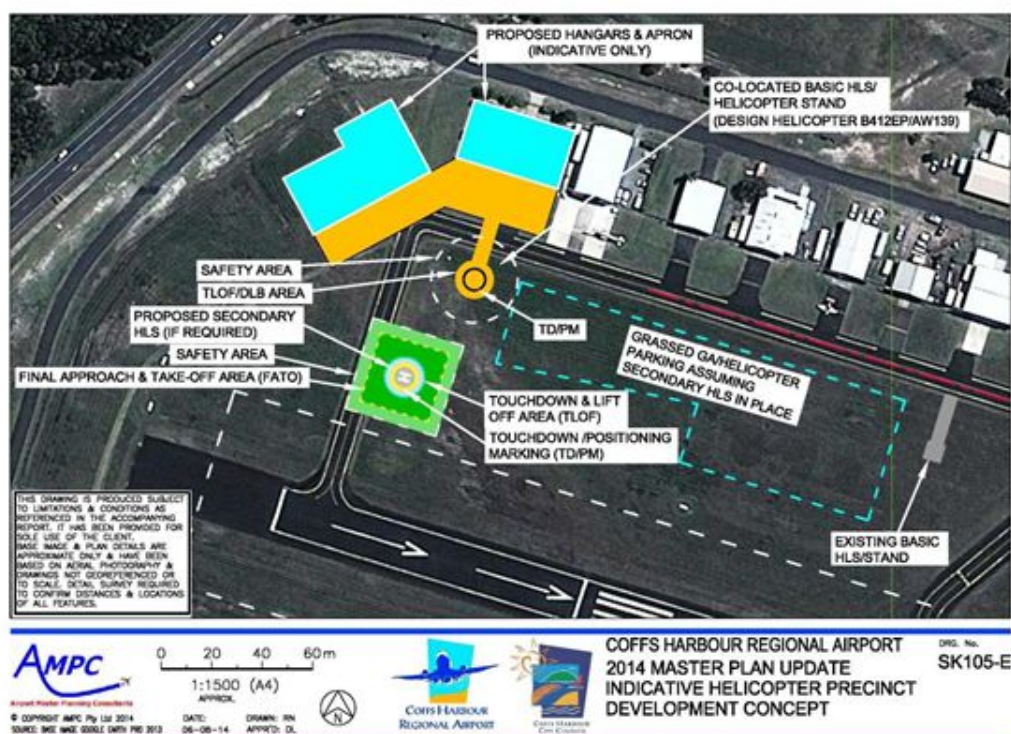
A site for a future secondary daylight use HLS has been identified closer to Runway 10/28 should it be required to facilitate more intensive helicopter operations. Dimensionally, this HLS would be capable of accommodating heavy helicopters up to EC225 Super Puma size. A secondary HLS has a number of additional attributes over and above those for a basic HLS including a set of OLS requirements based on the design helicopter. These will need to be incorporated into Council's OLS provisions.

Grassed GA/helicopter parking is located between Taxiway F and Runway 10/28. If it is required for helicopter operations, a secondary WDI has been sited on the northern side of Runway 10/28 where it will also serve fixed wing operations.

The location of the helicopter precinct satisfies an important airport planning consideration in that it achieves physical separation with fixed wing operations.

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Figure 7.8 – Indicative Helicopter Precinct Development Concept



7.2.3 Land Surplus to Airside Aviation Requirements

As indicated elsewhere, enhancing overall airport revenues from non-aeronautical activity, is one of Council's primary goals. As shown on **Figure 7.3**, the GA development concept provides the basis for identifying a land area of approximately 26ha (not including the site of the NDB) surplus to airside aviation requirements which could then be considered for aviation-related or non-aviation land uses. In this context, Coffs Harbour has a significant advantage over many regional airports in terms of its overall landholding of some 323ha. This relatively large area is a consequence of historical development of the airport, primarily resulting from the decision to locate Runway 03/21 well to the south of the then centre of airport activity. At this stage pending any decisions in relation to the future of the NDB, the area within a 150m radius of the NDB is not currently surplus to aviation requirements. The land surplus to airside aviation requirements represents approximately 8% of the total airport property.

Table 7.2 compares some selected airports with Coffs Harbour in terms of land area and passenger throughput.

Table 7.2 – Airport Comparisons

Airport	Total Area (ha)	Annual Passengers (2011/12)
Coffs Harbour	323	336,369
Gold Coast	371	5,326,570
Hervey Bay (Fraser Coast)	142	148,211
Mackay	273	1,126,147

Source: airport websites, BITRE 2013, CHCC 2013.

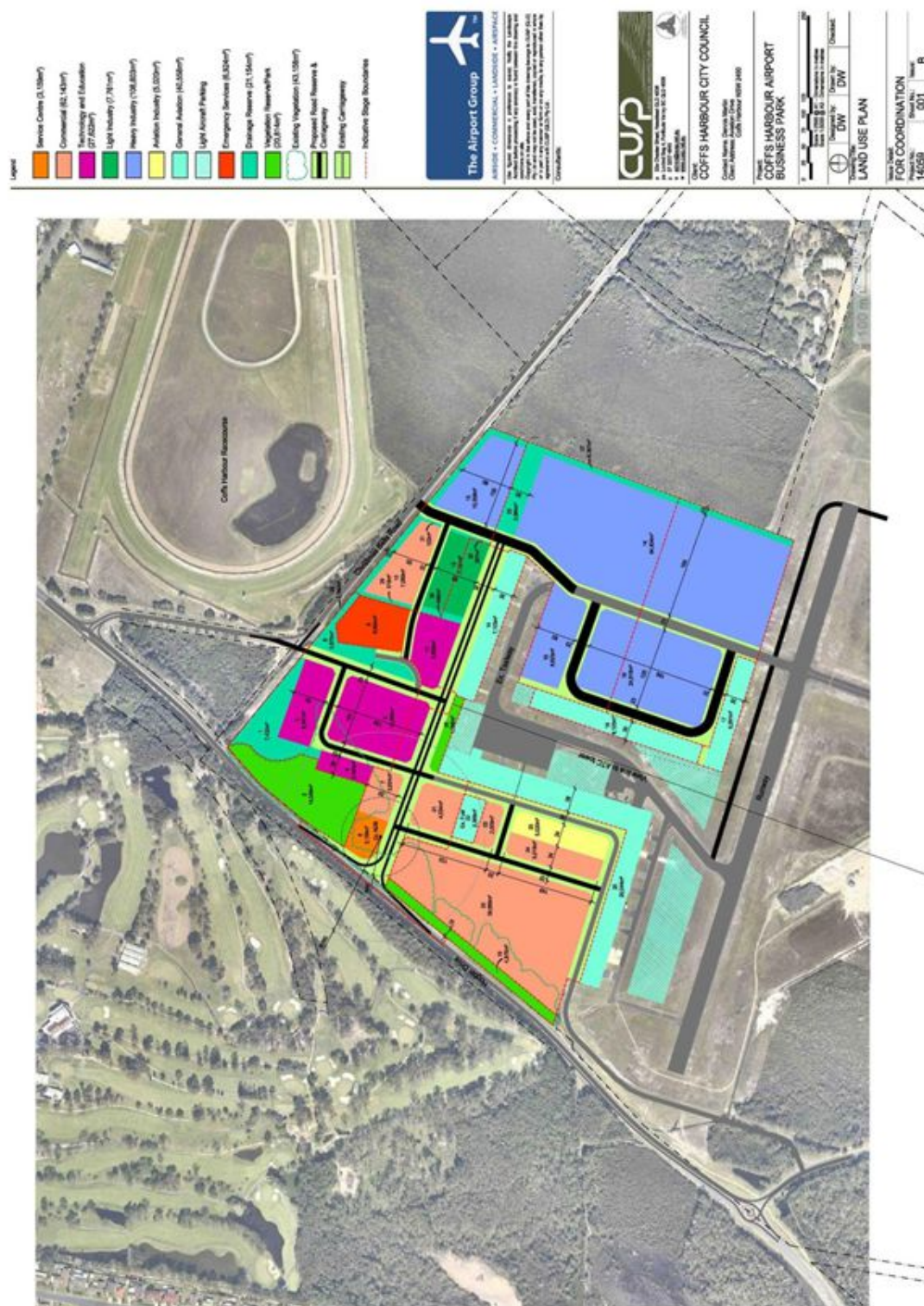
7.2.4 Aviation Security

The GA indicative development concept will change the current airside/landside boundaries in several locations. Proposed landside development will be subject to the clearance requirements to these boundaries, in accordance with the appropriate standards, e.g. along the new airside/landside boundary north of Runway 10/28.

8 Proposed Enterprise Park

Having identified approximately 26ha of land surplus the airside aviation requirements, Council engaged consultants The Airport Group (TAG) in association with CUSP Landscape Architecture Urban Design to prepare a land use plan for the area in the form of a proposed enterprise park. This is depicted on **Figure 8.1**. Note at this stage the plan assumes the area occupied by the NDB and sterilised/restricted from development will become available, either by the withdrawal of the facility or its relocation to another part of the airport. As noted above, Airservices is considering this issue.

Figure 8.1 – Proposed Enterprise Park Land Use Plan



9 Statutory Planning

Statutory planning in relation to the airport is subject to the application of the *NSW Environmental Planning and Assessment Act 1979*. The Act also gives effect to Section 117 Ministerial Directions Part 3.5 - Development Near Licensed Aerodromes which applies with the objectives:

- to ensure the effective and safe operation of aerodromes;
- to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and
- to ensure development for residential purposes or human occupation, if situated on land within the ANEF contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

As noted in **Chapter 6**, the ANEF prepared in 2004 is Council's primary aircraft noise planning tool.

The Act also gives effect to *State Environmental Planning Policy (Infrastructure) 2007 Part 3 Development Controls, Division 1 Air transport facilities*, which aims to facilitate the effective delivery of infrastructure across the State.

The primary statutory land use planning instrument covering the airport is the *Coffs Harbour Local Environmental Plan 2013* (LEP) which received Ministerial approval in September 2013. It replaced the *Coffs Harbour Local Environmental Plan 2000*.

Under the new LEP, the airport land is zoned as SP 1 Infrastructure – Air Transport Facility. The objectives of this zone are:

- to provide for special land uses that are not provided for in other zones;
- to provide for sites with special natural characteristics that are not provided for in other zones; and
- to facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

In relation to aircraft operations the LEP also contains:

- provisions for development in areas subject to aircraft noise;
- provisions for ensuring development does not compromise "Limitation or Operations Surface" [sic]. This is interpreted as meaning the OLS and PANS-OPS surfaces; and
- provisions to protect the community from undue risk.

The LEP is supported by the *Coffs Harbour Development Control Plan 2013* (DCP). Component E1 of the DCP relates to the airport and has been deferred pending revision of the airport Master Plan.

10 Airport Indicative Development Concept

Figure 10.1 is a whole of airport drawing showing the current indicative development concept for the airport. It is a composite plan comprising the relevant sections of:

- the 2003/04 Master Plan (as amended in 2007);
- the 2011 TPMP; and
- this 2014 Master Plan update.

Figure 10.1 – Indicative Airport Development Concept



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Appendix A Executive Summary of Guideline B - Risk of Building Generated Windshear and Turbulence at Airports

Executive Summary

Guidelines for Land Use Planners and Airport Operators to Manage the Risk of Building Generated Windshear and Turbulence at Airports

REVISION DATE	VERSION NUMBER	CHANGES MADE	APPROVED BY
April 2012	2.1.1	Document Creation	SCOTI
15/7/12	2.1.2	Version control table added. Page numbers added.	S. Stone, GM Aviation Environment, DOIT.

Quick guide

1. At airports, a combination of strong runway cross winds and large buildings near runways can create wind effects that could affect aviation safety.
2. This guide sets out a short summary of steps to follow when assessing this risk from proposed buildings located near the threshold of runways. It should be used in conjunction with National Airports Safeguarding Framework Guideline B – Managing the Risk of Building Generated Windshear and Turbulence at Airports.
3. The steps detailed below allow a simple risk based analysis of building induced wind shear risk in many circumstances. In some circumstances more detailed desk top modelling will be required, taking account of historic wind conditions at the relevant airport. In further cases, physical wind tunnel modelling or computational fluid dynamics modelling may be necessary.

Step 1

4. For each end of the runway, is the building or buildings to be constructed outside the following boundaries? (See Figure A)
 - a. more than 1200m perpendicular to the runway centreline; or
 - b. more than 900 m beyond the runway threshold towards the landside of airports; or
 - c. more than 500 m from the runway threshold along the runway.

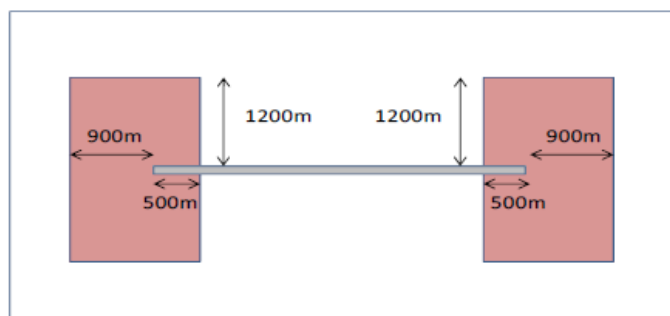


Figure A- envelope around runways within which buildings should be assessed

5. If yes the building is acceptable and no further assessment is required, if no go to Step 2.

Step 2

6. For single, buildings only: Is the distance from the proposed building to the runway centre-line more than 35 times the proposed height of the building?
7. If yes the building is acceptable and no further assessment is required, if no go to Step 3.

Step 3

8. Is this a single, regular-shaped (i.e. rectangular/ square shaped) building?
9. If yes, the building is suitable for a desktop assessment beginning with Step 4. If not, it will need assessment using the quantitative methods described in Step 5.

Step 4

10. Use Table 1 on Page 9 of Guideline B to estimate the magnitude of building-induced windshear. Note that if the prevailing wind is oblique to the building facade, a safety margin of 25 per cent should be added.
11. If this analysis shows that the mean wind speed deficit (the measure of windshear) is less than or equal to 7 knots, the building is acceptable. If this figure is greater than 7 knots, quantitative modelling techniques should be used following Step 5.

Step 5

12. Quantitative modelling using wind tunnel testing or computational fluid dynamics is required if the building proposal fails to comply with the tests in Steps 1 to 4. It is important to note that multiple buildings and buildings with complex shapes that do not meet the 1:35 rule must be subject to quantitative modelling.

Wind shear quick guide

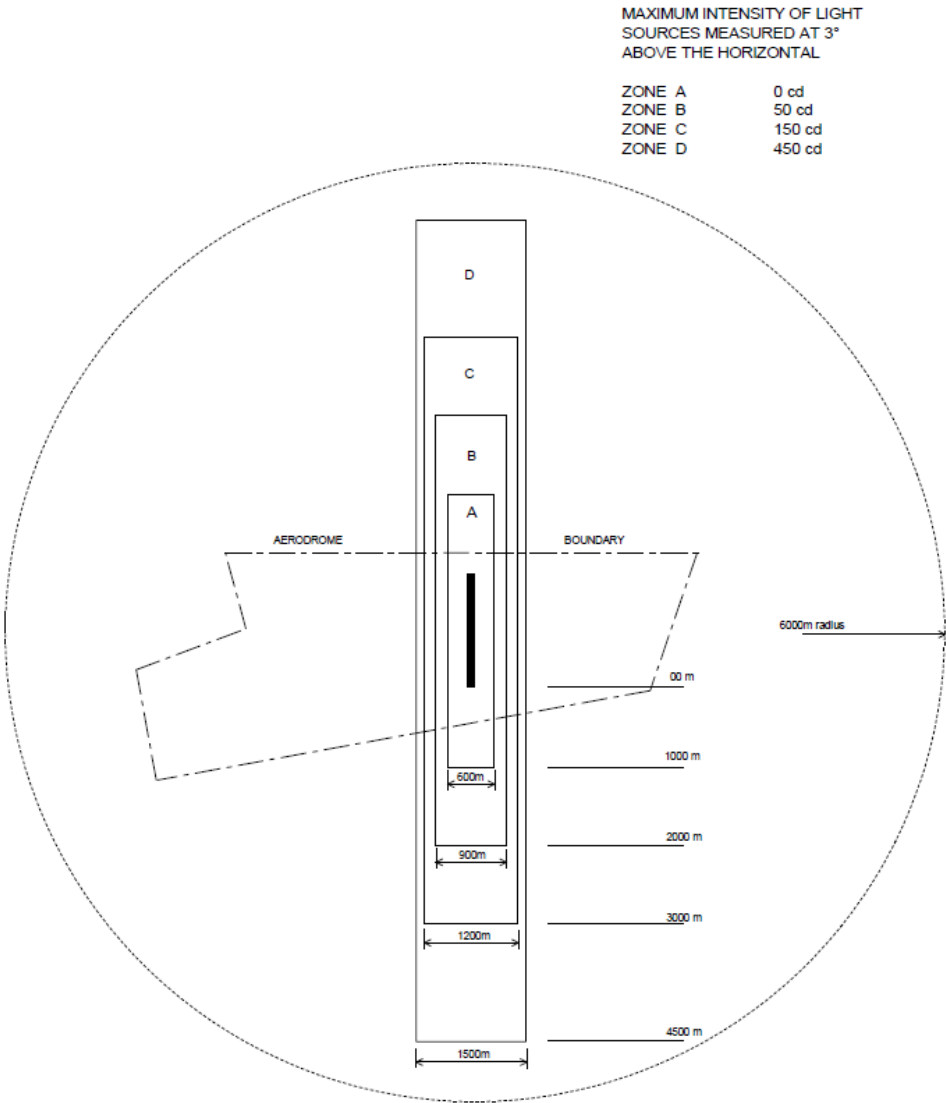
13. The objective of the quantitative modelling should be to provide definitive results on whether the building will meet the 7 knot criterion for acceptability of building-induced wind shear.

Step 6:

14. If the assessment above indicates that the building will create unacceptable wind-effects, airport operator/planning authorities/regulators should consider the likely frequency of occurrence.
For example, if historic records indicate that this will only occur a few times a year and aircraft will be able to use alternative runways, it is possible the building could still be accepted and the risks managed through operational procedures.
15. If the risk is determined to be unacceptable, the building proposal should be modified or discontinued to ensure the safety of aviation operations at the airport.

Source: DOIT 2012

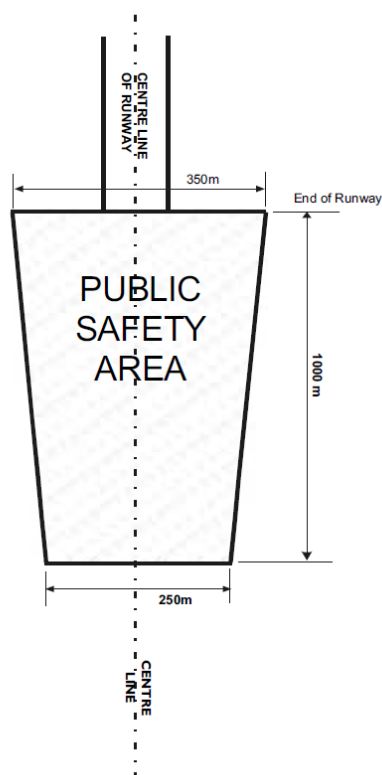
Appendix B Maximum Lighting Intensities



Source: CASA 2012

Appendix C Queensland PSA Template

DIMENSIONS FOR A PUBLIC SAFETY AREA



Note: Applies to each runway end.

Explanatory Notes:

1. The dimensions above indicate an area where the risk per year, resulting from an aircraft crash, to a representative individual (individual risk) is of the order of 1 in 10,000 (10^{-4}).
2. The dimensions also partially enclose an area of individual risk of the order of 1 in 100,000 (10^{-5}). As general guidance, it would be inappropriate for a use described in Section 6.13 of the SPP to be exposed to a higher individual risk than 1 in 10,000 (10^{-4}).

Source: Queensland Government 2014.

COMMITTEE MEMBERSHIP - AYRSHIRE PARK AND MULTICULTURAL REFERENCE GROUP

Purpose:

To recommend to Council appointment of community members to facility management committees.

Description of Item:

This report seeks approval from Council for appointments to the following committees:

- Ayrshire Park Management Committee
- Multicultural Reference Group

Sustainability Assessment:

- **Environment**

There are no environmental issues associated with this report.

- **Social**

The valuable contribution made by community members in the various roles of management and advisory committees adds to the significant social capital and sense of connectedness, while also providing a service Council would otherwise be unable to provide.

- **Civic Leadership**

This approach is addressed in Coffs Harbour 2030 through:

- LC1 We are healthy and strong
- LC1.3 We live in a safe, caring and inclusive community
- LC1.3.2 Build community structures based on the values of care, inclusion and connectedness
- LC1.3.3 Promote the importance of being party of a community

- **Economic**

Broader Economic Implications

There are no economic implications of the recommendations in this report.

Delivery Program/Operational Plan Implications

There are no delivery program or operational plan implications of the recommendations in this report.

Risk Analysis:

A risk analysis is not applicable in this instance.

Consultation:

Consultation has been undertaken with the existing members of the relevant committees.

Related Policy and / or Precedents:

This process is in line with precedents set in the past.

Statutory Requirements:

This addresses requirements under the Local Government Act.

Issues:

The following community members have expressed interest in participating on the below committees. The nominations have been approved for recommendation to Council at the relevant committee meetings:

- Ayrshire Park Management Committee – Mr Garry Murray
- Multicultural Reference Group – Mrs Merren Asquith

Implementation Date / Priority:

The relevant committees and prospective members will be notified immediately following Council's decision.

Recommendation:

That the following committee members nominations be appointed to the relevant committees:

- **Ayrshire Park Management Committee – Mr Garry Murray**
- **Multicultural Reference Group – Mrs Merren Asquith**

POTENTIAL FOR CRUISE SHIP VISITATION TO THE REGION

Purpose:

To provide an update to Council on the status of investigations into the potential of cruise ship visitation to the region.

Description of Item:

At its meeting of 9 May 2013 Council considered a Notice of Motion from Cr Degens regarding cruise ship visitation and resolved the following:

1. *Coffs Harbour City Council reopen or recommence, investigations regarding cruise ship visitation to Coffs Harbour. That Council investigate the level of interest held by cruise shipping companies in Coffs Harbour as a future destination site and what their needs to further attract visitors might be.*
2. *The financial benefits to the community as exemplified in the tabled business study for nearby cities be noted.*
3. *Coffs Harbour City Council consider becoming a member of Cruise Down Under, the organization for Cruise Shipping in Australia as a first step to promote itself as a destination and help establish the necessary contacts and report back to council on the benefits of this or other initiatives worthy of consideration.*
4. *A letter be sent to Geelong City Council thanking them for the use of the study that they have supplied Coffs Harbour City Council.*

Following the above Resolution a number of actions have been taken by staff including;

- Meetings with Destination NSW CEO and Manager of Sector Development (including cruise ships).
- Meetings with Carnival Cruiselines (representing Cunard, Holland America Line, P & O Cruises, Princess Cruises and Seabourn).
- Meetings have been held with Star Marinas (Lessee of Coffs Harbour International Marina) to discuss potential impacts on the marina operations with in-principle support to attract Cruise Ship Visitation and potential infrastructure which would need to be provided.
- Meetings have also been held with NSW Department of Lands to discuss impacts and level of support. NSW Department of Lands are supportive of a funding application to Destination New South Wales (DNSW) and have requested involvement in the design and planning process.
- Membership to Cruise Down Under has been assessed and at this stage is of little value until Coffs Harbour is able to gain scheduled cruise ship visitation, at which time membership will be reassessed. Membership of this organisation is valuable for established cruise ship destinations.
- A letter to the General Manager of Geelong City Council has been forwarded thanking them for the use of the study they provided.

As a result of the above meetings a number of issues have been identified and these are discussed in the Issues section of this report.

Sustainability Assessment:

- **Environment**

No environmental impacts are identified at this stage. Prior to commencement of any cruise ship services or pontoon construction the relevant company(s) will be required to undertake environmental assessments appropriate to the projects.

- **Social**

The social impact of attracting the cruise ship market to the region would be broad reaching, including the direct economic impact enhancing employment opportunities for the Coffs Coast.

- **Civic Leadership**

Civic leadership is demonstrated by Council taking a facilitator and advocate role in the attraction of new business opportunities that will benefit the economic and social status of the community. This project addresses the objectives of the 2030 Community Strategic Plan by:

LP1.2.2 Assist existing business operations to grow

PL1.1.2 Provide infrastructure that supports sustainable living

PL3.2.3 Promote and support a local food network (via proposed shore activities)

LE1.1.1 Identify and promote the regions unique environmental value

- **Economic**

Broader Economic Implications

The economic benefit of attracting Cruise Ships to the region will be detailed in a funding submission to DNSW and provided to Council in a later report.

Delivery Program/Operational Plan Implications

There are no Delivery Program or Operational Plan Implications.

Risk Analysis:

The key risk identified is reputational risk to Council in the instance of securing infrastructure funding but not being able to secure a cruise operator to the region.

Consultation:

Coffs Harbour City Council Councillors resolved to reopen investigations into cruise ship visitation to Coffs Harbour in May 2013. Staff have consulted with DNSW, the NSW Government Tourism authority, Department of Lands and the Marina operator and have reported cruise ship opportunities to Tourism Coffs Coast.

Related Policy and / or Precedents:

Council resolution required investigation into cruise ship visitation be undertaken.

Statutory Requirements:

If NSW Government funding is secured Coffs Harbour City Council will be required to enter into a funding agreement

Issues:

Initial investigation into cruise ship opportunities have identified that the region is well positioned being 12 hours cruise time from Sydney and 10 hours from Brisbane. This positions Coffs Harbour ideally to initially attract the short break cruises (less than 5 days) that operate along the East Australian Coast and is the fastest growing cruise segment at 38% growth last year (see attached DNSW Cruise statistics for a broad market overview).

Operational advice to date has been positive with ship to shore tenders (use of Tender Vessels for customer transfers) identified as the only option for Carnival. The region would need to provide Marina infrastructure (floating pontoons for Tender Vessels) to facilitate this option. Further detailed investigations are required to identify design specifications for Marina pontoon infrastructure and costs.

In addition to Marina infrastructure it has been identified that the region would need to deliver an event (similar to other port destinations) on the arrival of each cruise ship to manage up to 2,000 Guests. Pre-paid tours and attractions would be utilised as organised activities however this would not cater for the total number of visitors. The scope and nature of the event would need to be negotiated with Cruise operators prior to confirmation of scheduling.

DNSW is identified as a potential funding source to support any infrastructure requirements and marketing activity into the future. DNSW have been supportive to date providing industry contacts and advice as required.

Deputy Premier Andrew Stoner has also announced that DNSW will be undertaking a 10-Year Cruise Development Plan for NSW (19th June 2014 announcement, see attached press release), contracting MI Associates to undertake the study. DNSW have committed to include Coffs Harbour in the study which is important for the region to be considered a potential cruise destination within the report. MI Associates are conducting Coffs Harbour site visits during August 2014 to identify opportunities for the region.

DNSW have recently contacted Council indicating that the Restart NSW funding program would be an ideal opportunity for Council to seek 100% funding for required Marina infrastructure. DNSW have made initial enquiries about the funding and have suggested that an Expression of Interest (EOI) from Council for direct funding meets funding guidelines, and is required prior to the end of August 2014. Council staff have engaged Tourism and Hospitality Services Australia to write a funding EOI to DNSW under the Restart NSW program. This company was one of two recommended to Council by DNSW.

The EOI will include a request for funding (project to be 100% funding, no matching funding required), the economic impact potential of cruise market to the region, infrastructure requirements and a communications brief. Due to the time frames required and the work involved in developing the grant application it was necessary to engage the services of this company. It is a cost effective method of developing the required information because the company has prepared similar reports for other destinations.

The funding submission to DNSW will require professional input (cruise ship visitation economic data, and infrastructure specifications) at a cost of approx. \$8,000 which is within current operational budgets. As mentioned above the funding submission is for a 100% funded program with no matching funds required from Council if successful. The submission amount will be determined by infrastructure specifications which will be developed prior to

submission. It is estimated that the infrastructure costs would be approximately \$300,000 from initial investigation.

The key issue with the potential attraction of Cruise ships to the region is similar to that of attracting commercial airlines, in that the ultimate decision of any new route or destination becomes a commercial decision for the provider. Council's role is that of a facilitator and advocate and has some limitations in the decision making process.

Implementation Date / Priority:

Funding application to DNSW is required by 30 August 2014.

Recommendation:

1. That Council notes the progress to date in relation to investigations into cruise ship visitation to the region.
2. An update report be provided to Council when outcomes of the DNSW 10 Year Cruise Development Plan and the Restart NSW funding submission are finalised.



Andrew Stoner MP
Deputy Premier of NSW
Minister for Tourism and Major Events

MEDIA RELEASE

Thursday 19 June 2014

10-YEAR CRUISE DEVELOPMENT PLAN FOR NSW UNDERWAY

Deputy Premier and Minister for Tourism and Major Events Andrew Stoner announced today that Sydney based company MI Associates has been appointed to work with Destination NSW to produce a 10-year Cruise Development Plan to ensure NSW captures a larger share of the economic benefits from the growth in the cruise market.

The 10-year Cruise Development Plan was a recommendation of the NSW Government's Visitor Economy Industry Action Plan (VEIAP). Today's announcement comes after the 2013 Cruise Industry Source Market Report, released by the Cruise Lines International Association Australasia in Sydney last week, revealed that the Australian cruise industry is now ranked number one in the world for market growth and penetration.

"The Cruise Development Plan will help NSW plan for the forecast growth in cruise ship calls and passengers numbers and to capitalise on opportunities to grow our State's overnight visitor expenditure," Mr Stoner said.

"In 2013-14 Sydney welcomed a record 261 cruise ships and in 2014-15 an additional 32 are booked to call into our Harbour City, including maiden calls from Celebrity Century and Carnival Legend.

"The plan, to be developed in consultation with industry, will forecast the growth in cruise ship arrivals and passenger numbers to ensure NSW is equipped to capture a larger share of the economic benefits, including providing food and other supplies to cruise ships, pre and post-cruise tours for passengers and developing financial models to identify capacity and infrastructure needs.

"The plan will complement the NSW Government's investment in regional tourism through the new \$110 million Regional Tourism Infrastructure Fund by investigating capacity and infrastructure on the North and South Coasts, including ports such as Newcastle and Eden.

"This project will deliver on the Government's long term commitment to ensure NSW has the capacity requirements, including port infrastructure, stevedoring and ground touring arrangements, in place to meet the forecast growth in cruise ships and passenger numbers over the next 10 years," he said.

The NSW Government's tourism and major events agency, Destination NSW, consulted with Trade and Investment, Roads and Maritime Services, Sydney Ports Corporation, Royal Caribbean, Carnival Cruises and the Chair of the Visitor Economy Taskforce Cruise Advisory Group in the request for quotation process.

Attachment 1

MI Associates will also partner with ICF GHK and Hill PDA in the plan's development. ICF GHK has completed a number of cruise related assignments in the Asia-Pacific region. Projects include the Hong Kong Kai Tak Cruise Terminal Economic Assessment, formulation of a Cruise and Ferry Integrated Seaport Infrastructure Blueprint for Malaysia Assessment and the Shenzhen Prince Bay Cruise Terminal Market Assessment and Strategy.

The report is due to be completed by the end of 2014.

Media: Office of the Deputy Premier 9228 5209

Attachment 2



Cruise Market to New South Wales

October 2013

AGENDA

- Cruise data and insights
 - Availability of data and insights
 - Economic value
 - Domestic cruise market
 - 2012/13 Cruise Season – NSW Ports
- Key Challenges
- Opportunities
- Destination NSW Strategies

Information available on the cruise market in NSW

There is limited data available on the cruise market. The current two key sources are Cruise Down Under and Cruise Lines International Association Australasia:

- Cruise Down Under – Economic impact assessment of the Cruise Shipping Industry in Australia, produced annually. Provides:
 - Size: number of ship visits, passenger/crew days, passenger/crew/corporate expenditure, growth and economic impact of the cruise industry
- Cruise Lines International Association Australasia (CLIA)– Cruise Industry Report, produced annually on the domestic cruise market. Provides incidence of cruising and profile of Australian residents undertaking a cruise and destinations visited on a cruise
- Split of international vs domestic cruise passengers: Sydney Ports advised that approximately 73 per cent of passengers are domestic and 27 per cent are international. In 2012-13, 970,560 passenger days were spent in Sydney. Therefore it is estimated that international contributes 262,051 passenger days and domestic 708,508 passengers days in Sydney.

Cruise information currently not available

- Number of passengers who cruise into or out of NSW Ports (domestic and international)
- Number of international passengers that arrive by cruise ship or fly in to take a cruise
- Number of nights passengers stay pre and post a cruise
- Expenditure by passengers in transit as well as pre and post a cruise
- Source markets of cruise passengers (domestic and international)
- Profile of passengers who cruise to/from a NSW port

Issues with currently available information:

- Cruise Line International report provides information on Australian residents who undertake a cruise anywhere in the world i.e. includes Australian residents who fly to overseas destinations to join a cruise e.g. Alaskan cruises and European River cruises.
- Inconsistency in figures between different data sources

Potential sources of data

There are a number of sources identified that Destination NSW will approach to secure data and insights into the cruise market to NSW including:

- Sydney Ports (Sydney and Eden) and Newcastle Port Corporations
- Tourism Research Australia
- Department of Immigration & Citizenship (immigration passenger cards) *
- Cruise Lines

*Information about passengers on designated round trip cruises can potentially be extracted from the passenger cards. Tourism Research Australia obtained a quote of \$200,000 in 2011 for the data extraction.

From the information available an overview of the cruise market to NSW is following.

Economic impact of the NSW Cruise market 2012/13 vs 2011/12

- \$1.7 billion of expenditure * (direct and indirect), up 42 per cent
 - NSW expenditure accounted for 60 per cent of Australian expenditure
 - NSW: \$1.036 billion of direct expenditure*, up 40 per cent;
 - Sydney received 98.9 per cent of direct expenditure;
 - For every dollar of direct expenditure in NSW, there is a further indirect expenditure of 67 cents.
- 4,465 direct jobs, up 38 per cent
 - Note: estimated to be only one-third Australian residents
- Other statistics:
 - 252 cruise ship visit days, up 19 per cent
 - Almost one million passenger days in a NSW port, up 54 per cent

* Direct expenditure includes expenditure from passengers, crew, operator and corporate.



Source: Cruise Down Under Economic Impact report 2012/2013

Days at NSW ports and direct expenditure 2012/13

Port	Visit Days	Passenger	Crew	Direct Expenditure (\$m)				
		Days At Port	Days At Port	Passenger ^(a)	Crew ^(a)	Operator	Corporate	Total
New South Wales								
Eden	2	1,024	311	\$0.25	\$0.02	\$0.16	\$0.00	\$0.4
Newcastle	10	17,825	3,817	\$3.73	\$0.25	\$4.69	\$1.84	\$10.5
Sydney Harbour	240	970,560	185,420	\$358.72	\$42.34	\$494.42	\$129.19	\$1,024.7
<i>Total</i>	<i>252</i>	<i>989,410</i>	<i>189,548</i>	<i>\$362.7</i>	<i>\$42.6</i>	<i>\$499.3</i>	<i>\$131.0</i>	<i>\$1,035.6</i>

Source: Cruise Down Under Economic Impact report 2012/13

Australian Passengers Cruising Profile (domestic cruise market): 2012

- Australian cruise passenger market grew 11 per cent to 694,062 passengers in 2012
 - Highest growth of all developed cruise source markets (equal to Germany)
 - 42% of Australian's cruising are from NSW – followed by Qld (22%) & VIC 16.3%
- Second highest population penetration rate in the world:
 - 3 per cent (second to North America)
- Australia's share of the global cruise industry is 3.4 per cent
- Australia is second most popular destination for Australian passengers:
 - South Pacific share is 36.4 per cent, Australia share is 20.2 per cent
 - Australia as a cruise destination for Australian passengers is small (140,361 passengers in 2012), but is showing strong growth: up 17 per cent in 2012 vs. 2011)
 - Short cruises of 1-4 days by Australians showing strong growth, up 38 per cent in 2012 vs. 2011

(industry source: SB cruises are the most profitable)



Source: Cruise Industry Report – Australia 2012

Australian Passengers Cruising Profile: 2012

- NSW had highest passenger origin share and penetration share *
 - NSW passenger share - 42.9 per cent of Australian resident cruise market
 - NSW population cruise penetration rate - 4.1 per cent
- Age profile of Australian passengers embarking on a cruise *
 - 25 per cent of passengers being under 40 (reflecting popularity of cruising amongst families);
 - Almost half are under the age of 50;
 - One-third aged over 61 years.
- Passenger mix for on-board roundtrip cruises from Australia:
 - 84 per cent of passengers are Australians and 16 per cent International (Sydney Ports estimate is: 73 per cent are Australians and 27% international)

* Includes Australian residents who fly/cruise to overseas destinations e.g. Alaskan and European River cruises



Source: Cruise Industry Report – Australia 2012

2012-13 NSW Cruise Season

A record cruise ship season was recorded in New South Wales in 2012/13 with 252 cruise ships visiting Sydney and regional ports of Newcastle and Eden.

Sydney

A record cruise ship season was recorded with 240 cruise ship visits, up from 199 on the 2011/12 season. 970,560 passenger days were spent in Sydney.

Highlights included:

- along with Carnival Spirit an additional ten ships made maiden calls to Sydney
- home porting of Carnival Spirit. This is the first time in its 40 year history that Carnival has permanently based a ship outside the US signifying the importance of the local cruise market
- the arrival of Royal Caribbean's 15 deck mega-liner *Voyager of the Seas* with more than 3,800 passengers and close to 1,200 crew.
- eleven cruise ships were based in Sydney for part/over the summer season.

2013/14: More than 280* ships have booked to date for the 2013/14 season in Sydney, with around half berthing at the new White Bay facility, which opened in April 2013.

*Source: Sydney Ports Corporation

2012-13 NSW Cruise Season

Newcastle:

- A successful cruise ship season in Newcastle saw 10 cruise ship visits deliver more than 19,000 passengers days at port to the Hunter Region
- Cruise ships visiting Newcastle : Rhapsody of the Seas, Radiance of the Seas (both Royal Caribbean cruise lines), Celebrity Millennium, Crystal Symphony and Pacific Pearl.

Eden: Two cruise ship visited delivering 1,024 passenger days at Eden Port:

- Holland America's MS Amsterdam called in November with over 800 international passengers
- Caledonian Sky the small luxury ship, visited in March.

Announced in July 2013, the Port of Eden received a \$10 million Federal Grant under the Regional Development Australia Fund to undertake a major upgrade and expand capacity of Port Eden (260 metre pier).

Carnival Australia, are keen to include Eden in their itineraries on short cruises and longer voyages for many of their brands.

Key Challenges

- Lack of information on the profile, travel behaviour and expenditure of cruise ship passengers and crew for international and domestic cruise market including:
 - there is no data on the number of international passengers who are in transit (day/overnight only), stay pre and post cruise in Sydney and Regional or intend to return (potential repeat visitation)
 - unable to identify source of domestic passengers e.g. interstate, intrastate (Sydney and Regional NSW).
- Growth in domestic cruise market competing with domestic holidays and short breaks. Australian cruise passenger numbers surged by 11% to 694,062 in 2012.
- In line with current trends, cruise passengers are researching/booking tours online impacting on bookings via the cruise lines – often at cheaper prices. Operators are receiving bookings direct showing the change in distribution channels.
- Many cruise ships currently visiting Sydney are too large to fit under the Harbour Bridge therefore there is only one suitable terminal to cater – OPT.

Key Challenges

Competition:

- **Australia Port Developments:**

- Townsville: \$85 million cruise ship terminal is expected to be completed in late 2013.
- Gold Coast: new cruise terminal has been proposed as part of the Broadwater Marine Project – yet to be confirmed.
- Brisbane: Draft development approval for a new ‘mega cruise ship’ terminal to be able to accommodate large cruise e.g. Queen Mary 2 (anticipated that it may take up to 10 years for the new terminal to be built.

- **Asian Region:**

- China, Singapore and Hong Kong have built cruise terminals to cater for the larger cruise ships e.g. “Oasis – 6,000+ passengers” sized terminals now in Tianjin(Beijing), Baoshan (Shanghai) and Marina Bay (Singapore) as well as Kai Tak in Hong Kong (opening in late 2013)

Opportunities

To grow the economic benefit from the cruise market to NSW by increasing:

- spend of international cruise passengers in transit
- product featured in the cruise lines shore excursion programs
- packaging the sale of pre and post tours to Sydney (international & domestic passengers)
- domestic “short break” cruise market to NSW Regional Ports (Newcastle and Eden). Shorter cruises of 1-4 days experienced the greatest growth in the domestic market in 2012 (38%) with over 76,000 Australian’s opting for a short break cruise.

Destination NSW – Strategies

Research & Analysis

- Undertake a Cruise Ship Passenger Survey in Sydney over the upcoming 2013-14 season to gain a greater understanding of the profile, travel behaviour and expenditure of cruise ship passengers and crew (international & domestic passengers).
- Investigate opportunities to secure data/information from Sydney and Newcastle Ports, Tourism Research Australia and the Department of Immigration and Citizenship (immigration passenger cards) and cruise lines.
- Creation of a cruise lines visiting Sydney database to identify market segment (profile of passengers and source) as well as shore excursion product promoted by the cruise lines.

Research: Cruise Ship Passenger Survey Project

Timeframe: November 2013 – April 2014 (peak cruise season)

Objectives:

The objectives of the project are to:

- gain an understanding of the profile, travel behaviour and expenditure of cruise ship passengers and crew and to assess the economic benefit generated by this market for Sydney and surrounding areas; and
- Identify opportunities to capture a larger share of the economic benefits from the growth in the cruise market for Sydney e.g. pre and post cruise and shore excursions

Research: Cruise Ship Passenger Survey – Project Specification

Approach: A two pronged approach is envisaged with face to face interviewing being conducted amongst passengers and crew in Sydney at the pier and on board (if approved), followed by an online survey amongst respondents to capture information that is not available at time of face to face interview

Target market: Passengers and crew from cruise ships departing or visiting Sydney during the cruise season from November 2013 to April 2014.

Sample size and sampling frame

- A representative sample of up to 1,500 respondents will be recruited from:
- A range of ship sizes/types (high end and middle class);
- A mix of international and domestic voyages, 'round trip' and short offshore voyages; and
- A mix of passenger types (including passengers and crew) – starting, finishing and transiting in Sydney.
- A minimum quota of 100 respondents per passenger/crew type is required for a statistically reliable analysis.

Research: Cruise Ship Passenger Survey – Data Collection Methods

- Face to face interviews of all types of passengers and crew will take place at the port terminal and on-board, if allowed. On-board interviews will be conducted for passengers/crew who are waiting to disembark from the ship.
- The survey may include passengers being sent follow-up online survey to gather more information on their travel and expenditure in Sydney that were not yet available at the time of the interview.

Destination NSW – Strategies

Marketing & Promotion

- Work with cruise lines and trade partners to increase pre and post cruise tours in Sydney:
 - To test the market, Destination NSW invested in a campaign with Royal Caribbean Cruise Lines (Celebrity Cruises) in the US to promote pre and post cruise nights in Sydney. Total campaign investment was \$140,000 and DNSW invested \$18,000.
 - The campaign commenced on 1 June and will run until 31 October 2013. As at September, 366 cruise passengers booked pre and post cruise packages in Sydney contributing 549 NSW room nights since 1 June.
- In partnership with the City of Sydney a meet and greet service is provided to International cruise ships to enhance the visitor experience and increase spend.
- Produce “Welcome to Sydney” videos tailored to the cruise market for use on-board cruise ships as well as on cruise line websites to promote key experiences. Three versions will be produced to target the different segments: luxury/high end international, mid-market cruises with a mix of international/domestic and domestic cruises.

Destination NSW – Strategies

Cruise Sector Development

- Work with the cruise lines and shore excursion inbound operators to identify product gaps and develop relevant product e.g. new “no steps tours” have been developed with Australian Style to cater for older cruise passengers.
- Regional NSW development. Work with Cruise Hunter and Cruise Eden to increase cruise ship calls to regional NSW ports. Recent activity includes :
 - a two day famil tour was hosted for Carnival Australia in Eden to identify shore excursion product for potential short break (domestic) cruise calls ex Sydney and Melbourne
 - meeting with Carnival Australia and Cruise Hunter to discuss potential for short break (domestic) “food & wine” cruises ex Sydney and Brisbane.

Destination NSW – Strategies

Trade development

- **Agent Training:** Agent training is undertake in market (primarily USA) via our USA office as well as in partnership with Cruise Down Under.
- **Famil program:** Destination NSW host famil tours for the cruise industry to educate on the products and experiences in NSW. Upcoming famils include:
 - *USA VIP Cruise Industry Famil, Sydney 11–14 October - 9 pax total.* In partnership with Qantas Destination NSW hosted executives from top US cruise lines to experience Sydney shore excursions and port operations.
 - *Celebrity Cruises/Air New Zealand Famil Sydney, 26–29 October 2013 – 11 pax total.* This is an incentive tour for the agents who were the top producers in selling pre and post tours to Sydney as part of the Celebrity Cruise campaign.
- **Trade Events:** Attend Cruise Shipping Miami in partnership with Cruise Down Under. As an exhibitor, Destination NSW engages face-to-face with an audience of influential buyers and decision-makers within the cruise industry. This annual event attracts around 1,700 cruise line owners and operators from 65 companies.

Destination NSW – Forward Plans

- Develop a 10 year NSW cruise development plan
- Continue to promote Sydney and the NSW regional ports (Newcastle and Eden) to international and domestic cruise lines and increase NSW products being packaged for shore excursions
- Produce NSW cruise digital content specifically for the trade including fact sheets on shore excursion product in Sydney, Eden and the Hunter.
- Develop a sales plan targeting Australian based cruise inbound operators as well UK and USA based cruise lines.

Attachment 2

Thank you



23

LEASE - KIOSK CONCESSION AT COFFS HARBOUR REGIONAL AIRPORT

Purpose:

Seeking authority for execution of a further lease period between Coffs Harbour City Council and Becuda Pty Limited ABN 79 003 811 569 under the Common Seal of Council for that part of the Coffs Harbour Regional Airport terminal known as the Concession (Kiosk).

Description of Item:

The Shop/Kiosk conducts the sale of drinks, light refreshments and meals, alcoholic beverages, cigarettes, confectionery, papers, magazines and souvenirs. There is currently a lease in place to Becuda Pty Ltd which commenced 1 September 2009 and is due to expire 31 August 2014.

Negotiations have taken place with Becuda Pty Ltd which have resulted in an agreement in principal for a further five year term from 1 September 2014, with an option for a further three years upon expiry subject to specific conditions:

- Review to market on expiry of the initial term.
- Product and services are reviewed periodically and updated to the Lessor's reasonable satisfaction.

Sustainability Assessment:

• **Environment**

As a lease is currently in place, the new lease is seen as a continuation of the current arrangement.

Being a facility which deals in food service, it is already subject to the operating requirements and therefore demonstrates trading in line with water consumption/disposal, material consumption/disposal and energy consumption, restrictions and monitoring.

• **Social**

With a measured increase of usage of the Coffs Harbour Regional Airport, the tenant has also enjoyed the results of this growth. This necessitates the employment of staff to suit the growing demands of the market.

• **Civic Leadership**

Appropriate leasing of this facility forms part of the Coffs Harbour 2030 Community Strategic Plan (CSP). Council is seen as holding the role of Provider, Facilitator and Advocate and as stated, supports the delivery of high quality, sustainable outcomes for Coffs Harbour.

As part of the 2014 – 2018 Delivery Program, Reference LC3.1 states Council supports the delivery of high quality, sustainable outcomes for Coffs Harbour specifically relating to Customer Service (S05) Customer Satisfaction; and Airport (S26) relating to development of opportunities for non-RPT revenue generation at the airport.

- **Economic**

Broader Economic Implications

Provision of services such as the Kiosk will serve to enhance the broader operation and growth of the passenger terminal.

Delivery Program/Operational Plan Implications

The market rent contributes positively to Airport operations.

Risk Analysis:

The context of the risk assessment in this matter revolves around the likelihood of Becuda Pty Ltd not being able to fulfill its obligations under the lease and how this may impact of Council's use of the space and lease revenues.

Consideration has been given to the Retail Leases Act.

The Lessee has consistently complied with all lease terms under the current agreement. As a known and stable entity, the risk of default is considered nominal.

The offer of the option period being conditional upon review to market, and periodic review of product and services available limits risk further.

Consultation:

- Airport Manager
- Lessee

Related Policy and / or Precedents:

The recommendations are in line with general leasing practices.

Statutory Requirements:

The property is classified as operational land. Council is at liberty to enter into a further lease of the demised property.

The lease proposal will be prepared in line with the provisions of the relevant legislation including the Real Property Act and the Retail Leases Act.

Regulation 400(2) Local Government (General) regulation 2005 applies with respect to execution of the lease documentation under Council seal.

Issues:

The proposed lease is a renewal of lease currently held with the same Lessor. To that end, the Lessor is a known quantity to Council, which provides a certain confidence that the Lessor is well versed in the industry and more specifically, the market conditions at Coffs Harbour Regional Airport.

Lease expiry provides Council the opportunity to explore the opportunity to look at alternative prospective Lessees. In this instance the current Lessee seeks to renew their lease. Council is happy with the Lessee's past performance and has in principle agreement for a further lease at market rent and subject to the terms and conditions contained in the

confidential attachment to this report. Accordingly, it is not considered necessary to further test the market.

Implementation Date / Priority:

The existing lease is due to expire 31 August 2014 and the proposed lease is scheduled to commence from 1 September 2014 subject to Council approval.

Recommendation:

1. The Council, as registered proprietor of part Lot 22 in DP 812274 comprising an area of approx. 95.2 m² known as the Kiosk concession, authorise a new lease to Becuda Pty Ltd ABN 79 003 811 569 for an initial term of five years and option for a further three years and commencing from 1 September 2014.
2. That the lease of part Lot 22 in DP 812274, known as the Kiosk Concession, between Coffs Harbour City Council as Lessor and Lessee be executed under Common Seal of Council.

ASSIGNMENT OF LEASE OF THE COFFS HARBOUR MEMORIAL SWIMMING POOL

Purpose:

Seeking consent to the assignment of the lease of the Coffs Harbour Memorial Swimming Pool.

Description of Item:

Council is the Reserve Trust Manager of the Coffs Coast State Park (CCSP) within which is the Coffs Harbour Memorial Swimming Pool facility.

In 1997 the CCSP entered into a lease for a term of ten years and an option for a further term of ten years to Neville's Swim School Pty Ltd.

The lease option was validly exercised and the current term will expire in June 2017.

The original lease was assigned from Neville's Learn to Swim School to the current Lessee Excellence in Aquatics.

Excellence in Aquatics has formally requested to assign the lease to Swimplex Pty Ltd.

Swimplex Aquatics is a long standing entity with extensive experience in the design and provision of facilities for the aquatic industry. Notably Swimplex was the principal contractor in the redevelopment of the Coffs Harbour Pool

The lease provides that the Lessee may not assign the lease without the prior consent of the Lessor and the Minister.

It is recommended that Council as the Reserve Trust Manager consent to the assignment of lease.

Sustainability Assessment:

- **Environment**

The assignment of the lease will not materially change the contract for the management and operation of the pool. The incoming lessee has indicated that they may seek to further develop the site. Any such development will be subjected to the formal development assessment process.

- **Social**

Council's pool facilities provide a venue for the many residents, who either wish to, or in some cases, need to, have access to a public swimming facility for health and exercise reasons. They are also a necessary facility for aspiring swimming champions wanting to train on a regular daily basis under the expert coaching of our local trainers/lessees.

The incoming lessee's business plan for the facility over the balance of the lease term includes the installation of improved aquatic play facilities and the potential for the installation of a surf simulation ride.

- **Civic Leadership**

Ensuring that appropriate arrangements are in place to ensure that the management of Council public swimming pools promotes healthy living and promotes inclusive sporting and recreational activities is in keeping with the objectives of the 2030 plan.

- **Economic**

Broader Economic Implications

The pool facility provides a public/community service to the local community – generating economic benefits through employment for pool staff, as well as through the purchase of equipment, services and consumable items, necessary for their ongoing operation, from local suppliers/contractors. They are also an additional attraction assisting in bringing tourist/visitor income to the Coffs Coast.

Delivery Program/Operational Plan Implications

The assignment of lease will not impact on the Delivery Program.

Risk Analysis:

The context of the risk assessment in this matter is to identify any change in the existing risk profile arising as a consequence of the assignment of lease.

The primary risk is whether the incoming lessee can undertake the pool operation to the same standard as the current operator, noting that Council has been reasonably satisfied to date. In this regard the assignment of the lease is considered to present an opportunity to Council in the expectation that Swimplex, with its access to superior resources and experience, will deliver an improved quality and effectiveness of facility services and operations.

Overall the assignment of lease does not present any further risk to Council than is already present under the current lease. The lease agreement includes provision to mitigate the negative impact of a breach of lease conditions.

Consultation:

Manager Coffs Coast State Park
Swimplex Aquatics
Excellence in Aquatics
Department of Lands (Grafton)

Related Policy and / or Precedents:

The recommendations are in line with general leasing practices.

Statutory Requirements:

The lease specifically provides that it is subject to the provisions of the Crown Land Act 1989.

Section 102 of the Act provides for the Trust to obtain the Minister's consent to lease all or part of a Reserve. Crown Lands advise that this requirement extends to the requirement for Ministerial consent for the assignment of the lease.

Clause 5 of the conditions of lease provides that

The Lessee shall not sub-let, assign or otherwise deal with the land without the prior written consent of the Lessor and the Minister.

Section 1 of the conditions of lease provides that

Where the Lessor's or Council's consent or approval is required pursuant to any provision of this Lease then unless otherwise specifically provided, such consent or approval shall not be arbitrarily or capriciously withheld.

Issues:

The pool is currently managed by Excellence in Aquatics. The current lease has approximately three years remaining in its final term (expires on 30 June 2017).

The current lessee has formally requested that the Reserve Trust consent to the assignment of lease to the above-mentioned entity (Swimplex).

Swimplex Director Mr Geoff Leaver has advised that the objective in taking over the lease of the management of the Coffs Memorial Pool is three fold:

In the first instance Swimplex seeks to expand from its aquatic facility development operation to aquatic facility management.

Second Swimplex seeks to consolidate the development of the Coffs Harbour facility to become a showcase aquatic centre in Australia. In this regard Swimplex seek to install and operate a number of its aquatic products including (*quoted from the Goals and Objectives cited in the submitted Swimplex Business Plan March 2014*) *improving the facilities for young children by funding and installing a Hidroplay® playscape.*

The Swimplex business plan also includes the potential for the installation of a Latitude ® surf simulation Ride and Waterslide to attract teens and young adults.

[Staff comment: It should be noted that whilst Swimplex have included the above initiatives in their business plan, there is no obligations under the lease to compel them to proceed with these projects].

Swimplex Director Mr Geoff Leaver has explained that the projects serve two objectives under their business plan. The first is to showcase the products in an operational environment. The second is to demonstrate to Council and the community that the facility is enhanced by the additional features. Mr Leaver states that in the event Swimplex is not successful in re-leasing the property at the end of the term they will entertain the possibility of licensing the use of the facilities (with the Reserve Trust's approval) to the new operator or can remove the improvements altogether.

Thirdly Swimplex aim to demonstrate their capacity to operate the pool to a high standard as they would like to continue to operate the pool beyond the expiry of the current lease.

It is apparent that Swimplex are of the view that there is synergy between their entry to the facility management sector and an ability to showcase their aquatic facility equipment in an operational environment. Whilst there are clear benefits to the Swimplex Aquatic Products enterprise it is considered that benefits also flow to the Reserve Trust through the presence of technically qualified and experienced pool plant and facility experts. It is suggested that the Deed of assignment include provision to ensure that the Coffs Harbour Memorial Pool entity is preserved and remains distinct from the Swimplex operation through clearly defined permissible signage, business trading names and promotional parameters.

Impact on current lease conditions

The Reserve trust is not able to unilaterally amend the lease as part of the assignment. All rights, obligations, covenant and liabilities in the existing agreement carry over to the incoming lessee.

Capacity of incoming lessee

Whilst the Reserve Trust cannot unreasonably withhold consent to the assignment of the lease it is entitled to satisfy itself that the incoming lessee has the operational, financial and technical capacity to satisfy the lease requirements.

To this end staff have requested, and Swimplex has submitted, a business plan detailing their objectives and the manner in which they plan to achieve their stated goals and the lease requirements.

From an operational perspective the Swimplex plan states that they will seek to retain all current senior staff. Further Swimplex advises that they will engage a dedicated Centre Manager to provide a full time daily presence at the pool to maintain and improve current programs and services. Swimplex advise further that they will ensure that their centre manager obtains the requisite pool operation qualifications. This is considered an improvement to the current arrangements where the incumbent lessee is often not present.

From a plant equipment and facility maintenance perspective Swimplex have access to superior resources and expertise than is currently available.

From a financial perspective Swimplex have submitted a reference from their financial advisors stating that Swimplex have the financial capacity to undertake the pool operation in accordance with lease conditions. The reference states that the proprietary company to be formed to purchase the lease interest from Excellence in Aquatics will receive a cash distribution of income from a related party (Swimplex Group of companies) and will have sufficient cash and working capital to acquire the lease interest and fulfill the term and conditions of the current lease. The reference states that debt funding will not be required.

Further, any deed of assignment will include provision for the Directors of the company to provide a guarantee to the operation of the lease.

Swimplex have provided formal acknowledgement that they have had the opportunity to review the terms and conditions of the current lease and the current operating subsidy. Swimplex confirm that it is their professional assessment that the subsidy, in conjunction with operating revenue, is sufficient to satisfy all covenants, terms, provisions and conditions contained in the lease.

Implementation Date / Priority:

The Deed of Assignment will be executed under seal following completion of drafting by Council's solicitor and subject to authority being granted by Council and the Minister for Lands.

Recommendation:

- 1. That Council in its capacity as the Manager of the Coffs Coast State Park being the Trustee of Crown Reserve No. 1002970 consent to the assignment of the lease of the Coffs Harbour Memorial Pool from Excellence in Aquatics to Swimplex Pty Ltd (or a corporate entity underwritten by Swimplex Aquatics and having Mr Mark Anthony McLaughlin and Mr Daniel Jon Leaver as Directors).**
- 2. That Council in its capacity as the Manager of the Coffs Coast State Park being the Trustee of Crown Reserve No. 1002970 execute under the Council Seal any documents, deeds and agreements necessary to give effect to the assignment of lease of the Coffs Harbour Memorial Pool from Excellence in Aquatics to Swimplex Pty Ltd (or a corporate entity underwritten by Swimplex Aquatics and having Mr Mark Anthony McLaughlin and Mr Daniel Jon Leaver as Directors).**
- 3. That all legal fees incurred by Council as a consequence of the assignment of lease of the Coffs Harbour Memorial Pool from Excellence in Aquatics to Swimplex Pty Ltd (or a corporate entity underwritten by Swimplex Aquatics and having Mr Mark Anthony McLaughlin and Mr Daniel Jon Leaver as Directors) be paid by the assignee.**

PACIFIC HIGHWAY SAPPHIRE TO WOOLGOOLGA - SERVICE ROADS

Purpose:

To consider speed zone determinations from Roads and Maritime Services for the local roads associated with the Sapphire to Woolgoolga Pacific Highway Upgrade (Solitary Islands Way), and consider further recommendations in relation to the Sapphire to Woolgoolga Cycleway proposal.

Description of Item:

At its meeting of 23 August 2012 Council resolved in relation to the Pacific Highway Sapphire to Woolgoolga project that Council:

- 1. Seek commitment from Roads and Maritime Services to provide a continuous separated shared pedestrian/cycle path for the Sapphire to Arrawarra Service Road.*
- 2. Seek commitment from Roads and Maritime Services to reconfigure the lane and shoulder widths of the Service Road to match Manning River Drive (Old Pacific Highway) Taree as provided by the RTA in 2001 (similar to Council's construction on Hogbin Drive north of Harbour Drive).*
- 3. Recommends a posted 60kph speed for the Sapphire to Arrawarra Service Road.*
- 4. Seek commitment from Roads and Maritime Services to refer the proposed speed zones for the Pacific Highway Sapphire to Arrawarra Service Road to the Local Traffic Committee for assessment by Council, Police and public transport operators.*

At the Councillor briefing of 21 July 2014 RMS provided an overview of the proposed local road speed zones and an update on the shared pedestrian/cycle path for the Sapphire to Woolgoolga Service Road. RMS has now provided Council with their formal determination on the speed zones. Copies of the speed zone review mapping and enhanced cycleway facility plans will be available in the Councilors room.

Sustainability Assessment:

- **Environment**

Increased levels of cycling and walking reduce the carbon footprint through reduced fuel use and reduced levels of congestion. More use of alternative transport modes reduces noise pollution and enhances the quality of life in the Northern Beaches. Appropriate speed zone allocation reduces fuel consumption and improves public transport efficiency.

- **Social**

Enhanced cycle facilities would increase the local uptake of cycling and walking as alternative transport options - particularly for students, recreational activities and tourists. Decreased reliance on motor vehicles improves the health and well being of residents and visitors to the area and improves accessibility for people with disabilities and the elderly (including motorised wheelchairs)

Enhanced cycle facilities on the Sapphire to Woolgoolga project increases the viability of connected cycle and pedestrian routes in the Coffs Harbour Region.

- **Civic Leadership**

Enhanced cycle facilities on the Sapphire to Woolgoolga project would meet the following 2030 objectives:

MA1.2 We have policies that support increased usage of public transport and reduced car dependency.

MA2.1.1 Prioritise integrated cycleway and footpath implementation including linking of schools and public transport.

MA2.2 We have constructed an interconnected network of cycleways, footpaths, and walking tracks that connect our urban communities, hinterland and coastal villages.

- **Economic**

Broader Economic Implications

The 'handover' offer and conditions from the RMS for Council assuming care and control of the Sapphire to Woolgoolga Service Road are currently being assessed and negotiated. The impact on Council's asset management obligations will depend on the level of financial compensation gained as part of the handover agreement.

Delivery Program/Operational Plan Implications

There are no 2014/15 operational plan implications.

Risk Analysis:

The RMS speed zone review and determinations have been made in accordance with NSW Speed Zoning Guidelines. Constructed and planned shared path facilities are designed in accordance with NSW Bicycle Guidelines and AustRoads standards.

Compliance with these guidelines and standards mitigates any risk associated with the proposal. Additional risk assessment in terms of asset ownership will be undertaken as part of the handover process.

Consultation:

The RMS project team has involved the community and stakeholders in most aspects of the development of this project. Community involvement has included information sessions, meetings, letterbox drops, newsletters and advertisements.

Community information sessions on the cycleway proposal have been held and outcomes of the Cycleway Focus Group have been available on-line.

No community consultation has been undertaken in relation to the proposed service road speed zones.

Issues:

RMS speed zone recommendation for the service road

At the Local Traffic Committee Meeting of 7 November 2012, the RMS presented a Draft *Speed zone review of Sapphire to Woolgoolga Pacific Highway Upgrade and associated road network*.

While Council has resolved to support a 60km/h speed zone for the entire Sapphire to Arrawarra service road, the Traffic Committee still had the opportunity to provide technical comment on the RMS speed zone recommendations.

The Traffic Committee recommendations in relation to the Service Road elements of the Sapphire to Woolgoolga Upgrade project predominantly coincided with the RMS determination.

In summary the RMS speed zone determination sees:

- 60km/h speed zone on Solitary Islands Way between Coachmans Close and the Gaudrons Road interchange
- 80km/h speed zone on Solitary Islands Way between Gaudrons Road interchange and Moonee Beach interchange
- 60km/h speed zone on Solitary Islands Way between Moonee Beach interchange and north of Old Bucca Road
- 80km/h speed zone on Solitary Islands Way between north of Old Bucca Road and Emerald Beach interchange
- 60km/h speed zone on Solitary Islands Way between Emerald Beach interchange and Graham Drive south interchange
- Solitary Islands Way through Sandy Beach remains 60km/h as is.
- 60km/h speed zone on Solitary Islands Way between Graham Drive north interchange and Woolgoolga.

Note that the determination includes 60km/h speed zones on all interchanges and approaches.

The contentious issues in relation to speed zoning will be the appropriate limit for the sections of new service road south of Emerald Beach and the appropriate limit for the section of by-passed Pacific Highway north of Woolgoolga to Arrawarra.

Parts of the community continue canvassing for a blanket 60km/h speed limit on the full service road length. While this may seem to be an obvious 'road safety' response to the issue other factors such as increased driver frustration, noncompliance due to inconsistency in speed zoning and impact on travel times for local residents and buses are also important.

The current RMS determination retains the 100km/h speed zone on Solitary Islands Way (Old Pacific Highway) north of Centenary Drive Woolgoolga. This will be subject to review however as part of the 'handover' discussions with RMS and assessment of lane widths and cycleway configuration on this section of road.

Standard of cycle/pedestrian facility proposed for the project

The proposed Sapphire to Arrawarra service road will provide a local road network alternative to travelling on the upgraded highway.

All new interchanges and overbridges have fully separated pedestrian and cycle facilities.

Following community concern that the service road cycleway did not adequately meet the needs of pedestrians and cyclists, the RMS in conjunction with Council, Bicycle NSW and community representatives began exploring opportunities to enhance the proposed facilities. A project focus group was formed in December 2010 to assess the issues and provide input into enhancing the existing facilities.

The objective of the overall cycleway strategy is to provide for a continuous shared path from Arrawarra to Sapphire.

As a result of a series of workshops the cycleway strategy for the project now includes, on the service road between Sapphire and Sandy Beach, a separated shared path arrangement similar to that which Council has constructed on Hogbin Drive north of Harbour Drive.

The exceptions to this are where it has been possible to incorporate into the project a shared path separate from the service road shoulders. This has currently been achieved on the Emerald Beach to Graham Drive South section and the Arrawarra Creek to Arrawarra Road sections of the project.

In addition RMS has requested Council prepare design and cost estimates for construction of a separate shared path at the following key locations on the service road:

1. Bridge over Arrawarra Creek and connection between off road shared path and Solitary Islands Way south of Arrawarra.
2. Graham Drive South (interchange) to Sandy Beach School. Approximately 700m of off road shared path in the Graham Drive road reserve.
3. Bucca Road – Off road shared path around the Bucca Road intersection
4. Old Bucca Road – Road widening and culvert extension around the Old Bucca Road intersection.
5. Off road shared path link from Warrawee Street to Solitary Islands Way north of Crystal Drive.

It is anticipated that these works will be completed (funded by RMS) by the end of 2014.

RMS has also requested Council provide cost estimates for *“a link from the northern extent of the proposed shared user path to be provided as part of the North Sapphire Estate subdivision to the Moonee Beach Shopping Centre within the electricity easement and road reserve including the section that links to the shopping centre via the new access road.”*

While this is an important off-road shared path connection between Moonee and Sapphire; the objective of providing shared path facilities on the service road has been met by the project in provision of the Hogbin Drive type facility on Split Solitary Way, west of the Pacific Highway between the Moonee Beach interchange and the Sapphire interchange.

The higher priority shared path ‘missing link’ on the Sapphire to Woolgoolga project is the section of path north of Sandy Beach between Diamond Head Drive and the north Graham Drive interchange.

The provision of this off road shared path has been identified in the Hearnese Lake / Sandy Beach Developer Contributions Plan. The problem of course is that these facilities will not be in place by the time the Highway works are completed. The RMS had previously indicated that an assessment would be made on those developer funded sections of the Sapphire to Woolgoolga shared path strategy not completed and consideration given to forward funding of the work.

The RMS have now clearly indicated that the funding for the Sapphire to Woolgoolga upgrade project does not include funding for the shared path facility between Sandy Beach and the Graham Drive north interchange and that Council should seek alternative sources of funding *“including funding available from RMS under other programs.”*

Council could undertake an immediate assessment of Developer Contributions currently available in the Hearnese Lake / Sandy Beach Developer contributions plan (currently under review as part of the deferred areas project) and assessment of Council's capacity to forward

fund the 'missing link' shared path works from the contributions plan. It is unlikely however that Council will be able to fully forward fund the proposed works from Developer Contributions. The preliminary estimated cost of the proposal is \$350,000 including a bridge over Double Crossing Creek.

There is a strong argument that the State Government should contribute to the missing link as it forms a critical part of the NSW Coastline Cycleway project and the Sapphire to Woolgoolga shared path project.

Asset management status of the service road and by-passed section of Pacific Highway

The current service road proposal includes sections of new road, the Graham Drive link and the section of by-passed Pacific Highway between Hearn's Lake Road and Arrawarra Road.

The RMS will be seeking Council take over responsibility as road authority (maintenance) for the new service road including the by-passed section of Pacific Highway. Standard practice (as occurred with Council taking over Pine Creek Way following completion of the Pacific Highway Bonville by-pass) is that RMS and Council negotiate 'handover' conditions which could include upgrade works on deficient road pavements, removal of redundant sections of road pavement such as overtaking lanes and reconfiguration of linemarking and sign posting to accommodate lower traffic volumes and bicycle traffic. The handover process also includes determination and payment of costs associated with long term maintenance of infrastructure dedicated to Council.

Issue raised by the community on the standard of final surface provided on Solitary Islands Way and sections of the shared path will be addressed as part of this process.

The handover negotiation for the Sapphire to Woolgoolga project has commenced, however it is in the early stages. Council has advised RMS that provision for cyclists, urban design and drainage issues on the Pacific Highway through Woolgoolga and changes to lane and shoulder marking configuration north of Woolgoolga will need to be addressed.

Recommendation:

That Council in relation to the Pacific Highway Sapphire to Woolgoolga project:

- 1. Note the RMS determinations on the proposed speed zones on Solitary Island Way.**
- 2. Note the works proposed on the Pacific Highway Sapphire to Woolgoolga project in relation the Sapphire to Arrawarra Shared Path.**
- 3. Prepare a submission to the Roads and Maritime Services to provide commitment to part funding the construction of the shared path between Sandy Beach and the Graham Drive north interchange as part of the Highway Upgrade project or other Cycleway programs.**

TRAFFIC COMMITTEE NO. 2/2014

Purpose:

To confirm the Minutes of the Traffic Committee Meeting held electronically for the approval of the following events and temporary road closures:

Recommendation:

T.23 Howard Street, Coffs Harbour - Traffic Management Plan - Coffs Cup ([3778094]R.503110)

That approval has been given for the temporary road closure of Howard Street, Coffs Harbour, on Thursday, 7 August 2014, between 9.00am and 6.30pm for Carlton MID 2014 Coffs Harbour Gold Cup.

The road closure will be advertised and providing no substantive objections are received, the closure will be approved, subject to the following:

- (a) A Traffic Management Plan (TMP) incorporating a current Traffic Control Plan (TCP) be submitted. The plan shall be prepared by a person holding appropriate certification issued by Roads and Maritime Services (RMS) qualified in designing or modifying traffic control plans to an accepted standard. Plans should be dated and signed by the accredited designer and also include their certificate number and expiry date.
- (b) A copy of current Public Liability Insurance/Certificate of Currency be submitted.
- (c) The organisers to liaise with affected traders and obtain traders approval.
- (d) The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers ensuring they sign off on the Traffic Management Plan after the event.
- (e) The organisers be responsible for all costs associated with the temporary closure
- (f) The organiser submit a public transport plan to Council, prior to the event.
- (g) Confirmation that notification / have communications with all emergency services regarding the road closure.
- (h) Confirmation that they will communicate with surrounding residents.

T.24 Sawtell Chilli Festival Temporary Road Closure- Saturday 5 July 2014 ([3784068] R.501520)

That approval has been given for the temporary road closure of First Avenue, Sawtell, between 50m north of Second Avenue and Boronia Street, and Second Avenue from 30m west and 35m east of First Avenue between the hours of 6.00am and 6.00pm on Saturday, 5 July 2014.

The road closure will be advertised and providing no substantive objections are received, the closure be approved subject to the following:

- (a) The organisers of the Chilli Festival liaise with affected traders and obtain traders approval.
- (b) The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
- (c) The organisers be responsible for all costs associated with the temporary closure, including advertising.
- (d) Copy of current Public Liability Insurance be submitted.
- (e) Traffic Management Plan to be submitted for approval.
- (f) That organisers and officials liaise with the local bus company to obtain approval on routes used.

T.25 Sawtell Summer Sessions 2014 Temporary Road Closure First Avenue Sawtell
([5250575] R.501520)

That approval for the temporary road closure of First Avenue between Boronia Street and Second Avenue Sawtell between 5.00pm and 8.00pm to conduct the Sawtell Summer Sessions for markets and entertainment on the following Thursdays:

THURSDAY, 28 AUGUST 2014

THURSDAY, 9 OCTOBER 2014

THURSDAY, 13 NOVEMBER 2014

THURSDAY, 11 DECEMBER 2014

THURSDAY, 8 JANUARY 2015

THURSDAY, 12 FEBRUARY 2015

THURSDAY, 12 MARCH 2015

And that the road closures be advertised and providing no substantive objections are received, the closure be approved subject to the following:

- 1. The organisers of the markets liaise with affected traders and obtain traders approval including the local bus company.
- 2. The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
- 3. The organisers be responsible for all costs associated with the temporary closure, including advertising.
- 4. Copy of current Public Liability Insurance be submitted.
- 5. Traffic Management Plan and RMS accredited Traffic Control Plan to be submitted for approval.
- 6. A temporary bus zone be installed in First Avenue north of Second Avenue as alternative to the Ex-Services Club bus zone.

T.26 Fiddaman Road, Emerald Beach - Temporary Road Closure for Emerald Beach Community Fair - 25 May 2014 ([3576345]R.507240)

That the temporary road closure of Fiddaman Road, Emerald Beach, adjacent the Reserve to the start of Ocean View Crescent, from 6.00am to 4.00pm on Sunday 25 May 2014, for the purpose of conducting the Emerald Beach Community Fair, be advertised and providing no substantive objections are received, the closure be approved.

- 1. The organisers of the Community Fair liaise with affected traders and obtain traders approval.

2. The organisers submit a traffic control plan for approval by Council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
3. The organisers be responsible for all costs associated with the temporary closure and clean up, including advertising.

T.27 - Woolgoolga Community Triathlon, 28 September 2014 [5207070]

That approval be given for the temporary road closure of Beach Street, Woolgoolga between Bultitude Street and Pollack Esplanade from 5.30 am and 12 noon on Sunday, 28 September 2014.

The road closure will be advertised and providing no substantive objections are received, the closure be approved subject to the following:

- (a) A Traffic Management Plan (TMP) incorporating a current Traffic Control Plan (TCP) be submitted. The plan shall be prepared by a person holding appropriate certification issued by Roads and Maritime Services (RMS) qualified in designing or modifying traffic control plans to an accepted standard. Plans should be dated and signed by the accredited designer and also include their certificate number and expiry date.
- (b) A copy of current Public Liability Insurance/Certificate of Currency be submitted.
- (c) The organisers to liaise with affected traders and obtain traders approval.
- (d) The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers ensuring they sign off on the Traffic Management Plan after the event.
- (e) The organisers be responsible for all costs associated with the temporary closure
- (f) The organiser submit a public transport plan to Council, prior to the event.
- (g) Confirmation that all emergency services are aware of the road closure.

T.28 - Coffs Harbour Triathlon Club – Triathlon Season 2014/2015 Events [5235058]

That approval be given for the use of Marina Drive, Harbour Drive, Hogbin Drive, Arthur Street, and Orlando Street on Sundays every two weeks from 6:45am – 9:30am from 21 September 2014 to 3 May 2015 for the purpose of conducting the Coffs Harbour Triathlon Club events for the 2014/15 triathlon season.

- (a) A Traffic Management Plan (TMP) incorporating a current Traffic Control Plan (TCP) be submitted. The plan shall be prepared by a person holding appropriate certification issued by Roads and Maritime Services (RMS) qualified in designing or modifying traffic control plans to an accepted standard. Plans should be dated and signed by the accredited designer and also include their certificate number and expiry date.
- (b) A copy of current Public Liability Insurance/Certificate of Currency be submitted.
- (c) The organisers to liaise with affected traders and obtain traders and residents approval.
- (d) The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers ensuring they sign off on the Traffic Management Plan after the event.
- (e) The organisers be responsible for all costs associated with the temporary closure

- (f) The organiser submit a public transport plan to Council, prior to the event.
- (g) Confirmation that all emergency services are aware of the road closure.

T.29 - First Avenue Sawtell - Temporary Road Closure -Dragons Hot Rod Display
([5258226]R.501520)

That approval be given for the temporary road closure of First Avenue between Boronia Street and Second Avenue Sawtell on Wednesday 24 September 2014 between 4.00pm and 9.00pm for the Dragons Hot Rod Display.

The road closures will be advertised and providing no substantive objections are received, the closure be approved subject to the following:

- (a) A Traffic Management Plan (TMP) incorporating a current Traffic Control Plan (TCP) be submitted. The plan shall be prepared by a person holding appropriate certification issued by Roads and Maritime Services (RMS) qualified in designing or modifying traffic control plans to an accepted standard. Plans should be dated and signed by the accredited designer and also include their certificate number and expiry date.
- (b) A copy of current Public Liability Insurance/Certificate of Currency be submitted.
- (c) The organisers to liaise with affected traders and obtain traders and residents approval.
- (d) The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers ensuring they sign off on the Traffic Management Plan after the event.
- (e) The organisers be responsible for all costs associated with the temporary closure
- (f) The organiser submit a public transport plan to Council, prior to the event.
- (g) Confirmation that all emergency services are aware of the road closure.

T.30- Coffs Harbour Adventurethon 11-12 October 2014 [5257324]

That approval be given for the Coffs Harbour Adventurethon event on the 11 & 12 October 2014.

The approval to incorporate:

- (a) A Traffic Management Plan (TMP) incorporating a current Traffic Control Plan (TCP) be submitted. The plan shall be prepared by a person holding appropriate certification issued by Roads and Maritime Services (RMS) qualified in designing or modifying traffic control plans to an accepted standard. Plans should be dated and signed by the accredited designer and also include their certificate number and expiry date.
- (b) That the organisers and officials comply to any conditions imposed by the Road and Maritime Services and Police, and take all reasonable measures to reduce obstruction to traffic during the course of the event.
- (c) That all participants must comply with the Australian Road Rules and relevant legislation.
- (d) Confirmation that all emergency services are aware of the road closure.

Attachment

Traffic Committee Meeting

Electronic Approval for Temporary Road Closures

T.23 Howard Street, Coffs Harbour - Traffic Management Plan - Coffs Cup
([3778094]R.503110)

Background:

Consideration to traffic management plan for the Coffs Cup to be held on Thursday 7, August 2014.

Recommendation to Committee:

Approval has been given for the temporary road closure of Howard Street, Coffs Harbour, on Thursday, 7 August 2014, between 9.00am and 6.30pm for Carlton MID 2014 Coffs Harbour Gold Cup.

The road closure will be advertised and providing no substantive objections are received, the closure will be approved, subject to the following:

- (a) A Traffic Management Plan (TMP) incorporating a current Traffic Control Plan (TCP) be submitted. The plan shall be prepared by a person holding appropriate certification issued by Roads and Maritime Services (RMS) qualified in designing or modifying traffic control plans to an accepted standard. Plans should be dated and signed by the accredited designer and also include their certificate number and expiry date.
- (b) A copy of current Public Liability Insurance/Certificate of Currency be submitted.
- (c) The organisers to liaise with affected traders and obtain traders approval.
- (d) The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers ensuring they sign off on the Traffic Management Plan after the event.
- (e) The organisers be responsible for all costs associated with the temporary closure
- (f) The organiser submit a public transport plan to Council, prior to the event.
- (g) Confirmation that notification / have communications with all emergency services regarding the road closure.
- (h) Confirmation that they will communicate with surrounding residents.

Recommendation to Council:

Approval has been given for the temporary road closure of Howard Street, Coffs Harbour, on Thursday, 7 August 2014, between 9.00am and 6.30pm for Carlton MID 2014 Coffs Harbour Gold Cup.

The road closure will be advertised and providing no substantive objections are received, the closure will be approved, subject to the following:

- (a) A Traffic Management Plan (TMP) incorporating a current Traffic Control Plan (TCP) be submitted. The plan shall be prepared by a person holding**

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appropriate certification issued by Roads and Maritime Services (RMS) qualified in designing or modifying traffic control plans to an accepted standard. Plans should be dated and signed by the accredited designer and also include their certificate number and expiry date.

- (b) A copy of current Public Liability Insurance/Certificate of Currency be submitted.
- (c) The organisers to liaise with affected traders and obtain traders approval.
- (d) The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers ensuring they sign off on the Traffic Management Plan after the event.
- (e) The organisers be responsible for all costs associated with the temporary closure
- (f) The organiser submit a public transport plan to Council, prior to the event.
- (g) Confirmation that notification / have communications with all emergency services regarding the road closure.
- (h) Confirmation that they will communicate with surrounding residents.

T.24 Sawtell Chilli Festival Temporary Road Closure- Saturday 5 July 2014 ([3784068] R.501520)

Background:

Approval has been given for the temporary road closure of First Avenue, Sawtell, between 50m north of Second Avenue and Boronia Street, and Second Avenue from 30m west and 35m east of First Avenue between the hours of 6.00am and 6.00pm on Saturday, 5 July 2014.

Recommendation to Committee:

Approval has been given for the temporary road closure of First Avenue, Sawtell, between 50m north of Second Avenue and Boronia Street, and Second Avenue from 30m west and 35m east of First Avenue between the hours of 6.00am and 6.00pm on Saturday, 5 July 2014.

The road closure will be advertised and providing no substantive objections are received, the closure be approved subject to the following:

- (a) The organisers of the Chilli Festival liaise with affected traders and obtain traders approval.
- (b) The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
- (c) The organisers be responsible for all costs associated with the temporary closure, including advertising.
- (d) Copy of current Public Liability Insurance be submitted.
- (e) Traffic Management Plan to be submitted for approval.
- (f) That organisers and officials liaise with the local bus company to obtain approval on routes used.

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Recommendation to Council:

Approval has been given for the temporary road closure of First Avenue, Sawtell, between 50m north of Second Avenue and Boronia Street, and Second Avenue from 30m west and 35m east of First Avenue between the hours of 6.00am and 6.00pm on Saturday, 5 July 2014.

The road closure will be advertised and providing no substantive objections are received, the closure be approved subject to the following:

- (a) The organisers of the Chilli Festival liaise with affected traders and obtain traders approval.
- (b) The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
- (c) The organisers be responsible for all costs associated with the temporary closure, including advertising.
- (d) Copy of current Public Liability Insurance be submitted.
- (e) Traffic Management Plan to be submitted for approval.
- (f) That organisers and officials liaise with the local bus company to obtain approval on routes used.

T.25 Sawtell Summer Sessions 2014 Temporary Road Closure First Avenue Sawtell ([5250575] R.501520)

Background:

Request for road closures of First Avenue, Sawtell, between Boronia Street and Second Avenue between 5.00pm and 8.00pm for the purpose of holding the Sawtell Summer Sessions for markets and entertainment on the following dates.

THURSDAY, 28 AUGUST 2014
THURSDAY, 9 OCTOBER 2014
THURSDAY, 13 NOVEMBER 2014
THURSDAY, 11 DECEMBER 2014
THURSDAY, 8 JANUARY 2015
THURSDAY, 12 FEBRUARY 2015
THURSDAY, 12 MARCH 2015

Summary of report:

Sawtell Chamber of Commerce request to hold the evening markets and entertainment in First Avenue, Sawtell. The proposal is for a road closure once a month except for the first event in August.

Recommendation to Committee:

Approval for the temporary road closure of First Avenue between Boronia Street and Second Avenue Sawtell between 5.00pm and 8.00pm to conduct the Sawtell Summer Sessions for markets and entertainment on the following Thursdays:

THURSDAY, 28 AUGUST 2014
THURSDAY, 9 OCTOBER 2014
THURSDAY, 13 NOVEMBER 2014
THURSDAY, 11 DECEMBER 2014
THURSDAY, 8 JANUARY 2015
THURSDAY, 12 FEBRUARY 2015

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THURSDAY, 12 MARCH 2015

And that the road closures be advertised and providing no substantive objections are received, the closure be approved subject to the following:

1. The organisers of the markets liaise with affected traders and obtain traders approval including the local bus company.
2. The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
3. The organisers be responsible for all costs associated with the temporary closure, including advertising.
4. Copy of current Public Liability Insurance be submitted.
5. Traffic Management Plan and RMS accredited Traffic Control Plan to be submitted for approval
6. A temporary bus zone be installed in First Avenue north of Second Avenue as alternative to the Ex-Services Club bus zone.

Recommendation to Council:

Approval for the temporary road closure of First Avenue between Boronia Street and Second Avenue Sawtell between 5.00pm and 8.00pm to conduct the Sawtell Summer Sessions for markets and entertainment on the following Thursdays:

THURSDAY, 28 AUGUST 2014

THURSDAY, 9 OCTOBER 2014

THURSDAY, 13 NOVEMBER 2014

THURSDAY, 11 DECEMBER 2014

THURSDAY, 8 JANUARY 2015

THURSDAY, 12 FEBRUARY 2015

THURSDAY, 12 MARCH 2015

And that the road closures be advertised and providing no substantive objections are received, the closure be approved subject to the following:

1. The organisers of the markets liaise with affected traders and obtain traders approval including the local bus company.
 2. The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
 3. The organisers be responsible for all costs associated with the temporary closure, including advertising.
 4. Copy of current Public Liability Insurance be submitted.
 5. Traffic Management Plan and RMS accredited Traffic Control Plan to be submitted for approval.
 6. A temporary bus zone be installed in First Avenue north of Second Avenue as alternative to the Ex-Services Club bus zone.
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Attachment

T.26 Fiddaman Road, Emerald Beach - Temporary Road Closure for Emerald Beach Community Fair - 25 May 2014 ([3576345]R.507240)

Background:

Request for temporary road closure of Fiddaman Road, Emerald Beach, adjacent the Reserve to the start of Ocean View Crescent, from 6.00am to 4.00pm on Sunday 25 May 2014, for the purpose of conducting the Emerald Beach Community Fair.

Recommendation to Committee:

The temporary road closure of Fiddaman Road, Emerald Beach, adjacent the Reserve to the start of Ocean View Crescent, from 6.00am to 4.00pm on Sunday 25 May 2014, for the purpose of conducting the Emerald Beach Community Fair, be advertised and providing no substantive objections are received, the closure be approved.

1. The organisers of the Community Fair liaise with affected traders and obtain traders approval.
2. The organisers submit a traffic control plan for approval by Council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
3. The organisers be responsible for all costs associated with the temporary closure and clean up, including advertising.

Recommendation to Council:

The temporary road closure of Fiddaman Road, Emerald Beach, adjacent the Reserve to the start of Ocean View Crescent, from 6.00am to 4.00pm on Sunday 25 May 2014, for the purpose of conducting the Emerald Beach Community Fair, be advertised and providing no substantive objections are received, the closure be approved.

1. **The organisers of the Community Fair liaise with affected traders and obtain traders approval.**
2. **The organisers submit a traffic control plan for approval by Council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.**
3. **The organisers be responsible for all costs associated with the temporary closure and clean up, including advertising.**

T.27 - Woolgoolga Community Triathlon, 28 September 2014 [5207070]

Background:

Consideration for road closure of Beach Street between Bultitude Street and Pollack Esplanade Woolgoolga between 5.30am and 12 mid day for the purpose of holding the Woolgoolga Community Triathlon, on the 28 September 2014.

Summary of report:

The Woolgoolga Community Triathlon has been held annually for over 10 years with no incidents reported. This year will follow the traditional format including a road closure for the triathlon.

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Recommendation to Committee:

Approval be given for the temporary road closure of Beach Street, Woolgoolga between Bultitude Street and Pollack Esplanade from 5:30 am and 12 noon on Sunday, 29 September 2013.

The road closure will be advertised and providing no substantive objections are received, the closure be approved subject to the following:

- (a) A Traffic Management Plan (TMP) incorporating a current Traffic Control Plan (TCP) be submitted. The plan shall be prepared by a person holding appropriate certification issued by Roads and Maritime Services (RMS) qualified in designing or modifying traffic control plans to an accepted standard. Plans should be dated and signed by the accredited designer and also include their certificate number and expiry date.
- (b) A copy of current Public Liability Insurance/Certificate of Currency be submitted.
- (c) The organisers to liaise with affected traders and obtain traders approval.
- (d) The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers ensuring they sign off on the Traffic Management Plan after the event.
- (e) The organisers be responsible for all costs associated with the temporary closure
- (f) The organiser submit a public transport plan to Council, prior to the event.
- (g) Confirmation that all emergency services are aware of the road closure.

Recommendation to Council:

Approval be given for the temporary road closure of Beach Street, Woolgoolga between Bultitude Street and Pollack Esplanade from 5:30 am and 12 noon on Sunday, 29 September 2013.

The road closure will be advertised and providing no substantive objections are received, the closure be approved subject to the following:

- (a) A Traffic Management Plan (TMP) incorporating a current Traffic Control Plan (TCP) be submitted. The plan shall be prepared by a person holding appropriate certification issued by Roads and Maritime Services (RMS) qualified in designing or modifying traffic control plans to an accepted standard. Plans should be dated and signed by the accredited designer and also include their certificate number and expiry date.
- (b) A copy of current Public Liability Insurance/Certificate of Currency be submitted.
- (c) The organisers to liaise with affected traders and obtain traders approval.
- (d) The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers ensuring they sign off on the Traffic Management Plan after the event.

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- (e) The organisers be responsible for all costs associated with the temporary closure
 - (f) The organiser submit a public transport plan to Council, prior to the event.
 - (g) Confirmation that all emergency services are aware of the road closure.
-

T.28 - Coffs Harbour Triathlon Club – Triathlon Season 2014/2015 Events [5235058]

Background:

Coffs Harbour Triathlon Club - request approval to hold 2014/15 triathlon season events on Sundays every two weeks from 6:45am to 9:30am from 21 September 2014 to 3 May 2015. This involves use of Marina Drive, Harbour Drive, Hogbin Drive, Arthur Street and Orlando Street, but no road closures.

Recommendation to Committee:

Approval be given for the use of Marina Drive, Harbour Drive, Hogbin Drive, Arthur Street, and Orlando Street on Sundays every two weeks from 6:45am – 9:30am from 21 September 2014 to 3 May 2015 for the purpose of conducting the Coffs Harbour Triathlon Club events for the 2014/15 triathlon season.

- (a) A Traffic Management Plan (TMP) incorporating a current Traffic Control Plan (TCP) be submitted. The plan shall be prepared by a person holding appropriate certification issued by Roads and Maritime Services (RMS) qualified in designing or modifying traffic control plans to an accepted standard. Plans should be dated and signed by the accredited designer and also include their certificate number and expiry date.
- (b) A copy of current Public Liability Insurance/Certificate of Currency be submitted.
- (c) The organisers to liaise with affected traders and obtain traders and residents approval.
- (d) The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers ensuring they sign off on the Traffic Management Plan after the event.
- (e) The organisers be responsible for all costs associated with the temporary closure
- (f) The organiser submit a public transport plan to Council, prior to the event.
- (g) Confirmation that all emergency services are aware of the road closure.

Recommendation to Council:

Approval be given for the use of Marina Drive, Harbour Drive, Hogbin Drive, Arthur Street, and Orlando Street on Sundays every two weeks from 6:45am – 9:30am from 21 September 2014 to 3 May 2015 for the purpose of conducting the Coffs Harbour Triathlon Club events for the 2014/15 triathlon season.

- (a) A Traffic Management Plan (TMP) incorporating a current Traffic Control Plan (TCP) be submitted. The plan shall be prepared by a person holding appropriate certification issued by Roads and Maritime Services (RMS) qualified in designing or modifying traffic control plans to an accepted

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standard. Plans should be dated and signed by the accredited designer and also include their certificate number and expiry date.

- (b) A copy of current Public Liability Insurance/Certificate of Currency be submitted.
 - (c) The organisers to liaise with affected traders and obtain traders and residents approval.
 - (d) The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers ensuring they sign off on the Traffic Management Plan after the event.
 - (e) The organisers be responsible for all costs associated with the temporary closure
 - (f) The organiser submit a public transport plan to Council, prior to the event.
 - (g) Confirmation that all emergency services are aware of the road closure.
-

T.29 - First Avenue Sawtell - Temporary Road Closure -Dragons Hot Rod Display

([5258226]R.501520)

Background:

Council request consideration for the temporary road closure of First Avenue between Boronia Street and Second Avenue Sawtell on Wednesday 24 September 2014 between 4.00pm and 9.00pm for the Dragons Hot Rod Display.

Recommendation to Committee:

Approval be given for the temporary road closure of First Avenue between Boronia Street and Second Avenue Sawtell on Wednesday 24 September 2014 between 4.00pm and 9.00pm for the Dragons Hot Rod Display.

The road closures will be advertised and providing no substantive objections are received, the closure be approved subject to the following:

- (a) A Traffic Management Plan (TMP) incorporating a current Traffic Control Plan (TCP) be submitted. The plan shall be prepared by a person holding appropriate certification issued by Roads and Maritime Services (RMS) qualified in designing or modifying traffic control plans to an accepted standard. Plans should be dated and signed by the accredited designer and also include their certificate number and expiry date.
- (b) A copy of current Public Liability Insurance/Certificate of Currency be submitted.
- (c) The organisers to liaise with affected traders and obtain traders and residents approval.
- (d) The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers ensuring they sign off on the Traffic Management Plan after the event.

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- (e) The organisers be responsible for all costs associated with the temporary closure
- (f) The organiser submit a public transport plan to Council, prior to the event.
- (g) Confirmation that all emergency services are aware of the road closure.

Recommendation to Council:

Approval be given for the temporary road closure of First Avenue between Boronia Street and Second Avenue Sawtell on Wednesday 24 September 2014 between 4.00pm and 9.00pm for the Dragens Hot Rod Display.

The road closures will be advertised and providing no substantive objections are received, the closure be approved subject to the following:

- (a) A Traffic Management Plan (TMP) incorporating a current Traffic Control Plan (TCP) be submitted. The plan shall be prepared by a person holding appropriate certification issued by Roads and Maritime Services (RMS) qualified in designing or modifying traffic control plans to an accepted standard. Plans should be dated and signed by the accredited designer and also include their certificate number and expiry date.**
- (b) A copy of current Public Liability Insurance/Certificate of Currency be submitted.**
- (c) The organisers to liaise with affected traders and obtain traders and residents approval.**
- (d) The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers ensuring they sign off on the Traffic Management Plan after the event.**
- (e) The organisers be responsible for all costs associated with the temporary closure**
- (f) The organiser submit a public transport plan to Council, prior to the event.**
- (g) Confirmation that all emergency services are aware of the road closure.**

T.30- Coffs Harbour Adventurethon 11-12 October 2014 [5257324]

Background:

Adventurethon is a multisport outdoor activity incorporating paddling, mountain biking and trail running. Courses are off road, frequenting areas like national parklands, beaches and hiking trails to enjoy the spectacular sceneries. Adventurethon is seeking approval for the event to be held on the 11 & 12 October 2014.

Summary of report:

There will be no actual road closures just at 8.45am to 9.00am finish main influx of competitors using the zebra crossing at Marina Drive spread out so no need to stop traffic for more than 3 minutes at the crossing. Traffic controllers will stop traffic on Marina Drive for short intervals between 7.30am to 8.45am on Saturday 11 October and 8.45am to 9.00am

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on Sunday 12 October to allow competitors to cross. Competitors will be spread out after completing the kayaking leg of the course.

Recommendation to Committee:

Approval be given for the Coffs Harbour Adventurethon event on the 11 & 12 October 2014.

The approval to incorporate:

- (a) A Traffic Management Plan (TMP) incorporating a current Traffic Control Plan (TCP) be submitted. The plan shall be prepared by a person holding appropriate certification issued by Roads and Maritime Services (RMS) qualified in designing or modifying traffic control plans to an accepted standard. Plans should be dated and signed by the accredited designer and also include their certificate number and expiry date.
- (b) That the organisers and officials comply to any conditions imposed by the Road and Maritime Services and Police, and take all reasonable measures to reduce obstruction to traffic during the course of the event.
- (c) That all participants must comply with the Australian Road Rules and relevant legislation.
- (d) Confirmation that all emergency services are aware of the road closure.

RECOMMENDATION TO COUNCIL:

Approval be given for the Coffs Harbour Adventurethon event on the 11 & 12 October 2014.

The approval to incorporate:

- (a) A Traffic Management Plan (TMP) incorporating a current Traffic Control Plan (TCP) be submitted. The plan shall be prepared by a person holding appropriate certification issued by Roads and Maritime Services (RMS) qualified in designing or modifying traffic control plans to an accepted standard. Plans should be dated and signed by the accredited designer and also include their certificate number and expiry date.**
- (b) That the organisers and officials comply to any conditions imposed by the Road and Maritime Services and Police, and take all reasonable measures to reduce obstruction to traffic during the course of the event.**
- (c) That all participants must comply with the Australian Road Rules and relevant legislation.**
- (d) Confirmation that all emergency services are aware of the road closure.**

PETER KAGEYAMA'S VISIT TO COFFS HARBOUR

Purpose:

Councillor Nan Cowling has asked the following question:

I wish to be informed of the Peter Kageyama visit to Coffs Harbour.

In relation to the above I would appreciate the following information:

1. The whole budget and actual figures for the recent event?
2. Was this event in the budget for 2014/15 or 2013/14?
3. How much was this figure?
4. Are these figures based on the \$59.61 per hour as used in the Tidy Towns event?
5. Was a cost benefit analysis prepared and if so a copy to the Council please?
6. How was the decision made to hold this event?
7. Who gave final approval for the event?
8. Did the event meet all expectations?
9. What results do you expect to derive from this event?
10. Who do you expect to derive the most benefit from as a result of this event?
11. How many Council staff members attended the 2 day event?
12. What were the total attendees for both days?
13. How many complimentary tickets were handed out?
14. What was the actual purpose of the event and how was that goal to be measured?
15. Was the goal to have short or long term lifespan?
16. Was the outcome of the event actually measured? What was the result?
17. What, if any, are the follow-up initiatives to ensure the event's benefit is realised?
18. How did Council measure value for money investment in organising/sponsoring the event?
19. How was the staff attendance accounted for? Example, Professional Development or Training Budget or as a cost of the event?
20. Will there be formal follow up with participants?

Staff Comment:

1. The whole budget and actual figures for the recent event?

This event was a shared event across four communities, Port Macquarie Council / Charles Sturt University, Coffs Harbour, Perth and Melbourne budget was \$15,000 shared between those four communities.

Coffs Harbour City Council's share was:

Presentations and travel	\$3,750
Accommodation	\$ 575
Food - Approximately	\$ <u>500</u>
Total	\$4,820

Workshop Saturday 19 July 2014:

Venue hire	\$ 315
Catering	\$ 555
Total expenses	\$ 870
Income	\$ <u>560</u>
Total	-\$ <u>310</u>

Business Lunch Coffs Ex-services Club Tuesday 22 July 2014:

Cost venue and catering	\$2,155
Advertising	\$ 600
Total expenditure	\$2,755
Income	\$2,575
Total	-\$ 180

Cost to Council - \$5,310.00 (equates to \$48.30 per head).

2. Was this event in the budget for 2014/15 or 2013/14?

Spread across both financial years with the majority paid out of 2013/14 budget - \$4,200.

3. How much was this figure?

As outlined in question 1.

4. Are these figures based on the \$59.61 per hour as used in the Tidy Towns event?

The \$59.61 per hour figure referred to in the recent Tidy Towns report to Council was the hourly rate plus on costs which was factored into the cost estimates for that program. These were included because this was seen as a new initiative and did not have a budget allocation for staff to work on the program.

This is not the case with this event. The visit by Peter Kageyama was already factored in to work programs following the adoption of the Economic Strategy.

5. Was a cost benefit analysis prepared and if so a copy to the Council please?

No.

6. How was the decision made to hold this event?

"Love our City" was a key strategic theme of the Coffs Harbour Economic Strategy as adopted by this Council in December 2013.

"Strategy A1. Unleash, encourage and support the 'mojo' of those in the City who want to 'DO' something." Coffs Harbour Economic Strategy, The Action Plans (December 2013, page 16)

On page 30 of *The Action Plans* Enterprise Coffs identifies it will take a "Lead" role in identifying, connecting and supporting our co-creators (doers).

Organising for Peter Kageyama to work with the citizens of Coffs Harbour was a key action to achieve this strategy in identifying new co-creators, and inspiring them to think differently about their connection to the city and their role in place-making.

7. Who gave final approval for the event?

The overarching approval came via Council adopting the Economic Strategy.

The implementation of the strategy subsequently became an operational matter and approval for this event was therefore undertaken through the operational structure of Council.

8. Did the event meet all expectations?

Yes, the expectations of the event were met with the numbers of attendees reflective of the percentage of co-creators in any given city as indicated by Peter Kageyama in his book *"For the love of Cities"*.

Best summed up by feedback from one participant: *"I think it was a revolution he was advocating...it has certainly made us (a group of business leaders) collaborate and think differently about actions we can take to make this city better."*

The first outcome from the visit is the wining project: 'Wednesday Window' which will see a series of Wednesday evening events held in City Square kicking off with free Cuban Dance lesson.

9. What results do you expect to derive from this event?

The visit from Peter Kageyama (workshop and lunch presentation) aimed to do three main things:

- to present a mind shift for the attendees of the business leaders' lunch to think differently about how they relate to their cities
- to inspire our Councillors and staff with examples from around the world of how cities are harnessing their citizen's love for the city
- to unleash the 'mojo' of our citizens to get out there and do things for themselves.

The following feedback from the participants reflects that this has been achieved:

"I really enjoyed the workshop and the energy in the room. I think what I got out of it is that you can do small things, you can do slightly outrageous things, and then you can do fun things. All to make sure our city is on the map for all the right reasons! My next thing is to encourage a certain entity in town on a fun project that will help identify them with fun and good times." Workshop participant.

"that we can do more, we don't need a lot to do a whole lot more and that taking risks with co-creators can have great long term payoffs". Business Leaders Lunch participant and CHCC staff member.

"I loved it too - found Peter inspiring, as was the positive and creative energy generated in the room. The key points for me were about the power of positive community engagement/development in place making, and the links to previous healthy built environments work I have had some involvement in, but from quite a different perspective. I loved that I had no idea who a lot of people in the room were or why they were there, but that everyone seemed to be connected by a common desire to foster a lovable and liveable place. I have joined in with the Wednesday Window winners to help progress the ideas generated by the group on the day. Thanks for making it happen". Workshop participant.

"It was great to see people there other than the usual ones – a new group of co-creators no less! And most of the ideas were so low cost but potentially high value too." Workshop participant.

10. Who do you expect to derive the most benefit from as a result of this event?

The co-creators who were present, along with the community will benefit. There are many who will benefit and be engaged as a result of the work and activities which will flow on from the visit.

11. How many Council staff members attended the two day event?

Three Enterprise Coffs staff were involved in the workshop and three other staff from various departments.

All Enterprise Coffs staff was involved in the luncheon and six other staff from various departments.

12. What were the total attendees for both days?

Community Workshop – Saturday 19 July:

At the Coffs Harbour Showground, 40 community members explored ideas around growing the identity of our town through fun and creative projects. Peter inspired them with examples of how citizens around the world are turning their love for their cities into action – to make their city not just liveable but lovable. Three Enterprise Coffs staff were involved in the workshop and three other staff from various departments were there to participate and gain professional development and insights for their future work within Coffs Harbour City Council.

Business Leaders Lunch – Tuesday 22 July 2014:

72 business leaders and citizens joined Coffs Harbour City Council and ETC for a lunch where love was definitely on the menu. Peter Kageyama explained to us what happens to our community and our economy when we Love our City. All Enterprise Coffs staff was involved in the luncheon and six other staff from various departments was there to participate and gain professional development and insights for their future work within Coffs Harbour City Council.

13. How many complimentary tickets were handed out?

Overall Enterprise Coffs sponsored four tickets and Community Services sponsored three tickets to community members.

14. What was the actual purpose of the event and how was that goal to be measured?

As mentioned about in answer to a previous question the visit from Peter Kageyama (workshop and lunch presentation) aimed to do three main things:

- to present a mind shift for the business leaders to think differently about how they relate to their city;
- to inspire our Councillors and staff with examples from around the world of how Cities are harnessing their citizen's love for the city;
- to unleash the 'mojo' of our citizens to get out there and do things for themselves.
- Goal to be measured as per page 30 of The Action Plans from the *Coffs Harbour Economic Strategy*:

Coffs Harbour Economic Strategy : The Action Plans : December 2013

ACTION PLAN THEME					
Love our City					
Strategy	Actions	Possible Partners	Resources	When	Measures
A1. Unleash, encourage and support the 'mojo' of those in the City who want to 'DO' something.	Lead: Call for expressions of interest from the community	The Community	Enterprise Coffs	On-going	Number of community projects
Lead CHCC through the			Council committed to the		

15. Was the goal to have short or long term lifespan?

The goal was to have both short and long term. Short – the immediate actions coming from the Community Workshop, ie The Wednesday Window. Long term it is a mind shift for the community as to the value of loving your city and harnessing the love of the city into action by the community.

16. Was the outcome of the event actually measured? What was the result?

Feedback has been collected from attendees – see previous response with comments.

17. What, if any, are the follow up initiatives to ensure the event's benefit is realised?

Enterprise Coffs will continue to work with the co-creators who participated in the workshop and attended the lunchtime presentation. The winners of the \$500 project have already met and developed their plan further. They are planning to meet again in August and will commence activities in September.

18. How did Council measure value for money investment in organising/sponsoring the event?

This is based on previous professional experience, research in the sector, knowledge of the community, best practice models and networking.

19. How was the staff attendance accounted for, eg Professional Development or Training Budget or as a cost of the event?

Enterprise Coffs' staff were in attendance as part of their roles in the department in organising the visit. Other CHCC staff in attendance have provided a job number for costing – professional development or their own project based.

20. Will there be formal follow up with participants?

Enterprise Coffs will continue to work with the co-creators who participated in the workshop and attended the lunchtime presentation. As mentioned earlier the winners of the \$500 project have already met and developed their plan further. They are planning to meet again in August and will commence activities in September.

Attached is a summary of Peter Kageyama's visit and is an overview of the two day visit along with number of links to information or comments regarding the event.

Summary of Peter Kageyama Visit

LOVE COMES TO TOWN

PETER KAGEYAMA, COFFS HARBOUR

19 JULY – 22 JULY 2014

Peter Kageyama, the co-founder and producer of the Creative Cities Summit flew into Coffs this week to help inspire the community to strive for a future where we all love our city.

Peter delivered a community workshop on Saturday and a lunchtime presentation to business leaders on Tuesday.

Community Workshop – Saturday 19 July

At the Coffs Harbour Showground, over 40 community members explored ideas around growing the identity of our town through fun and creative projects. Peter inspired us with examples of how citizens around the world are turning their love for their cities into action – to make their city not just liveable but lovable.

To spark us into action we were encouraged to **design a T-shirt** for Coffs: something that we would be proud to wear, something that symbolizes and defines what is unique about Coffs, or something that only made sense if you knew Coffs. As you can imagine the Big Banana featured heavily alongside the muttonbirds and the 11 sets of traffic lights. Don't be surprised if some of these sketches turn up on the backs of t-shirts sometime soon.

We were also encouraged to consider the **rituals and traditions** of Coffs both old and new. Rituals are what links you to a place and time of year, they also include those rites of passage that you know if you grew up in a place you will remember fondly.

A photo of the Big Banana featured strongly as a symbol of our community as well as the iconic events of horse races on Woolgoolga beach, The Bird Man competition at the foreshores and the Banana Republic Festival.



"Don't underestimate the power of the Big Banana"

Peter Kageyama, Coffs Harbour. July 2014



Attachment

The day culminated in a **community project receiving \$500** of funding to make our City a better, more lovable place.

The projects developed included:

- “*bubble bliss*” a collection of pop-up bubble blowing machines to surprise and delight;
- “*love dingle-dangles*” an interactive, collective art installation for our city trees;
- “*know your neighbour*” aimed at breaking down those barriers and spreading the love across the fence,
- “*finish flag*” wanted to turn the current plastic tubing into something more flashy and shiny, a finish line flag fit for the second largest yacht races on the east coast; and
- “*Coffs Amazing Race*” where contestants (visitors and locals) would travel from location to location collecting clues, taking photos and experiencing all of the amazing places in Coffs.

The wining project “*Wednesday Window*” will see a series of Wednesday evening events held in City Square kicking off with free Cuban Dance lesson.

“It was a fantastic day, and Peter’s presentation on loving your city was inspirational. I think it motivated a lot of us to want to be more proactive in creating a fun loving community to live in and create a community identity to bind us together.” Said Kim Towner from the Happy Frog

The workshop participants were keen to keep the momentum going and met at the Happy Frog on Wednesday evening 23 July at 5.30pm. Keep an eye out for the first Wednesday Window in the City Square.

Business Leaders Lunch – Tuesday 22 July

Over 70 business leaders joined Coffs Harbour City Council and ETC for a lunch where love was definitely on the menu. Peter Kageyama explained to us what happens to our community and our economy when we Love our City.

He inspired us with many examples from around the world which if you missed him live you can see on one of the video links. He also asked many questions – particularly where’s the fun? And how can it be used to build a phenomenal city?

Attachment

One question to have front of mind as we go about the daily business of city-making was **"What can we do to surprise and delight our citizens?"** This is to be considered with his observation from around the world there are a lot of bean counters who "know the cost of everything but the value of nothing".

He spoke to our civic leaders when he said **"We don't need to be the rule breakers – but we can have the backs of those that will."**

He also focused our attention on the low cost options of creating surprise and delight. A note to ourselves is to ask in this situation **"What is the garden hose solution?"**.

This is the response we can have when the budget doesn't stretch to meet the dream. When you have a vision of a multi-storey interactive water feature with all the bells and whistles and a non-existent budget, it is in these times that we can turn to the hardware store, buy a hose and rig it to a playground. Not the elegant, shiny solution but guaranteed to bring surprise and delight to the citizens.

There were many examples like this of how to deliver short term action that creates long term change. Around the world this has been given the title of *tactical urbanism* and is yet another tool we can be using in our city-making repertoire.

Peter was lucky enough to tour around Coffs a bit before his presentation and this provided him with a number of observations and of course, left us with some more questions. He enjoyed the primary colours that have mysteriously appeared on our breakwall. He noted the wonderful colour abounding in our playgrounds and then was struck by the question **"why do the kids get to have all the fun?"**. Why can't the city centre and other 'adult' places get in on some of that colourful action?

A final point to remember is that **"the spicy people are here, they just don't know how to get in the game".** Making our city lovable is not just down to the official city-makers, the ones with the job title – we can all be a part of making Coffs Harbour even more lovable than it is already. While the city officials are tied up in red-tape, bureaucracy and trying to make everyone happy – the rest of us can get in there and give it a bit of character!

LINKS

LIVE LOVE COFFS

<https://www.facebook.com/livelovecoffs?ref=hl>

https://www.youtube.com/watch?v=86nm-nRRj1A&feature=youtu.be&list=UU9k_PoochQX0yKFQ_d8c81g

<http://www.nbnnews.com.au/index.php/2014/07/19/live-love-coffs/>

FOR THE LOVE OF CITIES

<https://www.facebook.com/fortheloveofcities?fref=ts>

<http://fortheloveofcities.com/>

<https://www.youtube.com/watch?v=R2EMfLbdgAg>

TACTICAL URBANISM

http://issuu.com/streetplanscollaborative/docs/tactical_urbanism_vol_2_final?e=4528751/2585800#

<https://www.youtube.com/watch?v=sMFrJxFxp1Q>